

Please be advised that the District's Policy Manual developed with Erie 1 BOCES Policy Services is not to be interpreted as the rendering of legal advice. Application of Board policies to specific situations may necessitate consultation with the School Administrators/School Attorney to address the particular circumstances.

FOREWORD

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or administrative enactment, all other parts shall remain in full effect unless and until they are amended or repealed by the Board of Education.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

ELLCOTTVILLE CENTRAL SCHOOL MISSION STATEMENT

"Meeting the Challenge"

Ellicottville Central School will guarantee that all students will achieve their highest level of competence through a success-oriented education that will ensure quality graduates.

School District Outcomes:

- a) Each student will demonstrate knowledge of concepts, generalizations, processes, and strategies that are considered critical to the content areas. (Knowledge)
- b) Each student will demonstrate an ability to utilize complex reasoning processes as a problem solver and critical thinker. (Reasoning)
- c) Each student will demonstrate creative accomplishments. (Creativity)
- d) Each student will demonstrate individually and collaboratively his/her responsibility for the national, international, and global community. (Citizenship)
- e) Each student will be an effective communicator. (Communication)
- f) Each student will demonstrate the ability to gather and utilize information from a variety of sources in a variety of modes. (Technology)
- g) Each student will be a self-motivated, independent learner who is prepared for a changing world and a demanding workplace. (Independent)

Ellicottville Central School District

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Ellicottville Central School District

NUMBER

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

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

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

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

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

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

Adopted: 6/27/00

Revised: 11/17/15; 10/25/16

By-Laws

SUBJECT: BOARD OF EDUCATION AUTHORITY

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

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

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

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

Adopted: 6/27/00

By-Laws

SUBJECT: NUMBER OF MEMBERS AND TERMS OF OFFICE

The Board of Education of the Ellicottville Central School District shall consist of seven members elected by the qualified voters of the School District at the annual election as prescribed by law.

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

7 Member Board - Education Law Section 1804(1)
Term of Office - Education Law Section 2105

Adopted: 6/27/00

By-Laws

SUBJECT: BOARD OF EDUCATION MEMBERS: QUALIFICATIONS

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

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

Education Law Sections 1804(1), 1950(9), 2101, 2102, 2103, 2103-a, 2130(1), and 2502(7)
Public Officers Law Section 3
Town Law Section 23(1)

Adopted: 6/27/00
Revised: 8/8/06

By-Laws

SUBJECT: BOARD OF EDUCATION MEMBERS: NOMINATION AND ELECTION

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

Education Law Sections 2004, 2012, 2018, 2025, 2029, 2031-a, 2032, 2034(7)(d), 2105(14), 2121, 2502, 2602, 2608(1) and 2610

Adopted: 6/27/00

Revised: 8/8/06; 3/8/16

By-Laws

SUBJECT: REPORTING OF EXPENDITURES AND CONTRIBUTIONS

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

Required contribution statements shall include:

- a) The dollar amount and/or fair market value of any receipt, contribution or transfer which is other than money;
- b) The name and address of the transferor, contributor or person from whom received;
- c) If that transferor, contributor or person is a political committee as defined in Section 14-100 of the Election Law;
- d) The name and political unit represented by the committee;
- e) The date of receipt;
- f) The dollar amount of every expenditure;
- g) The name and address of the person to whom the expenditure was made, or the name of and political unit represented by the committee to which it was made; and
- h) The date of the expenditure.

The times for filing the statements are as follows:

- a) The first statement on or before the thirtieth day preceding the election to which it relates;
- b) A second statement on or before the fifth day before the election;
- c) A third statement within 20 days after the election.

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

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

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

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

Adopted: 6/27/00
Revised: 3/8/05

By-Laws

SUBJECT: RESIGNATION AND DISMISSAL

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

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

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

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

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

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

In the event of death, resignation, 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 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.

(Continued)

SUBJECT: RESIGNATION AND DISMISSAL (Cont'd.)

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

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

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

By-Laws

SUBJECT: LEGAL QUALIFICATIONS OF VOTERS AT SCHOOL DISTRICT MEETINGS

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

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

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

Education Law Section 2012
Election Law Article 5

Adopted: 6/27/00

By-Laws

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

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

- a) Questions or propositions shall be submitted by petition directed to the District Clerk and shall be signed by 25 qualified voters, or 5% of the registered voters of the District who voted in the previous annual election of Board members, whichever is greater.
- b) A separate petition shall be required for each question or proposition.
- c) Each petition shall be filed with the District Clerk. Petitions relating to an Annual Election must be filed not later than 60 days preceding the election at which the question or proposition is to be voted upon.
- d) Questions or propositions submitted in accordance with these rules and accepted will be printed on the ballot for the voting machine. The School District, however, retains the right to reject petitions as permitted by law, including but not limited to instances where such petitions are advisory in nature or beyond the power of the voters.
- e) The Board of Education shall cause the rules and regulations set forth in this policy to be distributed within the District.
- f) Nothing herein contained shall affect the nominations of candidates as set forth in the Annual District Election notice pursuant to Education Law Section 2018.

Questions or Propositions to be Submitted at Special District Meetings

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

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

Adopted: 6/27/00
Revised: 2/10/15

SUBJECT: ABSENTEE BALLOTS

The Board of Education authorizes the District Clerk 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 and referenda.

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

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

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

An absentee ballot must reach the office of the District Clerk not later than 5 p.m. on the day of the election/vote in order that his/her 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 and made available for public inspection during regular office hours until the day of the election/vote. Any qualified voter may, upon examination of such list, file a written challenge of the qualifications as a voter of any person whose name appears on such list, stating the reason for such challenge. The written challenge shall be transmitted by the District Clerk to the election inspectors on the day of the District election/vote.

(Continued)

By-Laws

SUBJECT: ABSENTEE BALLOTS (Cont'd.)

Additionally, such list of all persons to whom absentee ballots have been issued shall be posted in a conspicuous place during the District election/vote, and any qualified voter may challenge the acceptance of the absentee voter's ballot of any person on such list by making his/her reasons known to the election inspector before the close of the polls.

Nursing Homes or Other Qualifying Adult Care Facilities

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

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

Adopted: 6/27/00
Revised: 2/8/05

By-Laws

SUBJECT: 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.

Education Law Sections 1604, 1709 and 1804

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

Adopted: 6/27/00

By-Laws

SUBJECT: NOMINATION AND ELECTION OF BOARD OFFICERS

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

The elected officers of the Board of Education are:

- a) President;
- b) Vice President.

Education Law Sections 1701 and 2105(6)

Adopted: 6/27/00
Revised: 11/17/15; 10/25/16

By-Laws

SUBJECT: DUTIES OF THE PRESIDENT OF THE BOARD OF EDUCATION

The President's duties include the following:

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

Education Law Section 1701

Adopted: 6/27/00

By-Laws

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

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

Education Law Section 1701

Adopted: 6/27/00

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

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

The following shall be appointed annually:

- a) District Clerk;
- b) District Treasurer;
- c) Deputy Treasurer;
- d) Tax Collector and Deputies;
- e) External (Independent) Auditor;
- f) Treasurer, Classroom and Activity Funds Account;
- g) Comptroller, Classroom and Activity Funds Account; and
- h) Audit Committee.

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

- a) Census Enumerator and assistants if District conducts a census;
- b) Director of Health Services (District Physician/Nurse Practitioner);
- c) Supervisors of Attendance;
- d) Committee on Special Education and Committee on Preschool Special Education;
- e) Records Access Officer;
- f) Records Management Officer;
- g) Asbestos Hazard Emergency Response Act (AHERA) Local Educational Agency (LEA) designee;
- h) Compliance Officer (Title IX/Section 504/ADA) discrimination and harassment;

(Continued)

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

- i) Liaison for Homeless Children and Youth;
- j) Chemical Hygiene Officer;
- k) Dignity Act Coordinator (one for each school building).

The following may also be appointed:

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

Designations

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

- a) Petty Cash Fund(s);
- b) Official Newspaper(s);
- c) Official Bank Depositories;
- d) Official Bank Signatories;
- e) Purchasing Agent;
- f) Certifier of Payrolls;
- g) Designated Educational Official (DEO) to receive court notification regarding a student's sentence/adjudication in certain criminal cases and juvenile delinquency proceedings;
- h) School Pesticide Representative;

(Continued)

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

- i) Reviewing Official, Hearing Official and Verification Official for participation in the federal Child Nutrition Program (the Hearing Official may not be the same person as the Reviewing and/or Verification Official).

Authorizations

The following authorizations shall be made by the Board of Education at the Annual Organizational Meetings in July.

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

McKinney-Vento Homeless Education Assistance Act, Section 722, as reauthorized by the No Child Left Behind Act of 2001
29 CFR Section 1910.1450
Education Law Sections 305(31), 1709 and 2503
8 NYCRR Part 185
21 NYCRR Parts 1401, 9760

Adopted: 6/27/00

Revised: 1/21/03; 8/8/06; 9/25/07; 2/9/10; 6/20/12; 11/18/14

By-Laws

SUBJECT: DUTIES OF THE DISTRICT CLERK

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

- a) 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 and forwards copies of the minutes to each member of the Board of Education;
- c) Sends notices of special meetings to members of the Board; contacts and communicates with members as required;
- d) Sees that the proper legal notices and announcements are published on all specifications and items out on bid, in accordance with state law;
- e) Maintains an up-to-date record of Board policies and 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 comprehensive guide in undertaking the duties of this office. The District Clerk shall perform such other duties as may be assigned from time to time by the Board.

Education Law Section 2121
Public Officers Law Section 104

Adopted: 6/27/00

By-Laws

SUBJECT: DUTIES OF THE SCHOOL DISTRICT TREASURER

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

- a) Acts as custodian of all moneys belonging to the School District and lawfully deposits these moneys in the depositories designated by the Board;
- b) Pays all authorized obligations of the District as directed, including payments of bond principal and interest;
- c) Maintains proper records and files of all checks, and approved payment of bills and salaries;
- d) Makes all such entries and posts all such financial ledgers, records and reports, including bond and note registers, as may be properly required to afford the District an acceptable and comprehensive financial accounting of the use of its moneys and financial transactions;
- e) Signs all checks drawn on District fund accounts provided that the District's Claims Auditor or Board of Education has attested to the authority to issue the check based upon proper evidence of a charge against the District's funds;
- f) Safeguards either his/her electronic signature and/or the check-signing machine and signature plate, personally overseeing all preparation of checks;
- g) Assumes other duties customary to the office.

Education Law Sections 2122, 2130 and 2523

Local Finance Law Sections 163 and 165

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

9 NYCRR Section 540.4

Adopted: 11/14/00

Revised: 11/14/06; 2/9/10; 7/3/12; 11/18/14

By-Laws

SUBJECT: DUTIES OF THE TAX COLLECTOR

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

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

Education Law Sections 2126, 2130 and 2506
Real Property Tax Law Sections 922, 924, 1322, 1330 and 1338
8 NYCRR Section 170.2

Adopted: 6/27/00
Revised: 8/8/06

By-Laws

SUBJECT: DUTIES OF THE EXTERNAL (INDEPENDENT) AUDITOR

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

In addition, the independence and objectivity of the auditor may be enhanced when the Board of Education and the Audit Committee perform an oversight role with respect to the hiring and performance of the auditor, as required by law.

Request for Proposal Process

In accordance with law, no audit engagement shall be for a term longer than five consecutive years. The District may, however, permit an independent auditor engaged under an existing contract for such services to submit a proposal for such services in response to a request for competitive proposals or be awarded a contract to provide such services under a request for proposal process.

Duties and Responsibilities

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

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

- a) Independence: The auditor must document that he/she is independent of the District and free of personal and external impairments. The auditor must establish an internal quality control system to identify any personal and external impairment and assure compliance with GAGAS independence requirements.
- b) Internal Quality Control System: The auditor must document that his/her internal quality control processes adequately demonstrate compliance with government auditing standards. He/she must establish an organizational structure, policies and procedures to provide reasonable assurance of complying with applicable standards governing audits.
- c) Internal Controls: The auditor must obtain a sufficient understanding of the District's internal controls and document such understanding covering the five interrelated components: the control environment, risk assessment, control activities, information and communication, and monitoring.

(Continued)

By-Laws

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

- d) **Planning and Supervision:** The auditor's work is to be properly planned and supervised and consider materiality in order to provide reasonable assurance of detecting misstatements resulting from direct and material illegal acts and material irregularities to financial statements. The auditor should also be aware of the possibility that indirect illegal acts may have occurred.
- e) **Audit documentation:** In order to meet the GAGAS requirements, the audit documentation should provide a clear understanding of its purpose, the source, and the conclusions the auditor reached. It should be organized to provide a clear link to the findings, conclusions, and recommendations contained in the audit report.
- f) **Reporting on Internal Controls and Compliance:** The auditor must report on and present the results of his/her testing of the District's compliance with laws and regulations and its internal controls over financial reports in light of irregularities, illegal acts, other material noncompliance, significant deficiencies, and material weaknesses in internal controls.

Generally Accepted Government Auditing Standards (GAGAS) Sections 3.50-3.54, 4.03, 4.19-4.24, and 5.07-5.20
Education Law Section s1709 (20-a) and 2116-a
General Municipal Law Sections 33 and 104-b
8 NYCRR Sections 170.2, 170.3 and 170.12

Adopted: 6/27/00
Revised: 8/8/06; 9/25/07; 2/22/11

By-Laws

SUBJECT: APPOINTMENT AND DUTIES OF THE CLAIMS AUDITOR

The Board will appoint a Claims Auditor to audit and approve claims, to certify that each claim listed on the claims warrant was audited and payment authorized, and to perform other such tasks consistent with law and regulation. The Claims Auditor will hold his or her position subject to the pleasure of the Board and report directly to the Board. The Board may, in its discretion, require that the Claims Auditor report to the Clerk of the District or the Board, or to the Superintendent for administrative matters such as workspace, time and attendance.

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

Qualifications

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

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

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

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

(Continued)

SUBJECT: APPOINTMENT AND DUTIES OF THE CLAIMS AUDITOR (Cont'd.)**Delegation of the Claims Audit Function**

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

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

If a School District delegates the claims audit function using an intermunicipal cooperative agreement, shared service or an independent contractor, the School Board remains responsible for auditing all claims for services from the entity providing the delegated Claims Auditor, either directly or through a delegation to a different independent entity.

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

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

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

Adopted: 6/27/00
Revised: 8/8/06; 9/25/07; 11/18/14; 11/17/15; 10/25/16

SUBJECT: DUTIES OF THE CLASSROOM AND ACTIVITY FUNDS TREASURER AND COMPTROLLER

Classroom and Activity Funds Treasurer

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

The Treasurer's duties include the following:

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

Classroom and Activity Funds Comptroller

The Classroom and Activity Funds Comptroller is appointed by the Board of Education and is responsible for auditing of all financial transactions of the fund.

The Classroom and Activity Funds Comptroller's duties include:

- a) Examine the statement of accounts from the Classroom and Activity Funds Treasurer once each month;
- b) Audit the ledgers kept by student treasurers at least twice per year;
- c) Examine transactions and procedures to determine if correct;
- d) Certify the accuracy of entries posted and available balances listed;
- e) Investigate instances when Classroom and Activity Funds Treasurer's report and club ledgers do not agree; and
- f) Prepare year-end report summarizing the financial condition of each activity and submit to principal and Board of Education.

By-Laws

SUBJECT: DUTIES OF THE SCHOOL ATTORNEY

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

- a) Providing legal representation to the District in proceedings before courts and administrative agencies;
- b) Providing legal opinions as requested by the Board of Education or its agents, and consistent with any agreement between the School District and the school attorney;
- c) Providing counsel in matters related to due process hearings; and/or
- d) Such other duties as are consistent with law and the scope of the school attorney's representation.

Adopted: 6/27/00

Revised: 11/18/14; 11/17/15; 10/25/16

By-Laws

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

The School Physician/nurse practitioner/physician assistant shall be appointed by the Board of Education. The duties of the School Physician/nurse practitioner/physician assistant shall include, but are not limited to, the following:

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

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

Adopted: 6/27/00
Revised: 2/8/05; 11/18/14

By-Laws

SUBJECT: DUTIES OF THE INTERNAL AUDITOR

The Internal Auditor reports directly to the Board of Education.

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

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

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

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

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

Adopted: 11/14/06

By-Laws

SUBJECT: 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 adoption of a written policy shall occur only after the proposal has been moved, discussed and voted on affirmatively at two 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."

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

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

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

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

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

Adopted: 6/27/00

Revised: 11/17/15; 10/25/16

By-Laws

SUBJECT: EXECUTION OF POLICY: ADMINISTRATIVE REGULATIONS

The Board shall delegate to the Superintendent the function of specifying required actions and designing the detailed arrangements under which the schools will be operated. These rules and these detailed arrangements shall constitute the administrative regulations governing the schools. They must in every respect be consistent with the policies adopted by the Board. The Board shall be kept informed periodically of changes in administrative regulations.

Adopted: 6/27/00

By-Laws

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

All Board of Education meetings will be open to the public except those portions of the meetings which qualify as executive sessions. Reasonable efforts shall be made to ensure that all meetings are held in an appropriate facility which can adequately accommodate any and all members of the public who wish to attend.

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

District records available to the public under FOIL, as well as any proposed rule, regulation, policy or amendment, scheduled to be discussed at a Board meeting, shall be made available upon request, to the extent practicable, prior to the meeting. Copies of such records may be made available for a reasonable fee. Such records shall be posted on the website to the extent practicable, prior to the meeting.

If videoconferencing or online technology is used to conduct a meeting, the public notice for the meeting shall inform the public that videoconferencing will be used, identify all the locations for the meeting, and state that the public has the right to attend the meeting at any of the locations. Voting may be done through videoconferencing, provided that members can be both seen and heard voting and participating from remote locations.

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

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

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

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

(Continued)

By-Laws

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

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

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

Recording of Meetings

The Board recognizes that advances in technology allow public meetings to be photographed, broadcast, webcast and/or otherwise recorded, by means of audio or video, in a non-disruptive manner and supports the use of such technology to facilitate the open communication of public business.

Public Expression at Meetings

Public expression at Board of Education meetings is encouraged and a specific portion of the agenda for such meetings will provide for such participation. At its discretion, the Board may invite visitors to its meetings to participate in the Board's discussion of matters, on the agenda.

Quorum

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

Use of Parliamentary Procedure

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

Education Law Sections 1708 and 2504

General Construction Law Section 41

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

NOTE: Refer also to Policies #1520 -- Special Meetings of the Board of Education
 #1540 -- Executive Sessions
 #5410 -- Purchasing: Competitive Bidding and Offering
 #6211 -- Employment of Relatives of Board of Education Members
 #8340 -- Textbooks/Workbooks/Calculators/Instructional Computer Hardware

Adopted: 6/27/00

Revised: 1/21/03; 4/12/12; 7/3/12; 1/27/15

SUBJECT: AGENDA FORMAT

For regular Board meetings, the following format is used:

- a) Call to order, roll call, Pledge of Allegiance to the flag;
- b) Board procedures;
- c) Public participation; (Items not on agenda)
- d) Approval of minutes;
- e) Superintendent's reports;
- f) Action items;
- g) Adjournment.

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

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

Adopted: 6/27/00

By-Laws

SUBJECT: SPECIAL MEETINGS OF THE BOARD OF EDUCATION

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

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

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

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

Adopted: 6/27/00
Revised: 1/21/03; 7/3/12; 11/17/15; 10/25/16

By-Laws

SUBJECT: ANNUAL DISTRICT MEETING AND ELECTION/BUDGET VOTE

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

Effective April 1, 2006, in the event that a school budget revote is necessary; it shall be held on the third Tuesday of June. However, in the event that the third Tuesday of June conflicts with a religious holiday, the School Board may petition the Commissioner of Education to obtain permission to hold the budget revote on the second Tuesday in June. Such request from the Board of Education must be certified and received by the Commissioner no later than March 1.

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

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

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

Adopted: 6/27/00
Revised: 8/8/06

By-Laws

SUBJECT: BUSINESS OF THE ANNUAL DISTRICT ELECTION

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

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

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

Education Law Sections 1716 and 2025

Adopted: 6/27/00

By-Laws

SUBJECT: ANNUAL ORGANIZATIONAL MEETING

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

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

Officers

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

Oath of Office

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

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

Adopted: 6/27/00
Revised: 8/8/06

SUBJECT: QUORUM

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

General Construction Law Section 41

Adopted: 6/27/00
Revised: 11/18/14

By-Laws

SUBJECT: MINUTES

The minutes are a legal record of the activities of the School Board as a public corporation having the specified legal purpose of maintaining public schools. The minutes of all meetings shall be kept by the Clerk or, in his/her absence, by the Superintendent or his/her designee. The minutes shall be complete and accurate, maintained in accordance with law and posted on the District website. 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, including a record or summary of all motions, proposals, resolutions and other matters formally voted upon, with evidence of those voting in the affirmative and the negative, and those abstaining.

All Board minutes shall be signed by the District Clerk when approved and maintained in accordance with law. Unless otherwise provided by law, minutes shall be available to the public within two weeks following the date of a meeting; draft copies, so marked, are acceptable, subject to correction.

Minutes of Executive Sessions

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

If action is taken by a formal vote in executive session, minutes shall be available to the public within one week of the date of the executive session.

Education Law Section 2121 and 3020-a
Public Officers Law Section 106

Adopted: 6/27/00
Revised: 8/8/06; 1/27/15

By-Laws

SUBJECT: EXECUTIVE SESSIONS

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

- a) Matters that will imperil the public safety if disclosed;
- b) Any matter that may disclose the identity of a law enforcement agent or informer;
- c) Information relating to current or future investigation or prosecution of a criminal offense that would imperil effective law enforcement if disclosed;
- d) Discussions regarding proposed, pending or current litigation;
- e) Collective negotiations pursuant to Article 14 of the Civil Service Law;
- f) Medical, financial, credit or employment history of any particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of any particular person or corporation;
- g) Preparation, grading or administration of examinations;
- h) Proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities, but only when publicity would substantially affect the value thereof.

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

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

Public Officers Law Article 7
Education Law Section 3020-a

Adopted: 6/27/00
Revised: 11/18/14

Internal Operations

Ellicottville Central School District

NUMBER

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Internal Operations

SUBJECT: ORIENTING AND TRAINING NEW BOARD MEMBERS

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

- a) The electee shall be given selected material on the job of being part of the Board, which material is supplied by the New York State School Boards Association, the National School Boards Association, and/or other professional organizations;
- b) The electee shall be invited to attend Board meetings and to participate in its discussions;
- c) The Clerk shall supply material pertinent to meetings and shall explain its use;
- d) The electee shall be invited to meet with the Superintendent and other administrative personnel to discuss services they perform for the Board;
- e) A copy of the Board's policies and by-laws shall be given to the electee by the Clerk;
- f) The opportunity shall be provided for new Board members to attend the New York State School Boards Association orientation program.

Board Member Training

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

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

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

Adopted: 6/27/00
Revised: 11/18/14; 11/17/15; 10/25/16

Internal Operations

SUBJECT: 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.

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

Adopted: 6/27/00

Internal Operations

SUBJECT: COMMITTEES OF THE BOARD

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

At the request of the Board, the President shall appoint temporary committees consisting of fewer than the full membership for special purposes. These committees shall be discharged on the completion of their assignment. The President of the Board shall be an ex-officio member of such committees.

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

Audit Committee

By January 1, 2006, the Board will establish an audit committee to oversee, and report to the Board on, the annual audit of the District.

Visitation Committees

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

Education Law Sections 1708, 2116-c and 4601

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

Adopted: 6/27/00
Revised: 8/8/06

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Internal Operations

SUBJECT: MEMBERSHIP IN ASSOCIATIONS

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

Education Law Section 1618
Comptroller's Opinion 81-255

Adopted: 6/27/00

Internal Operations

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

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

- a) A calendar of School Board conferences, conventions and workshops shall be maintained by the Board Clerk. The Board will periodically decide which meetings appear to be most likely to produce direct and indirect benefits to the School District. At least annually, the Board will identify those new ideas or procedures and/or cost benefits that can be ascribed to participation at such meetings.
- b) Funds for participation at such conferences, conventions, workshops and the like will be budgeted for on an annual basis. When funds are limited, the Board will designate which members are to participate at a given meeting.
- c) Reimbursement to Board members for all actual and necessary registration fees, expenses of travel, meals and lodging, and all necessary tuition fees incurred in connection with attendance at conferences and the like will be in accordance with established regulations for expense reimbursement.
- d) When a conference, convention or workshop is not attended by the full Board, those who do participate will be requested to share information, recommendations and materials acquired at the meeting.

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

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

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

Adopted: 6/27/00

Internal Operations

SUBJECT: COMPENSATION AND EXPENSES

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

Conference Travel for Newly Elected Board Members

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

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

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

Adopted: 6/27/00
Revised: 9/25/07

Internal Operations

SUBJECT: BOARD SELF-EVALUATION

The Board shall review the effectiveness of its internal operations at least once annually and will formulate a plan for improving its performance.

The Superintendent and others who work regularly with the Board may be asked to participate in this review and to suggest ways by which the Board can improve its functioning as a legislative body.

Adopted: 6/27/00

Ellicottville Central School District **NUMBER**

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Community Relations

SUBJECT: SCHOOL SPONSORED MEDIA

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

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

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

Adopted: 6/27/00

Revised: 11/17/15; 10/25/16

Community Relations

SUBJECT: RELATIONS WITH THE MUNICIPAL GOVERNMENTS

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

Adopted: 6/27/00

Community Relations

SUBJECT: FLAG DISPLAY

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

When ordered by the President, Governor, or local official, to commemorate a tragic event or the death of an outstanding individual, the flag shall be flown at half-staff. The Superintendent's approval shall be required for the flag to be flown at half-staff upon any other occasion. Regulations for seeking such approval shall be established in the Administrative Manual of the District.

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

Education Law Sections 418 and 419
Executive Law Sections 402 and 403
8 NYCRR Sections 180.1-108.3

Adopted: 6/27/00
Revised: 2/8/05

Community Relations

SUBJECT: SCHOOL VOLUNTEERS

The Board recognizes the need to develop a school volunteer program to support District instructional programs and extracurricular activities. The purpose of the volunteer program will be to:

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

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

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

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

Volunteer Protection Act of 1997, 42 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

Adopted: 6/27/00

SUBJECT: CHARTER SCHOOLS

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

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

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

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

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

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

(Continued)

SUBJECT: CHARTER SCHOOLS (Cont'd.)

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

Special Education programs and services shall be provided to students with disabilities attending a charter school in accordance with the individualized education program recommended by the Committee or Subcommittee of Special Education of the student's *school district of residence*. The charter school may arrange to have such services provided by the *school district of residence* or by the charter school directly or by contract by with another provider. Where the district of residence provides the special education programs or services, they will be provided in the same manner as provided to students in other public schools in the District. This includes the provision of supplementary and related services on-site to the same extent the District's policy and practices provide such services on the site of other public schools.

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

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

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

Charter School Finances

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

(Continued)

SUBJECT: CHARTER SCHOOLS (Cont'd.)

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

Federal and State aid attributable to students with disabilities are required to be paid to a charter school by the school district of residence for those students attending such charter school in proportion to the services the charter school provides such students directly or indirectly. The New York Charter Schools Act requires that the *school district of residence* forward such payments to the charter school, in six substantially equal installments each year beginning on the first business day of the months of July, September, November, January, March, and May. Payment of federal aid attributable to a student with a disability attending a charter school must be made according to the requirements in 20 United States Code (USC) Sections 76. 85-76. 799 and Section 300. 209 of Title 34 of the Code of Federal Regulations (CFR). Failure by the School District to make such required payments will result in the State Comptroller deducting the required amounts from State funds due to the District and paying them to the charter school.

Approved operating expenses include the essential operating cost of the School District. Excluded are costs for transportation, debt services, construction, tuition payments to other school districts, some BOCES payments, cafeteria or school lunch expenditures, balances and transfers, rental income from leased property, and certain other limited categories unless otherwise authorized pursuant to the federal grant program, *State Charter School Facilities Incentive Program*.

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

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

Notice And Hearing Requirements

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

(Continued)

SUBJECT: CHARTER SCHOOLS (Cont'd.)

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

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

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

20 USC Sections 76.785-76.799

State Charter School Facilities Incentive Program, 34 CFR Part 226

34 CFR Section 300.209

Education Law Article 56 and Sections 3602(11) and 3635

8 NYCRR Parts 100 and 119

Adopted: 6/27/00

Revised: 8/8/06; 2/9/10

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

The availability of Internet access in the School District provides an opportunity for staff and students to access information and contribute to the School District's presence on the World Wide Web. The District/school/classroom websites must relate to curriculum or instructional matters, school authorized activities, or general information of interest to the public pertaining to the District or its schools. Staff and students are prohibited from publishing personal home pages or links to personal home pages as part of the District/school/classroom Web Page(s). Similarly, no individual or outside organization will be permitted to publish personal Web Pages as part of the District/school/classroom Web Page(s), unless authorized by the Superintendent.

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

The District shall provide general training on relevant legal considerations and compliance with applicable laws and regulations including copyright, intellectual property, and privacy of student records as well as relevant District procedures to those staff members and students who are allowed to develop or place material on the District/school/classroom Web Page(s).

Content Standards

- a) Approval for posting a Web Page must be obtained from the website Manager or his/her designee(s). If at any time, the website Manager/designee(s) believes the proposed material does not meet the standards approved by the District, it will not be published on the Web. Decisions regarding access to active Web Pages for editing content or organization will be the responsibility of the website Manager/designee(s).
- b) A Web Page must be sponsored by a member of the District faculty, staff or administration who will be responsible for its content, design, currency and maintenance. The sponsor is responsible for ensuring that those constructing and maintaining the Web Page have the necessary technical training and that they fully understand and adhere to District policies and regulations. The Web Page must include the name of the sponsor.
- c) Staff or student work should be published only as it relates to a school/classroom authorized project or other school-related activity.
- d) The review of a Student Web Page (if considered a school-sponsored student publication) shall be subject to prior District review as would any other school-sponsored student publication.

(Continued)

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

- e) An authorized teacher who is publishing the final Web Page(s) for himself/herself or for a student will edit and test the Page(s) for accuracy of links and check for conformance with District standards and practices.
- f) A disclaimer statement about the content of Web Pages must be part of individual sites:

Example: "The District has made every reasonable attempt to ensure that our Web Pages are educationally sound and do not contain links to questionable material or material that can be deemed in violation of the School District's Standards and Guidelines for Web Page Publishing Policy. "
- g) Commercial advertising or marketing on the District/school/classroom Web Page(s) (or the use of school-affiliated Web Pages for the pursuit of personal or financial gain) shall be prohibited unless otherwise authorized in accordance with law and/or regulation. Decisions regarding website advertising must be consistent with existing District policies and practices on this matter. School-affiliated Web Pages may mention outside organizations only in the context of school programs that have a direct relationship to those organizations (e.g., sponsorship of an activity, student community service project).
- h) Web Pages may include faculty or staff names; however, other personal information about employees including, but not limited to, home telephone numbers, addresses, email addresses, or other identifying information such as names of family members may be published only with the employee's written permission.
- i) All Web Pages must conform to the standards for appropriate use found in the District's Acceptable Use Policy(ies) and accompanying regulations regarding standards of acceptable use; examples of inappropriate behavior; and compliance with applicable laws, privacy, and safety concerns.
- j) All Web Pages must be approved through the designated process before being posted to the District/school/classroom websites.
- k) All staff and/or students authorized to publish material on the District/school/classroom Web Page(s) shall acknowledge receipt of the District's Web Page Standards and agree to comply with same prior to posting any material on the Web.

(Continued)

SUBJECT: SCHOOL DISTRICT STANDARDS AND GUIDELINES FOR WEB PAGE PUBLISHING (Cont'd.)**Release of Student Education Records/Directory Information**Release of Student Education Records

In accordance with the Family Educational Rights and Privacy Act (FERPA), unless otherwise exempted in accordance with law and regulation, the District may release personally identifiable information contained in student education records only if it has received a "signed and dated written consent" from a parent or eligible student. Signed and dated written consent may include a record and signature in electronic form provided that such signature:

- a) Identifies and authenticates a particular person as the source of the electronic consent; and
- b) Indicates such person's approval of the information contained in the electronic consent.

Student Directory Information

Per FERPA, Districts must publish an annual public notice informing parents or eligible students of their right to refuse the release of student directory information and indicating a time period for their response. Following such public notice and a reasonable response period, the District may release such information to an outside group without individual consent.

Parental/Eligible Student Consent Required and Privacy Concerns

Written parental/eligible student consent shall be obtained by the District before education records or personally identifiable information contained therein is released to any party unless:

- a) Such release is authorized by the Family Educational Rights and Privacy Act, or its implementing regulations;
- b) The information released is "directory information" as designated by the District in accordance with FERPA. The District shall provide parents and eligible students with annual notification of their rights under FERPA and designation of directory information (i.e., disclosure of personally identifiable information contained in student records);
- c) For anything not specifically designated as "directory information" by the District, the District must receive a "signed and dated written consent" from the parent/eligible student prior to releasing such information (unless otherwise authorized per FERPA);

(Continued)

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

- d) However, even if student photographs are designated as directory information per FERPA, due to privacy and safety concerns, **the District requires specific affirmative written parent/eligible student consent prior to posting student photographs on District/school/classroom Web Pages.** Whenever possible, group photographs of students and/or the use of photographs where the student is not easily identifiable is preferable to the use of individual student photographs for safety reasons;
- e) Web Pages shall not include a student's full name, telephone number, address, email address or post such information of other family members or friends. Posting of student names will be limited to first name only. Permission forms from parents are strongly suggested;
- f) Online posting of school bus schedules and/or other specific activity schedules detailing dates/times/locations (e.g., field trips) is prohibited on school-affiliated Websites as such information can pose risks of child abduction or other security concerns. Password protected Websites may be authorized by the Superintendent/designee.

Use of Copyrighted Materials and "Fair Use" Exceptions/Intellectual Property and Works Made for HireCopyrighted Materials

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

Fair Use of Copyrighted Materials

Pursuant to Copyright Law Section 107 ("Fair Use" provisions), the use of copyrighted material for criticism, comment, news reporting, teaching, scholarship, or research may be permitted under certain circumstances.

However, any appropriation of someone else's work on the Internet is a potential copyright infringement. "Fair Use" provisions may not apply when a project created by a teacher or student is accessed by others over the Internet. If there is a possibility that school-affiliated Web Page(s), which incorporate copyrighted works under the "Fair Use" provisions, could later result in broader dissemination, it will be necessary to seek the permission of the copyright holder. The complex interplay between copyright law and the "Fair Use" provisions in educational multimedia projects should be considered in development of Web Page publishing standards and reviewed by school counsel prior to District implementation for compliance with applicable law and regulations.

(Continued)

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

- a) Unless otherwise noted, always assume that work on the web is copyrighted. It is NOT necessary that the copyright symbol -- © -- be displayed for the work to be protected by copyright laws.
- b) Proper attribution must always be given.
- c) Obtaining permission(s) from the copyright holder(s) (whether text, graphics or music) should occur during the developmental process or project, rather than waiting to seek permission upon completion of the project.
- d) Unauthorized electronic transmission of copyrighted materials is illegal.

Intellectual Property/Works Made for Hire

All works completed by employees as part of their employment shall be considered "works made for hire" as described in the United States Code Annotated, Title 17, Copyrights to the extent permitted by law. This determination includes, but is not limited to, the following activities:

- a) Work prepared by an employee within the scope of his/her employment, whether tangible or intangible;
- b) Work specifically ordered or commissioned for use as a contribution to a collective work, as enumerated in law.

Any work created within the scope of such a relationship will be considered a work made for hire when a regular employment relationship exists.

Work covered under this policy is the property of the School District, not the creator of such work. The District shall own any and all rights to such works, or derivatives thereof, unless there is a written agreement to the contrary.

Student Free Speech Issues (School-sponsored Publications)

In general, School Districts can exercise editorial control over the style and content of student expression in school-sponsored publications, theatrical productions, and other expressive activities that students, parents and members of the public might reasonably perceive to bear the imprimatur of the school.

However, the school's actions in such a case must be reasonably related to legitimate pedagogical concerns and may not amount to viewpoint discrimination.

(Continued)

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

Consequences for Non-Compliance

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

Staff

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

Students

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

Oversight

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

Community Relations

SUBJECT: VISITORS TO THE SCHOOL

All visitors shall be required to report to the Main Office or elementary office upon arrival at school and state their business. A log for visitors to sign in and out will be maintained in both offices. Visitations to classrooms for any purpose require permission in advance from the building principal in order to allow teachers the opportunity to arrange their schedules to accommodate such requests.

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

Education Law Section 2801
Penal Law Sections 140.10 and 240.35

Adopted: 6/27/00
Revised: 3/5/02

Community Relations

SUBJECT: ANIMALS ON SCHOOL GROUNDS

To help maintain safe and healthy conditions for the students, staff and visitors to the Ellicottville Central School District, it shall be a violation of District policy for any individual to bring a dog or any other animal to any athletic event or extracurricular events.

If warranted, the District may call the appropriate Animal Control Agency.

- a) Animals may be permitted in the schools for instructional purposes. It is the principal's responsibility to ensure that there is an appropriate educational purpose if any animal is housed in a classroom. Animals are not to be transported on school buses.
- b) School staff will be responsible for the proper control of animals brought to school for instructional purposes and the principal will be responsible for ensuring the effective protection of children when animals are in the school.
- c) In addition, those individuals with disabilities that require the assistance of an animal, such as a seeing eye dog, shall be exempt from the terms of this policy.
- d) Also, under certain circumstances, police and other emergency services may require the presence of animals in performing their duties (such as bomb or drug searches). This decision will be made on a case-by-case basis as determined by the responding agency.
- e) This policy will be disseminated to the community and school personnel through normal channels of communication.

This policy will go into effect January 1, 2012.

Community Relations

SUBJECT: PUBLIC EXPRESSION AT MEETINGS

In an effort to make Board meetings more meaningful to all School District residents and to assure all School District residents an opportunity to express their views at Board meetings, the following Board of Education policy on public participation of citizens at Board meetings is adopted.

Basic assumptions:

- a) All citizens, taxpayers, and persons in the Ellicottville Central School District have a moral, if not legal, right to be heard at Board meetings.
- b) The Board is elected by the people and thus is interested in hearing their views and will weigh all views with equal concern.
- c) Citizens should present their views in a concise and orderly manner.
- d) No pro-con discussions should be allowed between visitors and Board members.

Therefore, be it resolved that the following procedures be followed:

- a) Subject matter, other than that of policy, shall be referred to the Administrative Officers for proper handling.
- b) Subject matter must be limited to issues, without references to personalities.
- c) Presentation of the talk shall be in consonance with good taste and decorum befitting the occasion and dignity of the meeting.
- d) The presiding officer has the authority to recognize all who wish to be heard, and to limit to a reasonable time, if necessary, the presentation.

Adopted: 6/27/00

Community Relations

SUBJECT: PUBLIC COMPLAINTS

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

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

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

Guidelines for Public Complaints

The Board recognizes the right of individuals and groups to present complaints concerning school personnel, the curriculum, or instructional materials, or concerning school services and school facilities.

In the interest of handling all complaints fairly and expeditiously, the Board has established the following guidelines:

- a) Whenever a complaint is made directly to the Board as a whole or to an individual Board member, the individual or group involved will be advised to take their concern to the appropriate school staff member. This could be a teacher, a supervisor, a principal, or the Superintendent.
- b) The individual or group will be advised of the proper channeling of complaints, which is as follows:
 1. Supervisor or teacher
 2. Building administrator
 3. Superintendent
 4. Board of Education

(Continued)

SUBJECT: PUBLIC COMPLAINTS (Cont'd.)

- c) If a Board member receives a complaint, and has reason to believe that the person or persons involved will not go to the source of the problem, he/she should inform the Superintendent of the situation. In no case should the Board member go to the source of the problem himself/herself unless so directed by a quorum of the Board in legal session.
- d) An individual or group who wishes to address the Board must notify the superintendent in writing at least five days before the Board is scheduled to meet. The letter must include the item to be discussed.
- e) Individual Board members who receive questions or suggestions from District residents should:
 - 1. Answer the question if they definitely know the answer.
 - 2. Advise the Superintendent of the conversation if the Board member believes the question has policy implications.
 - 3. Advise the person or persons involved to take their questions or suggestions to the appropriate staff member if the answer is not definitely known.
 - 4. Call the Superintendent for the answer if the Board member believes the question or suggestion has merit but the person or persons involved are reluctant to go to the source.

The Board encourages parents and other citizens to express their concerns, to ask questions, and to take an active interest in the schools' educational program and school environment by attending Board meetings, visiting the schools, and meeting with teachers.

Community Relations

SUBJECT: COMPLAINTS AND GRIEVANCES BY EMPLOYEES

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

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

Prohibition of Retaliatory Behavior

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

Complaints and Grievances Coordinator

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

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

The Title IX/Section 504/ADA Coordinator shall also be responsible for handling complaints and grievances regarding discrimination based on race, color, creed, religion, national origin, political affiliation, sexual orientation, age, military status, veteran status, marital status, predisposing genetic characteristics, or use of a recognized guide dog, hearing dog or service dog.

Age Discrimination in Employment Act, 29 USC Section 621
Americans With Disabilities Act, 42 USC Section 12101 et seq.
Prohibits discrimination on the basis of disability.

(Continued)

Community Relations

SUBJECT: COMPLAINTS AND GRIEVANCES BY EMPLOYEES (Cont'd.)

Section 504 of the Rehabilitation Act of 1973, 29 USC Section 794 et seq.

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

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

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

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

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

Prohibits discrimination on the basis of sex.

Civil Rights Law Section 40-c

Prohibits discrimination on the basis of race, creed, color, national origin, sex, 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 -- Non-Discrimination and Anti-Harassment in the School District

Adopted: 6/27/00

Revised: 9/9/03; 2/8/05; 8/8/06; 2/9/10

SUBJECT: COMPLAINTS AND GRIEVANCES BY STUDENTS

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

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

Prohibition of Retaliatory Behavior

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

Complaints and Grievances Coordinator

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

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

The Title IX/Section 504/ADA Coordinator shall also be responsible for handling complaints and grievances regarding discrimination based on race, color, creed, religion, national origin, political affiliation, sexual orientation, age, military status, marital status, or use of a recognized guide dog, hearing dog or service dog.

(Continued)

Community Relations

SUBJECT: COMPLAINTS AND GRIEVANCES BY STUDENTS (Cont'd.)

Age Discrimination in Employment Act, 29 USC Section 621

Americans With Disabilities Act, 42 USC Section 12101 et seq.

Prohibits discrimination on the basis of disability.

Section 504 of the Rehabilitation Act of 1973, 29 USC Section 794 et seq.

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

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

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

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

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

Prohibits discrimination on the basis of sex.

Civil Rights Law Section 40-c

Prohibits discrimination on the basis of race, creed, color, national origin, sex, 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 -- Non-Discrimination and Anti-Harassment in the School District

Adopted: 6/27/00

Revised: 9/9/03; 2/8/05; 2/9/10

**SUBJECT: PARTICIPATION IN SCHOOL-BASED PLANNING AND SHARED
DECISION MAKING: STUDENT PARTICIPATION**

In accordance with the Commissioner's regulations, the Board of Education has developed and adopted a District plan for the participation by teachers and parents with administrators and School Board members in school-based planning and shared decision making. The District plan shall be developed in collaboration with a committee comprising:

- a) The Superintendent of Schools;
- b) Administrators and teachers selected by their respective bargaining units; and
- c) Parents who are selected by school related parent organizations as defined by Commissioner's regulations and who are not employed by the District or a collective bargaining unit;

The plan for participation in school-based planning and shared decision making shall specify:

- a) The educational issues which will be subject to cooperative planning and shared decision making at the building level by teachers, parents, administrators, and, at the discretion of the Board of Education, other parties such as students, support staff, and community members;
- b) The manner and extent of the expected involvement of all parties;
- c) The means and standards by which all parties shall evaluate improvement in student achievement;
- d) The means by which all parties will be held accountable for the decisions which they share in making;
- e) The process whereby disputes presented by the participating parties about the educational issues being decided upon will be resolved at the local level; and
- f) The manner in which all State and federal requirements for the involvement of parents in planning and decision making will be coordinated with and met by the overall plan.
- g) Adoption of the District plan and submission of such plan to the Commissioner of Education shall be in accordance with the regulations of the Commissioner.

The Board of Education shall review the District plan every two years.

(Continued)

**SUBJECT: PARTICIPATION IN SCHOOL-BASED PLANNING AND SHARED
DECISION MAKING: STUDENT PARTICIPATION (Cont'd.)**

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

Commissioner's Regulations Section 100.11

Adopted: 6/27/00

Community Relations

SUBJECT: BOOSTER CLUBS

The Board of Education recognizes that "booster" organizations or other related organizations may be created to promote community support and to raise funds for specific school activities or programs. These groups must receive official Board approval and may not discriminate on the basis of sex, color, national origin, ethnic background, sexual orientation, disability, religion or any other arbitrary criteria. The Board of Education, at its discretion, may dissolve any Booster Club organization for failure to comply with the District's Booster Club Policy.

Rules and regulations will be established to govern the activities of booster clubs and other related organizations. The Board further requires that:

- a) Financial records be maintained and available upon request, for the Board and other public inspection;
- b) Notify the appropriate principal in advance of fundraising activities;
- c) Groups wishing to make a contribution adhere to the District's policy and regulations regarding the acceptance of gifts; and
- d) The Board of Education retains final responsibility and authority on all activities that have an impact on students, school programs and/or school owned property.

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

Booster Clubs or related organizations must follow these guidelines:

- a) Be voluntary, inclusive and support a specific school activity.
- b) Provide the Superintendent a yearly list of members and officers by September 1 (or in cases of new organizations being formed, list must be submitted within 30 days of electing officers).
- c) Submit a tentative activity schedule to the Superintendent or designee.
- d) Obtain prior approval of the Superintendent or designee any time the booster club uses the name of the School District, or language that the School District has endorsed or otherwise approved the activity.
- e) Maintain financial records and submit a yearly report by July 31.

(Continued)

SUBJECT: BOOSTER CLUBS (Cont'd.)

- f) The Board of Education requires these organizations to establish bylaws, rules and procedures to elect officers and conduct business and submit a copy of such to the District Clerk.
- g) Assume all financial responsibility for their organization, including, but not limited to, the provision of adequate insurance coverage, as appropriate.
- h) Understand and respect the authority of District employees in the administration of their duties.
- i) Items purchased for students must be approved in advance by a committee comprised of: principal (based on age group involved), Superintendent or designee, teacher/advisor/coach of sport/activity involved.

Title IX Compliance

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 (OCR), in order for the District to be in continuing compliance with Title IX requirements, the District must assure that services, benefits and opportunities in its athletic programs are provided on an equivalent basis to both boys and girls, including those services, benefits and opportunities that are provided through the use of outside financial assistance such as donations, fundraising and booster clubs.

Adopted: 6/27/00

Revised: 4/16/02; 9/9/03; 8/29/06; 2/7/12

Community Relations

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

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

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

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

Adopted: 6/27/00

Community Relations

SUBJECT: ADVERTISING IN THE SCHOOLS

Neither the facilities, the staff, nor the students of the School District shall be employed in any manner for advertising or otherwise promoting the interests of any commercial, political, or other non-school agency, individual or organization, except that:

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

No materials of a commercial nature shall be distributed through the children in attendance in the Ellicottville Central Schools except as authorized by law or the Commissioner's regulations or by the approval of the Superintendent.

New York State Constitution Article 8, Section 1
8 NYCRR Section 19.6

Adopted: 6/27/00

Community Relations

SUBJECT: 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.

Adopted: 6/27/00

SUBJECT: CORPORATE SPONSORSHIPS

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

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

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

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

- a) Consistency with district academic standards and goals.
- b) Consistency with district non-discrimination policies and age-appropriateness.
- c) No corporate support or activity will be permitted in the District that:
 1. Promotes gambling, illicit drugs, alcohol, tobacco, or firearms;
 2. Promotes hostility, disorder, or violence;
 3. Attacks or demeans any ethnic, racial, religious group or sexual orientation;
 4. Is libelous;
 5. Contains adult content, including nudity, sexual terms and/or images of people in positions or activities that are excessively suggestive or sexual, or provocative images in violation of community standards;
 6. Promotes any specific religion;
 7. Promotes or opposes any political candidate or ballot proposition;

(Continued)

SUBJECT: CORPORATE SPONSORSHIPS (Cont'd.)

8. Inhibits the functioning of any school; or
 9. Any other item deemed to be inappropriate for students.
- d) Students shall not be required to view commercial promotional activity as required by Commissioner regulations.
 - e) The collection of personal information from students by corporate sponsors in accordance with the Family Educational Rights and Privacy Act (FERPA) is prohibited.
 - f) Sponsorship permitted pursuant to this policy shall not be considered as an endorsement or approval by the Board of any particular group, organization or company, nor of any purposes, programs, activities, products or services of any such group.
 - g) To ensure equal opportunity to participate among commercial competitors, solicitations for corporate sponsors should be done in accordance with the District procurement policy.

8 NYCRR Section 23

NOTE: Refer also to Policies #5410 -- Purchasing
#7250 -- Student Privacy, Parental Access to Information, and
Administration of Certain Physical Examinations to Minors

Adopted: 10/9/12

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

It is the policy of the Board to encourage the greatest possible use of school facilities for community-wide activities. This is meant to include those uses permitted by New York State law.

The District firmly believes that as a school in a small rural community, it must serve as a center for activities for the students and surrounding community. At the same time, the District also needs to ensure that the maintenance of the buildings and grounds is attended to on a regular and timely basis. This can prove difficult if the facilities are overused on a regular basis. Fields need time to "heal," indoor facilities need to be properly cleaned, supplies need to be restocked, etc.

The District recognizes that that a number of viable extracurricular/sports opportunities exist for students at the school from Monday through and including Saturday. These opportunities include both internal and external programs/organizations. In light of this, the District reserves the right to limit activities on Sundays.

Groups wishing to use the school facilities must secure written permission from the Board of Education or its designee and abide by the rules and regulations established for such use including restrictions on alcohol, tobacco and drug use.

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

In general, the District will allow for activities as follows:

- a) Provided there are no conflicts with ECS sanctioned activities (i.e., sports practices, sport competitions, concerts, homework club, etc.). Both internal and external requests to use school facilities will be honored from Monday morning through and including Saturday evening. Requests from external organizations will require proof of insurance in addition to request forms.
- b) Requests to use facilities for student centered activities such as "open gym" or "open fields" on Sundays will not be approved. Some exceptions to this will be considered on a case-by-case basis. Typically, only activities without a viable opportunity to meet Monday through and including Saturday will be considered. Examples of such activities would include Jazz Chorus Practice or Jazz Band Practice.
- c) In rare cases, some varsity sports practices may be approved where circumstances beyond a coach's control caused practice to be cancelled on Friday and/or Saturday and the next competition is on Monday. The District must ever be mindful of the NYSPHSAA seven-day rule.

(Continued)

Community Relations

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

- d) Requests for adult or non-student activities on Sundays will be considered on a case-by-case basis. If such activities will involve larger crowds resulting in restrooms needing to be cleaned, halls mopped, etc. a custodial fee may be charged.
- e) Organizations/groups requesting to use athletic fields Monday through and including Sunday may approved with the understanding that the school may revoke access to protect the condition of the fields. Please keep in mind that fields need time to "heal" from sports season to sports season and excessive moisture, use or a combination of these may result in the school needing to "close" access to a field/fields.
- f) Organized activities/leagues for students (i.e., Enchanted Mountain Soccer) that request to use outside facilities on Sundays may be approved.
- g) It will be the responsibility of the organizations requesting to use the fields to ensure that people are parking in the main lots at each end of the school building. A group may use the handicapped parking area by the concession stand for appropriately marked vehicles/ticket holders. Otherwise, parking is limited to the two areas on north and south ends of the school. Please note that the area behind the bus garage and the blacktop strip behind the high school gymnasium are not approved parking areas and must not be used as such.
- h) It will be the responsibility of the organization requesting to use the fields to ensure that no animals (i.e., dogs) are brought onto school property. The exception to this would be properly identified service animals. Please note that "therapy" animals are not considered service animals.
- i) Starting on August 1, 2019, ECS will strive to ensure equal access is afforded to all groups/organizations seeking to use the facilities. Requests will be reviewed every two months and schedules created to allow for equality. Groups will not be able to sign up for all the "free" time in an area for multiple days per week for more than two months at a time. A single request may be submitted to cover multiple days per week for more than two months at a time, but that group will have to understand the request will be reviewed on a two month cycle.
- j) The Board of Education and administration will establish facilities use forms and instructions.

(Continued)

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

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

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

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

Education Law Section 414
NY Constitution Article 8

NOTE: Refer also to Policies #3281 -- Use of Facilities by the Boy Scouts of America and Patriotic Youth Groups
#3410 -- Code of Conduct on School Property
#5640 -- Smoking/Tobacco Use
#7320 -- Alcohol, Tobacco, Drugs and Other Substances (Students)
#7410 -- Extracurricular Activities
District *Code of Conduct*

Adopted: 6/27/00
Revised: 8/8/06; 11/17/15; 10/25/16; 7/30/19

Community Relations

SUBJECT: USE OF SCHOOL-OWNED MATERIALS AND EQUIPMENT

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

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

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

Education Law Section 414
NY Constitution Article 8

Adopted: 6/27/00
Revised: 11/18/14

Community Relations

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

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

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

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

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

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

Adopted: 10/25/16

Community Relations

SUBJECT: OPERATION OF MOTOR-DRIVEN VEHICLES ON DISTRICT PROPERTY

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

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

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

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

Adopted: 6/27/00
Revised: 8/8/06

Community Relations

SUBJECT: PUBLIC ACCESS TO RECORDS

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

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

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

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

Requests for Records via Email

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 email 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.

Education Law Section 2116
Public Officers Law Sections 87 and 89
21 NYCRR Parts 1401 and 9760

Adopted: 6/27/00
Revised: 2/8/05; 4/10/12; 11/17/15; 10/25/16

Community Relations

SUBJECT: CONFIDENTIALITY OF COMPUTERIZED INFORMATION

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

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

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

Public Officers Law Sections 84 et seq.

Adopted: 6/27/00

SUBJECT: CODE OF CONDUCT ON SCHOOL PROPERTY

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

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

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

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

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

Such conduct shall include, but is not limited to, threats, intimidation, or abuse based on, but not limited to, a person's actual or perceived: race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender as defined in

(Continued)

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

Education Law Section 11(6), or sex; provided that nothing in this subdivision shall be construed to prohibit a denial of admission into, or exclusion from, a course of instruction based on a person's gender that would be permissible under Education Law Sections 3201-a or 2854(2) (a) and Title IX of the Education Amendments of 1972 (20 USC Section 1681, et seq.), or to prohibit, as discrimination based on disability, actions that would be permissible under 504 of the Rehabilitation Act of 1973;

- c) Standards and procedures to assure security and safety of students and school personnel;
- d) Provisions for the removal from the classroom and from school property, including a school function, of students and other persons who violate the Code;
- e) Provisions prescribing the period for which a disruptive student may be removed from the classroom for each incident, provided that no such student shall return to the classroom until the principal (or his/her designated School District administrator) makes a final determination pursuant to Education Law Section 3214(3-a)(c) or the period of removal expires, whichever is less;
- f) Disciplinary measures to be taken for incidents on school property or at school functions involving the use, possession, sale and/or distribution: of tobacco, illegal drugs/substances, synthetic cannabinoids, alcohol, paraphernalia for the use of illegal drugs and/or weapons; inappropriately using, possessing, selling and/or distributing prescription or over-the-counter drugs; the use of physical force; vandalism; violation of another student's civil rights; harassment; and threats of violence;
- g) Provisions for responding to acts of discrimination, bullying and/or harassment against students by employees or students on school property, at a school function, or off school property when the actions create or would foreseeably create a risk of substantial disruption within the school environment or where it is foreseeable that the conduct might reach school property, pursuant to clause (b) of this subparagraph;
- h) Provisions for detention, suspension and removal from the classroom of students, consistent with Education Law Section 3214 and other applicable federal, state and local laws, including provisions for school authorities to establish procedures to ensure the provision of continued educational programming and activities for students removed from the classroom, placed in detention, or suspended from school, which shall include alternative educational programs appropriate to individual student needs;
- i) Procedures by which violations are reported and determined, and the disciplinary measures imposed and carried out;
- j) Provisions ensuring the *Code of Conduct* and its enforcement are in compliance with state and federal laws relating to students with disabilities;

(Continued)

Community Relations

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

- k) Provisions setting forth the procedures by which local law enforcement agencies shall be notified of Code violations which constitute a crime;
- l) Provisions setting forth the circumstances under and procedures by which parents/persons in parental relation to the student shall be notified of Code violations;
- m) Provisions setting forth the circumstances under and procedures by which a complaint in criminal court, a juvenile delinquency petition or person in need of supervision ("PINS") petition as defined in Articles 3 and 7 of the Family Court Act will be filed;
- n) Circumstances under and procedures by which referral to appropriate human service agencies shall be made;
- o) A minimum suspension period for students who repeatedly are substantially disruptive of the educational process or substantially interfere with the teacher's authority over the classroom, provided that the suspending authority may reduce such period on a case-by-case basis to be consistent with any other state and federal law. For purposes of this requirement, as defined in Commissioner's regulations, "repeatedly is substantially 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 or more occasions during a semester, or three or more occasions during a trimester, as applicable;
- p) A minimum suspension period for acts that would qualify the student to be defined as a violent student pursuant to Education Law Section 3214(2-a)(a). However, the suspending authority may reduce the suspension period on a case by case basis consistent with any other state and federal law.
- q) A Bill of Rights and Responsibilities of Students which focuses upon positive student behavior and a safe and supportive school climate, which shall be written in plain-language, publicized and explained in an age-appropriate manner to all students on an annual basis; and
- r) Guidelines and programs for in-service education programs for all District staff members to ensure effective implementation of school policy on school conduct and discipline, including but not limited to, guidelines on promoting a safe and supportive school climate while discouraging, among other things, discrimination, bullying and/or harassment against students by students and/or school employees; and including safe and supportive school climate concepts in the curriculum and classroom management.

(Continued)

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

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

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

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

- a) Posting the complete *Code of Conduct* on the Internet website, if any, including any annual updates and other amendments to the *Code*;
- b) Providing copies of a summary of the *Code of Conduct* to all students in an age-appropriate version, written in plain language, at a school assembly to be held at the beginning of each school year;
- c) Providing a plain language summary of the *Code of Conduct* to all parents or persons in parental relation to students before the beginning of each school year and making the summary available thereafter upon request;
- d) Providing each existing teacher with a copy of the complete *Code of Conduct* and a copy of any amendments to the Code as soon as practicable following initial adoption or amendment of the Code. New teachers shall be provided a complete copy of the current Code upon their employment; and
- e) Making complete copies available for review by students, parents or persons in parental relation to students, other school staff and other community members.

Privacy Rights

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

(Continued)

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

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

NOTE: Refer also to *District Code of Conduct*

Adopted: 6/26/00
Revised: 8/7/01; 8/8/06; 9/25/07; 6/20/12; 3/4/15

Community Relations

SUBJECT: PROHIBITION OF WEAPONS ON SCHOOL GROUNDS

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

Penal Law Sections 265.01-265.06, 265.20

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

Adopted: 6/24/14

Community Relations

SUBJECT: UNIFORM VIOLENT AND DISRUPTIVE INCIDENT SYSTEM

In compliance with the Uniform Violent and Disruptive Incident System, the District will record each violent or disruptive incident that occurs on school property or at a school function. School property shall mean in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus as defined in Vehicle and Traffic Law Section 142. A school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state.

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

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

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

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

Reporting Guidelines

The District will utilize the New York State Education Department's website to obtain copies of the forms, directions, glossary and additional information at www.emsc.nysed.gov/irs/.

Education Law Sections 2801(1) and 2802
8 NYCRR Section 100.2 (gg)

Adopted: 8/7/01
Revised: 8/8/06

Community Relations

SUBJECT: THREATS OF VIOLENCE IN SCHOOL

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

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

While acknowledging an individual's constitutional rights, including applicable due process rights, the District refuses to condone acts and/or threats of violence which threaten the safety and well-being of staff, students, visitors and/or the school environment. Employees, students, agents and invitees shall refrain from engaging in threats or physical actions which create a safety hazard for others.

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

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

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

This policy will be enforced in accordance with applicable laws and regulations, as well as collective bargaining agreements and the *Code of Conduct* as may be necessary. Additionally, this policy will be made available to students, staff, and parents and the general public upon request.

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

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

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

Prohibited Conduct

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

Discrimination is, generally, the practice of conferring or denying privileges on the basis of membership in a legally protected class. Discriminatory actions may include, but are not limited to: refusing to promote or hire an individual on the basis of his or her membership in a protected class, denying an individual access to facilities or educational benefits on the basis of his or her membership in a protected class, or impermissibly instituting policies or practices that disproportionately and adversely impact members of a protected class.

Harassment generally consists of subjecting an individual, on the basis of his or her membership in a protected class, to conduct and/or communications that are sufficiently severe, pervasive, or persistent as to have the purpose or effect of: creating an intimidating, hostile, or offensive environment; substantially or unreasonably interfering with an individual's work or a student's educational performance, opportunities, benefits, or well-being; or otherwise adversely affecting an individual's employment or educational opportunities.

Harassment can include unwelcome verbal, written, or physical conduct which offends, denigrates, or belittles an individual because of his or her membership in a protected class. Such conduct includes, but is not limited to: derogatory remarks, jokes, demeaning comments or behavior, slurs, mimicking, name calling, graffiti, innuendo, gestures, physical contact, stalking, threatening, bullying, extorting, or the display or circulation of written materials or pictures.

(Continued)

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

Civil Rights Compliance Officer

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

Prior to the beginning of each school year, the District shall issue an appropriate public announcement or publication which advises students, parents or guardians, employees and other relevant individuals of the District's established grievance procedures for resolving complaints of discrimination and harassment. Included in such announcement or publication will be the name, address, telephone number, and email address of the Civil Rights Compliance Officer(s). The District's website will reflect current and complete contact information for the Civil Rights Compliance Officer(s).

The Civil Rights Compliance Officer for the District is the Superintendent.

Investigation of Complaints and Grievances

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

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

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

(Continued)

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

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

Knowingly Makes False Accusations

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

Prohibition of Retaliatory Behavior

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

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

Additional Provisions

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

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

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

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

(Continued)

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

Age Discrimination in Employment Act, 29 USC Section 621
Americans with Disabilities Act, 42 USC Section 12101 et seq.
Section 504 of the Rehabilitation Act of 1973, 29 USC Section 794 et seq.
Title VI of the Civil Rights Act of 1964, 42 USC Section 2000d et seq.
Title VII of the Civil Rights Act of 1964, 42 USC Section 2000e et seq.
Title IX of the Education Amendments of 1972, 20 USC Section 1681 et seq.
Education Law Section 280 I (I) Executive Law Section 290 et seq.

NOTE: Refer also to Policies #6120 -- Equal Employment Opportunity
#6121 -- Sexual Harassment in the Workplace
#6122 -- Employee Grievances
#7550 -- Dignity for All Students Act
#7551 -- Sexual Harassment of Students
District Code of Conduct

Adopted: 8/29/00

Revised: 2/18/03; 8/26/03; 8/8/06; 9/25/07; 2/9/10; 7/3/12; 12/9/14; 10/25/16

Community Relations

SUBJECT: EMERGENCY SCHOOL CLOSINGS

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

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

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

Education Law Section 3604(7)

Adopted: 6/27/00

Revised: 8/8/06; 9/25/07; 11/18/14; 11/17/15; 10/25/16

Community Relations

SUBJECT: BOARD RELATIONS WITH NONPUBLIC SCHOOLS

The Board of Education agrees to encourage nonpublic school administrators and their staff/ students in the District to become involved in educational experiences resulting from Chapter One and Chapter Two, since Districts with nonpublic schools must provide opportunity for equitable participation for children enrolled in the nonpublic schools.

Education Consolidation and Improvement Act of 1981

Adopted: 6/27/00

Community Relations

SUBJECT: SHARED SERVICES WITH NONPUBLIC SCHOOLS

The Board of Education may agree to include nonpublic school students in federally funded or locally funded programs when:

- a) These students reside within the School District;
- b) A signed request is received from the student and the student's parent/guardian;
- c) Shared time participation does not interfere with the public school student's instructional program;
- d) Expenses for materials/supplies are paid by the sending school or the nonpublic school students.

Transportation may be provided for nonpublic school students involved in the shared time program. The nonpublic school is held accountable for any non-reimbursed expenses for transporting their students.

Community Relations

SUBJECT: SUPERINTENDENT'S RELATIONS WITH NONPUBLIC SCHOOLS

In order to maintain cordial and constructive relationships with other education instructions in the District, the Superintendent of Schools shall:

- a) Maintain liaison with the administrators of all private and parochial schools in this District in order to be aware of any program changes that may be planned which could affect this District;
- b) Determine how this District can advance the education of resident pupils attending parochial or private schools by the provision in these schools of special programs after regular school hours, during summer recess, and as part of the adult or continuing education program;
- c) Cooperate fully in the implementation of all state and federal programs administered by this District which benefit, in whole or in part, eligible pupils attending private or parochial school.

Refer also to Policy # 4310 - 4330.

Ellicottville Central School District

NUMBER

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4110

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 NYCRR Section 80.4
Education Law Section 1709

Adopted: 6/27/00

Administration

SUBJECT: ADMINISTRATIVE ORGANIZATION AND OPERATION

The basic principles of Administrative Organization and Operation are:

- a) The working relationships shall involve two types of officers: line and staff. Line organization involves a direct flow of authority upward and downward from chief school officer to building principal. A line officer has power and authority over subordinates. Staff officers do not stand in the direct line of authority; they serve as coordinators or consultants.
- b) The Board of Education shall formulate and legislate educational policy.
- c) Administrative regulations shall be developed by the chief school officer in cooperation with affected or interested staff members or lay persons.
- d) The central office staff shall provide overall leadership and assistance in planning and research.
- e) A reasonable limit shall be placed upon the number of persons with whom an administrator shall be expected to work effectively.
- f) Areas of responsibility for each individual shall be clearly defined.
- g) There shall be full opportunity for complete freedom of communication between all levels in the school staff.

Adopted: 6/27/00

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4211

Administration

SUBJECT: LINE RESPONSIBILITY

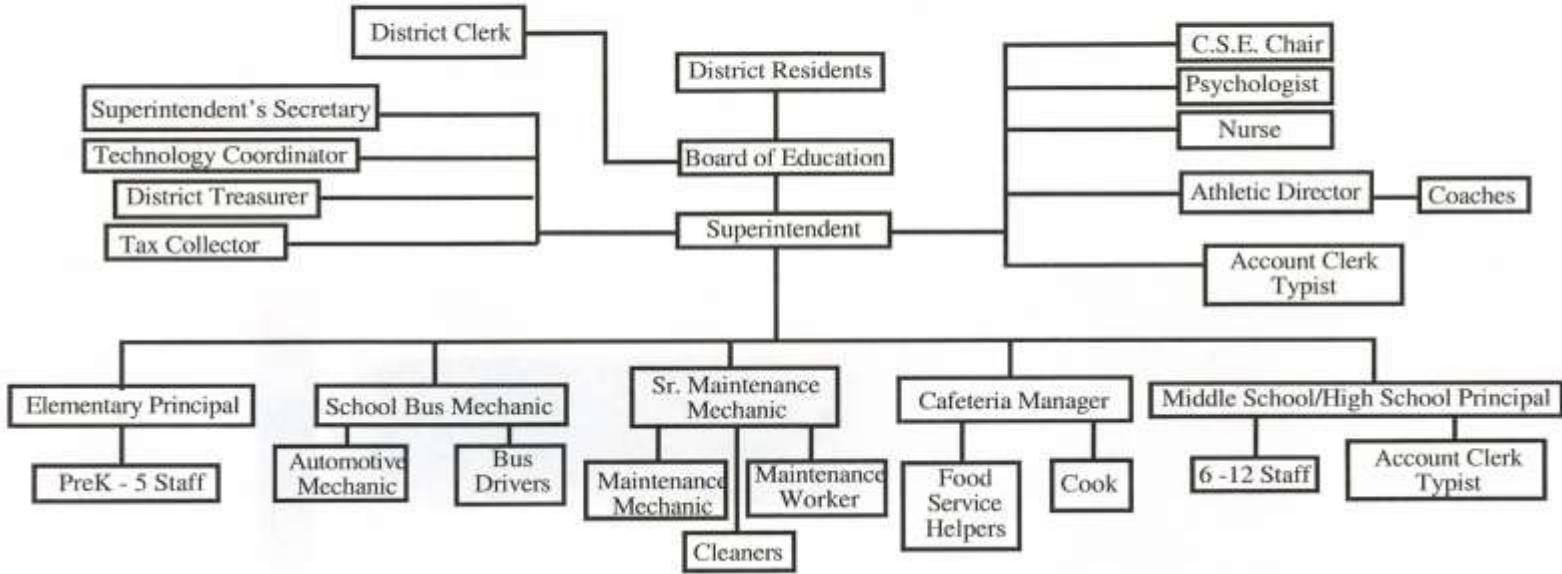
All employees of the District shall be under the general direction of the Superintendent. Teachers shall be immediately responsible to the principal of the building in which they work. Other employees shall be immediately responsible to the administrative personnel under whom they work directly.

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

Adopted: 6/27/00

Adopted: 6/27/00
 Revised: 12/11/07

Ellicottville Central School Organizational Chart



2000

4220

Administration

SUBJECT: ABOLISHING AN ADMINISTRATIVE POSITION

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

Adopted: 6/27/00

2000

4230

Administration

**SUBJECT: ADMINISTRATIVE AUTHORITY DURING ABSENCE OF THE
SUPERINTENDENT OF SCHOOLS**

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

Adopted: 6/27/00

Administration

SUBJECT: ADMINISTRATIVE LATITUDE IN THE ABSENCE OF BOARD POLICY

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

Adopted: 6/27/00

2000

4250

Administration

SUBJECT: USE OF COMMITTEES

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

Adopted: 6/27/00

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 August first of each year.

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

Evaluation of Administrative Staff

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

The purposes of this evaluation are:

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

8 NYCRR Section 100.2(o)

Adopted: 6/27/00

Administration

SUBJECT: SUPERINTENDENT OF SCHOOLS

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

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

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

(Continued)

Administration

SUBJECT: SUPERINTENDENT OF SCHOOLS (Cont'd.)

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

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

Adopted: 6/27/00
Revised: 7/3/12

Administration

SUBJECT: SUPERINTENDENT - BOARD OF EDUCATION RELATIONS

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

- a) With respect to School District goals and objectives, the Board will establish broad guidelines to be observed in the development of further policy and action. The Board reserves the right to issue either restrictive or general policy statements.
- b) Generally, the Superintendent will be empowered to assign and use resources; employ, promote, discipline and deploy staff; to translate policies of the Board into action; to speak as agent of the Board; to organize and delegate administrative responsibilities; and to exercise such other powers as are customary for chief executives.
- c) The Superintendent may not perform, cause, or allow to be performed any act that is unlawful, in violation of commonly accepted business and professional ethics; in violation of any contract into which the Board has entered; or, in violation of policies adopted by the Board that limit the Superintendent's authority.
- d) Should the Superintendent or his/her designee consider it unwise or impractical to comply with an explicit Board policy, the Superintendent will inform the Board of that determination. The Board will decide whether such judgment was warranted.
- 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: 6/27/00

Administration

SUBJECT: ADMINISTRATIVE STAFF**School Business Administrator**

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

Building Principals

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

8 NYCRR Section 80.4

Adopted: 6/27/00

Administration

SUBJECT: COMPENSATION AND RELATED BENEFITS

The salaries and related benefits of administrators shall be set annually by the Board of Education upon the recommendation of the Superintendent and/or shall be in accordance with the terms and conditions of the applicable collective bargaining agreement/contract currently in effect.

Fringe benefits shall be at least equal to those received by the members of the instructional staff in the School District.

Ellicottville Central School District

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SUBJECT: BUDGET PLANNING AND DEVELOPMENT

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

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

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

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

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

The budget will be presented in three components which are to be voted upon as one 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, 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,

(Continued)

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

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 all compensation, including salaries and benefits of all school administration and supervisors, business administrators, superintendents of schools and deputy, assistant, associate or other superintendents under all existing employment contracts or collective bargaining, any and all expenditures associated with the operation of the Office of the School Board, the Office of the Superintendent of Schools, General Administration, the School Business Office, consulting costs not directly related to direct student services and programs, planning and all other administrative activities.

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 (see subheading School District Report Card);
- d) A Property Tax Report Card prepared in accordance with law and Commissioner's regulations; and
- e) A Tax Exemption Report prepared in accordance with law (see subheading Tax Exemption Report).

(Continued)

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

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

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

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

School District Report Card

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

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

School District Report Cards are also available online at the SED website:
<https://reportcards.nysed.gov/>

Tax Exemption Report

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

(Continued)

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

- a) How much of the total assessed value of the final assessment roll(s) used in the budgetary process is exempt from taxation;
- b) Every type of exemption granted as identified by statutory authority;
- c) The cumulative impact of each type of exemption expressed either as a dollar amount of assessed value or as a percentage of the total assessed value on the roll;
- d) The cumulative amount expected to be received from recipients of each type of exemption as payments in lieu of taxes or other payments for municipal services; however, individual recipients are not to be named; and
- e) The cumulative impact of all exemptions granted.

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

Education Law Sections 1608(3)-(7), 1716(3)-(7), and 2601-a(3) and (7)
8 NYCRR Sections 170.8 and 170.9
General Municipal Law Section 36
State Education Department Handbook No. 3 on Budget

Adopted: 6/27/00
Revised: 2/9/10; 10/9/12; 1/27/15; 11/17/15; 10/25/16

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

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

The Property Tax Report Card shall include:

- 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.
- d) The projected amount of the adjusted unrestricted fund balance that will be retained if the proposed budget is adopted; the projected amount of the adjusted restricted fund balance; the projected amount of the assigned appropriated fund balance; the percentage of the proposed budget that the adjusted unrestricted fund balance represents; the actual adjusted unrestricted fund balance retained in the School District budget for the preceding school year; and the percentage of the School District budget for the preceding school year that the actual adjusted unrestricted fund balance represents; and
- e) The District's school tax levy limit calculation. The District will submit its school tax levy limit calculation to the Office of the State Comptroller, NYSED and the Office of Taxation and Finance by March 1 annually. If a voter override of the tax levy limit is necessary, the budget vote must be approved by 60% of the District's qualified voters present and voting.

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

(Continued)

**SUBJECT: PROPERTY TAX REPORT CARD/SIX DAY SCHOOL BUDGET NOTICE
(Cont'd.)**

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 days prior to the statewide uniform voting day. Links to each school year's Property Tax Report Card can be found at:

<http://www.p12.nysed.gov/mgtserv/propertytax/>

Education Law Sections 1608(7); 1716(7) and 2601-a(3)
8 NYCRR Section 170.8

Six Day School Budget Notice

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

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

Education Law Section 2022(2-a)

Adopted: 6/27/00
Revised: 2/9/10; 1/27/15

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 nor more than 14 days prior to the Annual District Meeting and Election or Special District Meeting at which the budget vote will occur. The proposed budget will be completed at least seven days prior to the budget hearing at which it is to be presented.

Notice of the date, time and place of the annual budget hearing 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 components: a program component, an administrative component, and a capital component; and each component will be separately delineated in accordance with law and/or regulation.

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

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

Dissemination of Budget Information

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

(Continued)

SUBJECT: SCHOOL DISTRICT BUDGET HEARING (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 days prior to the Annual Meeting and Election or Special District Meeting at which a school budget vote will occur. The School Budget Notice shall compare the percentage increase or decrease in total spending under the proposed budget over total spending under the School District budget adopted for the current school year, with the percentage increase or decrease in the Consumer Price Index from January first of the prior school year to January first of the current school year.

Beginning with the budget notice for the 2012-2013 proposed budget, the District will also include in the notice:

- a) The school tax levy limit;
- b) The proposed school year tax levy (without permissible exclusions to the school tax levy limit);
- c) The total permissible exclusions; and
- d) The proposed school year tax levy (including permissible exclusions to the school tax levy limit).

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

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

Notice of Budget Hearing/Availability of Budget Statement:

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

Election and Budget Vote:

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

Budget Development and Attachments:

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

8 NYCRR Sections 100.2(bb), 170.8 and 170.9

Adopted: 6/27/00

Revised: 1/21/03; 1/27/15

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 nor more than 14 days prior to the Annual District Meeting and Election at which the budget vote is to occur. The Board may modify the recommended budget of the Superintendent prior to its submission to District voters. Final authorization of the proposed budget is dependent upon voter approval unless a contingency budget is adopted by the Board.

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

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

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

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

The 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 NYCRR Sections 100.2(bb), 170.8 and 170.9

Adopted: 6/27/00

Revised: 2/9/10; 1/27/15

SUBJECT: ADMINISTRATION OF THE BUDGET

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

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

SUBJECT: CONTINGENCY BUDGET

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

If the original proposed budget is not approved by District voters at the Annual District Meeting and Election, the Board has the option of either resubmitting the original or revised budget for voter approval at a special meeting held at a later date; or the Board may, at that point, adopt a contingency budget. If the Board decides to submit either the original or a revised budget to the voters for a second time, and the voters do not approve the second budget submittal, the Board must adopt a contingency budget and the tax levy cannot exceed the total tax levy of the prior year (0% levy growth).

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

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

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

Adopted: 6/27/00

Revised: 8/8/06; 2/9/10; 1/27/15

2000

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: 6/27/00

SUBJECT: DISTRICT INVESTMENTS

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

Objectives

The objectives of this investment policy are four-fold:

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

Authorization

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

The Business Administrator may invest funds in the following eligible investments:

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

(Continued)

SUBJECT: DISTRICT INVESTMENTS (Cont'd.)

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

Implementation

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

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

(Continued)

SUBJECT: DISTRICT INVESTMENTS (Cont'd.)

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

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

Adopted: 6/27/00
Revised: 3/21/06; 12/11/07; 11/17/15; 10/25/16

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

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

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

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

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

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

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

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

Adopted: 6/27/00
Revised: 11/18/14; 11/17/15; 10/25/16

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5240

Non-Instructional/Business
Operations

SUBJECT: SCHOOL TAX ASSESSMENT AND COLLECTION

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

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

Adopted: 6/27/00

SUBJECT: PROPERTY TAX EXEMPTION FOR SENIOR CITIZENS

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

The real property tax exemption of real property owned by husband and wife, when one of them is 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 62 years of age.

Notification will be made upon Board approval of the criteria.

Public Health Law Section 2801
Real Property Tax Law Sections 459-c and 467

Adopted: 6/27/00
Revised: 3/29/05

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

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

Sale of Merchandise to Students

No employee shall be involved in the sale of merchandise to students for personal gain.

Where regular approved programs call for the collection of fees or deposits, these shall be handled as internal funds and receipts issued.

Sale of school supplies such as might occur in a school store that may be established in any building is not in conflict with this policy.

Disposal of District Personal PropertyEquipment

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

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

Textbooks

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

If textbooks are no longer useful or usable, the procedures for disposal shall adhere to the following order of preference:

- a) Sale of textbooks. If reasonable attempts to dispose of surplus textbooks fail to produce monetary return to the School District; then
- b) Donation to charitable organizations; or
- c) Disposal as trash.

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5310

Non-Instructional/Business
Operations

SUBJECT: BONDING OF EMPLOYEES AND SCHOOL BOARD MEMBERS

In accordance with New York State Education Law and the Commissioner's regulations, the Board of Education directs that the Treasurer of the Board of Education, the tax collector and the 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 his/her designee.

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

Adopted: 6/27/00

SUBJECT: EXPENDITURES OF SCHOOL DISTRICT FUNDS

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

All claims shall be properly audited before payment by the Board of Education and/or Claims Auditor, once designated, who shall attest to the existence of evidence of indebtedness to support the claim.

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

Check Signer

A check-signing machine with one signature of the Treasurer shall be used to sign all checks. The Treasurer of the School District, Payroll Clerk and the Superintendent of Schools shall each be the custodian of one code for the check signer and shall be responsible for the use thereof.

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

NOTE: Refer also to Policies #5321 -- Use of the District Credit Card
#5322 -- Use of District Cell Phones
#5323 -- Reimbursement for Meals/Refreshments

Adopted: 6/27/00
Revised: 11/14/06

SUBJECT: USE OF THE DISTRICT CREDIT CARD

The District shall have two credit cards issued for the use of designated employees for authorized, reimbursable, school business related expenses. These cards will be in the possession of the Superintendent and the District Treasurer. The Board of Education will establish the lines of credit. The credit cards will only be used for purchases that require credit card usage and do not accept any other payment method. The Superintendent will authorize District employees that may have use of the District credit card. However, the authorized employee must submit purchase orders for those related expenses, prior to the use of the credit card. The Superintendent and District Treasurer will maintain a log as to issue and return of the card from an authorized employee.

Expenses incurred on each credit card shall be paid in such a manner as to avoid interest charges. All credit statements will be reviewed and approved by the Superintendent. The business office will attach all receipts to the credit card statement.

Any employee who makes an unauthorized purchase with the District credit card shall be required to reimburse the School District for the purchase.

SUBJECT: USE OF DISTRICT CELL PHONES

The District owned cell phones are for the use of safety of students in the building and while being transported. Cell phones are located in the Elementary Office, the High School Office, the Superintendent's Office, and with the Transportation Department. The purpose of the cell phone is to address needs when other communication devices such as bus radios or building phone systems are not functioning. The cell phones can only be used by School District employees.

The District Treasurer will review cell phone bills to determine personal use. If additional costs are incurred by the District due to the employee's personal use of the cell phone those charges must be reimbursed within 30 days by the employee.

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

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

Staff/Board Meetings and District Events

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

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

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

NOTE: Refer also to Policy #6162 -- Conference/Travel Expense Reimbursement

Adopted: 8/8/06

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5330

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 NYCRR Section 170.2(1)
Education Law Section 1718

Adopted: 6/27/00

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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: 6/27/00

SUBJECT: PURCHASING: COMPETITIVE BIDDING AND OFFERING

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

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

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

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

Standardization

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

"Piggybacking" Exception to Competitive Bidding

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

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

- a) Has been let by the United States or any agency thereof, any state (including New York State) or any other political subdivision or district therein;

(Continued)

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

- b) Was made available for use by other governmental entities and agreeable with the contract holder; and
- c) Was let in a manner that constitutes competitive bidding consistent with New York State law, or was awarded on the basis of best value, and is not in conflict with other New York State laws.

Annual Review

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

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

General Municipal Law Articles 5-A and 18
State Finance Law Sections 162, 163 and 163-b

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

Adopted: 6/27/00
Revised: 4/8/03; 2/8/05; 8/8/06; 2/9/10; 2/22/11; 10/9/12; 6/3/14

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

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

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

Purchasing Process

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

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

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

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

(Continued)

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

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

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

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

Education Law Sections 1604, 1709, 1950, 2503, 2554 and 3602
General Municipal Law Articles 5-A and 18
General Municipal Law Section 119-o

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

Adopted: 6/3/14

SUBJECT: ALTERNATIVE FORMATS FOR INSTRUCTIONAL MATERIALS

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

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

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

Such Plan will:

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

20 USC Section 1474(e)(3)(B)
8 NYCRR Sections 200.2(b)(10), 200.2(c)(2) and 200.2(i)

Adopted: 6/3/14

SUBJECT: ACCOUNTING OF FUNDS

Accounting and reporting procedures shall be developed to facilitate analysis and evaluation of the District's financial status and fixed assets. The District will use the Uniform System of Accounts for School Districts.

Books and records of the District shall be maintained in accordance with statutory requirements.

Provision shall be made for the adequate storage, security, and disposition of all financial and inventory records.

Online Banking

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

Electronic Transactions and Wire Transfers

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

The District will enter into written wire transfer security agreements for District bank accounts which will include established procedures for authenticating wire transfer orders.

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

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

Education Law Section 2116-a
General Municipal Law Article 2 Section 5-a, 5-b, 99-b
NY UCC Section 4-A-201

Adopted: 6/27/00
Revised: 2/22/11; 11/18/14

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

The Board of Education recognizes that the maintenance of a fund balance is essential to the financial integrity of the District insofar as it helps mitigate current and future risks and assists in ensuring stable tax rates. Consistent with this understanding, the Board adopts the following standards and practices.

Classification of Funds

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

Unassigned Fund BalanceMinimum Unassigned Fund Balance

In order to maintain financial stability and protect against cash flow shortfalls, the Board of Education will strive to maintain an unassigned fund balance of at least 2% of the current year's budgeted expenses. In the event such balance falls below the 2% floor, the District will seek to replenish deficiencies through reducing expenses and/or increasing revenue.

Maximum Unassigned Fund Balance

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

Fund Balance and Budget Development

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

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

(Continued)

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

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

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

Adopted: 2/10/15

SUBJECT: RESERVE FUNDS

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

Any and all District reserve funds shall be properly established and maintained to promote the goals of creating an open, transparent and accountable use of public funds. The District may engage independent experts and professionals, including but not limited to, auditors, accountants and other financial and legal counsel, as necessary, to monitor all reserve fund activity and prepare any and all reports that the Board may require.

Periodic Review and Annual Report

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

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

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

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

Adopted: 2/22/11

SUBJECT: EXTRACLASSROOM ACTIVITY FUND

An extraclassroom activity fund shall be established for activities conducted by students whose financial support is raised other than by taxation or through charges of the Board of Education.

All extraclassroom organizations/clubs shall be approved by the Board of Education. The building principal shall maintain an up to date register of all extraclassroom activities that are approved or discontinued. Each extraclassroom activity shall have a faculty advisor appointed by the Board of Education. A Central Treasurer and a Chief Faculty Advisor shall oversee all financial aspects of extraclassroom activities. The annual District audit will include all extraclassroom activity funds.

All extraclassroom activity funds shall be handled in accordance with the financial procedures illustrated by Finance Pamphlet No. 2, the Safeguarding, Accounting and Auditing of Extraclassroom Activity Funds, 2008, published by the New York State Education Department.

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

The extraclassroom activities of the District are not included in the exemption granted to the School District from New York State sales tax. Without exception, clubs and activities are prohibited from using the school's tax exemption. The Central Treasurer shall be responsible for filing the periodic sales tax returns for the extraclassroom activity funds.

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

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

8 NYCRR Part 172

NOTE: Refer also to Policy #5620 -- Inventories and Accounting of Fixed Assets

Adopted: 6/27/00

Revised: 5/6/03; 2/22/11

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

A petty cash fund of not more than \$100 shall be maintained in the District Treasurer's Office. Payments from petty cash funds may be made for materials, supplies, or services only when payment is required upon delivery. At the time of reimbursement, the District Clerk will be presented with an itemized statement of expenditures, along with substantiating receipts. The maximum reimbursement amount for any one withdrawal shall not exceed \$35. The Board of Education will annually appoint a petty cash custodian at the re-organizational meeting. The petty cash fund will also have an annual audit done by the Claims Auditor and a report will be generated to the Board of Education.

Cash in School Buildings

Not more than \$250, whether District or extraclassroom funds, shall be held in the vault in the Main Office. Under no circumstances shall cash be left in classroom areas or desks. The District will not be responsible for funds left unprotected. Extraclassroom advisors will be responsible to make sure all monies exceeding the vault storage limit be turned in with proper documentation for deposit.

Whenever possible all District and extraclassroom funds will be deposited on a daily basis. The District may also make use of the bank night drop to meet needs after normal lobby hours for the bank facility.

The only personnel authorized in the Main Office vault will be designated by the Superintendent or the Middle School/High School Principal.

Adopted: 6/27/00

Revised: 1/13/09; 6/21/11

SUBJECT: PUBLICATION OF THE DISTRICT'S ANNUAL FINANCIAL STATEMENT

In compliance with Education Law, as a Central School District, the Board of Education is required to publish a financial statement, including a full, detailed account of moneys received and money expended during August. This annual financial report will be in the form prescribed by Commissioner's regulations.

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

Education Law Sections 1610, 1721, 2117, 2528 and 2577
8 NYCRR Section 170.2

Adopted: 6/27/00
Revised: 3/29/05; 9/27/05; 2/9/10

2000

5550

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 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 Business Administrator 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 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 CFR Part 200

Adopted: 6/27/00

2000

5560

Non-Instructional/Business
Operations

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: 6/27/00

SUBJECT: FINANCIAL ACCOUNTABILITY

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

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

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

(Continued)

SUBJECT: FINANCIAL ACCOUNTABILITY (Cont'd.)

- i) All computer files are secured with passwords or other controls, backed up on a regular basis, and stored off-site or in a secure, fireproof location.
- j) The District periodically verifies that its controls are working efficiently.
- k) The District requires all staff to take leave time during which time another staff member performs the duties of the staff on leave. Staff may also schedule transactions and other responsibilities to occur electronically before taking a leave.

Audit Response

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

8 NYCRR Section 170.12
General Municipal Law Section 33(2)(e) and 35(1)(2)

Adopted: 8/8/06
Revised: 11/18/14; 11/17/15; 10/25/16

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 as possible. However, disclosure may be necessary to complete a thorough investigation of the charges and/or to notify law enforcement officials as warranted, and any disclosure will be provided on a "need to know" basis. Written records of the allegation, and resulting investigation and outcome will be maintained in accordance with law.

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

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

(Continued)

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

The Board prohibits any retaliatory behavior directed against those individuals who, in good faith, report allegations of suspected financial improprieties/fraud and/or wrongful conduct as well as witnesses and/or any other individuals who participate in the investigation of an allegation of financial impropriety/fraud and/or wrongful conduct. 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.

Anonymous Complaints

The District will establish an anonymous method of reporting complaints regarding fraud or waste of District funds or equipment. This District will establish the use of a telephone "hotline" that is available for use to any staff member, student, or district resident. The "hotline" may be used as anonymous method of reporting (or not). The telephone number used for this "hotline" will be available in the District newsletter and on the District web page. The Superintendent will access the "hotline" messages on a regular basis and commence an investigation based on the information provided.

SUBJECT: AUDIT COMMITTEE

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

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

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

1. Be employed by the District;
2. Be an individual who within the last two years provided, or currently provides, services or goods to the District;
3. Be the owner of or have a direct and material interest in a company providing goods or services to the District; or
4. Be a close or immediate family member of an employee, officer, or contractor providing services to the District. A "close family member" is defined as a parent, sibling or nondependent child; an "immediate family member" is a spouse, spouse equivalent, or dependent (whether or not related).

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

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

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

(Continued)

SUBJECT: AUDIT COMMITTEE (Cont'd.)

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

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

The responsibilities of the Audit Committee include the following:

- a) Provide recommendations regarding the appointment of the External (Independent) Auditor for the District;
- b) Meet with the External (Independent) Auditor prior to commencement of the audit;
- c) Review and discuss with the External (Independent) Auditor any risk assessment of the District's fiscal operations developed as part of the Auditor's responsibilities under governmental auditing standards for a financial statement audit and federal single audit standards if applicable;
- d) Receive and review the 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
- f) Discuss and analyze every corrective action plan developed by the School District in response to any audit and assist the Board in its implementation.

Corrective Action Plan

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

- a) The annual external audit report or management letter;
- b) A final audit report issued by the District's internal auditor;
- c) A final report issued by the State Comptroller;

(Continued)

SUBJECT: AUDIT COMMITTEE (Cont'd.)

- d) A final audit report issued by the State Education Department; or
- e) A final audit report issued by the United States or an office, agency or department thereof.

The Audit Committee will review and approve the corrective action plans developed by the Superintendent and Business Official. The corrective action plan must be filed with the State Education Department, and if appropriate, must include the expected date(s) of implementation. To the extent practicable, implementation of the corrective action plan should begin no later than the end of the next fiscal year.

The corrective action plan must be filed with the State Education Department, and if appropriate, must include the expected date(s) of implementation. To the extent practicable, implementation of the corrective action plan should begin no later than the end of the next fiscal year.

Additional responsibilities of the Audit Committee include: assisting in the oversight of the Internal Audit Function including, but not limited to, providing recommendations regarding the appointment of the Internal Auditor; reviewing significant findings and recommendations of the Internal Auditor; monitoring the School District's implementation of such recommendations; and participating in the evaluation of the performance of the Internal Audit Function.

The Audit Committee may conduct an Executive Session pursuant to Public Officers Law Section 105 pertaining to the following matters:

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

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

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

Adopted: 8/8/06
Revised: 9/25/07; 11/18/14; 10/25/16

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, procedures and practices;
- b) An annual review and update of such risk assessment;
- c) Annual testing and evaluation of one or more of the District's internal controls, taking into account risk, control weaknesses, size, and complexity of operations;
- d) Preparation of reports, at least annually or more frequently as the Board may direct, which analyze significant risk assessment findings, recommend changes for strengthening controls and reducing identified risks, and specify timeframes for implementation of such recommendations.

The District is permitted to utilize existing District personnel to fulfill the Internal Audit Function, but such persons shall not have any responsibility for other business operations of the District while performing Internal Audit Functions. The District shall also be permitted to use inter-municipal cooperative agreements, shared services to the extent authorized by Education Law Section 1950 or independent contractors to fulfill the Internal Audit Function as long as the personnel or entities performing this Function comply with any regulations issued by the Commissioner of Education and meet professional auditing standards for independence between the auditor and the District.

Personnel or entities serving as the Internal Auditor and performing the Internal Audit Function shall report directly to the Board of Education. The Audit Committee shall assist in the oversight of the Internal Audit Function on behalf of the Board.

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

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

Adopted: 8/8/06
Revised: 9/25/07

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

Adopted: 6/27/00

SUBJECT: INVENTORIES AND ACCOUNTING OF FIXED ASSETS

The Superintendent or his/her designee shall be responsible for maintaining a continuous and accurate inventory of equipment owned by the District in accordance with "The Uniform System of Accounts for School Districts."

All supplies and equipment purchased and received by the School District shall be checked, logged, and stored through an established procedure.

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 and GASB Statement 34 Regulations.

These accounts will serve to:

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

Fixed assets with a minimum value established by the Board that have a useful life of one year or more and physical characteristics not appreciably affected by use or consumption shall be inventoried and recorded on an annual basis. Fixed assets shall include land, buildings, equipment and materials.

The Board shall establish a dollar threshold as a basis for considering which fixed assets are to be depreciated. Such threshold shall ensure that at least 80% of the value of all assets is reported. However, it is recommended that such threshold shall not be greater than \$5,000. A standardized depreciation method and averaging convention shall also be established for depreciation calculations.

Fixed assets acquired having a value equal to or greater than the established threshold are considered depreciable assets and shall be inventoried for the purposes of GASB 34 accounting practices and placed on a depreciation schedule according to its asset class and estimated useful life as stipulated by the New York State Comptroller's Office or the Internal Revenue Service (IRS).

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

- a) Date of acquisition;
- b) Description;

(Continued)

SUBJECT: INVENTORIES AND ACCOUNTING OF FIXED ASSETS (Cont'd.)

- c) Cost or value;
- d) Location;
- e) Asset type;
- f) Estimated useful life;
- g) Replacement cost;
- h) Current value;
- i) Salvage value;
- j) Date and method of disposition; and
- k) Responsible official.

The School Business Official shall arrange for the annual inventory and appraisal of School District property, equipment and materials. Any discrepancies between an inventory and the District's property records on file should be traced and explained.

Equipment Acquired Under a Federal Government Grant

The School District shall comply with the U.S. Department of Education regulations governing the use, management requirements and disposition of any and all equipment acquired through a federal government grant. These federal Education Department General Administrative Regulations (collectively known or referred to as EDGAR) comprise parts 74 through 99 of Title 34 of the Code of Federal Regulations (CFR).

Equipment Purchased with Extraclassroom Funds

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

34 CFR 80.32

SED Finance Pamphlet #2 The Safeguarding, Accounting, and Auditing of Extraclassroom Activity Funds 2008 Uniform System of Accounts for School Districts (Fiscal Section)

Adopted: 6/27/00

Revised: 2/8/05; 11/5/13; 11/18/14; 1/27/15

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

The Board, through the Superintendent and his or her staff, has the responsibility of protecting the District's facilities through a systematic maintenance program. The program 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 the least intrusive manner.

Construction and Remodeling of School Facilities

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

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

Inspections

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

(Continued)

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

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

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 Building Safety Program, the Uniform Code of Public School Building Inspections, and the Safety Rating and Monitoring as prescribed in Commissioner's regulations. For this reason, the District 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 a minimum, the following:

- a) A five year capital facilities plan which will include an appraisal of the following: the educational philosophy of the District, with resulting administrative organization and program requirements; present and projected student enrollments; space use and State-rated student capacity of existing facilities; the allocation of instructional space to meet the current and future education program and service needs, and to serve students with disabilities in settings with nondisabled peers; priority of need of maintenance, repair or modernization of existing facilities, including consideration of the obsolescence and retirement of certain facilities; and the provision of additional facilities.
- b) A District-wide building inventory, which will include information pertaining to each building including, but not limited to:
 1. Type of building, age of building, size of building;
 2. Rated capacity, current enrollment;
 3. List of energy sources and major systems (lighting, plumbing, electrical, heating); and
 4. Summary of triennial Asbestos Inspection reports.

(Continued)

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

- c) A building condition survey shall be conducted for all occupied school buildings once every five years by a team that includes at least one licensed architect or engineer.
- d) A District-wide monitoring system which includes:
 - 1. Establishing a Health and Safety Committee;
 - 2. Development of detailed plans and a review process of all inspections;
 - 3. Procedures for a response in writing to all inquiries about building health and safety concerns, a copy of which will be sent to the District's Health and Safety Committee for oversight, and a copy kept on permanent file.
- e) Procedures to ensure the safety of the building occupants while a construction/renovation project is taking place. These procedures will include:
 - 1. Notification to parents, staff and the community at least two months in advance of a construction project of \$10,000 or more to be conducted in a school building while the building is occupied; provided, however, that in the case of emergency construction projects, such notice shall be provided as far in advance of the start of construction as is practicable;
 - 2. A plan to ensure that all contractors comply with all health and safety issues and regulations, and wear photo identification badges;
 - 3. An opportunity for the District's Health and Safety Committee to conduct a walk-through inspection of newly renovated or constructed areas to confirm that the area is ready to be reopened for use; and
 - 4. An emergency plan which will address potential concerns with the capital project including, but not limited to, evacuation procedures, fire drills, and structural failures.

Asbestos Inspection: 40 CFR Part 763, Subpart E

15 USC Sections 2641-2656

Fire Inspection: Education Law Section 807-a

8 NYCRR Section 155.4

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

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

8 NYCRR Sections 155.1 and 155.2

19 NYCRR Sections 1221-1240

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

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

Adopted: 6/27/00

Revised: 2/8/05; 9/25/07; 2/9/10; 1/27/15; 10/25/16

**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.

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. Both the "Right to Know" poster and the "Labor Law Information Relating to Public Employees" poster must be posted in common areas informing workers of relevant work hazards and associated rights.

The Superintendent/designee shall maintain a current record of the name, address and social security number of every employee who handles or uses toxic substances and which substance(s) were handled or used by the employee.

Rules and regulations will be developed to ensure District implementation of this policy which shall include awareness information, employee training and record keeping.

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

Adopted: 6/27/00
Revised: 9/25/07; 7/3/12

SUBJECT: NAMING/RENAMING SCHOOL FACILITIES

A new facility of the District will be named as soon as feasible after its construction has become a financial reality, the site has been selected and the architect appointed. The Board may, at its discretion, rename an existing facility if the situation warrants.

The Superintendent and Board of Education shall select a committee whose purpose shall be to solicit and submit two nominations of names for a facility and an explanation for each nomination to the Board. The Board of Education will make the final decision regarding the naming or renaming of a facility.

An appropriate building plaque or other suitable memorials may also be authorized by the Board.

Committee Composition

The Board of Education shall appoint members to an Advisory Committee as follows:

- a) One administrator;
- b) One teacher;
- c) Two students; and
- d) Two community members.

Board Resolution

The Board of Education shall, by formal resolution, name the facility.

Plaque Dedication

In recognition of the efforts of those involved in planning and construction of a new facility, a plaque containing the following information may be located in an appropriate place in the facility:

- a) Facility name;
- b) Board approved construction date;
- c) Completion or dedication date;
- d) Name of the Board of Education members as of the Board approved construction date in the following order:
 - 1. President

(Continued)

SUBJECT: NAMING/RENAMING SCHOOL FACILITIES (Cont'd.)

2. Vice President
3. Members (alphabetically);
 - e) Superintendent as of Board approved construction date; and
 - f) Architect and contractor names.

Formal dedication of the facility shall take place on a date and time specified by the Board of Education.

The administration shall establish guidelines for the naming or renaming of any District building or facility.

SUBJECT: PEST MANAGEMENT AND PESTICIDE USE

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

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

Pest/Pesticide Management Plan

The District will manage weeds and pests to:

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

Integrated Pest Management (IPM) Coordinator

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

- a) Recording all pest sightings by school staff and students.
- b) Recording all pesticide use and utilizing the least toxic approach.
- c) Meeting with a local pest control expert, such as a pesticide contractor to share information on what pest problems are present in the school.
- d) Assuring that all of the expert's recommendations on maintenance and sanitation are carried out where feasible.

(Continued)

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

- e) Assuring that pesticide use is done when school is not in session or when the area can be completely secured against access by school staff and students for a standard 72 hours, or as required by the pesticide being used.
- f) Evaluating the school's progress in the IPM plan.
- g) Notifying parents, staff and neighbors of any applications of pesticides 48 hours before they occur. The IPM Coordinator will serve as the District's Pesticide Representative.

Pesticide Use on Common Areas

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

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

http://www.dec.ny.gov/docs/materials_minerals_pdf/guidancech85.pdf

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

Fertilizer Use

Phosphorous fertilizers will only be used on school grounds in compliance with the requirements of Environmental Conservation Law Section 17-2103, which provides:

- a) Fertilizer use is prohibited between December 1 and April 1 annually.
- b) The use of fertilizers is prohibited within 20 feet of any surface water except:
 - 1. Where a continuous natural vegetation buffer, at least ten feet wide, separates lawn and water.

(Continued)

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

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

Notification

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

Sample forms for 48 hour prior notification can be obtained at:

http://www.emsc.nysed.gov/facplan/documents/PesticideNeighborNotificationGuidelineforSchools_091001.pdf

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

Recordkeeping

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

(Continued)

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

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

Adopted: 6/21/11
Revised: 11/17/15; 10/25/16

SUBJECT: SMOKING/TOBACCO USE**School Grounds**

Tobacco use shall not be permitted and no person shall use tobacco on school grounds or within 100 feet of the entrances, exits, or outdoor areas of any public or private elementary or secondary schools. However, this shall not apply to smoking in a residence, or within the real property boundary lines of such residential real property. For purposes of this policy, "school grounds" means any building, structure, and surrounding outdoor grounds, including entrances or exits, contained within the District's preschool, nursery school, elementary or secondary school's legally defined property boundaries as registered in the County Clerk's Office; as well as any vehicles used to transport children or school personnel.

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

It is the policy of the School District that the use of e-cigarettes and any other products containing nicotine, except for current FDA-approved smoking cessation products, are also prohibited.

Off-School Grounds

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

Posting/Notification of Policy

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

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

Prohibition of Tobacco Promotional Items/Tobacco Advertising

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

- a) On school grounds;

(Continued)

SUBJECT: SMOKING/TOBACCO USE (Cont'd.)

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

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

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

Safe and Drug-Free Schools and Communities Act
20 USC Section 7101 et seq.

Pro-Children Act of 2001, as amended by the No Child Left Behind Act of 2001, 20 USC Sections 7181-7184

Education Law Sections 409, 2801(1) and 3020-a

Public Health Law Article 13-E

NOTE: Refer also to Policies #3280 -- Community Use of School Facilities
#3410 -- Code of Conduct on School Property
#7310 -- School Conduct and Discipline
#7320 -- Alcohol, Tobacco, Drugs, and Other Substances (Students)
#8211 -- Prevention Instruction
District Code of Conduct

Adopted: 6/27/00

Revised: 2/8/05; 8/8/06; 10/9/12; 3/4/15; 11/17/15; 10/25/16

SUBJECT: ENERGY CONSERVATION AND RECYCLING

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

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

Energy Manager

The Director of Facilities and Operations is designated as the Energy Manager of the District and he/she shall report directly to the Board of Education and the Superintendent, or their designee, on matters pertaining to energy conservation.

Energy Conservation Task Force

The Board of Education further directs the Superintendent to establish an energy conservation task force consisting of at least two Board members, the Superintendent, the School Business Official, the Director of Facilities and Operations, and such other individual(s) as may be deemed necessary. The duties of this task force will include, but are not limited to, the following:

- a) Analyzing the District's energy consumption patterns and cost data;
- b) Selecting and recommending to the Board an energy audit or technical assistance study to determine where the District can save;
- c) Consider financing energy improvements with an energy performance contract. A technical assistance study can evaluate a proposed performance contract before the District enters into an agreement;
- d) Consider cost savings from cooperative purchasing arrangements with other municipalities and school districts.

Progress reports on the implementation of energy conservation measures will be made to the Board at least annually.

(Continued)

SUBJECT: ENERGY CONSERVATION AND RECYCLING (Cont'd.)**Minimum Indoor Air Temperature**

The District will comply with the Property Maintenance Code of New York State, part of the New York State Uniform Fire Prevention and Building Code, which requires that indoor occupiable work spaces be maintained at a minimum temperature of 65 degrees from September 14 to May 31 during the period the spaces are occupied. There are exceptions for areas of vigorous physical activities such as gymnasiums as well as processing spaces such as coolers or freezers. However, by law, code or regulation there is no maximum temperature specified. Ventilation requirements only require fresh air, not cool air-conditioning.

Long-Range Considerations

The energy conservation program is an important factor to be considered in planning effective use of school facilities, new construction, remodeling or rehabilitation programs, and modernization projects.

Recycling

The Superintendent will develop a program for the source separation and segregation of recyclable or reusable materials in the District. This District-wide recycling plan shall include:

- a) A conservation education program to teach students about their social responsibility for preserving our resources, and involvement of all students and personnel in a comprehensive effort to reduce, reuse and recycle waste materials;
- b) A concerted effort to purchase recycled items and biodegradable rather than non-biodegradable products;
- c) Separation of waste into appropriate categories for the purpose of recycling, including mercury-added consumer products; and
- d) A cooperative effort with community recycling programs.

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

Adopted: 6/27/00
Revised: 8/8/06; 7/3/12

SUBJECT: MEAL CHARGING AND PROHIBITION AGAINST MEAL SHAMING AND SCHOOL FOOD SERVICE PROGRAM (LUNCH AND BREAKFAST)

The District participates in the National School Lunch Program, School Breakfast Program and/or Special Milk Program to receive commodities and subsidies from the U.S. Department of Agriculture. In return, the District provides free and reduced price meals to elementary and secondary students in its schools and serves meals that meet federal requirements.

The Superintendent or designee will carry out the rules of the School Lunch and Breakfast Programs. The District's Reviewing Official and Verification Official or the Department of Social Services Office of Temporary and Disability Assistance (OTDA) will determine student eligibility. Appeals regarding eligibility should be submitted to the District's Hearing Official.

The District may allow free or reduced-price meals for qualifying District students after receiving a written application from the student's parent or guardian or a direct certification letter from OTDA. Applications will be provided by the District to all families.

School officials must also determine eligibility for free/reduced meals and milk by using the Direct Certification Matching Process. Any student residing in a household receiving federal assistance through the Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance to Needy Families (TANF), or Medicaid is automatically eligible for free meals and milk; eligible families will not have to complete further applications. The District will notify parents or guardians of such eligibility, giving them the opportunity to decline free meals and milk.

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

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

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

Access to Meals

- a) Free meal benefit eligible students will be allowed to receive a free breakfast and lunch meal of their choice each day. Additional (2nd) meals, a la carte items or other similar items must be paid/prepaid.

(Continued)

SUBJECT: MEAL CHARGING AND PROHIBITION AGAINST MEAL SHAMING AND SCHOOL FOOD SERVICE PROGRAM (LUNCH AND BREAKFAST) (Cont'd.)

- b) Reduced meal benefit eligible students will be allowed to receive a breakfast of their choice for \$.25 and lunch of their choice for \$.25 each day. The charge meals offered to students will be reimbursable meals available to all students, unless the student's parent or guardian has specifically provided written permission to the District to withhold a meal. Additional (2nd) meals, a la carte items or other similar items must be paid/prepaid.
- c) Full pay students will pay for meals at the District's published paid meal rate each day. The charge meals offered to students will be reimbursable meals available to all students, unless the student's parent or guardian has specifically provided written permission to the District to withhold a meal. Additional (2nd) meals, a la carte items or other similar items must be paid/prepaid.

Ongoing Staff Training

- a) Staff will be trained annually and throughout the year as needed on the procedures for managing meal charges using the State Education Department (SED) Webinar or the District's training program. The cafeteria manager will attend trainings/workshops and monitor lists serves for important information and then train other cafeteria staff as applicable.
- b) Staff training will include ongoing eligibility certification for free or reduced price meals.

Parent Notification

- a) Parents/guardians will be notified by mail and/or phone that a student's meal card or account balance is exhausted; and
- b) Has accrued unpaid meal charges within five days of the charge and then every five days thereafter.

Parent Outreach

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

(Continued)

SUBJECT: MEAL CHARGING AND PROHIBITION AGAINST MEAL SHAMING AND SCHOOL FOOD SERVICE PROGRAM (LUNCH AND BREAKFAST) (Cont'd.)

Minimizing Student Distress

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

Ongoing Eligibility Certification

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

(Continued)

SUBJECT: MEAL CHARGING AND PROHIBITION AGAINST MEAL SHAMING AND SCHOOL FOOD SERVICE PROGRAM (LUNCH AND BREAKFAST) (Cont'd.)**Prepaid Accounts**

Students/Parents/Guardians may pay for meals in advance via cash or with a check payable to ECS Lunch Fund. Further details are available on the District's webpage at www.ellicottvillecentral.com. Funds should be maintained in accounts to minimize the possibility that a student may be without meal money on any given day. Any remaining funds for a particular student will be carried over to the next school year.

To obtain a refund for a withdrawn or graduating student, a written request for a refund of any money remaining in the student's account must be submitted. Students who are graduating at the end of the year will be given the option to transfer any remaining money to a sibling's account through a written request. Unclaimed funds must be requested within one school year. Unclaimed funds will then become the property of the District Food Service Program.

Restriction of Sweetened Foods in School

The sale of sweetened foods will be prohibited from the beginning of the school day until the end of the last scheduled meal period.

Sweetened foods consist of sweetened soda water; chewing gum; and candy, including hard candy, jellies, gum, marshmallow candies, fondant, licorice, spun candy, candy coated-popcorn, and water ices, except those which contain fruit or fruit juices.

Restrictions on Sale of Milk Prohibited

The District will not directly or indirectly restrict the sale or marketing of fluid milk products at any time or in any place on school premises or at school-sponsored events.

Food Substitutions for Children with Disabilities

Federal regulations governing the operation of Child Nutrition Programs, Part B of the Individuals with Disabilities Education Act, and Section 504 of the Rehabilitation Act of 1973 require that children with disabilities be offered the opportunity to participate in all academic and nonacademic activities including school nutrition programs. The District will make reasonable accommodations to those children whose disabilities restrict their diets, such as providing substitutions or modifications in the regular meal patterns. Such meal substitutions will be offered at no extra charge. A student with a disability must be provided substitutions in food when that need is supported by a statement signed by a physician attesting to the need for the substitutions and recommending alternate foods.

(Continued)

SUBJECT: MEAL CHARGING AND PROHIBITION AGAINST MEAL SHAMING AND SCHOOL FOOD SERVICE PROGRAM (LUNCH AND BREAKFAST) (Cont'd.)

However, the school food service is not required to provide meal services (for example, School Breakfast Program) to students with disabilities when the meal service is not normally available to the general student body, unless a meal service is required under the student's individualized education program (IEP) or Section 504 Accommodation Plan as mandated by a physician's written instructions.

Food Substitutions for Nondisabled Children

Though not required, the District will also allow substitutions for non-disabled children who are unable to consume the regular meal because of medical or other special dietary needs if the request is supported by a statement signed by a recognized medical authority.

The District may also allow substitutions for fluid milk with a non-dairy beverage that is nutritionally equivalent (as established by the Secretary of Agriculture) to fluid milk and meets nutritional standards for students who are unable to consume fluid milk because of medical or other special dietary needs if the request is supported by a statement signed by a recognized medical authority or by the student's parent/legal guardian.

Prohibition Against Adults Charging Meals

Adults must pay for their meals at the time of service or set up pre-paid accounts.

HACCP-Based Food Safety Program

Schools participating in the National School Lunch or School Breakfast programs are required to implement a food safety program based on Hazard Analysis and Critical Control Point (HACCP) principles. The District must develop a written food safety program for each of its food preparation and service facilities that is based on either traditional HACCP principles or the Process Approach to HACCP. (The Process Approach simplifies traditional HACCP by grouping foods according to preparation process and applying the same control measures to all menu items within the group, rather than developing an HACCP plan for each item.) Regardless of the implementation option selected, the District's written food safety program must also include: critical control points and critical limits; monitoring procedures; corrective actions; verification procedures; recordkeeping requirements; and periodic review and food safety program revision.

Child Nutrition and WIC Reauthorization Act of 2004, PL 108-265
Child Nutrition Act 1966, 42 USC Section 1771 et seq.
Richard B. Russell National School Lunch Act 1946, 42 USC Section 1751 et seq.
Section 504 of the Rehabilitation Act of 1973, 29 USC Section 794 et seq.
Individuals with Disabilities Education Act (IDEA), 20 USC Sections 1400-1485

(Continued)

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Non-Instructional/Business
Operations

**SUBJECT: MEAL CHARGING AND PROHIBITION AGAINST MEAL SHAMING AND
SCHOOL FOOD SERVICE PROGRAM (LUNCH AND BREAKFAST) (Cont'd.)**

7 CFR Parts 15B, 210 and 220

Education Law Sections 902(b), 915, 918, 1604(28), 1709(22), 1709(23) and 2503(9)(a)

8 NYCRR Sections 200.2(b)(1) and 200.2(b)(2)

Social Services Law Section 95

Adopted: 6/27/00

Revised: 9/27/05; 9/25/07; 11/9/10; 10/9/12; 1/27/15; 4/10/18; 8/14/18

SUBJECT: WELLNESS

The District is committed to providing a school environment that promotes and protects children's health, well-being, and the ability to learn by fostering healthy eating and physical activity before, during, and after the school day.

The District has established a wellness committee that meets at least four times per year to establish goals for, and oversee the development of, the District's local wellness policy. The Committee will make policy recommendations for review and adoption by the Board. The District Wellness Committee includes, but is not limited to, representatives from each of the following groups:

- a) Parents and caregivers;
- b) Students;
- c) Physical Education teachers;
- d) School health professionals;
- e) District food service program;
- f) School Board;
- g) School administrators;
- h) General Education teachers; and
- i) Members of the public.

The District Wellness Committee will also be responsible for assessing current activities, programs, and policies available in the District, and providing mechanisms for implementation, evaluation, and revision of this policy. In so doing, the Wellness Committee will evaluate and make recommendations which reflect the specific needs of the District and its students.

The Superintendent will designate a District Wellness Coordinator to convene the District Wellness Committee in order to facilitate the development of, and any proposed updates to, the District's wellness policy, and will also ensure the District's compliance with this policy.

Goals to Promote Student Wellness

The District seeks to ensure all of its students obtain the knowledge and skills necessary to make nutritious food selections and enjoy life-long physical activity. To this end, the District sets forth the following goals relating to nutrition promotion and education, physical activity, and other school-based activities.

(Continued)

SUBJECT: WELLNESS (Cont'd.)Nutrition Promotion and Education

The District will model and encourage healthy eating by all students by engaging in nutrition education and promotion by:

- a) Nutrition education will be integrated within the comprehensive health education curriculum and other instructional areas, as appropriate, and taught at every grade level, K through 12. Nutrition education will follow applicable New York State Standards and be designed to help students acquire:
 1. Nutrition knowledge, including, but not limited to: the benefits of healthy eating; essential nutrients; nutritional deficiencies; principles of healthy weight management; the use and misuse of dietary supplements; and safe food storage, handling, and preparation.
 2. Nutrition-related skills, including, but not limited to: planning healthy meals; understanding and using food labels; critically evaluating nutrition information, misinformation, and commercial food advertising; assessing personal eating habits; and setting and achieving goals related to these concepts.
- b) Marketing and Promotion
 1. The District will promote nutrition education activities that involve parents, students, and the community.
 2. The District will promote healthy food and beverage choices for all students and encourage participation in school meal programs. This will occur by using Smarter Lunchroom techniques which guide students toward healthful choices and ensuring that 100% of foods and beverages promoted to students meet the "Smart Snacks in School" Nutrition Standards, which can be found on the United States Department of Agriculture's (USDA) official website.
 3. The District will promote school and community awareness of this policy through various means, such as publication on the District website.
 4. The District will encourage and promote wellness.
 5. Marketing and advertising of foods and beverages on school campuses during the school day will be consistent with nutrition education and health promotion. As such, schools will restrict food and beverage marketing to the promotion of those foods and beverages that meet the nutrition standards set forth by the Healthy, Hunger-Free Kids Act's "Smart Snacks in Schools" Rule and that are consistent with this policy.

(Continued)

SUBJECT: WELLNESS (Cont'd.)

6. The District is cognizant of the fact that certain scoreboards, signs, and other durable equipment it employs may market foods and beverages in a way that is inconsistent with the aims of this policy. While the immediate replacement of this equipment is not required, the District will replace or update this equipment over time to ensure the message it delivers to students regarding nutrition, health, and well-being is consistent. As the District reviews existing contracts, or considers new contracts, resulting decisions should reflect the marketing guidelines established by this policy.

Physical Activity

- a) The District will provide opportunities for every student to participate in physical education and, in an effort to comply with the recommendation that children and adolescents participate in at least 60 minutes of physical activity each day, is also committed to providing opportunities for physical activity before, during, and after school. In doing so, the District aims to promote among students, staff, and community members the development of knowledge and skills for specific physical activities, the maintenance of physical fitness, regular participation in physical activity, and an understanding of the short-term and long-term benefits from a physically active and healthy lifestyle. Physical activity opportunities will be in addition to, not in lieu of, physical education and will not be used as a punishment for students, but rather another means by which students may develop or maintain a healthy and active lifestyle.
- b) The District will ensure that the following standards are met to achieve its goals relative to physical education and physical activity:
 1. The District will have a Board-approved Physical Education Plan on file with the New York State Education Department that meets or exceeds the requirements set forth in Section 135.4 of the Commissioner's regulations.
 2. The District recognizes the importance of physical education classes in providing students with meaningful opportunities for physical exercise and development. Consequently, the District will ensure:
 - (a) All physical education classes are taught or supervised by a certified physical education teacher;
 - (b) All physical education staff receive professional development relevant to physical education on a yearly basis;
 - (c) Interscholastic sports, intramural sports, and recess do not serve as substitutes for a quality physical education program;
 - (d) Students are afforded the opportunity to participate in moderate to vigorous activity for at least 50% of physical education class time;

(Continued)

SUBJECT: WELLNESS (Cont'd.)

- (e) It provides adequate space and equipment for physical education and conforms to all applicable safety standards;
 - (f) An age-appropriate, sequential physical education curriculum consistent with national and state standards for physical education is implemented, with a focus on students' development of motor skills, movement forms, and health-related fitness;
 - (g) A physical and social environment is provided that encourages safe and enjoyable activity for all students;
 - (h) Activities or equipment are adapted to meet the needs of students who are temporarily or permanently unable to participate in the regular program of physical education. In doing so, the District will abide by specific provisions in 504 Plans and/or individualized education programs (IEP). To that end, the Committee on Special Education (CSE) will ensure that a certified physical education teacher participates in the development of a student's IEP, if the student may be eligible for adapted physical education;
 - (i) All students, including students in need of adaptive physical education, will be encouraged to participate in physical fitness programs and competitions.
3. All students will be required to fulfill the physical education requirements set forth in the Commissioner's regulations as a condition of graduating from the District's schools.
- c) All classroom teachers, and particularly those engaged in the instruction of K through 5 students, are strongly encouraged to incorporate into the school day short breaks for students that include physical activity, especially after long periods of inactivity. Teachers are encouraged to incorporate kinesthetic learning approaches into core learning subjects when possible so as to limit sedentary behavior during the school day. Additionally, all elementary students will be offered one daily period of recess for a minimum of 20 minutes. This requirement will not apply on days where students arrive late, leave early, or are otherwise on campus for less than a full day. Outdoor recess will be offered when weather permits. In the event that indoor recess is necessary, it will be offered in a place that accommodates moderate to vigorous physical activity.
 - d) Physical activity during the school day, including, but not limited to, recess or classroom activity breaks, will not be withheld for disciplinary action unless the student is a danger to him or herself or others. Classroom teachers will be provided with a list of ideas for alternative ways to discipline students. Recess, physical education, or other physical activity time will not be cancelled for instructional make up time.

(Continued)

SUBJECT: WELLNESS (Cont'd.)Other School-Based Activities

The District is committed to establishing a school environment that is conducive to healthy eating and physical activity for all. The District will, therefore, adopt the following standards:

a) Federal School Meal Programs

1. The District will participate to the maximum extent practicable in available federal school meal programs (including the School Breakfast Program (SBP), National School Lunch Program (NSLP), and Summer Food Service Program). Food served through these programs will meet all applicable federal and state standards.

b) Access to School Nutrition Programs

The District will utilize a system of student payment that ensures all eligible students have access to free/reduced meals in a non-stigmatizing manner.

c) Meal Environment

The District will ensure:

1. School dining areas have sufficient space for students to sit and consume meals;
2. School dining areas are clean, safe, and pleasant environments that reflect the social value of eating;
3. Enough serving areas are provided to ensure student access to school meals with a minimum of wait time;
4. All students have a scheduled lunch period;
5. Lunch times are scheduled near the middle of the school day;
6. Students are given adequate time to eat healthy meals;
7. Students and staff have access to free, safe, and fresh drinking water throughout the school day and where school meals are served.

(Continued)

SUBJECT: WELLNESS (Cont'd.)

d) Community Access to District Facilities for Physical Activities

School grounds and facilities will be available to students, staff, community members and organizations, and agencies offering physical activity and nutrition programs consistent with District policy, including provisions regarding conduct on school grounds and administrative approval of use by outside organizations.

Nutrition Guidelines

In an effort to encourage healthy life-long eating habits by providing foods that are high in nutrients, low in saturated fat and added sugars, have zero grams trans-fat per serving, and are of moderate portion size, the District Wellness Committee recommends nutrition standards to be set for all foods and beverages available on school campus. For purposes of this policy, the school day is defined as the period from the midnight before, to 30 minutes after the end of the official school day.

School Meals

All schools within the District participate in the USDA child nutrition programs, including the NSLP and the SBP. School meals will, at a minimum, meet the program requirements and nutrition standards of these programs. The District is committed to ensuring that meals through the SBP and NSLP are accessible to all students, are served in sanitary settings, are appealing to children, and meet or exceed those nutrition requirements established by local, state, and federal law and regulation. The USDA nutrition standards are available at:

<http://www.fns.usda.gov/school-meals/nutrition-standards-school-meals>.

Fundraising

- a) All foods and beverages sold as or during a fundraiser during the school day will meet, or exceed, the nutritional requirements listed in the USDA Healthy, Hunger-Free Kids Act "Smart Snacks in Schools" Rule; these foods and beverages sold as fundraisers will not be sold until the end of the last lunch period, so as not to compete with the NSLP.
- b) All school-sponsored fundraisers must be approved by the appropriate building principal prior to being conducted.

Competitive Foods and Beverages Sold and Served to Students During the School Day

Competitive foods--which include all foods and beverages sold to students outside of the school meal programs, on the school campus in student accessible areas, and at any time during the school day --will follow, at a minimum, the nutrition standards specified by the Healthy, Hunger-Free Kids Act. These standards will apply to all foods and beverages sold individually and outside of the reimbursable school meal, including vending machines, school stores, and cafeteria a la carte lines.

(Continued)

SUBJECT: WELLNESS (Cont'd.)**Competitive Foods and Beverages Served to Students During the School Day**

The District will encourage staff and parents to provide students with healthy options at any event where foods and beverages are served to students (i.e., classroom and school-wide celebrations and rewards).

Professional Development

All school nutrition program directors, managers, and staff will meet or exceed hiring and annual continuing education and training requirements as specified in the USDA Professional Standards for School Nutrition Professionals. In order to locate the training that best fits their learning needs, school nutrition personnel will refer to the USDA's Professional Standards for School Nutrition Standards website.

Implementation and Evaluation of the Wellness Policy

- a) The District will establish an implementation and evaluation plan for this policy in order to monitor its effectiveness and the possible need for modification over time. To this end, the District has designated the following individual(s) as District Wellness Coordinator to ensure that the District meets the goals and mandates of this policy: School Nurse 716-699-2318 (ext.1604)
- b) This/these designated Wellness Coordinator(s) will also serve as liaison(s) with community agencies in providing outside resources to help in the development of nutritional education programs and promotion of physical activities.
- c) Evaluation and feedback from interested parties, including an assessment of student, parent, teacher, and administration satisfaction with the wellness policy, are welcomed as an essential part of the District's evaluation program.
- d) The District will document the financial impact, if any, to the school food service program, school stores, and vending machine revenues based on the implementation of the wellness policy.
- e) Assessments of compliance with the District's wellness policy and implementation efforts will be repeated on a triennial basis. The assessment will include:
 1. Compliance with the wellness policy;
 2. How the wellness policy compares to model wellness policies; and
 3. Progress made in attaining the goals of the wellness policy.

The position/person responsible for managing the triennial assessment is:
Cafeteria Manager 716-699-2316 (ext. 1403)

(Continued)

SUBJECT: WELLNESS (Cont'd.)

- f) The District will, as necessary, revise and update this wellness policy, but at least every three years following the triennial assessment, and develop work plans to facilitate its implementation.
- g) The triennial assessments and policy updates will be provided to the Board, posted on the District's official website, and distributed to the District Wellness Committee, parent-teacher organizations, building principals, and school health services personnel within the District. Printed copies will also be made available to community residents upon request.

Annual Notification

The District will inform families and the general public each year, via the District website and/or District-wide communications, of information about this policy, including, but not limited to, its content as well as any updates. The District will endeavor to share as much information as possible about its schools' nutrition environment, including a summary of school events or activities relative to this policy implementation. Each year, the District will also publicize the name and contact information of the District official leading and coordinating the wellness committee as well as how the community may get involved with the wellness committee.

Recordkeeping

The District will retain records relative to compliance with the requirements of this policy in the District Office and/or on the District's central computer network. Documentation maintained at this location includes, but is not limited to:

- a) The written wellness policy;
- b) Documentation demonstrating that this policy has been made available to the public;
- c) Documentation of efforts to review and update this policy;
- d) Documentation to demonstrate compliance with the annual public notification requirements;
- e) The most recent assessment on the implementation of this policy;
- f) Documentation demonstrating the most recent assessment on the implementation of this policy has been made available to the public.

(Continued)

SUBJECT: WELLNESS (Cont'd.)

National School Lunch Act, 42 USC § 1758(b)

National School Lunch Program and School Breakfast Program regulations, 7 CFR § 210.11

Local School Wellness Policy Implementation Under the Healthy, Hunger-Free Kids Act of 2010, 79 FR 10693

Education Law § 915

8 NYCRR § 135.4

NOTE: Refer also to Policy # 5660 -- Meal Charging and Prohibition Against Meal Shaming and School Food Service Program (Lunch And Breakfast)

Adopted: 9/12/06

Revised: 4/10/18

SUBJECT: RECORDS MANAGEMENT

A Records Management Officer shall be designated by the Superintendent, subject to the approval of the Board of Education. Such Records Management Officer shall develop and coordinate an orderly and efficient records management program. This program includes the legal disposition or destruction of obsolete records and the storage and management of inactive records. The Records Management Officer shall further be given the authority and responsibility to work with other local officials at all levels in the development and maintenance of the records management program.

In addition, a Records Advisory Board may be created to assist in establishing and supporting the records management program. The District's legal counsel, the fiscal officer, and the Superintendent or designee may comprise the Advisory Board.

Retention and Disposition of Records

The Superintendent shall retain records for such a period and dispose of them in the manner described in Records Retention and Disposition Schedule ED-1.

Special Approvals for Disposition of Records

Records not listed on a records retention and disposition schedule shall not be disposed of without the approval of the Commissioner of Education. Similarly, records that have been damaged by natural or manmade disasters, such that the information contained in those records is substantially destroyed, or the records constitute a human health or safety risk also require the Commissioner's approval before disposition.

Replacing Original Records with Microforms or Electronic Images

Digital images of public records may be stored on electronic media, and such electronic records may replace paper originals or micrographic copies of these records. To ensure accessibility and intelligibility for the life of these records, the District shall follow the procedures prescribed by the Commissioner of Education.

Retention and Preservation of Electronic Records

The District shall ensure that records retention requirements are incorporated into any plan and process for design, redesign, or substantial enhancement of an information system that stores electronic records. The District shall also ensure that electronic records are not rendered unusable because of changing technology before their retention and preservation requirements are met.

Arts and Cultural Affairs Law Section 57.19
8 NYCRR Part 185

Adopted: 6/27/00
Revised: 10/7/08; 11/17/15; 10/25/16

SUBJECT: DISPOSAL OF CONSUMER REPORT INFORMATION AND RECORDS

In accordance with the Federal Trade Commission's (FTC) "Disposal Rule," and in an effort to protect the privacy of consumer information, reduce the risk of fraud and identity theft, and guard against unauthorized access to or use of the information, the School District will take appropriate measures to properly dispose of sensitive information (i.e., personal identifiers) contained in or derived from consumer reports and records. Any employer who uses or possesses consumer information for a business purpose is subject to the Disposal Rule. According to the FTC, the standard for proper disposal of information derived from a consumer report is flexible, and allows the District to determine what measures are reasonable based on the sensitivity of the information, the costs and benefits of different disposal methods, and changes in technology.

The term "*consumer report*" shall include information obtained from a consumer reporting company that is used - or expected to be used - in establishing a consumer's eligibility for employment or insurance, among other purposes. The term "*employment purposes*" when used in connection with a consumer report means a report used for the purpose of evaluating a consumer for employment, promotion, reassignment or retention as an employee.

The FTC Disposal Rule defines "*consumer information*" as "any record about an individual, whether in paper, electronic, or other form, that is a consumer report or is derived from a consumer report. Consumer information also means a compilation of such records. Consumer information does not include information that does not identify individuals, such as aggregate information or blind data."

Information Covered by the Disposal Rule

The FTC has not included a rigid definition of the kinds of information that would be considered to identify particular individuals. In accordance with FTC guidance, there are a variety of personal identifiers beyond simply a person's name that would bring information within the scope of the Disposal Rule, including, but not limited to, a social security number, driver's license number, phone number, physical address, and email address. Depending upon the circumstances, data elements that are not inherently identifying can, in combination, identify particular individuals.

"Proper" Disposal

The FTC Disposal Rule defines "*dispose*," "*disposing*," or "*disposal*," as:

- a) "The discarding or abandonment of consumer information," or
- b) "The sale, donation, or transfer of any medium, including computer equipment, upon which consumer information is stored."

(Continued)

**SUBJECT: DISPOSAL OF CONSUMER REPORT INFORMATION AND RECORDS
(Cont'd.)**

The District will utilize disposal practices that are reasonable and appropriate to prevent the unauthorized access to - or use of - information contained in or derived from consumer reports and records. Reasonable measures to protect against unauthorized access to or use of consumer information in connection with District disposal include the following examples. These examples are not exclusive or exhaustive methods for complying with the Disposal Rule.

- a) Burning, pulverizing, or shredding of papers containing consumer information so that the information cannot practicably be read or reconstructed.
- b) Destroying or erasing electronic media containing consumer information so that the information cannot practicably be read or reconstructed.
- c) After due diligence, entering into and monitoring compliance with a contract with another party engaged in the business of record destruction to dispose of material, specifically identified as consumer information, in a manner consistent with the Disposal Rule. In this context, due diligence could include:
 1. Reviewing an independent audit of the disposal company's operations and/or its compliance with the Disposal Rule;
 2. Obtaining information about the disposal company from several references or other reliable sources;
 3. Requiring that the disposal company be certified by a recognized trade association or similar third party;
 4. Reviewing and evaluating the disposal company's information security policies or procedures; or
 5. Taking other appropriate measures to determine the competency and integrity of the potential disposal company.
- d) For persons (as defined in accordance with the Fair Credit Reporting Act) or entities who maintain or otherwise possess consumer information through their provision of services directly to a person subject to the Disposal Rule, monitoring compliance with policies and procedures that protect against unauthorized or unintentional disposal of consumer information, and disposing of such information in accordance with examples a) and b) above.

(Continued)

**SUBJECT: DISPOSAL OF CONSUMER REPORT INFORMATION AND RECORDS
(Cont'd.)**

Implementation of Practices and Procedures

The Board delegates to the Superintendent/designee(s) the authority and responsibility to review current practices regarding the disposal of consumer information; and to implement such further reasonable and appropriate procedures, including staff training as necessary, to ensure compliance with the FTC's Disposal Rule.

The Fair Credit Reporting Act
15 USC Section 1681 et seq.
The Fair and Accurate Credit Transactions Act of 2003
Public Law 108-159
Federal Trade Commission Disposal of Consumer Report Information and Records
16 CFR Part 682

Adopted: 12/6/05

SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION

The School District values the protection of private information of individuals in accordance with applicable law and regulations. Further, the District is required to notify affected individuals when there has been or is reasonably believed to have been a compromise of the individual's *private information* in compliance with the Information Security Breach and Notification Act and Board policy.

- a) "*Private information*" shall mean ****personal information** in combination with any one or more of the following data elements, when either the personal information or the data element is not encrypted or encrypted with an encryption key that has also been acquired:
1. Social security number;
 2. Driver's license number or non-driver identification card number; or
 3. Account number, credit or debit card number, in combination with any required security code, access code, or password which would permit access to an individual's financial account.

"*Private information*" does not include publicly available information that is lawfully made available to the general public from federal, state or local government records.

****"Personal information"** shall mean any information concerning a person which, because of name, number, symbol, mark or other identifier, can be used to identify that person.

- b) "*Breach of the security of the system,*" shall mean unauthorized acquisition or acquisition without valid authorization of computerized data which compromises the security, confidentiality, or integrity of personal information maintained by the District. Good faith acquisition of personal information by an employee or agent of the District for the purposes of the District is not a breach of the security of the system, provided that private information is not used or subject to unauthorized disclosure.

Determining if a Breach has Occurred

In determining whether information has been acquired, or is reasonably believed to have been acquired, by an unauthorized person or person without valid authorization, the District may consider the following factors, among others:

- a) Indications that the information is in the physical possession or control of an unauthorized person, such as a lost or stolen computer or other device containing information; or
- b) Indications that the information has been downloaded or copied; or

(Continued)

SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION (Cont'd.)

- c) Indications that the information was used by an unauthorized person, such as fraudulent accounts opened or instances of identity theft reported;
- d) System failures.

Notification Requirements

- a) For any computerized data owned or licensed by the School District that includes private information, the District shall disclose any breach of the security of the system following discovery or notification of the breach to any New York State resident whose private information was, or is reasonably believed to have been, acquired by a person without valid authorization. The disclosure to affected individuals shall be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement, or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system. The District shall consult with the State Office of Information Technology Services to determine the scope of the breach and restoration measures.
- b) For any computerized data maintained by the District that includes private information which the District does not own, the District shall notify the owner or licensee of the information of any breach of the security of the system immediately following discovery, if the private information was, or is reasonably believed to have been, acquired by a person without valid authorization.

The notification requirement may be delayed if a law enforcement agency determines that such notification impedes a criminal investigation. The required notification shall be made after the law enforcement agency determines that such notification does not compromise the investigation.

Methods of Notification

The required notice shall be directly provided to the affected persons by one of the following methods:

- a) Written notice;
- b) Electronic notice, provided that the person to whom notice is required has expressly consented to receiving the notice in electronic form; and a log of each such notification is kept by the District when notifying affected persons in electronic form. However, in no case shall the District require a person to consent to accepting such notice in electronic form as a condition of establishing any business relationship or engaging in any transaction;
- c) Telephone notification, provided that a log of each such notification is kept by the District when notifying affected persons by phone; or

(Continued)

SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION (Cont'd.)

- d) Substitute notice, if the District demonstrates to the State Attorney General that the cost of providing notice would exceed \$250,000, or that the affected class of subject persons to be notified exceeds 500,000, or that the District does not have sufficient contact information. Substitute notice shall consist of **all** of the following:
1. Email notice when the District has an email address for the subject persons;
 2. Conspicuous posting of the notice on the District's website page, if the District maintains one; and
 3. Notification to major statewide media.

Regardless of the method by which notice is provided, the notice shall include contact information for the notifying District and a description of the categories of information that were, or are reasonably believed to have been, acquired by a person without valid authorization, including specification of which of the elements of personal information and private information were, or are reasonably believed to have been, so acquired.

In the event that any New York State residents are to be notified, the District shall notify the New York State Attorney General (AG), the New York State Division of Consumer Protection, and the New York State Office of Information Technology Services as to the timing, content and distribution of the notices and approximate number of affected persons.

In the event that more than 5,000 New York State residents are to be notified at one time, the District shall also notify consumer reporting agencies, as defined pursuant to State Technology Law Section 208, as to the timing, content and distribution of the notices and approximate number of affected persons. Such notice shall be made without delaying notice to affected New York State residents. A list of consumer reporting agencies shall be compiled by the State Attorney General and furnished upon request to school districts required to make a notification in accordance with Section 208(2) of the State Technology Law, regarding notification of breach of security of the system for any computerized data owned or licensed by the District that includes private information.

State Technology Law Sections 202 and 208

Adopted: 8/8/06
Revised: 11/18/14; 11/17/15; 10/25/16

SUBJECT: EMPLOYEE PERSONAL IDENTIFYING INFORMATION

In accordance with New York State Labor Law Section 203-d, the District shall restrict the use and access to employee personal identifying information. As enumerated in law, "personal identifying information" shall include social security number, home address or telephone number, personal electronic mail address, Internet identification name or password, parent's surname prior to marriage, or driver's license number.

The District shall not unless otherwise required by law:

- a) Publicly post or display an employee's social security number;
- b) Visibly print a social security number on any identification badge or card, including any time card;
- c) Place a social security number in files with unrestricted access; or
- d) Communicate an employee's personal identifying information to the general public.

A social security number shall not be used as an identification number for purposes of any occupational licensing.

District staff shall have access to this policy, informing them of their rights and responsibilities in accordance with Labor Law Section 203-d. District procedures for safeguarding employee "personal identifying information" shall be evaluated; and employees who have access to such information as part of their job responsibilities shall be advised as to the restrictions on release of such information in accordance with law.

Labor Law Section 203-d

Adopted: 9/7/10

SUBJECT: DATA NETWORKS AND SECURITY ACCESS

The District values the protection of private information of individuals in accordance with applicable law, regulations, and best practice. Accordingly, District officials and Information Technology (IT) staff will plan, implement, and monitor IT security mechanisms, procedures, and technologies necessary to prevent improper or illegal disclosure, modification, or denial of sensitive information in the District Computer System (DCS). Similarly, such IT mechanisms and procedures will also be implemented in order to safeguard District technology resources, including computer hardware and software. District network administrators may review District computers to maintain system integrity and to ensure that individuals are using the system responsibly. Users should not expect that anything stored on school computers or networks will be private.

In order to achieve the objectives of this policy, the Board of Education entrusts the Superintendent, or his or her designee, to:

- a) Inventory and classify personal, private, and sensitive Information on the DCS to protect the confidentiality, integrity, and availability of information;
- b) Develop password standards for all users including, but not limited to, how to create passwords and how often such passwords should be changed by users to ensure security of the DCS;
- c) Ensure that the "audit trail" function is enabled within the District's network operating system, which will allow the District to determine on a constant basis who is accessing the DCS, and establish procedures for periodically reviewing such audit trails;
- d) Develop procedures to control physical access to computer facilities, data rooms, systems, networks, and data to only authorized individuals; such procedures may include ensuring that server rooms remain locked at all times and the recording of arrival and departure dates and times of employees and visitors to and from the server room;
- e) Establish procedures for tagging new purchases as they occur, relocating assets, updating the inventory list, performing periodic physical inventories, and investigating any differences in an effort to prevent unauthorized and/or malicious access to these assets;
- f) Periodically grant, change, and terminate user access rights to the overall networked computer system and to specific software applications and ensure that users are given access based on, and necessary for, their job duties;
- g) Limit user access to the vendor master file, which contains a list of vendors from which District employees are permitted to purchase goods and services, to only the individual who is responsible for making changes to such list, and ensure that all former employees' access rights to the vendor master list are promptly removed;

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SUBJECT: DATA NETWORKS AND SECURITY ACCESS (Cont'd.)

- h) Determine how, and to whom, remote access should be granted, obtain written agreements with remote access users to establish the District's needs and expectations, as appropriate, and monitor and control such remote access;
- i) Verify that laptop computer systems assigned to teachers and administrators use full-disk encryption software to protect against loss of sensitive data;
- j) Deploy software to servers and workstations to identify and eradicate malicious software attacks such as viruses and malware;
- k) Develop a disaster recovery plan appropriate for the size and complexity of District IT operations to ensure continuous critical IT services in the event of any sudden, catastrophic event, including, but not limited to fire, computer virus or deliberate or inadvertent employee action.

SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA

The District is committed to maintaining the privacy and security of student data and teacher and principal data and will follow all applicable laws and regulations for the handling and storage of this data in the District and when disclosing or releasing it to others, including, but not limited to, third-party contractors. The District adopts this policy to implement the requirements of Education Law Section 2-d and its implementing regulations, as well as to align the District's data privacy and security practices with the National Institute for Standards and Technology Framework for Improving Critical Infrastructure Cybersecurity (Version 1.1).

Definitions

As provided in Education Law Section 2-d and/or its implementing regulations, the following terms, as used in this policy, will mean:

- a) "Breach" means the unauthorized acquisition, access, use, or disclosure of student data and/or teacher or principal data by or to a person not authorized to acquire, access, use, or receive the student data and/or teacher or principal data.
- b) "Building principal" means a building principal subject to annual performance evaluation review under the provisions of Education Law Section 3012-c.
- c) "Classroom teacher" means a teacher subject to annual performance evaluation review under the provisions of Education Law Section 3012-c.
- d) "Commercial or marketing purpose" means the sale of student data; or its use or disclosure for purposes of receiving remuneration, whether directly or indirectly; the use of student data for advertising purposes, or to develop, improve, or market products or services to students.
- e) "Contract or other written agreement" means a binding agreement between an educational agency and a third-party, which includes, but is not limited to, an agreement created in electronic form and signed with an electronic or digital signature or a click-wrap agreement that is used with software licenses, downloaded, and/or online applications and transactions for educational technologies and other technologies in which a user must agree to terms and conditions prior to using the product or service.
- f) "Disclose" or "disclosure" means to permit access to, or the release, transfer, or other communication of personally identifiable information by any means, including oral, written, or electronic, whether intended or unintended.
- g) "Education records" means an education record as defined in the Family Educational Rights and Privacy Act and its implementing regulations, 20 USC Section 1232g and 34 CFR Part 99, respectively.

(Continued)

SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

- h) "Educational agency" means a school district, board of cooperative educational services (BOCES), school, or the New York State Education Department (NYSED).
- i) "Eligible student" means a student who is eighteen years or older.
- j) "Encryption" means methods of rendering personally identifiable information unusable, unreadable, or indecipherable to unauthorized persons through the use of a technology or methodology specified or permitted by the Secretary of the United States Department of Health and Human Services in guidance issued under 42 USC Section 17932(h)(2).
- k) "FERPA" means the Family Educational Rights and Privacy Act and its implementing regulations, 20 USC Section 1232g and 34 CFR Part 99, respectively.
- l) "NIST Cybersecurity Framework" means the U.S. Department of Commerce National Institute for Standards and Technology Framework for Improving Critical Infrastructure Cybersecurity (Version 1.1). A copy of the NIST Cybersecurity Framework is available at the Office of Counsel, State Education Department, State Education Building, Room 148, 89 Washington Avenue, Albany, New York 12234.
- m) "Parent" means a parent, legal guardian, or person in parental relation to a student.
- n) "Personally identifiable information (PII)," as applied to student data, means personally identifiable information as defined in 34 CFR Section 99.3 implementing the Family Educational Rights and Privacy Act, 20 USC Section 1232g, and, as applied to teacher or principal data, means personally identifying information as this term is defined in Education Law Section 3012-c(10).
- o) "Release" has the same meaning as disclosure or disclose.
- p) "Student" means any person attending or seeking to enroll in an educational agency.
- q) "Student data" means personally identifiable information from the student records of an educational agency.
- r) "Teacher or principal data" means personally identifiable information from the records of an educational agency relating to the annual professional performance reviews of classroom teachers or principals that is confidential and not subject to release under the provisions of Education Law Sections 3012-c and 3012-d.
- s) "Third-party contractor" means any person or entity, other than an educational agency, that receives student data or teacher or principal data from an educational agency pursuant to a contract or other written agreement for purposes of providing services to the educational

(Continued)

SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

agency, including but not limited to data management or storage services, conducting studies for or on behalf of the educational agency, or audit or evaluation of publicly funded programs. This term will include an educational partnership organization that receives student and/or teacher or principal data from a school district to carry out its responsibilities pursuant to Education Law Section 211-e and is not an educational agency, and a not-for-profit corporation or other nonprofit organization, other than an educational agency.

- t) "Unauthorized disclosure" or "unauthorized release" means any disclosure or release not permitted by federal or state statute or regulation, any lawful contract or written agreement, or that does not respond to a lawful order of a court or tribunal or other lawful order.

Data Collection Transparency and Restrictions

As part of its commitment to maintaining the privacy and security of student data and teacher and principal data, the District will take steps to minimize its collection, processing, and transmission of PII. Additionally, the District will:

- a) Not sell PII nor use or disclose it for any marketing or commercial purpose or facilitate its use or disclosure by any other party for any marketing or commercial purpose or permit another party to do so.
- b) Ensure that it has provisions in its contracts with third-party contractors or in separate data sharing and confidentiality agreements that require the confidentiality of shared student data or teacher or principal data be maintained in accordance with law, regulation, and District policy.

Except as required by law or in the case of educational enrollment data, the District will not report to NYSED the following student data elements:

- a) Juvenile delinquency records;
- b) Criminal records;
- c) Medical and health records; and
- d) Student biometric information.

Nothing in Education Law Section 2-d or this policy should be construed as limiting the administrative use of student data or teacher or principal data by a person acting exclusively in the person's capacity as an employee of the District.

(Continued)

SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)**Chief Privacy Officer**

The Commissioner of Education has appointed a Chief Privacy Officer who will report to the Commissioner on matters affecting privacy and the security of student data and teacher and principal data. Among other functions, the Chief Privacy Officer is authorized to provide assistance to educational agencies within the state on minimum standards and best practices associated with privacy and the security of student data and teacher and principal data.

The District will comply with its obligation to report breaches or unauthorized releases of student data or teacher or principal data to the Chief Privacy Officer in accordance with Education Law Section 2-d, its implementing regulations, and this policy.

The Chief Privacy Officer has the power, among others, to:

- a) Access all records, reports, audits, reviews, documents, papers, recommendations, and other materials maintained by the District that relate to student data or teacher or principal data, which includes, but is not limited to, records related to any technology product or service that will be utilized to store and/or process PII; and
- b) Based upon a review of these records, require the District to act to ensure that PII is protected in accordance with laws and regulations, including but not limited to requiring the District to perform a privacy impact and security risk assessment.

Data Protection Officer

The District will annually designate a District employee to serve as the District's Data Protection Officer at the July Re-Organizational Meeting or at other times as necessary.

The Data Protection Officer is responsible for the implementation and oversight of this policy and any related procedures including those required by Education Law Section 2-d and its implementing regulations, as well as serving as the main point of contact for data privacy and security for the District.

The District will ensure that the Data Protection Officer has the appropriate knowledge, training, and experience to administer these functions. The Data Protection Officer may perform these functions in addition to other job responsibilities. Additionally, some aspects of this role may be outsourced to a provider such as a BOCES, to the extent available.

(Continued)

SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)**District Data Privacy and Security Standards**

The District will use the National Institute for Standards and Technology Framework for Improving Critical Infrastructure Cybersecurity (Version 1.1) (Framework) as the standard for its data privacy and security program. The Framework is a risk-based approach to managing cybersecurity risk and is composed of three parts: the Framework Core, the Framework Implementation Tiers, and the Framework Profiles. The Framework provides a common taxonomy and mechanism for organizations to:

- a) Describe their current cybersecurity posture;
- b) Describe their target state for cybersecurity;
- c) Identify and prioritize opportunities for improvement within the context of a continuous and repeatable process;
- d) Assess progress toward the target state; and
- e) Communicate among internal and external stakeholders about cybersecurity risk.

The District will protect the privacy of PII by:

- a) Ensuring that every use and disclosure of PII by the District benefits students and the District by considering, among other criteria, whether the use and/or disclosure will:
 1. Improve academic achievement;
 2. Empower parents and students with information; and/or
 3. Advance efficient and effective school operations.
- b) Not including PII in public reports or other public documents.

The District affords all protections under FERPA and the Individuals with Disabilities Education Act and their implementing regulations to parents or eligible students, where applicable.

(Continued)

SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)**Third-Party Contractors**District Responsibilities

The District will ensure that whenever it enters into a contract or other written agreement with a third-party contractor under which the third-party contractor will receive student data or teacher or principal data from the District, the contract or written agreement will include provisions requiring that confidentiality of shared student data or teacher or principal data be maintained in accordance with law, regulation, and District policy.

In addition, the District will ensure that the contract or written agreement includes the third-party contractor's data privacy and security plan that has been accepted by the District.

The third-party contractor's data privacy and security plan must, at a minimum:

- a) Outline how the third-party contractor will implement all state, federal, and local data privacy and security contract requirements over the life of the contract, consistent with District policy;
- b) Specify the administrative, operational, and technical safeguards and practices the third-party contractor has in place to protect PII that it will receive under the contract;
- c) Demonstrate that the third-party contractor complies with the requirements of 8 NYCRR Section 121.3(c);
- d) Specify how officers or employees of the third-party contractor and its assignees who have access to student data or teacher or principal data receive or will receive training on the laws governing confidentiality of this data prior to receiving access;
- e) Specify if the third-party contractor will utilize subcontractors and how it will manage those relationships and contracts to ensure PII is protected;
- f) Specify how the third-party contractor will manage data privacy and security incidents that implicate PII including specifying any plans to identify breaches and unauthorized disclosures, and to promptly notify the District;
- g) Describe whether, how, and when data will be returned to the District, transitioned to a successor contractor, at the District's option and direction, deleted or destroyed by the third-party contractor when the contract is terminated or expires; and
- h) Include a signed copy of the Parents' Bill of Rights for Data Privacy and Security.

(Continued)

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND
PRINCIPAL DATA (Cont'd.)**Third-Party Contractor Responsibilities

Each third-party contractor, that enters into a contract or other written agreement with the District under which the third-party contractor will receive student data or teacher or principal data from the District, is required to:

- a) Adopt technologies, safeguards, and practices that align with the NIST Cybersecurity Framework;
- b) Comply with District policy and Education Law Section 2-d and its implementing regulations;
- c) Limit internal access to PII to only those employees or subcontractors that have legitimate educational interests (i.e., they need access to provide the contracted services);
- d) Not use the PII for any purpose not explicitly authorized in its contract;
- e) Not disclose any PII to any other party without the prior written consent of the parent or eligible student:
 1. Except for authorized representatives of the third-party contractor such as a subcontractor or assignee to the extent they are carrying out the contract and in compliance with law, regulation, and its contract with the District; or
 2. Unless required by law or court order and the third-party contractor provides a notice of the disclosure to NYSED, the Board, or the institution that provided the information no later than the time the information is disclosed, unless providing notice of the disclosure is expressly prohibited by law or court order;
- f) Maintain reasonable administrative, technical, and physical safeguards to protect the security, confidentiality, and integrity of PII in its custody;
- g) Use encryption to protect PII in its custody while in motion or at rest; and
- h) Not sell PII nor use or disclose it for any marketing or commercial purpose or facilitate its use or disclosure by any other party for any marketing or commercial purpose or permit another party to do so.

Where a third-party contractor engages a subcontractor to perform its contractual obligations, the data protection obligations imposed on the third-party contractor by law and contract apply to the subcontractor.

(Continued)

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND
PRINCIPAL DATA (Cont'd.)**Cooperative Educational Services through a BOCES

The District may not be required to enter into a separate contract or data sharing and confidentiality agreement with a third-party contractor that will receive student data or teacher or principal data from the District under all circumstances.

For example, the District may not need its own contract or agreement where:

- a) It has entered into a cooperative educational service agreement (CoSer) with a BOCES that includes use of a third-party contractor's product or service; and
- b) That BOCES has entered into a contract or data sharing and confidentiality agreement with the third-party contractor, pursuant to Education Law Section 2-d and its implementing regulations, that is applicable to the District's use of the product or service under that CoSer.

To meet its obligations whenever student data or teacher or principal data from the District is received by a third-party contractor pursuant to a CoSer, the District will consult with the BOCES to, among other things:

- a) Ensure there is a contract or data sharing and confidentiality agreement pursuant to Education Law Section 2-d and its implementing regulations in place that would specifically govern the District's use of a third-party contractor's product or service under a particular CoSer;
- b) Determine procedures for including supplemental information about any applicable contracts or data sharing and confidentiality agreements that a BOCES has entered into with a third-party contractor in its Parents' Bill of Rights for Data Privacy and Security;
- c) Ensure appropriate notification is provided to affected parents, eligible students, teachers, and/or principals about any breach or unauthorized release of PII that a third-party contractor has received from the District pursuant to a BOCES contract; and
- d) Coordinate reporting to the Chief Privacy Officer to avoid duplication in the event the District receives information directly from a third-party contractor about a breach or unauthorized release of PII that the third-party contractor received from the District pursuant to a BOCES contract.

Click-Wrap Agreements

Periodically, District staff may wish to use software, applications, or other technologies in which the user must "click" a button or box to agree to certain online terms of service prior to using the software, application, or other technology. These are known as "click-wrap agreements" and are considered legally binding "contracts or other written agreements" under Education Law Section 2-d and its implementing regulations.

(Continued)

SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

District staff are prohibited from using software, applications, or other technologies pursuant to a click-wrap agreement in which the third-party contractor receives student data or teacher or principal data from the District unless they have received prior approval from the District's Data Privacy Officer or designee.

The District will develop and implement procedures requiring prior review and approval for staff use of any software, applications, or other technologies pursuant to click-wrap agreements.

Parents' Bill of Rights for Data Privacy and Security

The District will publish its Parents' Bill of Rights for Data Privacy and Security (Bill of Rights) on its website. Additionally, the District will include the Bill of Rights with every contract or other written agreement it enters into with a third-party contractor under which the third-party contractor will receive student data or teacher or principal data from the District.

The 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:

(Continued)

SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

- a) The exclusive purposes for which the student data or teacher or principal data will be used by the third-party contractor, as defined in the contract;
- b) How the third-party contractor will ensure that the subcontractors, or other authorized persons or entities to whom the third-party contractor will disclose the student data or teacher or principal data, if any, will abide by all applicable data protection and security requirements, including but not limited to those outlined in applicable laws and regulations (e.g., FERPA; Education Law Section 2-d);
- c) The duration of the contract, including the contract's expiration date, and a description of what will happen to the student data or teacher or principal data upon expiration of the contract or other written agreement (e.g., whether, when, and in what format it will be returned to the District, and/or whether, when, and how the data will be destroyed);
- d) If and how a parent, student, eligible student, teacher, or principal may challenge the accuracy of the student data or teacher or principal data that is collected;
- e) Where the student data or teacher or principal data will be stored, described in a manner as to protect data security, and the security protections taken to ensure the data will be protected and data privacy and security risks mitigated; and
- f) Address how the data will be protected using encryption while in motion and at rest.

The District will publish on its website the supplement to the Bill of Rights (i.e., the supplemental information described above) for any contract or other written agreement it has entered into with a third-party contractor that will receive PII from the District. The Bill of Rights and supplemental information may be redacted to the extent necessary to safeguard the privacy and/or security of the District's data and/or technology infrastructure.

Right of Parents and Eligible Students to Inspect and Review Students' Education Records

Consistent with the obligations of the District under FERPA, parents and eligible students have the right to inspect and review a student's education record by making a request directly to the District in a manner prescribed by the District.

The District will ensure that only authorized individuals are able to inspect and review student data. To that end, the District will take steps to verify the identity of parents or eligible students who submit requests to inspect and review an education record and verify the individual's authority to do so.

Requests by a parent or eligible student for access to a student's education records must be directed to the District and not to a third-party contractor. The District may require that requests to inspect and review education records be made in writing.

(Continued)

SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

The District will notify parents annually of their right to request to inspect and review their child's education record including any student data stored or maintained by the District through its annual FERPA notice. A notice separate from the District's annual FERPA notice is not required.

The District will comply with a request for access to records within a reasonable period, but not more than 45 calendar days after receipt of a request.

The District may provide the records to a parent or eligible student electronically, if the parent consents. The District must transmit the PII in a way that complies with laws and regulations. Safeguards associated with industry standards and best practices, including but not limited to encryption and password protection, must be in place when education records requested by a parent or eligible student are electronically transmitted.

Complaints of Breach or Unauthorized Release of Student Data and/or Teacher or Principal Data

The District will inform parents, through its Parents' Bill of Rights for Data Privacy and Security, that they have the right to submit complaints about possible breaches of student data to the Chief Privacy Officer at NYSED. In addition, the District has established the following procedures for parents, eligible students, teachers, principals, and other District staff to file complaints with the District about breaches or unauthorized releases of student data and/or teacher or principal data:

- a) All complaints must be submitted to the District's Data Protection Officer in writing.
- b) Upon receipt of a complaint, the District will promptly acknowledge receipt of the complaint, commence an investigation, and take the necessary precautions to protect PII.
- c) Following the investigation of a submitted complaint, the District will provide the individual who filed the complaint with its findings. This will be completed within a reasonable period of time, but no more than 60 calendar days from the receipt of the complaint by the District.
- d) If the District requires additional time, or where the response may compromise security or impede a law enforcement investigation, the District will provide the individual who filed the complaint with a written explanation that includes the approximate date when the District anticipates that it will respond to the complaint.

These procedures will be disseminated to parents, eligible students, teachers, principals, and other District staff.

The District will maintain a record of all complaints of breaches or unauthorized releases of student data and their disposition in accordance with applicable data retention policies, including the Records Retention and Disposition Schedule ED-1 (1988; rev. 2004).

(Continued)

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND
PRINCIPAL DATA (Cont'd.)****Reporting a Breach or Unauthorized Release**

The District will report every discovery or report of a breach or unauthorized release of student data or teacher or principal data within the District to the Chief Privacy Officer without unreasonable delay, but no more than ten calendar days after the discovery.

Each third-party contractor that receives student data or teacher or principal data pursuant to a contract or other written agreement entered into with the District will be required to promptly notify the District of any breach of security resulting in an unauthorized release of the data by the third-party contractor or its assignees in violation of applicable laws and regulations, the Parents' Bill of Rights for Student Data Privacy and Security, District policy, and/or binding contractual obligations relating to data privacy and security, in the most expedient way possible and without unreasonable delay, but no more than seven calendar days after the discovery of the breach.

In the event of notification from a third-party contractor, the District will in turn notify the Chief Privacy Officer of the breach or unauthorized release of student data or teacher or principal data no more than ten calendar days after it receives the third-party contractor's notification using a form or format prescribed by NYSED.

Investigation of Reports of Breach or Unauthorized Release by the Chief Privacy Officer

The Chief Privacy Officer is required to investigate reports of breaches or unauthorized releases of student data or teacher or principal data by third-party contractors. As part of an investigation, the Chief Privacy Officer may require that the parties submit documentation, provide testimony, and may visit, examine, and/or inspect the third-party contractor's facilities and records.

Upon the belief that a breach or unauthorized release constitutes criminal conduct, the Chief Privacy Officer is required to report the breach and unauthorized release to law enforcement in the most expedient way possible and without unreasonable delay.

Third-party contractors are required to cooperate with the District and law enforcement to protect the integrity of investigations into the breach or unauthorized release of PII.

Upon conclusion of an investigation, if the Chief Privacy Officer determines that a third-party contractor has through its actions or omissions caused student data or teacher or principal data to be breached or released to any person or entity not authorized by law to receive this data in violation of applicable laws and regulations, District policy, and/or any binding contractual obligations, the Chief Privacy Officer is required to notify the third-party contractor of the finding and give the third-party contractor no more than 30 days to submit a written response.

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SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

If after reviewing the third-party contractor's written response, the Chief Privacy Officer determines the incident to be a violation of Education Law Section 2-d, the Chief Privacy Officer will be authorized to:

- a) Order the third-party contractor be precluded from accessing PII from the affected educational agency for a fixed period of up to five years;
- b) Order that a third-party contractor or assignee who knowingly or recklessly allowed for the breach or unauthorized release of student data or teacher or principal data be precluded from accessing student data or teacher or principal data from any educational agency in the state for a fixed period of up to five years;
- c) Order that a third-party contractor who knowingly or recklessly allowed for the breach or unauthorized release of student data or teacher or principal data will not be deemed a responsible bidder or offeror on any contract with an educational agency that involves the sharing of student data or teacher or principal data, as applicable for purposes of General Municipal Law Section 103 or State Finance Law Section 163(10)(c), as applicable, for a fixed period of up to five years; and/or
- d) Require the third-party contractor to provide additional training governing confidentiality of student data and/or teacher or principal data to all its officers and employees with reasonable access to this data and certify that the training has been performed at the contractor's expense. This additional training is required to be performed immediately and include a review of laws, rules, and regulations, including Education Law Section 2-d and its implementing regulations.

If the Chief Privacy Officer determines that the breach or unauthorized release of student data or teacher or principal data on the part of the third-party contractor or assignee was inadvertent and done without intent, knowledge, recklessness, or gross negligence, the Chief Privacy Officer may make a recommendation to the Commissioner that no penalty be issued to the third-party contractor.

The Commissioner would then make a final determination as to whether the breach or unauthorized release was inadvertent and done without intent, knowledge, recklessness or gross negligence and whether or not a penalty should be issued.

Notification of a Breach or Unauthorized Release

The District will notify affected parents, eligible students, teachers, and/or principals in the most expedient way possible and without unreasonable delay, but no more than 60 calendar days after the discovery of a breach or unauthorized release of PII by the District or the receipt of a notification of a breach or unauthorized release of PII from a third-party contractor unless that notification would

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SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

interfere with an ongoing investigation by law enforcement or cause further disclosure of PII by disclosing an unfixed security vulnerability. Where notification is delayed under these circumstances, the District will notify parents, eligible students, teachers, and/or principals within seven calendar days after the security vulnerability has been remedied or the risk of interference with the law enforcement investigation ends.

Notifications will be clear, concise, use language that is plain and easy to understand, and to the extent available, include:

- a) A brief description of the breach or unauthorized release, the dates of the incident and the date of discovery, if known;
- b) A description of the types of PII affected;
- c) An estimate of the number of records affected;
- d) A brief description of the District's investigation or plan to investigate; and
- e) Contact information for representatives who can assist parents or eligible students that have additional questions.

Notification will be directly provided to the affected parent, eligible student, teacher, or principal by first-class mail to their last known address, by email, or by telephone.

Where a breach or unauthorized release is attributed to a third-party contractor, the third-party contractor is required to pay for or promptly reimburse the District for the full cost of this notification.

Annual Data Privacy and Security Training

The District will annually provide data privacy and security awareness training to its officers and staff with access to PII. This training will include, but not be limited to, training on the applicable laws and regulations that protect PII and how staff can comply with these laws and regulations. The District may deliver this training using online training tools. Additionally, this training may be included as part of the training that the District already offers to its workforce.

Notification of Policy

The District will publish this policy on its website and provide notice of the policy to all its officers and staff.

Education Law § 2-d
8 NYCRR Part 121

Adopted: 6/23/20

SUBJECT: SAFETY AND SECURITY

The Board of Education of the Ellicottville 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 ongoing mechanism for the effective review of safety and security concerns of the staff, students and affected public;
- e) Provide for semi-annual 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.

The Superintendent/designee shall maintain a current record of the name, address and social security numbers of every employee who handles or uses toxic substances and which substance(s) were handled or used by the employee.

(Continued)

SUBJECT: SAFETY AND SECURITY (Cont'd.)

Rules and regulations will be developed to insure District implementation of this policy which shall include awareness information, employee training and record keeping.

School Building Access Control

Schools cannot always control the crises/safety issues that may impact them. However, through the development and implementation of school safety plans, the District *Code of Conduct*, and various policies that address school security issues, the District is continually taking steps to improve the safety and culture of the school community.

All school safety plans shall be implemented, reviewed and/or revised as necessary in accordance with applicable law and Commissioner's regulations. Appropriate school safety training for staff and students, the conduct of drills and other exercises to test components of the emergency response plan, as well as procedures for review, will be provided as mandated by law and regulation.

Additionally, school officials will encourage all staff and students to be more aware of their school surroundings by conducting awareness training relating to the school environment that includes awareness of signs of terrorism. Any suspicious activity is to be reported to the building principal/designee who will contact law enforcement authorities. Such suspicious activity may include, but is not limited to, unexplained presence of unauthorized persons in places where they should not be; discreet use of still cameras or video recorders; note-taking or the use of binoculars or maps near school locations; observation of security reaction drills or procedures; mobile surveillance from unauthorized vehicles on or around school grounds; the parking of a suspicious vehicle in the school's parking lot or in proximity to the school building, particularly for an extended period of time; and the discovery of an unattended package or object inside or around the premises of the school.

Visitors shall be directed to the Main Office for specific instructions regarding that building's procedures for visitors to the school.

Possession and Use of Cell Phones/Camera Phones

The Board recognizes that while carrying cell phones can be a safety measure for staff and students alike, problems arise when the inappropriate use of cell phones and/or camera phones interfere with the school's ability to maintain control in the school environment, giving rise to security as well as educational concerns. For example, the use of camera phones poses a danger to school security; risks educational integrity, particularly during testing/examinations; and creates the potential for violations of privacy. The use of camera phones by visitors to the schools can also present a potential security concern.

Inappropriate or unauthorized use of cell phones can undermine (if not render inoperable due to system overload) the communication system in place per the school safety plans, impede evacuation plans if parents or other individuals are summoned to the school by non-designated persons, and potentially restrict the access of community emergency service providers to the site.

(Continued)

SUBJECT: SAFETY AND SECURITY (Cont'd.)

Therefore, the use and/or restriction of cell phones/camera phones shall be reviewed by designated personnel, including those individuals who are members of the school safety team(s) and team members involved in the annual review of the District *Code of Conduct*. As deemed necessary, school safety plans and the District *Code of Conduct* shall be modified to address the use of and/or restriction of cell phones/camera phones during designated times or events, particularly by students and visitors to the schools.

Policy Implementation

The Board directs that administration implement and review on a periodic basis building access control procedures, and provide IDs for staff, students and visitors as appropriate. Parents and students shall be informed of the school's access procedures; and visitors shall be required to follow the specific visitor procedures prescribed by that particular building.

This policy is intended to highlight our commitment to and planning for heightened security access to our schools. The policy shall be considered an adjunct to, not a replacement of, our school safety plans and the District *Code of Conduct*.

Occupational Safety and Health Administration (OSHA)
29 CFR 1910.1200
Labor Law Section 27-a and 879
12 NYCRR Part 820, Article 28

Adopted: 6/27/00
Revised: 2/8/05

SUBJECT: SCHOOL SAFETY PLANS

The District considers the safety of its students and staff to be of the utmost importance and is keenly aware of the evolving nature of threats to schools. As such, it will address those threats accordingly through appropriate emergency response planning. The District-wide school safety plan and the building-level emergency response plan will be designed to prevent or minimize the effects of serious violent incidents and emergencies and to facilitate the coordination of schools and the District with local and county resources in the event of these incidents or emergencies.

These plans will be reviewed by the appropriate team on at least an annual basis and updated as needed by September 1. Specifically, the Board will make the District-wide school safety plan available for public comment at least 30 days prior to its adoption. The District-wide school safety plans may only be adopted by the Board after at least one public hearing that provides for the participation of school personnel, parents, students, and any other interested parties. Additionally, the District-wide school safety plan will designate the Superintendent or designee as the chief emergency officer responsible for coordinating communication between school staff and law enforcement and first responders, and for ensuring staff understanding of this plan. Similarly, the Superintendent will be responsible for ensuring the completion and yearly updating of building-level emergency response plans.

District-Wide School Safety Plan

District-wide school safety plan means a comprehensive, multi-hazard school safety plan that covers all school buildings of the District, addresses crisis intervention, emergency response and management at the District level, and has the contents as prescribed in Education Law and Commissioner's regulations.

The District-wide school safety plan will be developed by the District-wide school safety team appointed by the Board. The District-wide team will include, but not be limited to, representatives of the Board, teacher, administrator, and parent organizations, school safety personnel, and other school personnel.

The plan will further address, among other items as set forth in Education Law and Commissioner's regulations, how the District will respond to implied or direct threats of violence by students, teachers, other school personnel as well as visitors to the school, including threats by students against themselves (e.g., suicide).

Building-Level Emergency Response Plan

Building-level emergency response plan means a plan that addresses crisis intervention, emergency response and management at the building level and has the contents as prescribed in Education Law and Commissioner's regulations. As part of this plan, the District will define the chain of command in a manner consistent with the National Incident Management System (NIMS)/Incident Command System (ICS).

(Continued)

SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)

The building-level emergency response plan will be developed by the building-level emergency response team. The building-level emergency response team is a building-specific team appointed by the building principal, in accordance with regulations or guidelines prescribed by the Board. The building-level team will include, but not be limited to, representatives of teacher, administrator, and parent organizations, school safety personnel and other school personnel, community members, law enforcement officials, fire officials, or other emergency response agencies, and any other representatives the Board deems appropriate.

Training Requirement

The District will submit certification to the New York State Education Department that all District and school staff have received annual training on the emergency response plan, and that this training included components on violence prevention and mental health. New employees hired after the start of the school year will receive training within 30 days of hire, or as part of the District's existing new hire training program, whichever is sooner.

Filing/Disclosure Requirements

The District will file a copy of its District-wide school safety plan and any amendments with the Commissioner of Education no later than 30 days after its adoption. A copy of each building-level emergency response plan and any amendments will be filed with the appropriate local law enforcement agency and with the state police within 30 days of its adoption. Building-level emergency response plans will be kept confidential and are not subject to disclosure under the Freedom of Information Law (FOIL) or any other provision of law.

Homeland Security Presidential Directives - HSPD-5, HSPD-8
Homeland Security Act of 2002, 6 USC § 101
Education Law §§ 807, 2801-a
Public Officers Law Article 6
8 NYCRR § 155.17

SUBJECT: USE OF SURVEILLANCE CAMERAS IN THE SCHOOL DISTRICT**Signage/Notification Use of Surveillance Cameras in School Buildings, School Buses and/or on School Grounds.**

Appropriate signage will be posted at entrances to the school campus and/or at major entrances into school buildings notifying students, staff and the general public of the District's use of surveillance cameras. Such notice will indicate:

**For the security and safety of our
Students, staff, and visitors, this
Facility employs video surveillance
equipment for security purposes.
This equipment may or may not be monitored at any time.
-Ellicottville Central School**

Students and staff will receive additional notification, as appropriate, regarding the use of surveillance cameras in the school, school buses, and/or on school grounds. Such notification may include, but is not limited to, publication in the District calendar, employee handbook, and student handbook. Such notification does not preclude, as deemed appropriate by administration, the discussion of the use of surveillance cameras with staff and students to heighten awareness and help foster a sense of security.

Custodian of Surveillance Recording:

Video records will be maintained by the school department directors. School bus monitoring records will be monitored by the Transportation Director. Facility monitoring records will be monitored by the Maintenance/Housekeeping Director.

Requests for Viewing a Video Recording:

A request must be made in writing to the Superintendent or his/her designee and, if the request is granted, such viewing must occur in the presence of the District's designated custodian of the recording. Under no circumstances will the District's video recording be duplicated and/or removed from the District's premises unless in accordance with a court order and/or subpoena.

**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.

Whenever an *instructional School District facility* is used for a school-sponsored or school-approved curricular or extracurricular event or activity and whenever a *school-sponsored athletic contest* is held at any location, the public school officials and administrators responsible for such school facility or athletic contest shall ensure that AED equipment is provided on-site and that there is present during such event, activity or contest at least one staff person who is trained in accordance with Public Health Law in the operation and use of an AED. *School-sponsored or school-approved curricular or extracurricular events or activities means events or activities of the School District that are, respectively, associated with its instructional curriculum or otherwise offered to its students. A school-sponsored athletic contest means an extraclass intramural athletic activity of instruction, practice and competition for students in grades 4 through 12 consistent with Commissioner's Regulations Section 135.4.*

Where a *school-sponsored competitive athletic event* is held at a site other than a School District facility, School District officials shall assure that AED equipment is provided on-site by the sponsoring or host district and that at least one staff person who is trained, in accordance with Public Health Law, in the operation and use of the AED is present during such athletic event. *A school-sponsored competitive athletic event means an extraclass interscholastic athletic activity of instruction, practice and competition for students in grades 7 through 12 consistent with Commissioner's Regulations Section 135.4.*

School District facilities and District staff responsible for carrying out the duties enumerated in Education Law Section 917 are deemed a "public access defibrillation provider" as defined pursuant to Public Health Law Section 3000-b and subject to the Public Health Law requirements and limitations.

Therefore, it is the policy of our School District to provide proper training requirements for District AED users, to ensure the immediate calling of 911 and/or the community equivalent ambulance dispatch entity whenever the AED is used, to ensure ready identification of the location of the AED units as enumerated in the District's Public Access Defibrillation Collaborative Agreement.

The District will provide for regular maintenance and 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.

(Continued)

**SUBJECT: CARDIAC AUTOMATED EXTERNAL DEFIBRILLATORS (AEDs) IN
PUBLIC SCHOOL FACILITIES (Cont'd.)**

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 NYCRR Section 136.4

Adopted: 1/21/03
Revised: 2/9/10

**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 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 that time that District mail is being opened by school staff.

SUBJECT: SCHOOL BUILDING ACCESS CONTROL

Schools cannot always control the crises/safety issues that may impact them. However, through the development and implementation of school safety plans, the District *Code of Conduct*, and various policies that address school security issues, the District is continually taking steps to improve the safety and culture of the school community.

All school safety plans shall be implemented, reviewed and/or revised as necessary in accordance with applicable law and Commissioner's regulations. Appropriate school safety training for staff and students, the conduct of drills and other exercises to test components of the emergency, response plan, as well as procedures for review, will be provided as validated by law and regulation.

Additionally, school officials will encourage all staff and students to be more aware of their school surroundings by conducting awareness training relating to the school environment that include awareness of signs of terrorism. Any suspicious activity is to be reported to the building principal/designee who will contact law enforcement authorities. Such suspicious activity may include, but is not limited to, unexplained presence of unauthorized persons in places where they should not be; discreet use of still cameras or video recorders; note-taking or the use of binoculars or maps near school locations; observation of security reaction drills or procedures; mobile surveillance from unauthorized vehicles on or around school grounds; the parking of a suspicious vehicle in the school's parking lot or in proximity to the school building, particularly for an extended period of time; and the discovery of an unattended package or object inside or around the premises of the school.

Visitors shall be directed to the Main Office for specific instructions regarding that building's procedures for visitors to the school.

Possession and Use of Cell Phones/Camera Phones

The Board recognizes that while carrying cell phones can be a safety measure for staff and students alike, problems arise when the appropriate use of cell phones and/or camera phones interfere with the school's ability to maintain control in the school environment, giving rise to security as well as educational concerns. For example, the use of camera phones poses a danger to school security; risks educational integrity, particularly during testing/examinations; and creates the potential for violations of privacy. The use of camera phones by visitors to the schools can also present a potential security concern.

Inappropriate or unauthorized use of cell phones can undermine (if not render inoperable due to system overload) the communication system in place per the school safety plans, impede evacuation plans if parents or other individuals are summoned to the school by non-designated persons, and potentially restrict the access of community emergency service providers to the site.

(Continued)

SUBJECT: SCHOOL BUILDING ACCESS CONTROL (Cont'd.)

Therefore, the use and/or restriction of cell phones/camera phones shall be reviewed by designated personnel, including those individuals who are members of the school safety team(s) and team members involved in the annual review of the District *Code of Conduct*. As deemed necessary, school safety plans and the District *Code of Conduct* shall be modified to address the use of and/or restriction of cell phones/camera phones during designated times or events, particularly by students and visitors to the schools.

Policy Implementation

The Board directs that administration implement and review on a periodic basis building access control procedures, and provide IDs for staff, students and visitors as appropriate. Parents and students shall be informed of the school's access procedures; and visitors shall be required to follow the specific visitor procedures prescribed by that particular building.

This policy is intended to highlight our commitment to and planning for heightened security access to our schools. The policy shall be considered an adjunct to, not a replacement of, our school safety plans and the District *Code of Conduct*.

**SUBJECT: FIRE AND EMERGENCY DRILLS, BOMB THREATS, AND BUS
EMERGENCY DRILLS****Fire and Emergency Drills**

The administration of each school building will instruct and train students on appropriate emergency responses, through fire and emergency drills, in the event of a sudden emergency.

Fire and emergency drills will be held at least 12 times in each school year; eight of these will be completed by December 31. Eight of all drills will be evacuation drills, four will be through use of the fire escapes on buildings where fire escapes are provided or identified secondary exits. The other four drills will be lock-down drills. Drills will be conducted at different times of the school day. Students will also be instructed in the procedures to be followed in the event that a fire occurs during the regular school lunch period or assembly, however, this additional instruction may be waived if a drill is held during the regular lunch period or assembly.

Summer School

At least two additional drills will be held during summer school in buildings where summer school is held, and one of these drills will be held during the first week of summer school.

After-School Programs, Events, or Performances

The building principal or designee will require those in charge of after-school programs, events, or performances attended by any individuals unfamiliar with that school building, to announce at the beginning of these programs the procedures to be followed in the event of an emergency.

Bomb ThreatsSchool Bomb Threats

A bomb threat, even if later determined to be a hoax, is a criminal act. No bomb threat should be treated as a hoax when it is first received. Upon receiving any bomb threat, the school has an obligation and responsibility to ensure the safety and protection of the students and other occupants of the school. This obligation takes precedence over a search for a suspect object. Prudent action is dependent upon known information about the bomb threat-location, if any; time of detonation; etc. Specific procedures as to appropriate responses as a result of a bomb threat can be located in the building-level emergency response plan, as required by relevant law and regulation.

Police Notification and Investigation

Appropriate law enforcement agencies must be notified by the building administrator or designee of any bomb threat as soon as possible after receiving the threat. Law enforcement officials will contact, as the situation requires, fire and/or county emergency coordinators according to the county emergency plan.

(Continued)

**SUBJECT: FIRE AND EMERGENCY DRILLS, BOMB THREATS, AND BUS
EMERGENCY DRILLS (Cont'd.)****Implementation**

The Superintendent or designee will develop written procedures to implement the terms of this policy. Additionally, these procedures will be incorporated in the District-wide school safety plan and the building-level emergency response plan, with provisions to provide written information to all staff and students regarding emergency procedures by October 1 of each school year, an annual drill to test the emergency response procedures under each of its building-level emergency response plans; and the annual review of the District-wide and building-level emergency response plans, along with updates as necessary, by September 1, as mandated by law or regulation.

Bus Emergency Drills

The administration will conduct a minimum of three emergency drills to be held on each school bus during the school year. The first drill will be conducted during the first seven days of school, the second drill between November 1 and December 31, and the third drill between March 1 and April 30. No drills will be conducted when buses are on routes.

Students who ordinarily walk to school will also be included in the drills. Students attending public and nonpublic schools who do not participate in regularly scheduled drills will also be provided drills on school buses, or as an alternative, will be provided classroom instruction covering the content of these drills.

Each drill will include practice and instruction in the location, use, and operation of the emergency door, fire extinguishers, first-aid equipment, and windows as a means of escape in the event of fire or accident. Similarly, students will be instructed on all topics mandated by relevant sections of the Education Law and Commissioner's regulations, including, but not limited to, the following:

- a) Safe boarding and exiting procedures with specific emphasis on when and how to approach, board, disembark, and move away from the bus after disembarking;
- b) Advancing at least ten feet in front of the bus before crossing the highway after disembarking; and
- c) Orderly conduct as bus passengers.

(Continued)

**SUBJECT: FIRE AND EMERGENCY DRILLS, BOMB THREATS, AND BUS
EMERGENCY DRILLS (Cont'd.)**Instruction on Use of Seat Belts

When students are transported on school buses equipped with seat safety belts, the District will ensure that all students who are transported on any school bus owned, leased, or contracted for by the District will receive instruction on the use of seat safety belts. This instruction will be provided at least three times each year to both public and nonpublic school students who are so transported and will include, but not be limited to:

- a) Proper fastening and release of seat safety belts;
- b) Acceptable placement of seat safety belts on students;
- c) Times at which the seat safety belts should be fastened and released; and
- d) Acceptable placement of the seat safety belts when not in use.

Education Law §§ 807, 2801-a and 3623
Penal Law §§ 240.55, 240.60 and 240.62
8 NYCRR §§ 155.17, 156.3(f), 156.3(g), and 156.3(h)(2)

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 CFR 1910.10:30

Adopted: 6/27/00

SUBJECT: COMMUNICABLE DISEASES

Whenever, upon investigation and evaluation by the Director of School Health Services or other health professionals acting upon direction or referral of the director, a student in the public schools shows symptoms of any communicable or infectious disease reportable under the public health law that imposes a significant risk of infection of others in the school, he/she shall be excluded from the school and sent home immediately, in a safe and proper conveyance. The Director of School Health Services shall immediately notify a local public health agency of any disease reportable under the public health law.

Following absence on account of illness or from unknown cause, the Director of School Health Services may examine each student returning to a school without a certificate from a local public health officer, a duly licensed physician, physician assistant, or nurse practitioner.

The Director of School Health Services, or other health professionals acting upon direction or referral of the director, may make evaluations of teachers and any other school employees, school buildings and premises as, in their discretion, they may deem necessary to protect the health of the students and staff.

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.

Education Law Section 906
8 NYCRR Section 136.3(h) and 136.3(i)

Adopted: 6/27/00
Revised: 9/25/07

SUBJECT: HUMAN IMMUNODEFICIENCY VIRUS (HIV) RELATED ILLNESSES

The Board of Education contends that a student shall not be denied the right to attend school or continue his/her education nor shall an employee be denied the right to continue his/her employment who has been diagnosed or identified as having a positive blood test for the antibodies to the Human Immunodeficiency Virus (HIV). The Board further contends that under current law and regulations, the disclosure of confidential HIV-related information shall be strictly limited.

Administrative regulations and procedures shall be developed and implemented by the administration based on recommendations from the New York State Education Department and from consultation with appropriate professional and medical staff in the District.

The Superintendent shall also establish protocols for routine sanitary procedures for dealing with the cleaning and handling of body fluids in school, with special emphasis placed on staff awareness.

Confidentiality: Public Health Law, Article 27-F

Adopted: 6/27/00

Non-Instructional/Business
Operations

**SUBJECT: PANDEMIC PREPAREDNESS IN THE WORKPLACE AND THE
AMERICANS WITH DISABILITIES ACT**

The District, in conjunction with its District-wide and building-level school safety plans and team, will identify a pandemic coordinator and/or team with defined roles and responsibilities for preparedness and response planning. This team should include staff with expertise in all equal employment opportunity laws. Employees with disabilities should be included in planning discussions and employer communications concerning pandemic preparedness should be accessible to employees with disabilities.

Before an influenza pandemic occurs, the School District may make inquiries that are not disability-related. An inquiry is not disability-related if it is designed to identify potential non-medical reasons for absence during a pandemic (e.g., curtailed public transportation) on an equal footing with medical reasons (e.g., chronic illnesses that increase the risk of complications). The inquiry should be structured so that the employee gives one answer of "yes" or "no" to the whole question without specifying the factor(s) that apply to him/her. The answer need not be given anonymously.

If an influenza pandemic becomes more severe or serious, according to the assessment of local, state or federal public health officials, the District may have sufficient objective information from public health advisories to reasonably conclude that employees will face a direct threat if they contract pandemic influenza. Only in this circumstance, may the District make disability-related inquiries or require medical examinations of asymptomatic employees to identify those at higher risk of influenza complications.

School Safety Plans

The School District has developed comprehensive District-wide and building-level school safety plans that address prevention and intervention strategies, emergency response and management at both the District and building level, and have the contents as prescribed in Education Law and Commissioner's regulations.

Both safety plans address pandemic preparedness and will be reviewed to ensure continuity with the Board policy and administrative regulations.

Americans with Disabilities Act Amendments Act (ADAAA) of 2008, Public Law 110-325
Education Law Section 2801-a
8 NYCRR Section 155.17

Adopted: 11/9/10

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.

Adopted: 6/27/00

2000

5720

Non-Instructional/Business
Operations

SUBJECT: SCHEDULING AND ROUTING

Bus routes are authorized by the Board of Education and any requests for a change must be submitted to the Superintendent or his/her designee.

Transportation services shall be provided to meet the needs of the students of the District within specified limits and areas established by the Board of Education.

Education Law Sections 3621 and 3635

Adopted: 6/27/00

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 30 days of moving into the District. No late request of a parent or guardian shall be denied where a reasonable explanation is provided for the delay.

Transportation to Nonpublic Schools on Holidays

When a holiday falls on a Saturday or Sunday, the Board of Education may choose to close on Friday or Monday in observance of the holiday. Schools that close may provide pupil transportation. However, if the District has not shared its calendar and informed nonpublic schools that it will not transport on the optional holiday, the District is required to provide pupil transportation services on that day to nonpublic schools that are open.

Transportation for Nonpublic School Students with Disabilities who are Parentally Placed

For students with disabilities (ages 5 through 21) who are parentally placed in nonpublic schools outside their district of residency, if special education services are to be provided to a student at a site other than the nonpublic school, the school district of location is responsible for providing the special education services, including, as applicable, arranging and providing transportation necessary for the student to receive special education services. The proportionate share of IDEA Part B dollars could be used for such purpose.

The school district of residence remains responsible to provide transportation to parentally placed nonpublic school students from the student's home to the nonpublic school.

Transportation of Students with Disabilities

Students with disabilities in the District shall be transported up to 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 50 miles. The Commissioner may then establish transportation arrangements.

Student Information

Any mode of transportation used on a regular basis to transport students with a disability on a regularly scheduled route shall, upon written consent of the parent or person in parental relation, have maintained on such mode of transportation the following information about each student being transported:

(Continued)

SUBJECT: TRANSPORTATION OF STUDENTS (Cont'd.)

- a) Student's name;
- b) Nature of the student's disability;
- c) Name of the student's parent, guardian or person in a position of loco parentis (person in parental relation) and one or more telephone numbers where such person can be reached in an emergency; and/or
- d) Name and telephone number of any other person designated by such parent, guardian or person in a position of loco parentis as a person who can be contacted in an emergency.

Such information shall be used solely for the purpose of contacting such student's parent, guardian, person in a position of loco parentis, or designee in the event of an emergency involving the student, shall be kept in a manner which retains the privacy of the student, and shall not be accessible to any person other than the driver or a teacher acting in a supervisory capacity. In the event that the driver or teacher is incapacitated, such information may be accessed by any emergency service provider for such purpose.

Such information shall be updated as needed, but at least once each school year and shall be destroyed if parental consent is revoked, the student no longer attends such school, or the disability no longer exists.

Herein the term "disability" shall mean a physical or mental impairment that substantially limits one or more of the major life activities of the student, whether of a temporary or permanent nature.

Fire Extinguishers

School buses manufactured on or after January 1, 1990 fueled with other than diesel fuel and used to transport three or more students who use wheelchairs or other assistive mobility devices or with a total capacity of more than eight passengers and used to transport such students shall be equipped with an automatic engine fire extinguishing system.

School buses manufactured on or after September 1, 2007 fueled with diesel fuel and used to transport three or more students who use wheelchairs or other assistive mobility devices or with a total capacity of more than eight passengers used to transport such students shall be equipped with an automatic engine fire extinguishing system.

The purchase of automatic engine fire extinguishing systems for school buses used to transport such students shall be deemed a proper School District expense.

(Continued)

SUBJECT: TRANSPORTATION OF STUDENTS (Cont'd.)**Transportation of Non-Resident Students**

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 a student participating in such event has provided the District with written notice, consistent with District policy, authorizing an alternative form of return transportation for such student or unless intervening circumstances make such transportation impractical. In cases where intervening circumstances make transportation of a student back to the point of departure or to the appropriate school in the District impractical, a representative of the School District shall remain with the student until such student's parent or legal guardian has been contacted and informed of the intervening circumstances which make such transportation impractical; and the student has been delivered to his/her parent or legal guardian.

Transportation in Personal Vehicles

Personal cars of teachers and staff shall not be used to transport students except in the event of extenuating circumstances and authorized by the administration.

Education Law Sections 1604, 1709, 1804, 1903, 1950, 2503, 2554, 2590-e, 3621(15), 3623-a(2c), 3635, 4401(4), 4404 and 4405
Vehicle and Traffic Law Section 375(20)(1) and 375(21-i)

NOTE: Refer also to Policy #7133 -- Education of Homeless Children and Youth

Adopted: 6/27/00
Revised: 4/8/03; 8/8/06; 9/25/07; 2/9/10

SUBJECT: TRANSPORTATION OF STUDENTS IN PRIVATE VEHICLES

When non-District personnel wish to transport students, other than his or her own child, in a private vehicle to or from any District sponsored activity, permission must be received from the building principal for such mode of transportation. Additionally, those students riding in private vehicle(s) must have written parental/legal guardian permission authorizing this private transportation.

Those persons transporting students in private vehicles assume liability and any resulting costs for any accidents or injuries which may occur while transporting students to District sponsored events. Any person using a private vehicle to transport students to or from District sponsored events must provide proof of liability insurance, with the District named as an additional insured. The Superintendent or his/her designee will determine the amount of additional insurance which is necessary for adequate liability coverage.

District personnel using a private vehicle to transport students must have prior authorization and/or be acting within the scope of their duties in order to be held harmless by the District from any liability claim.

Notification of this policy will be disseminated through normal means of District communication.

SUBJECT: USE OF BUSES BY COMMUNITY GROUPS

Upon formal application to and approval by the Board of Education buses may be rented or leased to a municipal corporation; to any senior citizen center recognized and funded by the Office for the Aging; to any not-for-profit organization serving those with disabilities; or, to any not-for-profit organization which provides recreational youth services or neighborhood recreation centers. Such rentals/leases can be made only for times when vehicles are not needed for student transport and must be made for a consideration acceptable to the Board which shall not be less than the full amount of the costs and expenses resulting from the lease or rental.

Education Law Section 1501-b

Adopted: 6/27/00
Revised: 2/9/10

SUBJECT: PASSENGERS ON SCHOOL BUSES

In accordance with Education Law, the Board of Education is authorized to permit the following persons to ride as passengers on the school buses with students:

- a) Residents who are enrolled in education or training programs including, but not limited to, alternative education programs, vocational, apprenticeship and job training programs, and on-the-job training;
- b) Children under the age of five traveling between home and day care or pre- school programs; and
- c) Employees of school districts or other educational or training institutions.

In order to protect the interest of students, guidelines will be established which would permit those designated individuals to ride as passengers on any school bus that provides student transportation for the District during the hours such bus is transporting students to and from classes. However, the following requirements shall be met before such individuals are permitted to ride school buses with students:

- a) Applications must be filed by those individuals requesting such transportation, in accordance with guidelines established by the District, and such applications must be approved by the Board of Education;
- b) There must regularly be sufficient space on the school bus to permit all students to be seated while the bus is in operation;
- c) The amount charged such non-student passengers for transportation costs shall not exceed the cost to the District for transporting students the same distance.

The Board retains the right to accept or reject any application which is filed pursuant to this policy and may establish the maximum number of persons other than students that may ride any school bus.

If any person is authorized to ride on school buses in accordance with law and District policy, the School District shall maintain records indicating the number of such trips and any revenues collected as a result. Any funds which are collected for such non-student transportation shall be credited to an account so designated.

Such persons authorized to ride as passengers on school buses with students may also ride on buses not owned by the School District but used for transportation of students pursuant to contract, provided that the School District and the owner of the bus agree upon any amount to be charged such person. Such agreement may include an amount to be paid to the bus owner or School District.

SUBJECT: SCHOOL BUS SAFETY PROGRAM

The safe transportation of students to and from school is of primary concern in the administration of the school bus program. All state laws and regulations pertaining to the safe use of school buses shall be observed by drivers, students and school personnel.

To assure the safety and security of students boarding or exiting school buses on school property, it shall be unlawful for a driver of a vehicle to pass a stopped school bus when the red bus signal is in operation.

Use of Cell Phones and Portable Electronic Devices Prohibited

Use of portable electronic devices by a school bus driver at times the vehicle is in operation on the roadway poses a potential safety risk. All school bus drivers are prohibited from using portable electronic devices while the bus is in operation and students are on the bus.

Personal cell phones are to be placed in the "off" position when in the possession of the school bus driver while the bus is in operation. Cell phones may be used in case of emergency.

The following terms are defined as:

- a) "Portable electronic device" shall mean any mobile telephone (hand held or "hands free"), personal digital assistant (PDA), portable device with mobile data access, laptop computer, pager, broadband personal communication device, two-way messaging device, electronic game, or portable computing device.
- b) "Using" shall mean holding a portable electronic device while viewing, taking or transmitting images, playing games, or composing, sending, reading, viewing, accessing, browsing, transmitting, saving or retrieving email, text messages, or other electronic data.
- c) "In operation" shall mean that the bus engine is running, whether in motion or not.

The Transportation Supervisor, in cooperation with the principals, has the responsibility of developing and publishing safety rules to be followed by drivers and passengers, including rules of student conduct. In order to ensure maximum safety to those riding school buses, it is necessary that students and drivers cooperate in this effort. There is no substitute for training to develop safe habits in pedestrian and vehicular traffic.

All buses and other vehicles owned and operated by the School District will have frequent safety inspections, and will be serviced regularly. The Transportation Supervisor will maintain a comprehensive record of all maintenance performed on each vehicle.

(Continued)

SUBJECT: SCHOOL BUS SAFETY PROGRAM (Cont'd.)

Every bus driver is required to report promptly any school bus accident involving death, injury, or property damage. All accidents, regardless of damage involved, must be reported at once to the Transportation Supervisor.

Education Law Section 3623

Vehicle and Traffic Law Sections 509-a(7), 509-1(1-b), 1174(a) and 1174(b)

8 NYCRR Section 156.3

NOTE: Refer also to Policies #5741 -- Drug and Alcohol Testing for School Bus Drivers and Other Safety-Sensitive Employees
#8212 -- Fire Drills, Bomb Threats and Bus Emergency Drills

Adopted: 6/27/00

Revised: 10/9/12

SUBJECT: IDLING SCHOOL BUSES ON SCHOOL GROUNDS

The Board of Education recognizes the need to promote the health and safety of District students and staff and to protect the environment from harmful emissions found in bus and vehicle exhaust. In accordance with Education Law and Commissioner's regulations, the District will minimize, to the extent practicable, the idling of all school buses and other vehicles owned or leased by the District while such bus or vehicle is parked or standing on school grounds or in the front of any school. This policy also applies to contractor owned and operated school buses under contract with the District.

The District shall ensure that each driver of a school bus or other vehicle owned, leased or contracted for by the District turn off the engine of the bus or vehicle while waiting for passengers to load or off load on school grounds, or while such vehicle is parked or standing on school grounds or in front of or adjacent to any school.

Exceptions

Unless otherwise required by State or local law, the idling of a school bus or vehicle engine may be permitted to the extent necessary to achieve the following purposes:

- a) For mechanical work; or
- b) To maintain an appropriate temperature for passenger comfort; or
- c) In emergency evacuations where necessary to operate wheelchair lifts.

Private Vendor Transportation Contracts

All contracts for pupil transportation services between the School District and a private vendor that are entered into on or after August 21, 2008, shall include a provision requiring such vendor's compliance with the provisions of reducing idling in accordance with Commissioner's Regulations Section 156.3(h).

Education Law Section 3637
Vehicle and Traffic Law Section 142
8 NYCRR Section 156.3(h)

Adopted: 4/28/09

SUBJECT: QUALIFICATIONS OF BUS DRIVERS

A person shall be qualified to operate a bus only if such person:

- a) Is at least 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 13-month period;
- d) Is not disqualified to drive a motor vehicle under Vehicle and Traffic Law Sections 509-c and 509-cc and any other provisions of Article 19-A;
- e) Has on file at least three statements from three different persons who are not related to the driver/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 control substance testing of bus drivers if and when applicable;
- h) Has taken and passed a physical performance test at least once every two years and/or following an absence from service of 60 or more consecutive days from his/her 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 his/her designee shall:

- a) Require such person to pass a physical examination within four weeks prior to the beginning of service;
- b) Obtain a driving record from the appropriate agency in every state in which the person resided, worked, and/or held a driver's license or learner's permit during the preceding three years;

(Continued)

SUBJECT: QUALIFICATIONS OF BUS DRIVERS (Cont'd.)

- c) Investigate the person's employment record during the preceding three years;
- d) Require 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;
- g) All new drivers must pass an initial drug and alcohol screening.

Implementation

Administrative regulations will be developed to implement the provisions of drug and alcohol testing for school bus drivers, as well as to address bus driver physical performance test guidelines.

Occasional Drivers

Under Commissioner's regulations, an occasional driver is defined as a certified teacher employed by a school district or Board of Cooperative Educational Services (BOCES) who is not primarily employed as a school bus driver or substitute bus driver on either a full-time or part-time basis. Occasional drivers used for other than regular routes are not required to fulfill the training required for regular school bus drivers.

Omnibus Transportation Employee Testing Act of 1991, (Public Law 102-143)

49 USC Section 521(b)

49 CFR Parts 40, 382, 391, 392 and 395

Education Law Section 3624

Vehicle and Traffic Law Sections 509-c, 509-cc and Article 19-A

8 NYCRR Section 156.3

15 NYCRR Part 6

NOTE: Refer also to Policy #5761 -- Drug and Alcohol Testing for School Bus Drivers and Other Safety-Sensitive Employees

Adopted: 6/27/00

Revised: 2/8/05; 2/9/10; 10/9/12

**SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND
OTHER SAFETY-SENSITIVE EMPLOYEES**

In accordance with federal regulations, employees in safety-sensitive positions as defined in regulations, including school bus drivers who are required to have and use a commercial drivers license (CDL), are now subject to random testing for alcohol, marijuana, cocaine, amphetamines, opiates (including heroin), and phencyclidine (PCP). The District shall adhere to federal law and regulations requiring the implementation of a drug and alcohol testing program for such employees in safety-sensitive positions.

The District shall either establish and manage its own program, by contract, or through a consortium for the provision of alcohol and drug testing of employees in safety-sensitive positions. Safety-sensitive employees (SSE), including school bus drivers who drive a vehicle which is designed to transport 16 or more passengers (including the driver), shall be subject to this requirement.

Federal regulations require that the District test school bus drivers and other SSEs for alcohol and drugs at the following times:

- a) Drug testing will be conducted after an offer to hire, but before actually performing safety-sensitive functions for the first time. Such pre-employment testing will also be required when employees transfer to a safety-sensitive position.
- b) Safety-sensitive employees are also subject to a random drug and/or alcohol test on an unannounced basis just before, during or just after performance of safety-sensitive functions.
- c) In addition, testing will be ordered if a trained supervisor has a "reasonable suspicion" that an employee has engaged in prohibited use of drugs and/or alcohol.
- d) There will also be post-accident testing conducted after accidents on employees whose performance could have contributed to the accidents.
- e) Finally, return-to-duty and follow-up testing will be conducted when an individual who has violated the prohibited alcohol and/or drug conduct standards returns to performing safety-sensitive duties. Follow-up tests are unannounced and at least six tests must be conducted in the first 12 months after an employee returns to duty. Follow-up testing may be extended for up to 60 months following return-to-duty.

All employee drug and alcohol testing will be kept confidential and shall only be revealed without the driver's consent to the employer, a substance abuse professional, drug testing laboratory, medical review officer and any other individual designated by law.

(Continued)

**SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND
OTHER SAFETY-SENSITIVE EMPLOYEES (Cont'd.)**

The following alcohol and controlled substance-related activities are prohibited by the Federal Highway Administration's drug use and alcohol misuse rules for drivers of commercial motor vehicles and other SSEs:

- a) Reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration of 0.02 or greater.
- b) Being on duty or operating a commercial motor vehicle (CMV) while the driver possesses alcohol, unless the alcohol is manifested and transported as part of a shipment. This includes the possession of medicines containing alcohol (prescription or over-the-counter), unless the packaging seal is unbroken.
- c) Using alcohol while performing safety-sensitive functions.
- d) Using alcohol six hours or less before duty. (SED requirement)
- e) When required to take a post-accident alcohol test, using alcohol within eight hours following the accident or prior to undergoing a post-accident alcohol test, whichever comes first.
- f) Refusing to submit to an alcohol or controlled substance test required by post-accident, random, reasonable suspicion or follow-up testing requirements.
- g) Reporting for duty or remaining on duty, requiring the performance of safety-sensitive functions, when the SSE uses any controlled substance. This prohibition does not apply when instructed by a physician who has advised the SSE that the substance does not adversely affect the SSE's ability to safely operate a CMV.
- h) Reporting for duty, remaining on duty or performing a safety-sensitive function, if the SSE tests positive for controlled substances.

Drivers and other SSEs who are known to have engaged in prohibited behavior with regard to alcohol misuse or use of controlled substances are subject to disciplinary action and penalties pursuant to District policy and collective bargaining agreements, as well as the sanctions provided for in federal law. SSEs who have engaged in such prohibited behavior shall not be allowed to perform safety-sensitive functions until they are:

- a) Evaluated by a substance abuse professional (SAP).
- b) Complete any requirements for rehabilitation as set by the District and the SAP.

(Continued)

**SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND
OTHER SAFETY-SENSITIVE EMPLOYEES (Cont'd.)**

- c) Pass a return-to-duty test with the result below 0.02 if the conduct involved alcohol, or a controlled substance test with a verified negative result if the conduct involved controlled substance use.
- d) The SSE shall also be subject to unannounced follow-up alcohol and controlled substance testing. The number and frequency of such follow-up testing shall be as directed by the SAP, and consist of at least six tests in the first 12 months.

The Superintendent of Schools shall ensure that each SSE receives a copy of District policy, educational materials that explain the requirements of the alcohol and drug testing regulations, and any regulations and/or procedures developed by the District with respect to meeting those requirements. The Superintendent or his/her designee shall ensure that a copy of these materials is distributed to each SSE, who shall sign for receipt of all of the above documents, as well as other appropriate personnel, prior to the start of alcohol and controlled substance testing as well as at the beginning of each school year or at the time of hire for any safety-sensitive employees. Representatives of applicable collective bargaining units shall be notified of the availability of this information.

The Superintendent or his/her designee shall arrange for training of all supervisors who may be utilized to determine whether "reasonable suspicion" exists to test a driver for prohibited conduct involving alcohol or controlled substance use/abuse.

Any violation of this policy, administration regulations and/or procedures, and applicable federal and state laws by a covered employee shall be grounds for disciplinary action including, but not limited to, fines, suspension, and/or discharge in a manner consistent with District policy, collective bargaining agreements and applicable law.

Regulations shall be established as necessary to implement this policy.

Omnibus Transportation Employee Testing Act of 1991 (Public Law 102-143) 49 USC Sections 31136 and 31306
49 CFR Parts 40, 172, 382, 383, 391, 392 and 395
Vehicle and Traffic Law Section 509-L

Adopted: 6/27/00
Revised: 2/23/10

SUBJECT: CONTRACTING FOR CHARTER BUSES

Effective September 1, 1995, the following procedures for contracting buses for chartered field trips will be followed:

- a) Prior to booking the trip - confirmation from Class/Activity Advisors;
- b) Prospective carrier must:
 1. Submit to the District acceptable documentation that the bus company is in total compliance with New York State Department of Motor Vehicles Article 19A (Interstate) and the Federal Department of Transportation Regulations (Interstate).
 2. Provide documentation certifying name of insurance carrier and coverage provided.
 3. Provide names and driver license abstracts for drivers who will be assigned to the trips, including back-up drivers.
 4. Provide documentation verifying last date of vehicle inspection and expiration of current certification for each bus to be used on trip.
 5. Provide written authorization for District designee to perform pretrip procedures and verification that bus drivers have also been advised of process.

The Superintendent of Schools or his/her designee will review all documentation and respond within ten working days of receiving such from carrier.

Prior to Booking Confirmation

Internal procedures will include:

- a) Verification of carrier compliance with New York State Department of Motor Vehicles and Department of Transportation.
- b) Review of driver license abstracts for acceptable driving record for each driver assigned to the trip.
- c) Verification of liability, including insurance company rating and coverages.

Day of Trip (Before Boarding):

- a) Each driver will verify their identity by showing their Commercial Drivers License to designee of the District.

(Continued)

SUBJECT: CONTRACTING FOR CHARTER BUSES (Cont'd.)

- b) Each bus will receive a visual pre-trip inspection by the District's Transportation Supervisor, this shall include:

Inspection certification sticker, tires, oil or grease leaks, and overall condition and appearance of both interior and exterior of bus.
- c) The Head Chaperone will observe the driver's pre-trip inspection before the return trip.
- d) The Head Chaperone will be provided the Transportation Supervisor's phone numbers should the vehicles not pass the return pre-trip inspection so he/she may be involved with the company to remedy said concerns.

Personnel

Ellicottville Central School District

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**SUBJECT: CODE OF ETHICS FOR BOARD MEMBERS AND ALL DISTRICT
PERSONNEL****General Provisions**

Pursuant to the provisions of Section 806 of the General Municipal Law, the Board of Education of the Ellicottville Central District recognizes that there are rules of ethical conduct for members of the Board and employees of the District that must be observed if a high degree of moral conduct is to be obtained in our unit of local government. It is the purpose of this policy to promulgate these rules of ethical conduct for the Board members and employees of the District. These rules shall serve as a guide for official conduct of the Board members and employees of the District. The rules of ethical conduct of this policy, as adopted, shall not conflict with, but shall be in addition to any prohibition of General Municipal Law Sections 800-809 or any other general or special law relating to ethical conduct and interest in contracts of Board members and employees.

Standards of Conduct

Every Board member or employee of the Ellicottville Central School District shall be subject to and abide by the following standards of conduct:

Gifts

Pursuant to Section 805-a of the General Municipal Law, he/she shall not, directly or indirectly, solicit any gift or accept or receive any gift having a value of \$75 or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended or expected to influence him/her in the performance of official duties or was intended as a reward for any official action on his/her part.

Confidential Information

He/she shall not disclose confidential information acquired by him/her in the course of his/her official duties or use such information to further his/her personal interest.

Disclosure of Interest in Contracts (Conflict of Interest)

Any District officer or employee, as well as his/her spouse, who has, will have, or later acquires an interest in any actual or proposed contract, purchase agreement, lease agreement or other agreement, including oral agreements, with the District shall publicly disclose the nature and extent of such interest in writing to his/her immediate supervisor and to the Board of Education as soon as he/she has knowledge of such actual or prospective interest. Such written disclosure shall be made part of and set forth in the Board minutes.

(Continued)

Personnel

**SUBJECT: CODE OF ETHICS FOR BOARD MEMBERS AND ALL DISTRICT
PERSONNEL (Cont'd.)**Representation before one's own agency

He/she shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he/she is an officer, member or employee or of any municipal agency over which he/she has jurisdiction or to which he/she has the power to appoint any member, officer or employee.

Representation before any agency for a contingent fee

He/she shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of his/her municipality, whereby his/her compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of services rendered.

Disclosure of interest in resolution

To the extent that he/she knows thereof, a member of the Board of Education or employee of the Ellicottville Central School District, whether paid or unpaid, who participates in the discussion or gives official opinion to the Board of Education on any resolution before the Board of Education shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he/she has in such resolution.

Investments in conflict with official duties

He/she shall not invest or hold any investment directly or indirectly in any financial, business, commercial, or other private transaction, that creates a conflict with his/her official duties.

Private employment

He/she shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his/her official duties.

Future employment

He/she shall not, after the termination of service or employment with the School District, appear before any board or agency of the Ellicottville Central School District in relation to any case, proceeding, or application in which he/she personally participated during the period of his/her service or employment or which was under his/her active consideration.

(Continued)

**SUBJECT: CODE OF ETHICS FOR BOARD MEMBERS AND 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 Ellicottville Central School District, or any agency thereof on behalf of himself/herself or any member of his/her family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

Distribution/Posting of Code of Ethics

The Superintendent of the Ellicottville Central 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 30 days after the effective date of this policy. Each Board member and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his/her office or employment. The Superintendent shall also cause a copy of General Municipal Law Sections 800-809 to be kept posted in each building in the District in a place conspicuous to its Board members and employees. Failure to distribute any such copy of this code of ethics or failure of any Board member or employee to receive such copy, as well as failure to post any such copy of General Municipal Law, Sections 800-809, shall have no effect on the duty of compliance with such code or Sections 800-809, nor with the enforcement of provisions thereof.

Penalties

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

Effective Date

This policy shall take effect immediately.

(Continued)

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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: 6/27/00
Revised: 8/8/06; 1/27/15

Personnel

SUBJECT: TESTING MISCONDUCT AND MANDATORY REPORTING REQUIREMENTS

School District employees are expressly prohibited from: engaging in testing misconduct, as that term is described in the regulations of the Commissioner of Education; assisting in the engagement of, or soliciting another to engage in testing misconduct; and/or the knowing failure to report testing misconduct. When committed by an employee of the School District in a position for which a teaching or school leader certificate is required, such actions or inactions will be deemed to raise a reasonable question of moral character under Part 83 of the Commissioner's regulations. A School District employee in a position for which a teaching or school leader certificate is not required who commits an unlawful act in respect to examination and records will be subject to disciplinary action by the Board of Education in a manner consistent with New York State law and regulation.

School District employees will report to the State Education Department any known incident of testing misconduct by a certified educator or any known conduct by a non-certified individual involved in the handling, administration or scoring of state assessments in violation of New York State law. Such report will be made in accordance with directions and procedures established by the Commissioner for the purpose of maintaining the security and confidential integrity of State assessments.

The School District will not dismiss or take other disciplinary or adverse action against an employee because he/she submitted a report regarding testing misconduct to the State Education Department. Any such adverse action by an individual holding a teaching or school leader certificate will be deemed to raise a reasonable question of moral character under Part 83 of the Commissioner's regulations and may be referred to the Office of School Personnel Review and Accountability at the State Education Department.

8 NYCRR Section 102.4

Adopted: 7/1/14

Personnel

SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY

The Ellicottville Central School District is an equal opportunity employer and does not discriminate against any employee or applicant for employment in its programs and activities on the basis of race, color, national origin, sex, disability, or age. Further, the District does not discriminate on the basis of religion or creed, sexual orientation, military status, genetic status, marital status, domestic violence victim status, criminal arrest or conviction record, or any other basis prohibited by state or federal non-discrimination laws.

Investigation of Complaints and Grievances

The School District will act to promptly, thoroughly, and equitably investigate all complaints, whether verbal or written, of discrimination, and will promptly take appropriate action to protect individuals from further discrimination. All such complaints will be handled in a manner consistent with the District's policies, procedures, and/or regulations regarding the investigation of discrimination and harassment complaints, including Policy #3420 -- Non-Discrimination and Anti-Harassment in the School District; Policy #6121 -- Sexual Harassment in the Workplace; Policy #6122 -- Employee Grievances; and Administrative Regulation #3420R -- Non-Discrimination and Anti-Harassment in the School District.

Additional information regarding the District's discrimination and harassment complaint and grievance procedures, including but not limited to the designation of the Civil Rights Compliance Officer, knowingly making false accusations, and possible corrective actions, can be found in Policy #3420 -- Non-Discrimination and Anti-Harassment in the School District and Administrative Regulation #3420R -- Non-Discrimination and 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 discrimination. Complaints of retaliation may be directed to the Civil Rights Compliance Officer. In the event the Civil Rights Compliance Officer is the alleged offender, the report will be directed to another Civil Rights Compliance Officer, if the District has designated another individual to serve in such a capacity, or to the Superintendent.

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

(Continued)

SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY (Cont'd.)

Age Discrimination in Employment Act, 29 USC Section 621
Americans With Disabilities Act, 42 USC Section 12101 et seq.
Genetic Information Non-Discrimination Act of 2008 (GINA) Public Law 110-233
Section 504 of the Rehabilitation Act of 1973, 29 USC Section 794 et seq.
Title VI of the Civil Rights Act of 1964, 42 USC Section 2000d et seq.
Title VII of the Civil Rights Act of 1964, 42 USC Section 2000e et seq.
Title IX of the Education Amendments of 1972, 20 USC Section 1681 et seq.
Civil Rights Law Section 40-c
Civil Service Law Section 75-B
Executive Law Section 290 et seq.
Military Law Sections 242 and 243

Adopted: 6/27/00

Revised: 2/18/03; 8/26/03; 8/8/06; 2/9/10; 10/9/12; 12/9/14

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE

The District is committed to maintaining a discrimination-free work environment. Sexual harassment is one form of workplace discrimination. This policy addresses sexual harassment in the workplace and is one component of the District's commitment to a discrimination-free work environment. The District will provide this policy to all employees in writing. The District will post this policy prominently throughout the District to the extent practicable.

Sexual harassment is a form of employee misconduct, a violation of District policy, and unlawful. Employees of every level who engage in sexual harassment, including supervisory personnel who engage in sexual harassment, who knowingly allow such behavior to continue, or fail to report suspected sexual harassment will be subject to remedial and/or disciplinary action by the District. Sexual harassment may also subject the District to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability.

This policy applies to all instances of sexual harassment perpetrated against a "covered person," regardless of immigration status, by anyone in the workplace, including a co-worker, supervisor, or third-party such as a non-employee, paid or unpaid intern, vendor, building security, visitor, volunteer, parent, or student. For purposes of this policy, a "covered person" includes:

- a) Employees;
- b) Applicants for employment;
- c) Paid or unpaid interns; and
- d) Non-employees, which include anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or other person providing services pursuant to a contract in the workplace.

Sexual harassment in the workplace can occur between any individuals, regardless of their sex or gender. Unlawful sexual harassment is not limited to the physical workplace itself. Sexual harassment can occur on school grounds, school buses or District vehicles, and at school-sponsored events, programs, or activities, including those that take place at locations off school premises. It can also occur while employees are traveling for District business. Calls, texts, emails, and social media usage can constitute unlawful workplace harassment, even if they occur away from school grounds, on personal devices, or during non-work hours.

What Constitutes Sexual Harassment

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender.

(Continued)

Personnel

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

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

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

Any covered person who feels harassed should report the conduct so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

Examples of Sexual Harassment

The following describes some actions that may constitute unlawful sexual harassment and that are strictly prohibited:

- a) Physical acts of a sexual nature, such as:
 1. Touching, pinching, patting, kissing, hugging, grabbing, brushing against another person's body or poking another person's body; and
 2. Rape, sexual battery, molestation or attempts to commit these assaults.
- b) Unwanted sexual advances or propositions, such as:

(Continued)

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

1. Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments; and
2. Subtle or obvious pressure for unwelcome sexual activities.
- c) Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- d) Sex stereotyping, which occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- e) Sexual or discriminatory displays or publications anywhere in the workplace, such as pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- f) Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, and the status of being transgender, such as:
 1. Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 2. Sabotaging an individual's work; and
 3. Bullying, yelling, or name-calling.

Prohibition of Retaliatory Behavior (Whistle-Blower Protection)

Unlawful retaliation can be any action that could discourage a covered person from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

The District prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of a complaint of sexual harassment. Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in "protected activity." Protected activity occurs when a person has:

(Continued)

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

- a) Made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- b) Testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- c) Opposed sexual harassment by making a verbal or informal complaint of harassment to a supervisor, building principal, other administrator, or the Civil Rights Compliance Officer (CRCO);
- d) Reported that another employee has been sexually harassed; or
- e) Encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

Reporting Sexual Harassment

Preventing sexual harassment is everyone's responsibility. The District cannot prevent or remedy sexual harassment unless it knows about it. Any covered person who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, building principal, other administrator, or the CRCO. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is posted on the District website, and all covered persons are encouraged to use this complaint form. Persons who are reporting sexual harassment on behalf of another person should use the complaint form and note that it is being submitted on another person's behalf.

Any person who believes they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

Supervisory Responsibilities

All supervisors, building principals, and other administrators who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, are required to report such suspected sexual harassment to the CRCO. In the event the CRCO is the alleged harasser, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity, or to the Superintendent.

(Continued)

Personnel

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors, building principals, and other administrators will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors, building principals, and other administrators will also be subject to discipline for engaging in any retaliation.

Investigating Complaints

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. Disclosure may, however, be necessary to complete a thorough investigation of the charges and/or notify law enforcement officials. All persons involved, including complainants, witnesses, and alleged harassers will be accorded due process, as outlined below, and in accordance with any applicable collective bargaining agreements to protect their rights to a fair and impartial investigation.

The District will not tolerate retaliation against anyone who files complaints, supports another's complaint, or participates in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- a) Upon receipt of a complaint, the CRCO will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. In the event that the CRCO is the alleged harasser, the complaint will be directed to another CRCO or District designee for investigation.
- b) If a complaint is verbal, encourage the individual to complete the complaint form, which is available on the District website, in writing. If he or she refuses, prepare a complaint form based on the verbal reporting.
- c) If documents, emails, or phone records are relevant to the investigation, take steps to obtain and preserve them.
- d) Request and review all relevant documents, including all electronic communications.

(Continued)

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

- e) Interview all parties involved, including any relevant witnesses. If a student is involved, the District will follow all applicable District policies and procedures regarding questioning students.
- f) Create written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - 1. A list of all documents reviewed, along with a detailed summary of relevant documents;
 - 2. A list of names of those interviewed, along with a detailed summary of their statements;
 - 3. A timeline of events;
 - 4. A summary of prior relevant incidents, reported or unreported; and
 - 5. The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- g) Keep the written documentation and associated documents in a secure and confidential location.
- h) Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- i) Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

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

Annual Training

The District will provide a sexual harassment prevention training program to all employees on an annual basis. The training will be interactive and will include:

- a) An explanation of sexual harassment consistent with guidance issued by the Department of Labor in consultation with the Division of Human Rights;
- b) Examples of conduct that would constitute unlawful sexual harassment;

(Continued)

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

- c) Information concerning the federal and state statutory provisions concerning sexual harassment and remedies available to victims of sexual harassment;
- d) Information concerning employees' rights of redress and all available forums for adjudicating complaints; and
- e) Information addressing conduct by supervisors and any additional responsibilities for such supervisors.

Legal Protections and External Remedies

Sexual harassment is not only prohibited by the District but is also prohibited by state, federal, and, where applicable, local law.

Aside from the District's internal process, individuals may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, an individual may seek the legal advice of an attorney.

In addition to those outlined below, individuals may have additional legal protections.

State Human Rights Law (HRL)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects covered persons, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time within one year of the harassment. If an individual did not file with DHR, they can sue directly in state court under the HRL, within three years of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the District does not extend your time to file with DHR or in court. The one year or three years is counted from the date of the most recent incident of harassment.

Individuals do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

(Continued)

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. Individuals may call (718) 741-8400 or visit: www.dhr.ny.gov.

Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 USC § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An individual alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Title IX

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in any federally funded education program or activity. The U.S. Department of Education's Office for Civil Rights (OCR) enforces Title IX of the Education Amendments of 1972.

For more information about how to file a complaint, contact OCR at 800-421-3481 (TDD 800-877-8339) or visit: <https://www2.ed.gov/about/offices/list/ocr/docs/howto.html>. The website contains information about filing the complaint online, by mail, or by email.

(Continued)

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists.

Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

Title VII of the Civil Rights Act of 1964, 42 USC § 2000e et seq.
Title IX of the Education Amendments of 1972, 20 USC § 1681 et seq.
29 CFR § 1604.11(a)
34 CFR Subtitle B, Chapter I
Civil Service Law § 75-B
Executive Law Article 15
Labor Law § 201-g

NOTE: Refer also to Policies #3420 -- Non-Discrimination and Anti-Harassment in the District
#6122 -- Employee Grievances
#7551 -- Sexual Harassment of Students

Adopted: 6/27/00
Revised: 8/8/06; 9/25/07; 2/9/10; 8/9/11; 12/9/14; 10/23/18

2014

6122

Personnel

SUBJECT: EMPLOYEE GRIEVANCES

In accordance with Article 15-C of the General Municipal Law, all District employees shall have the opportunity to present grievances free from interference, coercion, restraint, discrimination or reprisal. The District shall provide at least two procedural stages and an appellate stage for the settlement of any such grievance.

General Municipal Law Sections 681-685

Adopted: 12/9/14

Personnel

SUBJECT: EVALUATION OF PERSONNEL**All Staff Members**

The administration shall undertake a continuous program of supervision and evaluation of all personnel, including support staff, in the School District. The primary purposes of the evaluations shall be to encourage and promote improved performance and to make decisions about the occupancy of positions.

Teachers and Administrators

The Ellicottville Central School District is committed to supporting the development of effective teachers and administrators. To this end, the District shall provide procedures for the evaluation of all professional staff. District plans for Annual Professional Performance Review (APPR) of teachers and principals shall be developed in accordance with applicable laws, Commissioner's regulations, and Rules of the Board of Regents.

The primary purposes of these evaluations are:

- a) To encourage and promote improved performance;
- b) To guide professional development efforts; and
- c) To provide a basis for evaluative judgments by applicable school officials.

APPR Ratings

For those teachers and principals subject to Education Law 3012-c, the Annual Professional Performance Review (APPR) will result in a single composite effectiveness score and a rating of "highly effective," "effective," "developing," or "ineffective." The composite score will be determined as follows:

- a) 20% - student growth on state assessments or a comparable measure of student achievement growth (increases to 25% upon implementation of a value-added growth model);
- b) 20% - locally selected measures of student achievement that are determined to be rigorous and comparable across classrooms as defined by the Commissioner (decreases to 15% upon implementation of a value-added growth model); and
- c) 60% - other measures of teacher/principal effectiveness consistent with standards prescribed by the Commissioner in regulation.

The ratings scale based on composite scores has been established as follows:

(Continued)

Personnel

SUBJECT: EVALUATION OF PERSONNEL (Cont'd.)

- a) Highly Effective = composite effectiveness score of 91-100
- b) Effective = composite effectiveness score of 75-90
- c) Developing = composite effectiveness score of 65-74
- d) Ineffective = composite effectiveness score of 0-64.

If a teacher or principal is rated "developing" or "ineffective," the School District will develop and implement a teacher or principal improvement plan (TIP) or (PIP). Tenured teachers and principals with a pattern of ineffective teaching or performance, defined as two consecutive annual "ineffective" ratings, may be charged with incompetence and considered for termination through an expedited hearing process.

The School District will ensure that all evaluators are appropriately trained consistent with standards prescribed by the Commissioner and that an appeals procedure is locally developed.

Disclosure of APPR Data

Consistent with Chapter 68 of the Laws of 2012, which amends Education Law 3012-c, the Commissioner is required to disclose professional performance review data for teachers and principals on the New York State Education Department (NYSED) website and in any other manner to make such data widely available to the public. However, the release of such aggregate data may not include personally identifiable information for any teacher or principal. Such public disclosure of final quality ratings and composite effectiveness scores will be suitable for research, analysis and comparison of APPR data for teachers and principals across the state.

Upon request, the District will release to parents/legal guardians the final quality ratings and composite effectiveness scores for teachers and principals to which their student is currently assigned. The District's obligation to disclose this information is limited to those teachers and building principals subject to Education Law 3012-c. The District will provide conspicuous notice to parents/legal guardians of their right to obtain such information and the methods by which the data can be obtained. Upon request, parents will receive an oral or written explanation of the composite effectiveness scoring ranges for final quality ratings and be offered the opportunity to understand such scores in the context of teacher evaluation and student performance. When a request for this information is received, reasonable efforts will be made to verify that it is a bona fide request by a parent/legal guardian entitled to review the data.

Annual professional performance reviews of individual teachers and principals shall not be subject to disclosure under the Freedom of Information Law (FOIL).

Education Law 3012-c
Public Officers Law Sections 87 and 89
8 NYCRR Sections 80-1.1 and 100.2(o)

Adopted: 6/27/00
Revised: 1/27/15

SUBJECT: EMPLOYEE MEDICAL EXAMINATIONS**Pre-employment Medical Examinations**

In accordance with the Americans with Disabilities Act, as amended, the School District shall not require applicants for positions to undergo a medical examination prior to an offer of employment. Further, the District shall not make inquiries of a job applicant as to whether the applicant is an individual with a disability or as to the nature or severity of a disability.

However, the District may make pre-employment inquiries into the ability of an applicant to perform job-related functions.

Employment Entrance Examinations

When such examination is made by the school physician/nurse practitioner the cost of such examination shall be borne by the District. A staff member, however, may elect to have a medical examination at his/her own expense by a physician of his/her own choice.

The Board reserves the right to request a medical examination at any time during employment, at School District expense, in order to determine whether any employee can perform the essential functions of the position with or without reasonable accommodation.

Annual or more frequent examinations of any employee may be required, when, in the judgment of the school physician/nurse practitioner and the Superintendent, such procedure is deemed necessary.

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 prior to the beginning of service. In no case shall the interval between physical examinations exceed a 13-month period.

The final acceptance or rejection of a medical report with reference to the health of an employee lies within the discretion of the Board. The decision of the physician designated by the Board as the determining physician shall take precedence over all other medical advice.

All medical and health related information will be kept in accordance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

(Continued)

SUBJECT: EMPLOYEE MEDICAL EXAMINATIONS (Cont'd.)**Examinations and Inquiries**Acceptable

The District may conduct voluntary medical examinations, including voluntary medical histories, which are part of an employee health program available to employees at that work site. The District may make inquiries into the ability of an employee to perform job-related functions.

Prohibited

The District shall not require a medical examination and shall not make inquiries as to whether such employee is an individual with a disability or as to the nature or severity of the disability, unless the examination or inquiry is shown to be job related and consistent with business necessity.

Americans with Disabilities Act Amendments Act (ADAAA) of 2008, Public Law 110-325)
Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191
45 CFR Parts 160 and 164
Education Law Sections 913 and 3624
8 NYCRR Section 156.3(2)
10 NYCRR Part 14
15 NYCRR Part 6

Adopted: 6/27/00

Revised: 2/8/05; 8/8/06; 11/9/10

Personnel

SUBJECT: ALCOHOL, DRUGS AND OTHER SUBSTANCES (SCHOOL PERSONNEL)

The Board of Education, recognizing that students are often influenced by teachers and other members of a school's staff, impresses upon staff members the importance of maintaining a high level of professionalism appropriate to their position, which, in turn, shall set a positive example for students.

The Board, therefore, prohibits the consumption, sharing and/or selling, use and/or possession of illegal drugs, counterfeit and designer drugs or alcoholic beverages in the workplace, or when the effects of such drugs may impair an employee's job performance. The inappropriate use of prescription and over-the-counter drugs shall also be prohibited.

Information about any drug and alcohol counseling and/or rehabilitation programs shall be made available to employees. Data will also include the range of penalties, (consistent with local, state and federal law), up to and including termination of employment and referral for prosecution that will be imposed on employees who have transgressed the terms of this policy.

Additionally, confidentiality shall be insured as required by state and federal law.

The Superintendent shall biennially review the drug and alcohol abuse prevention program to determine its effectiveness and support appropriate modifications, as needed.

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 USC Section 3171 et seq.

Adopted: 6/27/00

Personnel

SUBJECT: DRUG-FREE WORKPLACE

It shall be the general policy of the Board of Education to affirm that all programs in the District that receive Federal funds shall guarantee that their workplaces are free of controlled substances. "Controlled substance" means a controlled substance in schedules I through V of Section 202 of the Controlled Substances Act (21 USC 812) and as further defined in regulation at 21 Code of Federal Regulations (CFR) 1308.11-1308.15. An acknowledgment form shall be signed by the Superintendent indicating that the District is in full compliance with the Drug-Free Workplace Act. This policy shall guarantee that not only Federally funded programs, but the entire District is free of controlled substances.

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.

In addition to complying with Federal legislation regarding the use of drugs, the Board of Education prohibits any employee acting within the scope of his/her employment from being under the influence, using or having in his or her possession or distributing in any way alcohol on school property or at school-sponsored activities off school property.

Drug-Free Workplace Act
20 USC Section 3171

Adopted: 6/27/00

Personnel

SUBJECT: PROFESSIONAL GROWTH/STAFF DEVELOPMENT

It is the policy of the District that attention be given to in-service, pre-service, and other staff development programs which are believed to be of benefit to the School District and its students. The Superintendent, in consultation with the appropriate administrative staff and/or teacher committees, is directed to arrange in-service programs and other staff development opportunities which will provide for the selection of subjects pertinent to the curriculum in the schools, to build from these subjects those topics or courses for in-service or staff development which will help employees acquire new methods of performing their job responsibilities or help staff improve on those techniques which are already being used in the schools, with the objective of improving professional competencies.

It is recommended that administration develop meaningful in-service and/or staff development programs which will achieve the following:

- a) Contribute to the instructional program of the schools;
- b) Contribute to improved education for students;
- c) Achieve state mandates;
- d) Enhance the professional competencies and/or instructional abilities of staff members.

The Board of Education, therefore, encourages all employees to improve their competencies beyond that which they may obtain through the regular performance of their assigned duties. Opportunities should be provided for:

- a) Planned in-service programs, courses, seminars, and workshops offered both within the School System and outside the District.
- b) Visits to other classrooms and schools, as well as attendance at professional meetings, for the purpose of improving instruction and/or educational services.
- c) Orientation/re-orientation of staff members to program and/or organizational changes as well as District expectations.

Attendance at such professional development programs must be directly linked to the duties and responsibilities comprising the job description of the employee. Consequently, employees are encouraged to participate in the planning of staff development programs designed to meet their specific needs.

Members of the staff are also encouraged to continue their formal education as well as to attend their respective work-related workshops, conferences and meetings.

(Continued)

Personnel

SUBJECT: PROFESSIONAL GROWTH/STAFF DEVELOPMENT (Cont'd.)

Funds for participating at such conferences, conventions, and other similar professional development programs will be budgeted for by the Board of Education on an annual basis. Reimbursement to District staff 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 conference attendance and expense reimbursement.

The Superintendent of Schools or his/her designee has authority to approve release time and expenses for staff members' attendance at professional training conferences, study councils, in-service courses, workshops, summer study grants, school visitations, professional organizations and the like within budgetary constraints. Further, the Superintendent will approve attendance at conferences based on district priorities for education and the availability of substitute teachers.

A conference request form/course approval form must be submitted by the employee and approved by the designated administrator prior to the employee's attendance at such conference or other professional development program.

Reports/Staff Development

A summary report regarding the conference must be completed by the attendee and submitted to the Board of Education. This report must be submitted by the next board meeting following the conference. In addition, all employees attending conference must provide staff development to the school faculty or staff on topics related to the conference. Attendees must submit a plan to their supervisory administrator for approval no later than two weeks following the conference.

Educational rationale for attending a conference must accompany each conference request form. This rationale must show how the conference is related to the following criteria: district goals, curriculum, professional review plans, state standards, instruction, and/or changes in educational law.

Education Law Sections 1604(27), 3004 and 3006

General Municipal Law Sections 77-b and 77-c

8 NYCRR Sections 52.21(b)(3)(xvi), 52.21(b)(3)(xvii), 80-3.4(b)(2), 80-5.13, 80-5.14 and 100.2(dd)

Adopted: 6/27/00

Revised: 1/13/04

SUBJECT: MENTORING PROGRAMS FOR FIRST-YEAR TEACHERS

Effective February 2, 2004, all new teachers in the School District/BOCES holding an initial certificate must complete a mentored teaching experience within their first year of employment as a teacher. Also effective February 2, 2004, the District/BOCES must incorporate the design and planning of such mentored experiences for all first-year teachers in its employ into the District/BOCES Professional Development Plans.

The purpose of the mentoring program is to provide support for new teachers in order to ease the transition from teacher preparation to practice, thereby increasing the retention of teachers, and to increase the skills of new teachers in order to improve student achievement in accordance with the New York State learning standards. The Professional Development Plan shall describe how the District/BOCES will provide a mentoring program for teachers who must participate in a mentoring program to meet the teaching experience requirement for the professional certificate as prescribed by Commissioner's regulations.

The mentoring program shall be developed and implemented consistent with any collective bargaining obligation required by Article 14 of the Civil Service Law (i.e., the Taylor Law); however, Commissioner's Regulation does not impose a collective bargaining obligation that is not required by the Taylor Law.

In accordance with Commissioner's regulations, the Professional Development Plan shall describe the following elements of the mentoring program:

- a) The procedure for selecting mentors, which shall be published and made available to staff of the District/BOCES and, upon request, to members of the public;
- b) The role of mentors, which shall include but not be limited to providing guidance and support to the new teacher;
- c) The preparation of mentors, which may include but shall not be limited to the study of the theory of adult learning, the theory of teacher development, the elements of the mentoring relationship, peer coaching techniques, and time management methodology;
- d) Types of mentoring activities, which may include but shall not be limited to modeling instruction for the new teacher, observing instruction, instructional planning with the new teacher, peer coaching, team teaching, and orienting the new teacher to the school culture; and
- e) Time allotted for mentoring, which may include but shall not be limited to scheduling common planning sessions; releasing the mentor and the new teacher from a portion of their instructional and/or non-instructional duties; and providing time for mentoring during Superintendent conference days, before and after the school day, and during summer orientation sessions.

(Continued)

SUBJECT: MENTORING PROGRAMS FOR FIRST-YEAR TEACHERS (Cont'd.)**Confidentiality of Mentor-New Teacher Interaction**

The information obtained by a mentor through interaction with the new teacher while engaged in the mentoring activities of the program shall not be used for evaluating or disciplining the new teacher unless:

- a) Withholding such information poses a danger to the life, health, or safety of an individual including, but not limited to, students and staff of the school; or
- b) Such information indicates that the new teacher has been convicted of a crime, or has committed an act which raises a reasonable question as to the new teacher's moral character; or
- c) The District/BOCES has entered into an agreement, negotiated pursuant to Article 14 of the Civil Service Law whose terms are in effect, that provides that the information obtained by the mentor through interaction with the new teacher while engaged in the mentoring activities of the program may be used for evaluating or disciplining the new teacher.

Exemptions to above Mentoring Requirements

Pursuant to Commissioner's regulations, teachers holding initial certificates who have two or more prior years of teaching experience do not need to be provided a mentored experience as enumerated in this policy.

Recordkeeping Requirements

The School District/BOCES shall maintain documentation of the implementation of the mentoring program described in the Professional Development Plan for at least seven years from the date of completion of the mentoring activity; and it shall be available for review by the State Education Department. Such documentation will include the information enumerated in Commissioner's regulations.

Education Law Sections 3004 and 3006

8 NYCRR Sections 52.21(b)(3)(xvi) and (xvii), 80-3.4(b)(2), 80-5.13, 80-5.14, and 100.2(dd)

Adopted: 5/18/04

Personnel

SUBJECT: CONFERENCE/TRAVEL EXPENSE REIMBURSEMENT

All conference travel must have a completed Travel Conference Request Form on file which has been approved by the appropriate supervisor. The Superintendent/designee approves those Travel Conference Requests which have reimbursable employee expenses greater than \$100. Travel Conference Request Forms are only to be used by District employees.

All conference reimbursement requests must be submitted using a Travel Conference Reimbursement Form and attached documentation.

Expenses for overnight-approved travel will be reimbursed when accompanied by original receipts for lodging and other reimbursable expenses. Meal expenses for overnight travel will only be reimbursed based on the Board approved per diem rates which are modeled after the United States General Services Administration per diem rates which can be found at:
<http://www.gsa.gov/portal/content/104877>

Parking and toll reimbursement require original receipts. New York Sales Tax for lodging/meals cannot be reimbursed. A Sales Tax-Exempt Form can be obtained prior to travel for hotel accommodations.

A brief written report of the conference shall be presented to the appropriate supervisor within 30 days of conference attendance. Copies of this report will be made available to the Superintendent and the Board of Education.

NOTE: Refer also to Policy #5323 -- [Reimbursement for Meals/Refreshments](#)

Personnel

SUBJECT: SAFETY OF STUDENTS (FINGERPRINTING CLEARANCE OF NEW HIRES)

Unless otherwise authorized in accordance with law and regulation, the District shall not employ or utilize a prospective school employee, as defined below, unless such prospective school employee has been granted a "full" clearance for employment by the State Education Department (SED). The School District shall require a prospective school employee who is not in the SED criminal history file to be fingerprinted for purposes of a criminal history record check by authorized personnel of the designated fingerprinting entity. For purposes of this provision of law, the term "criminal history record" shall mean a record of all convictions of crimes and any pending criminal charges maintained on an individual by the Division of Criminal Justice Services (DCJS) and the Federal Bureau of Investigation (FBI). The District shall, however, obtain the applicant's consent to the criminal history records search.

The District shall utilize SED's Web-based application known as TEACH for instantaneous access to important information about certification and fingerprinting. Through TEACH, SED provides an individual with the ability to apply for fingerprint clearance for certification and/or employment and view the status of his or her fingerprint clearance request. Through TEACH, the School District is able, among other applications, to submit an online request for fingerprint clearance for a prospective employee, view the status of a fingerprint clearance request, and determine whether a subsequent arrest letter has been issued.

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.

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, and shall be rescinded as Board policy and procedure as of that date (unless subsequent revisions to applicable law provide otherwise).

(Continued)

**SUBJECT: SAFETY OF STUDENTS (FINGERPRINTING CLEARANCE OF NEW HIRES)
(Cont'd.)**

Access to TEACH

Information regarding fingerprinting of new hires, including relevant laws and regulations, frequently asked questions (FAQs), an up-to-date chart for "Who Must be Fingerprinted", and instructions on the fingerprinting process are found on the SED website.

Correction Law Article 23-A

Education Law Sections 305(30), 305(33), 1604, 1709, 1804, 1950, 2503, 2554, 2590-h, 2854, 3004-b, 3004-c
and 3035

Executive Law Section 296(16)

Social Services Law Article 5, Title 9-B

8 NYCRR Sections 80-1.11 and Part 87

Adopted: 9/7/10

Revised: 10/9/12; 11/18/14; 10/25/16

Personnel

SUBJECT: STAFF-STUDENT RELATIONS (FRATERNIZATION)

The Board of Education requires that all School District employees maintain a professional, ethical relationship with District students that is conducive to an effective, safe learning environment; and that staff members act as role models for students at all times, whether on or off school property and both during and outside of school hours. Staff must establish appropriate personal boundaries with students and not engage in any behavior that could reasonably lead to even the appearance of impropriety.

Staff members are prohibited, under any circumstances, to date or engage in any improper fraternization or undue familiarity with students, regardless of the student's age and/or regardless of whether the student may have "consented" to such conduct. Further, employees shall not entertain students or socialize with students in such a manner as to create the perception that a dating relationship exists. Similarly, any action or comment by a staff member which invites romantic or sexual involvement with a student is considered highly unethical, in violation of District policy, and may result in the notification of law enforcement officials and the filing of criminal charges and/or disciplinary action by the District up to and including termination of employment.

Inappropriate employee behavior includes, but is not limited to, flirting; making suggestive comments; dating; requests for sexual activity; physical displays of affection; giving inappropriate personal gifts; frequent personal communication with a student unrelated to course work or official school matters; providing alcohol or drugs to students; inappropriate touching; and engaging in sexual contact and/or sexual relations. ("Frequent personal communication with a student unrelated to course work or official school matters" means any form in which that personal communication may occur including, but not limited to, voice or text-based communication via phone, e-mail, instant messaging, text messaging or through social networking Web sites.)

Even if the student participated "willingly" in the activity (regardless of the student's age), inappropriate fraternization of staff with students is against District policy and may be in violation of professional standards of conduct and New York State Law. However, inappropriate employee conduct does not need to rise to the level of criminal activity for such conduct to be in violation of District rules and subject to appropriate disciplinary sanctions.

Any student who believes that he/she has been subjected to inappropriate staff behavior as enumerated in this policy, as well as students, school employees or third parties who have knowledge of or witness any possible occurrence of inappropriate staff-student relations, shall report the incident to any staff member or either the employee's supervisor, the student's principal or the District's designated Complaint Officer. In all events such reports shall be forwarded to the designated Complaint Officer for further investigation. Anonymous complaints of inappropriate fraternization of staff members with students shall also be investigated by the District. Investigations of allegations of inappropriate staff-student relations shall follow the procedures utilized for complaints of harassment within the School District. Allegations of inappropriate staff-student behavior shall be promptly investigated and will be treated as confidential and private to the extent possible within legal constraints.

(Continued)

Personnel

SUBJECT: STAFF-STUDENT RELATIONS (FRATERNIZATION) (Cont'd.)

Any employee having knowledge of or reasonable suspicion that another employee may have engaged in inappropriate conduct with a student that may constitute child abuse (specifically, child abuse in an educational setting) must *also* follow the District's reporting procedures for such allegations; and such information will be reported by the designated administrator as required by state law to law enforcement officials, the State Education Department and/or Child Protective Services as may be applicable.

If a student initiates inappropriate behavior toward a staff member, that employee shall document the incident and report it to his/her building principal or supervisor.

The District shall promptly investigate all complaints of inappropriate staff-student relations, and take prompt corrective action to stop such conduct if it occurs.

Prohibition of Retaliation

The Board of Education prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of inappropriate staff-student relations. Follow-up inquiries and/or appropriate monitoring shall be made to ensure that the alleged conduct has not resumed and that all those involved in the investigation have not suffered retaliation. Any act of retaliation is subject to appropriate disciplinary action by the District.

District Responsibility/Training

The principal of each school and/or program supervisor shall be responsible for informing students, staff and volunteers of the requirements of this policy, including the duty to report and the procedures established for investigation and resolution of complaints. Further, staff training shall be provided to facilitate staff identification of possible behavior that may constitute inappropriate staff-student relationships. Students shall be provided such training in an age appropriate manner.

The District's policy (or a summary thereof) shall be disseminated as appropriate to staff, students and parents. Further, this topic shall be addressed in the District *Code of Conduct*.

Disciplinary Sanctions

Any staff member who engages in inappropriate conduct with a student, prohibited by the terms of this policy, shall be subject to appropriate disciplinary measures up to and including termination of employment in accordance with legal guidelines, District policy and regulation, and the applicable collective bargaining agreement. A violation of this policy may also subject the employee to criminal and/or civil sanctions as well as disciplinary action by the State Education Department.

(Continued)

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Personnel

SUBJECT: STAFF-STUDENT RELATIONS (FRATERNIZATION) (Cont'd.)

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

Education Law Article 23-B

Social Services Law Sections 411-428

8 NYCRR Part 83

Adopted: 9/28/04

Revised: 9/7/10

2012

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Personnel

SUBJECT: CERTIFIED PERSONNEL

The Board of Education shall create, abolish, maintain and/or consolidate positions involving certified personnel as necessary for the proper and efficient achievement of its goals. While the Board may consider and/or seek the guidance or recommendation of the Superintendent, the Board cannot delegate its responsibility for such decisions to the Superintendent.

All assignments and transfers of certified personnel shall be made in accordance with provisions of law, School District policy and the applicable employment contract or agreement.

Education Law Sections 2510 and 3013
8 NYCRR Part 30

Adopted: 6/27/00
Revised: 10/9/12

Personnel

SUBJECT: HIRING OF STAFF

The Ellicottville Central School District seeks to hire the best available individuals. All vacant full and part-time regular support staff, administrative, and teaching positions, and all long-term substitute positions, will be advertised openly and filled competitively unless a specific individual has a legal or contractual right to the position. Prospective employees will be considered without discrimination because of race, creed, color, sex, age, national origin, marital status or handicapping condition.

The Superintendent of Schools shall establish Standard Hiring Procedures for the competitive selection of all available candidates when vacancies exist. The Standard Hiring Procedure shall provide for the invitation of Board members to participate in team interviews. The Superintendent will recommend to the Board the candidate who, in his/her professional opinion, is best able to fill the position.

At the regular, workshop or special meetings prior to the Superintendent recommending an appointment, the Board shall be provided, the names, applications and supporting application documents of the top three finalists for the position. The Superintendent may act and make employment commitments in a timely manner, prior to Board review, if in his/her opinion a delay in making a hiring commitment would result in the loss of a viable candidate/employee to the District.

Personnel

SUBJECT: FINGERPRINTING OF SPORTS OFFICIALS

Project SAVE requires that all "prospective school district employees," as that term is defined in the law, be fingerprinted and receive clearance from the State Education Department to work in the Ellicottville Central School District. Project SAVE further provides that certain individuals are not considered "prospective employees" who would need to be fingerprinted; e.g., those who are "grandfathered" because they provided services to the district in the previous school year, or, those who will provide services for no more than five days during the school year.

However, with respect to sports officials, the Ellicottville Central School District has determined that it is too cumbersome to ascertain whether the "grandfather" provision indicated in the legislation applies to each individual sports official, prior to him/her providing services on-site. The District also cannot provide in-person supervision for sports officials when they are officiating sports contests, and therefore, the "5-day rule" included in the legislation does not apply in our school district.

It is the responsibility of this school district to comply fully with the provisions of the Project SAVE legislation. The Ellicottville Central School District will not hire any sports official who refuses to comply with this policy by being fingerprinted and receiving clearance.

Education Law Sections 305(30), 1604, 1709, 1804, 2503, 2554 and 2854
8 NYCRR Part 87

Adopted: 2/8/05

Personnel

SUBJECT: CERTIFICATION AND QUALIFICATIONS

The following provisions shall govern certification and qualifications of District personnel:

- a) In accordance with applicable statutes, Rules of the Board of Regents, and regulations of the Commissioner of Education, each employee whose employment requires certification or other licensure shall inform the Superintendent of Schools immediately of any change in the status of his/her certification or licensure. The changes shall include, but not be limited to, the granting, revocation, upgrading, expiration, conversion and/or extension of these documents as to their periods of validity or their titles.
- b) Through the New York Patriot Plan, Commissioner's regulations have amended education law. Provisions extend the expiration dates for various certificate holders engaged in active military service for the period of active service and an additional 12 months from the end of such service. These also reduce the professional development requirements for certification holders called to active duty for the time of such active service.
- c) The original certificates and/or licenses must be presented for examination and copying in the office of the Superintendent of Schools as soon as they are available to the employee. The copies will be maintained in the employee's personnel file in support of the legitimate employment of each affected employee. The failure of any such employee to possess the required certification or other licensure may result in the discharge of that employee.
- d) Whether or not the District verifies an individual's certification or licensure does not waive the responsibility of the employee to maintain what is required for his/her assignment.

Qualifications of Teachers

- a) The District must ensure that all newly hired teachers in Title I programs who teach core academic subjects are highly qualified per regulations of the Commissioner of Education. The term "core academic subjects" means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography. A "highly qualified" teacher is one who has obtained full state certification as a teacher, or has passed the state teacher licensing examination, holds a license to teach in the state and has at least a bachelor's degree, and also must show subject matter competency in the subjects they teach.
- b) The District is also required to provide to teachers who are not new to the profession the opportunity to meet the NCLB requirement to be highly qualified, in part, through passing a High Objective Uniform State Standard of Evaluation (HOUSSE). The HOUSSE shall be an evaluation, prescribed by the New York State Education Department and conducted locally either during a pre-employment review or at the time of an Annual Professional Performance Review (APPR), that enables a teacher who is beyond the first year of teaching to demonstrate subject matter competency in all core academic subjects that the teacher teaches. The evaluation shall be based

(Continued)

Personnel

SUBJECT: CERTIFICATION AND QUALIFICATIONS (Cont'd.)

upon objective, coherent information as prescribed by the department, and shall include, but not be limited to, information on the teacher's education, credentials, professional experience, and professional development.

- c) The District must ensure that on or after September 2, 2009 a candidate for a teaching certificate or license as a special education teacher shall, in addition to all other certification or licensing requirements, have completed enhanced course work or training in the area of children with autism.
- d) Enhanced training in the needs of autistic children shall also be completed by each certified school administrator or supervisor assigned on or after September 2, 2009 to serve as a special education administrator. Such training shall be provided prior to, or as soon as practicable following, assignment as a special education administrator. Individuals serving as special education administrators as of September 2, 2009 shall complete such training by such date. The enhanced course work or training shall be obtained from an institution or provider approved by the department except that a school district or a Board of Cooperative Educational Services (BOCES) may provide such training as part of its professional development program.

Parent Notification

In accordance with the federal No Child Left Behind Act, the District is required to provide parents, upon request, with specific information about the professional qualifications of their children's classroom teachers. The following shall be provided by the District upon such requests:

- a) If the teacher has met New York State qualifications and licensing criteria for the grade levels and subject areas he/she teaches;
- b) Whether the teacher is teaching under emergency or other provisional status through which the State qualification or licensing criteria have been waived;
- c) The teacher's college major; whether the teacher has any advanced degrees and, if so, the subject of the degrees; and
- d) If the child is provided services by any instructional aides or similar paraprofessionals and, if so, their qualifications.

All requests shall be honored in a timely manner.

20 USC Section 7801(23)

34 CFR Sections 200.55 and 200.56

Education Law Sections 210, 305, 3001, 3001-a, 3004, 3006 and 3008

8 NYCRR Subparts 52.21, 57-3, 80-1, 80-2, 80-3, 80.4, 80.5, 100.2(dd) and 100.2(o)

Adopted: 6/27/00

Revised: 8/8/06; 9/25/07; 1/27/15

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 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 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 20 business days of receipt of the District's application.

In the event that the application is disapproved, the Superintendent, within seven 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 semester hours of credit or the equivalent leading to certification in the subject area of the incidental assignment.

8 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 years. However, the probationary period shall not exceed two years for a member previously appointed to tenure in this or another school district or BOCES within the state, provided the member was not dismissed from the former district. Additionally, up to two 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

At the expiration of the probationary period or within six months prior thereto, the Superintendent shall make a written report to the Board recommending for appointment to tenure those certified staff members successfully completing a probationary period in the Ellicottville Central School District. The Board may then by a majority vote appoint on tenure any or all of the persons recommended by the Superintendent.

The Board will follow all applicable statutes regarding tenure.

Resolutions Making Appointments

Each resolution making a probationary appointment or an appointment on tenure will specify:

- a) The name of the appointee;
- b) The tenure area or areas in which the professional educator will devote a substantial portion of his/her time;
- c) The date of commencement of probationary service or service on tenure in each such area;
- d) The expiration date of the appointment, if made on a probationary basis; and
- e) The certification status of the appointee in reference to the position to which the individual is appointed.

Personnel

SUBJECT: PROFESSIONAL STAFF: SEPARATION

A probationary professional staff member may be discontinued at any time during his/her probationary period on the recommendation of the Superintendent and by a majority vote of the Board of Education.

If the Superintendent will be submitting to the Board a negative recommendation for tenure or a recommendation to discontinue the services of a probationary professional staff member, the Superintendent must give the probationary employee written notice 30 days prior to the Board meeting at which such recommendation will be considered. If a majority of the Board accepts the recommendation and votes to dismiss, the professional staff member must then be given a written notice at least 30 days prior to the effective date of termination of services. The District will adhere to all other statutory timeframes.

The Board shall expect any professional staff member desiring to terminate his/her services to provide the Board with a minimum of 30 days notice before the effective termination date.

When possible, a professional staff member shall make every effort to terminate employment at the end of the school year. Resignations must be in writing and include the effective date.

Education Law Sections 2509, 3012, 3019-a and 3031

Adopted: 6/27/00
Revised: 8/8/06

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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 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: 6/27/00

SUBJECT: PROFESSIONAL CERTIFICATION: 175 HOURS OF PROFESSIONAL DEVELOPMENT REQUIREMENT

All District employees who hold professional teaching certificates for classroom teaching are required to complete professional development hours to maintain the validity of their certificates. Professional certificate holders must complete 175 hours every five years. The five-year professional development period commences on July 1 after the effective date of the triggering certificate, and each subsequent five-year period thereafter. Each professional development year of the five-year cycle of professional development begins on July 1 and ends the following June 30. The professional development requirement may be completed at any time during the five-year professional development period. The New York Patriot Plan was enacted to recognize members of the military, called to active duty, so that they were not discriminated against in employment or education because of their military status. Professional continuing education requirements for active military are waived during the period of military service or reduced proportionately for partial periods of service during certification. Certifications due to expire during military service are extended for the length of the service plus an additional 12 months after release from service. However, this shall not be construed to permit those who have had certifications revoked or suspended to continue to engage in such professions.

Decisions regarding content, delivery and providers of such professional development are within the purview of the School District and shall be made within the context of the District Professional Development Plan. The Professional Development Plan shall describe how the School District will provide teachers it employs holding a professional certificate with opportunities to maintain such certificates in good standing based upon successfully completing 175 hours of professional development every five years in accordance with Commissioner's regulations.

If the professional certificate holder wishes to maintain the validity of his/her New York State professional certificate, he/she must satisfy the professional development requirement. If the certificate holder teaches less than 90 days in a given school year for any reason, including an approved leave, the required hours are reduced by 10% for each school year during which this is the case.

District Recordkeeping Responsibilities

If the School District provides professional development to teachers in its schools, or professional development is provided by other entities on behalf of the District, the District must maintain a record of professional development completed by its teachers who are required to complete this requirement. Such records shall include those items enumerated in Commissioner's Regulations Section 100.2(dd)(5):

- a) The name of the professional certificate holder;
- b) His/her teacher certification identification number;
- c) The title of the program;

(Continued)

SUBJECT: PROFESSIONAL CERTIFICATION: 175 HOURS OF PROFESSIONAL DEVELOPMENT REQUIREMENT (Cont'd.)

- d) The number of hours completed; and
- e) The date and location of the program.

These records shall be retained by the District for at least seven years from the date of completion of the professional development by the professional certificate holder and shall be available for review by the State Education Department (SED).

District Reporting Responsibilities

Annually, the School District must report to the New York State Education Department (SED) Office of Higher Education's Office of Teaching Initiatives (OTI) the number of all approved professional development hours completed by each teacher who is employed by the District and subject to the professional development requirement, regardless of the professional development provider.

All hours of completed professional development reported by Districts will become part of the certificate holder's certification record maintained by OTI. Teachers with professional certificates must complete the required number of hours of professional development every five years for their certificates to remain valid.

The School District is required to report professional development hours for its employees online directly via the Web-based computer system TEACH (Teacher Education and Certification Help).

Certificate Holder Responsibilities

All professional certificate holders must keep records of all of their approved professional development activities/programs/coursework, regardless of the provider, for at least seven years from the date of completion of the program and shall be available for review by SED. Such records shall include those items enumerated in Commissioner's Regulations Section 80-3.6(f):

- a) The title of the program;
- b) The number of hours completed;
- c) The sponsor's name and any identifying number;
- d) Attendance verification; and
- e) The date and location of the program.

(Continued)

SUBJECT: PROFESSIONAL CERTIFICATION: 175 HOURS OF PROFESSIONAL DEVELOPMENT REQUIREMENT (Cont'd.)

While it is the responsibility of the District to report hours, it is in the interest of every professional certificate holder to verify that their professional development hours are reported and that their individual record is complete. It is recommended that professional certificate holders develop their personal professional development plan in consultation with the District, and obtain District approval before commencing any professional development activities.

8 NYCRR Subpart 80-3 and Section 100.2(dd)

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 Education Law Section 3012.

Procedures for a hearing regarding these disciplinary measures will be in accordance with Education Law Section 3020-a and/or in accordance with applicable contractual provisions.

Automatic Revocation of Teacher and Administrative Certificates by the Commissioner of Education

The Commissioner of Education shall revoke and annul the certificate of a teacher, teaching assistant, pupil personnel services professional, school administrator or supervisor, or superintendent of schools convicted of a sex offense for which registration as a sex offender is required under the Sex Offender Registration Act. These offenses include, but are not limited to, sexual misconduct, sexual abuse, rape, statutory rape, various other criminal sexual acts, and certain kidnapping offenses. Annulment and revocation shall be in accordance with Education Law Section 305(7-a).

In addition, the Commissioner of Education shall revoke and annul the certificate of a school district administrator, school administrator or supervisor, or school business administrator convicted of fraud under Penal Law Section 195.20 which makes it a felony to obtain governmental property in excess of \$1,000 through a systemic ongoing course of conduct with the intent to defraud or obtain property by false or fraudulent pretenses, representations or promises. Annulment and revocation shall be in accordance with Education Law Section 305(7-b).

Criminal Procedure Law Section 380.95
Education Law Sections 305(7-a), 305(7-b), 3012 and 3020-a
Penal Law Section 195.20
8 NYCRR Subpart 82-1

Adopted: 1/27/15

SUBJECT: TEMPORARY PERSONNEL

District's needs may sometimes require temporary appointments. The terms of these appointments shall be defined by the Board of Education on a case by case basis.

Student Teachers

The Ellicottville 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.

Schools are required to allow student teachers to videotape themselves providing instruction in a classroom to meet their instruction component for their teaching certification. The video must remain confidential and is not subject to viewing or disclosure to an individual or entity other than the student teacher applicant and relevant personnel.

Student teachers shall be protected from liability for negligence or other acts resulting in accidental injury to any person by the School District, as provided by law.

Substitute Teachers

A substitute teacher qualified to teach in the Ellicottville 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.

Eligibility for Service

Per Commissioner's Regulations Section 80-5.4, there shall be three categories of substitutes as follows:

- a) Substitutes with valid teaching certificates or certificates of qualification. Service may be rendered in any capacity, for any number of days. If employed on more than an "itinerant" basis, such persons will be employed in an area for which they are certified.
- b) Substitutes without a valid certificate, but who are completing collegiate study towards certification at the rate of not less than six semester hours per year. Service may be rendered in any capacity, for any number of days, in any number of school districts. If employed on more than an "itinerant" basis, such persons will be employed in the area for which they are seeking certification.
- c) Substitutes without a valid certificate and who are not working towards certification. Service may be rendered for no more than 40 days per school year.

The Board of Education shall annually establish the ordinary rate for per diem substitute teachers.

(Continued)

SUBJECT: TEMPORARY PERSONNEL (Cont'd.)

8 NYCRR Section 80.36
Education Law Section 3023

NOTE: Refer also to Policy #6330 -- Substitutes

Personnel

SUBJECT: SELECTION OF ATHLETIC COACHES

In accordance with Commissioner's regulations, the appointment of coaches for interscholastic athletics teams must meet certain criteria.

Specifically, certified physical education teachers may coach any sport, and teachers with coaching qualifications and experience certified in areas other than physical education may coach any sport provided they complete certain first aid and course requirements as enumerated in Commissioner's regulations.

Also, the Board of Education may employ as temporary coaches of interschool sport teams uncertified persons, including volunteers, with coaching qualifications and experience satisfactory to the Board, *but only when certified physical education teachers or teachers certified in other areas with coaching qualifications and experience are not available*. Uncertified persons, including volunteers, must *first* obtain a temporary coaching license, valid for one year, issued pursuant to the conditions as specified in Commissioner's regulations.

The temporary coaching license may be renewed once upon the completion of or enrollment in an approved course in philosophy, principles and organization of athletics; and candidates for any subsequent renewal of a temporary coaching license shall have completed or demonstrate evidence of satisfactory progress toward the completion of an approved education program for coaches pursuant to Commissioner's regulations.

The Superintendent or his/her designee will ensure that the appointment of athletic coaches is in compliance with all applicable laws and regulations; and a job description will be provided to all candidates for athletic coaching positions in the District.

Education Law Sections 3009(1) and 3010
8 NYCRR Sections 80.18 and 135.4(c)(7)(i)(c)

Adopted: 6/27/00

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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, conditions of employment, and transfer of support staff shall be vested in the Superintendent of Schools who shall conduct such actions in compliance with all applicable contract provisions. The duties for each Civil Service employee shall be clearly defined.

Civil Service Law Section 63

Adopted: 6/27/00
Revised: 8/8/06

SUBJECT: EMPLOYMENT OF TEACHER AIDES AND TEACHING ASSISTANTS**Teacher Aides**

In accordance with the regulations of the Commissioner, the Board of Education may employ teacher aides to assist in the daily operation of the school through **non-teaching duties**.

The duties and responsibilities to be assumed by teacher aides shall be outlined by the Superintendent in accordance with Civil Service guidelines. Teacher aides shall be responsible to the building principal/designee.

A teacher aide may be assigned to assist teachers in such non-teaching duties as:

- a) Managing records, materials and equipment;
- b) Attending to the physical needs of children; and
- c) Supervising students and performing such other services as support teaching duties when such services are determined and supervised by a teacher.

Teaching Assistants

In accordance with the regulations of the Commissioner, the Board of Education may employ teaching assistants to provide, under the general supervision of a licensed or certified teacher, **direct instructional service** to students.

Teaching assistants assist teachers by performing duties such as:

- a) Working with individual students or groups of students on special instructional projects;
- b) Providing the teacher with information about students that will assist the teacher in the development of appropriate learning aspects;
- c) Assisting students in the use of available instructional resources and assisting in the development of instructional materials;
- d) Utilizing their own special skills and abilities by assisting in instructional programs in such areas as foreign language, arts, crafts, music, and similar subjects; and
- e) Assisting in related instructional work as required.

(Continued)

Personnel

**SUBJECT: EMPLOYMENT OF TEACHER AIDES AND TEACHING ASSISTANTS
(Cont'd.)**

Teaching assistants who hold a pre-professional teaching assistant certificate shall have the same scope of duties as enumerated above for other teaching assistants. Within that scope of duties, teaching assistants holding a pre-professional teaching assistant certificate may, at the discretion of the District, and while under the general supervision of a teacher, perform such duties as:

- a) Working with small groups of students so that the teacher can work with a large group or individual students;
- b) Helping a teacher to construct a lesson plan;
- c) Presenting segments of lesson plans, as directed by the teacher;
- d) Communicating with parents of students at a school site or as otherwise directed by a teacher;
and
- e) Helping a teacher to train other teaching assistants.

Licensure and certification requirements shall be as mandated pursuant to Commissioner's regulations.

8 NYCRR Section 80-5.6

Adopted: 6/27/00
Revised: 8/8/06

Personnel

SUBJECT: SUBSTITUTES

The Ellicottville Central School District shall employ only those substitutes who meet all the legal and District requirements for the position. All substitutes must be approved by the Board of Education prior to employment. A substitute must be approved by the Board of Education prior to employment. A substitute who has not been approved by the Board may be approved by the Superintendent of Schools to work on an emergency basis until the next regular Board meeting. The list of Board approved substitutes shall be maintained by the Superintendent.

A substitute's employment record, availability and job performance shall determine employment opportunities as a substitute of the Ellicottville Central School District.

Per Diem Substitutes

When in the judgment of an administrator it is necessary to provide itinerant coverage during the absence of a teacher or classified employee under his/her jurisdiction, the administrator is empowered to hire a per diem Board of Education approved substitute. Per diem substitutes shall abide by the procedures, rules and regulations set forth by the appropriate administrators. The Board shall establish the rate of pay for per diem substitutes, and may provide a differentiated rate of pay based on substitute New York State certificated or no New York State certification.

Long Term Substitutes

When in the judgment of the Superintendent of Schools it is necessary to provide long term coverage in the absence of a teacher or a classified employee, the Superintendent is empowered to advertise and recommend a long term substitute. A long term substitute opening is defined as, "a staff opening created by an approved absence by the Board of Education or by the legal absence of an employee that exceeds 15 consecutive working days. Individuals selected to fill long-term substitute positions require temporary appointment by the Board of Education. Long term substitutes shall carry out all usual and customary responsibilities of regular employees they are replacing. The Board shall establish the rate of pay for long term substitutes and may provide a different rate of pay based on the length the long term substitute may be in the position.

Administration

Administrators shall submit an accounting of employed substitutes to the Payroll Clerk. The record shall denote the name of the substitute, the person for whom the substitute was hired, the date(s) and hours the approved substitute worked. The Payroll Clerk shall check these records against the list of approved substitutes and his/her payroll sheets and report any discrepancies to the Superintendent and appropriate administrator.

Adopted: 6/27/00

SUBJECT: SCHOOL BUS MONITORS AND ATTENDANTS**School Bus Monitors and Attendants**

In accordance with Education Law and Commissioner's regulations, the employment of each school bus monitor and school bus attendant shall be approved by the Superintendent of Schools for each school bus operated within the School District. Approval for employment as a school bus monitor or attendant shall be in writing on a form prescribed by the Commissioner of Education.

As defined in Commissioner's regulations:

- a) A **school bus monitor** shall mean any person employed for the purpose of assisting children to safely embark and disembark from a school bus which is owned, leased or contracted for by a public school district or board of cooperative educational services, and for the purpose of assisting the school bus driver with maintaining proper student behavior on such bus.
- b) A **school bus attendant** shall mean any person who is employed for the purpose of serving pupils with a disabling condition on a school bus which is owned, leased or contracted for by a public school district or board of cooperative educational services.

All school bus monitors and attendants shall be at least 19 years of age; and shall have the physical and mental ability to satisfactorily perform his/her duties.

On order of the Superintendent of Schools, each monitor or attendant may be examined by a duly licensed physician within two weeks prior to the beginning of such monitor's or attendant's service in each school year. The written report of the physician shall be considered by the Superintendent in determining the fitness of the monitor or attendant to carry out his/her functions. The examining physician shall require the monitor or attendant to undergo any diagnostic tests that are necessary to determine the physical and mental ability of the monitor or attendant to perform his/her duties.

Each school bus monitor or attendant of a school bus owned, leased or contracted for by a school district or board of cooperative educational services shall pass a physical performance test approved by the Commissioner. Individuals employed by a school district, board of cooperative educational services or contractor as a monitor or attendant on July 1, 2003 shall have until July 1, 2004 to take and pass a physical performance test. Individuals hired as a monitor or attendant after July 1, 2003, must take and pass a physical performance test before they may assume their duties.

A school bus monitor or attendant who fails any portion of the physical performance test shall be deemed unqualified to perform the duties of that position. The monitor or attendant may request a re-examination. The cost of such re-examination shall be borne by the employer if the monitor/attendant passes the re-examination, or by the monitor/attendant if he or she fails the re-examination.

(Continued)

Personnel

SUBJECT: SCHOOL BUS MONITORS AND ATTENDANTS (Cont'd.)

All school bus monitors and attendants shall meet the qualifications and/or certification requirements as enumerated in law and/or Commissioner's regulations. Further, pursuant to Commissioner's regulations, school bus monitors and attendants shall receive pre-service instruction, safety training, specialized training, and refresher training.

In addition to such instruction, any person employed on January 1, 2004 as a school bus monitor, or as a school bus attendant serving students with a disabling condition, shall, by July 1, 2004, receive instruction as prescribed by the Commissioner upon recommendation of the Commissioner's School Bus Driver Instructor Advisory Committee relating to special needs transportation, including, but not limited to, the proper techniques for assisting disabled students in entering and exiting the school bus. Any person hired after January 1, 2004 shall complete such special needs instruction prior to assuming their duties as a school bus monitor or as a school bus attendant.

School Bus Attendants - Special Requirements

Every school bus attendant serving students with a disabling condition shall receive school bus safety training and instruction relating to the special needs of such students. Such training shall include guidance on the proper techniques for assisting disabled students in entering and exiting the school bus, and shall include instruction in cardiopulmonary resuscitation (CPR) where such skills are required as part of the individualized education plan (IEP) prepared for the student. Such training and instruction shall also include any additional first aid or health emergency skills that the Commissioner of Education deems appropriate and necessary for school bus attendants to possess. In addition, school bus attendants shall demonstrate the ability to perform procedures necessary in emergency situations as deemed appropriate by the Commissioner of Education.

Any person employed as a school bus attendant serving students with a disabling condition on January 1, 2004 shall comply with the requirements of Education Law and Commissioner's regulations by July 1, 2004. Any person hired after January 1, 2004 shall comply with such prior to assuming their duties.

Education Law Section 3624
Vehicle and Traffic Law Section 1229-d
8 NYCRR Section 156.3

Adopted: 10/21/03

SUBJECT: CONTRACTS FOR INSTRUCTION

On July 29, 2009, the State Education Department (SED) issued a memorandum on contracts for instruction that stated districts cannot contract with private entities to deliver "core educational programming/instructional services" to students. Subsequently, on June 2, 2010, SED issued a new question and answer guidance document for school districts to use as a resource for planning for the school year.

Core Instructional Services

Generally, core instructional services comprise those instructional programs which are part of the regular curriculum of the School District and to which students are entitled as part of a free public education. This would include both general and special education programs and related services which school districts are required by law to provide as part of a program of public education and for which a certification area exists and to which tenure rights apply pursuant to Education Law and/or Commissioner's regulations.

Therefore, core instructional services include those in which students are provided classroom instruction to meet State learning standards in the seven general curriculum areas: English language arts; mathematics, science and technology; social studies; languages other than English; the arts; health, physical education and family and consumer sciences; and career development and occupational studies. Instruction in courses for which credit is awarded toward a high school diploma would also constitute "core instructional services." Core instruction includes special classes for students with disabilities.

Core instruction does not include other supplemental instructional services, such as tutoring and enrichment programs that are not offered for high school credit; advanced courses such as college courses that are beyond the regular high school curriculum; and services, such as online instructional services and distance learning, that assist teachers in providing instruction in their classrooms.

Contracts with a Non-Profit or Other Entity

The District may contract with a non-profit or other entity to provide distance or online learning provided that the distance or online learning program is used as a supplementary or additional resource to assist the District's certified teachers in delivering instruction. In these situations, the distance or online program itself would not constitute "core instruction" as described above.

The School District may contract with certain entities where specifically authorized by statute or regulation, or where contracting is necessary to carry out duties imposed on the School District by State or federal law.

(Continued)

SUBJECT: CONTRACTS FOR INSTRUCTION (Cont'd.)**Contracts for the Provision of Special Education "Related Services" for which a Certification Area Exists and to which Tenure Rights Apply Pursuant to Education Law and/or Commissioner's Regulations**

The District may contract for the provision of special education "related services" for which a certification area exists and to which a tenure are applies but only in limited circumstances and with qualified individuals over whom the District has supervisory control.

Pursuant to the federal Individuals with Disabilities Education Act (IDEA), the School District is required to provide students with disabilities with a free appropriate public education (FAPE). The Board of Education must provide related services as part of the continuum of special services and programs available to students with disabilities to enable such students to benefit from instruction. Related services include: audiology, counseling including rehabilitation counseling services, occupational therapy, physical therapy, speech pathology, certain medical services, psychological services, school health services, school nurse services, school social work, assistive technology services, interpreting services, orientation and mobility services, parent counseling and training and other appropriate developmental, corrective or other support services and appropriate access to recreation.

However, the District also has obligations under the IDEA and Article 89 of the Education Law to deliver the services necessary to ensure that students with disabilities receive FAPE. SED recognizes that there will be situations in which school districts will not be able to deliver FAPE to students with disabilities without contracting with independent contractors. Where a School District is unable to provide the related services on a student's individualized education program (IEP) in a timely manner through its employees because of shortages of qualified staff or the need to deliver a related service that requires specialized expertise not available from School District employees, the Board of Education has authority under Education Law to enter into contracts with qualified individuals as employees or independent contractors to provide those related services. Commissioner's regulations requires that related services be provided by individuals with appropriate certification or license in each area of related service.

In order to ensure that such arrangements are not used to circumvent New York State's teacher tenure laws, the District must document that it would retain supervisory control over the individual and that, despite reasonable efforts, it has been unable to provide such services by hiring new employees or utilizing existing employees, or through any of the contractual arrangements authorized by Education Law, including contracts with other school districts, BOCES, approved state or state-supported schools, and approved private residential and nonresidential schools both inside and outside New York State.

Finally, if the District, after exhausting the steps outlined above, finds it necessary to contract with individuals, it should do so only for a period of one school year at a time. Before any such contract can be extended, or a new contract entered, the District must again take reasonable efforts to provide such services as described above.

(Continued)

SUBJECT: CONTRACTS FOR INSTRUCTION (Cont'd.)**Other Contracts for Instruction**

This policy is not intended to be an exhaustive analysis, nor is it intended to cover every possible situation and/or educational program in which contracts may be contemplated.

The District will review all contractual or informal arrangements with its school attorney(s) to ensure that it is in compliance with applicable law and/or regulations.

20 USC Section 1401(26)

Education Law Sections 1604(30), 1709(33), 1804(1), 1805, 1903(1), 2503(1), 2503(3), 2554(1), 2554(15)(a), 4401(2), 4401(2)(k), and 4402(2)(b)

8 NYCRR Sections 100.1, 100.2, 100.3, 100.4, 100.5, 200.1(qq), and 200.6(b)(3)

Personnel

SUBJECT: MAINTAINING DISCIPLINE AND CONDUCT

All personnel employed by the District are responsible for maintaining student discipline and appropriate conduct during school hours and at extracurricular events on and off school property.

School property shall mean in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus as defined in Vehicle and Traffic Law Section 142. A school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state.

Education Law Section 2801(1)

Adopted: 6/27/00
Revised: 8/8/06

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 NYCRR Part 84
Public Officers Law Section 87

Adopted: 6/27/00

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 Personnel

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

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Personnel

SUBJECT: NEGOTIATIONS

Legal Status

The legal status for negotiations is the Public Employees' Fair Employment Law (Taylor Law), Article 14 of the Civil Service Law.

Organizations recognized for the purposes of collective bargaining include:

Ellicottville Central Teachers' Association.

Adopted: 6/27/00

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Personnel

SUBJECT: THEFT OF SERVICES OR PROPERTY

The theft of services or property from the District by an employee will result in immediate disciplinary action that can lead to dismissal or other penalty, and shall not preclude the filing of criminal or civil charges by the District.

Adopted: 6/27/00

Personnel

SUBJECT: JURY DUTY

As provided by law, any employee who is summoned to serve as a juror and who notifies the District to that effect prior to his or her term of service will not, on account of absence by reason of jury service, be subject to discharge or penalty. The District will ensure that all such absences are granted in accordance with law and the terms of any applicable collective bargaining agreement.

Judiciary Law Sections 519 and 521

Adopted: 6/27/00
Revised: 11/17/15

Personnel

SUBJECT: STAFF USE OF COMPUTERIZED INFORMATION RESOURCES

The Board of Education will provide staff with access to various computerized information resources through the District's computer system (DCS hereafter) consisting of software, hardware, computer networks and electronic communication systems. This may include access to electronic mail, so-called "on-line services" and the "Internet." It may also include the opportunity for some staff to have independent access to the DCS from their home or other remote locations. All use of the DCS, including independent use off school premises, shall be subject to this policy and accompanying regulations.

The Board encourages staff to make use of the DCS to explore educational topics, conduct research and contact others in the educational world. The Board anticipates that staff access to various computerized information resources will both expedite and enhance the performance of tasks associated with their positions and assignments. Toward that end, the Board directs the Superintendent or his/her designee(s) to provide staff with training in the proper and effective use of the DCS.

Staff use of the DCS is conditioned upon written agreement by the staff member that use of the DCS will conform to the requirements of this policy and any regulations adopted to ensure acceptable use of the DCS. All such agreements shall be kept on file in the District Office.

Generally, the same standards of acceptable staff conduct which apply to any aspect of job performance shall apply to use of the DCS. Employees are expected to communicate in a professional manner consistent with applicable District policies and regulations governing the behavior of school staff. Electronic mail and telecommunications are not to be utilized to share confidential information about students or other employees.

This policy does not attempt to articulate all required and/or acceptable uses of the DCS; nor is it the intention of this policy to define all inappropriate usage. Administrative regulations will further define general guidelines of appropriate staff conduct and use as well as proscribed behavior.

District staff shall also adhere to the laws, policies and rules governing computers including, but not limited to, copyright laws, rights of software publishers, license agreements, and rights of privacy created by federal and state law.

Staff members who engage in unacceptable use may lose access to the DCS and may be subject to further discipline under the law and in accordance with applicable collective bargaining agreements. Legal action may be initiated against a staff member who willfully, maliciously or unlawfully damages or destroys property of the District.

Social Media Use by Employees

The School District recognizes the value of teacher and professional staff inquiry, investigation and communication using new technology tools to enhance student learning experiences. The School District also realizes its obligations to teach and ensure responsible and safe use of these new

(Continued)

SUBJECT: STAFF USE OF COMPUTERIZED INFORMATION RESOURCES (Cont'd.)

technologies. Social media, including social networking sites, have great potential to connect people around the globe and enhance communication. Therefore, the Board of Education encourages the use of District approved social media tools and the exploration of new and emerging technologies to supplement the range of communication and educational services.

For purposes of this Policy, the definition of **public social media networks or Social Networking Sites (SNS)** are defined to include: websites, Web logs (blogs), wikis, social networks, online forums, virtual worlds, and any other social media generally available to the School District community which do not fall within the District's electronic technology network (e.g., Facebook, MySpace, Twitter, LinkedIn, Flickr, blog sites, etc.). The definition of **District approved password-protected social media tools** are those that fall within the District's electronic technology network or which the District has approved for educational use. Within these internal forums, the District has greater authority and ability to protect minors from inappropriate content and can limit public access.

The use of social media (whether public or internal) can generally be defined as Official District Use, Professional/Instructional Use and Personal Use. The definitions, uses and responsibilities will be further defined and differentiated in the Administrative Regulation. The School District takes no position on an employee's decision to participate in the use of social media or SNS for personal use on personal time. However, personal use of these media during District time or on District-owned equipment is **allowed on a limited basis**. In addition, employees are encouraged to maintain the highest levels of professionalism. They have responsibility for addressing inappropriate behavior or activity on these networks, including requirements for mandated reporting and compliance with all applicable District Policies and Regulations.

Privacy Rights

Staff data files and electronic storage areas shall remain District property, subject to District control and inspection. The Computer Coordinator may access all such files and communications without prior notice to ensure system integrity and that users are complying with requirements of this policy and accompanying regulations. Staff should **NOT** expect that information stored on the DCS will be private.

Implementation

Administrative regulations will be developed to implement the terms of this policy, addressing general parameters of acceptable staff conduct as well as prohibited activities so as to provide appropriate guidelines for employee use of the DCS.

NOTE: Refer also to Policy #8271 -- [Internet Safety/Internet Content Filtering Policy](#)

Adopted: 6/27/00

Revised: 3/8/05; 11/9/10; 7/1/14

Personnel

SUBJECT: TELECOMMUNICATIONS EQUIPMENT/USE BY STAFF

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

The District provides a variety of communication equipment for the purpose of conducting its business including FAX machines, cellular telephones, telephones, modems, etc. The District recognizes that from time to time employees may have a need to use, in relation to their work responsibilities, such telephones and other telecommunications equipment during work hours. Such use of District equipment is permitted so long as, in the judgment of the District, it is for school-related purposes only.

Telephones, FAX Machines, Modems

Employees are discouraged from using District telecommunications equipment for the purpose of making personal long distance calls or contacts during school hours. Staff will be provided access to a school telephone in cases of emergency; however, generally, all personal long distance telephone calls made during school hours must either be charged to the employee's home telephone or made at a pay telephone. All telephone use for personal purposes which result in a cost to the District, except in cases of an emergency, must be reimbursed. Employees are encouraged to use personal telephone credit cards or a pay telephone for the purpose of making such calls. In those instances where this is not possible, he/she must log all telephone calls and file the log with the Business Office within 24-hours of making the call. The Business Office will bill the employee.

Cellular Telephones

Employees using the District's cellular telephone(s) for the purpose of making any personal calls (local or long distance), must reimburse the District. The Business Office will send the employee its monthly cellular telephone bill so that personal calls can be identified and paid by the employee.

Penalties

A violation of this policy may result in discipline, including discharge, in accordance with applicable law and collective bargaining agreements.

SUBJECT: USE OF EMAIL IN THE SCHOOL DISTRICT

Electronic mail or email is a valuable business communication tool, and users shall use this tool in a responsible, effective and lawful manner. Every employee/authorized user has a responsibility to maintain the District's image and reputation, to be knowledgeable about the inherent risks associated with email usage and to avoid placing the School District at risk. Although email seems to be less formal than other written communication, the same laws and business records requirements apply. School District employees/authorized users shall use the District's designated email system, Lotus Notes, for all business email, including emails in which students or student issues are involved.

Employee Acknowledgement

All employees and authorized users shall acknowledge annually and follow the District's policies and regulations on acceptable use of computerized information resources, including email usage.

Classified and Confidential

District employees and authorized users may not:

- a) Provide lists or information about District employees or students to others and/or classified information without approval. Questions regarding usage and requests for such lists or information should be directed to a principal/supervisor.
- b) Forward emails with confidential, sensitive, or secure information without principal/supervisor authorization. Additional precautions, such as encryption, should be taken when sending documents of a confidential nature.
- c) Use file names that may disclose confidential information. Confidential files should be password protected and encrypted. File protection passwords shall not be communicated via email correspondence.
- d) Use email to transmit any individual's personal, private and sensitive information (PPSI). PPSI includes social security number, driver's license number or non-driver ID number, account number, credit/debit card number and security code, or any access code/password that permits access to financial accounts or protected student records.
- e) Send or forward email with comments or statements about the District that may negatively impact it.

Personal Use

Employees and authorized users may use the District's email system for limited personal use. However, there is no expectation of privacy in email use. Personal use should not include chain letters, junk mail, and jokes. Employees and authorized users shall not use the District's email programs to

(Continued)

SUBJECT: USE OF EMAIL IN THE SCHOOL DISTRICT (Cont'd.)

conduct job searches, post personal information to bulletin boards, blogs, chat groups and list services, etc. without specific permission from the principal/supervisor. The District's email system shall not be used for personal gain or profit.

Email Accounts

All email accounts on the District's system are the property of the School District. Personal accounts and instant messaging shall not be used to conduct official business.

Receiving Unacceptable Mail

Employees and authorized users who receive offensive, unpleasant, harassing or intimidating messages via email or instant messaging shall inform their principal/supervisor immediately.

Training

Employees/authorized users should receive regular training on the following topics:

- a) The appropriate use of email with students, parents and other staff to avoid issues of harassment and/or charges of fraternization.
- b) Confidentiality of emails.
- c) Permanence of email: email is never truly deleted, as the data can reside in many different places and in many different forms.
- d) No expectation of privacy: email use on District property is NOT to be construed as private.

Sanctions

The Computer Coordinator may report inappropriate use of email by an employee/authorized user to the employee/authorized user's principal/supervisor who will take appropriate disciplinary action. Violations may result in a loss of email use, access to the technology network and/or other disciplinary action. When applicable, law enforcement agencies may be involved.

Notification

All employees/authorized users will be required to access a copy of the District's policies on staff and student use of computerized information resources and the regulations established in connection with those policies. Each user will acknowledge this employee/designated user agreement before establishing an account or continuing in his/her use of email.

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SUBJECT: USE OF EMAIL IN THE SCHOOL DISTRICT (Cont'd.)**Confidentiality Notice**

A standard Confidentiality Notice will automatically be added to each email as determined by the District.

NOTE: Refer also to Policies #3320 -- Confidentiality of Computerized Information
#3420 -- Non-Discrimination and Anti-Harassment in the School District
#5670 -- Records Management
#6410 -- Staff Use of Computerized Information Resources
#8271 -- Internet Safety/Internet Content Filtering Policy

SUBJECT: HEALTH INSURANCE

Health insurance for certified and support staffs, confidential management and administration shall be in accordance with their respective negotiated agreements and applicable law.

Continuation of Medical Insurance Coverage at Termination of Employment

Under the provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), employees and their dependents are eligible to continue their insurance coverage when termination of their insurance is due to a reduction in their hours worked, or upon termination of their employment.

Under COBRA, employees generally may continue their group health insurance coverage for up to 18 months. In addition, with the exception of those in self-funded or self-insured plans, employees who have exhausted their federal COBRA coverage may extend their coverage for up to an additional 18 months, for a total period of 36 months, under New York Insurance law.

Dependents of employees are eligible to continue their insurance for up to 36 months upon occurrence of one of the following events:

- a) Death of the covered employee; or
- b) Divorce or legal separation from the covered employee; or
- c) An employee becomes eligible for Medicare and ceases to participate in the employer-sponsored plan; or
- d) The dependents of a covered employee reach the maximum age for dependent coverage.

Those who are eligible to continue coverage have up to 60 days to complete the Continuation of Coverage Election Form. Premiums and administrative costs will be paid in accordance with law.

American Recovery and Reinvestment Act of 2009, Public Law 111-5
Consolidated Omnibus Budget Reconciliation Act of 1985
Insurance Law Section 3221(m)(4)(5) and (6)
Patient Protection and Affordable Care Act (ACA), Public Law 111-148

Adopted: 4/19/94

Revised: 6/27/00; 5/15/01; 10/9/12; 11/18/14

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Personnel

SUBJECT: CONFIDENTIAL MANAGEMENT EMPLOYEES SICK BANK POLICY

The Board and the Administration hereby establishes a Sick Bank for the Confidential Management Employees (CME) (district treasurer, superintendent's secretary, transportation supervisor, cafeteria manager, maintenance supervisor) who need extended leaves due to personal illness. The Bank will be administered by its members and the Superintendent.

Adopted: 6/27/00
Revised: 8/31/04; 12/6/05

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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)

Adopted: 6/27/00

Personnel

SUBJECT: FULL TIME EMPLOYMENT

For the purposes of determining eligibility for pay and fringe benefits, any ECS support staff employee shall be considered "full time" if he/she is assigned to work five days per week, at least all weeks of the normal school year, for a minimum of 32 hours per week. This definition does not include "regular" bus drivers (those who are assigned to a daily morning and afternoon bus run) or anyone working as a substitute for a regular employee.

Appointments to full time positions shall not be made unless the position has been previously defined and approved by the Board of Education. Applicants for any full time position, selected and recommended by the Administration, shall not be appointed to that position without prior approval of the Board of Education.

Fringe benefits include, but may not be limited to: health insurance coverage, vacation, personal and sick leave; as agreed upon between the employee's group and the Board of Education.

Employee groups are: cafeteria staff, custodial staff, classroom support staff, office staff and bus drivers. Employees who regularly work less than 32 hours per week shall be considered "part-time" and therefore not be eligible for fringe benefits. This includes all substitute teachers and aides.

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Personnel

SUBJECT: PAYROLL DEDUCTIONS

Payroll deductions may be made when authorized by employees or when required by law or negotiated agreements.

Education Law Section 1709

Adopted: 6/27/00

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 days after service of process upon him/her. The statute mandates only written notice of the claim to the Board of Education; however, submission of relevant legal documents by the employee to the Board is also encouraged.
- b) For purposes of Education Law Sections 3023 and 3028, the employee must deliver the original or a copy of the relevant legal documents to the Board within ten days after service of process upon him/her.

The District will provide legal defense and/or indemnification for all damages, costs, and reasonable expenses incurred in the defense of an action or proceeding if authorized pursuant to statute and provided that the alleged action or omission which occurred or allegedly occurred is covered by the appropriate statute(s). Furthermore, the District will not be required to provide indemnification protection and/or legal defense unless the employee was, at the time of the alleged incident, acting in the discharge of his/her duties within the scope of his/her employment or authorized volunteer duties and/or under the direction of the Board of Education.

Public Officers Law Section 18

The Board of Education hereby also confers the benefits of Section 18 of the New York State Public Officers Law upon the "employees" of the District, as defined in Section 18 of the Public Officers Law; and the District assumes the liability for the costs incurred in accordance with the provisions of Section 18. The benefits accorded to District employees under Section 18 of the Public Officers Law shall supplement and be available in addition to defense or indemnification protection conferred by other enactments or provisions of law.

The term "employees" shall include members of the Board of Education; the Superintendent; District officers; District employees; volunteers expressly authorized to participate in a District sponsored volunteer program; or any other person holding a position by election, appointment or employment in the service of the District, whether or not compensated. The term "employee" shall also include a former employee, his/her estate or judicially appointed representative.

(Continued)

Personnel

SUBJECT: DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS AND EMPLOYEES (Cont'd.)

Pursuant to the provisions of Section 18 of the Public Officers Law, and upon compliance by the employee with the requirements of this statute, the District shall provide for the defense of the employee in any civil action or proceeding, state or federal, arising out of any alleged act or omission which occurred or allegedly occurred while the employee was acting within the scope of his/her public employment or duties. Furthermore, the District shall indemnify and save harmless its employees in the amount of any judgment obtained against such employees in a state or federal court, or in the amount of any settlement of a claim, provided that the act or omission from which such judgment or claim arose occurred while the employee was acting within the scope of his/her public employment or duties. However, in the case of a settlement, the duty to indemnify and save harmless shall be conditioned upon the approval of the amount of the settlement by the Board of Education.

The duty to defend and/or indemnify and save harmless, in accordance with Section 18 of the Public Officers Law, shall be conditioned upon the delivery by the employee to the School District attorney or to the Superintendent a written request to provide for his/her defense, together with the original or a copy of any summons, complaint, process, notice, demand or pleading within ten days after he/she is served with such document. Pursuant to Section 18, the full cooperation of the employee in the defense of such action or proceeding and in the defense of any action or proceeding against the District based upon the same act or omission, and in the prosecution of any appeal, shall also be required as a condition for the District's duty to defend and/or indemnify and save harmless to exist.

Exceptions to Liability Coverage

Indemnification coverage and/or provision of legal defense by the District will not apply unless the actionable claim is of the type covered by the statute(s) and/or is not otherwise exempt from coverage pursuant to law. Additionally, indemnification coverage and/or the duty to provide a defense shall not arise where such action or proceeding is brought by or on behalf of the School District.

Public Officers Law Section 18
Education Law Sections 1709(26) and (34-b), 2560, 3023, 3028, and 3811
General Municipal Law Sections 6-n and 52

Adopted: 6/27/00

Personnel

SUBJECT: LEAVES OF ABSENCE

- a) In general, leaves of absence:
1. Shall be administered by the Superintendent.
 2. The Board reserves the right to grant leaves of absence for purposes or under conditions not contemplated or considered in the policy statement.
 3. Under laws and rules governing such action, the Board may undertake appropriate disciplinary action where a leave of absence is falsely requested or improperly used.
 4. Except by permission of the Superintendent, as expressed in writing, the purpose or conditions of a leave of absence may not be altered.
- b) Leaves of absence, contractual, et al:
1. Employees who are members of a negotiating unit:
Authorization is granted to approve requests for leaves of absence submitted pursuant to provisions of contracts in effect between the District and each bargaining unit.
 2. Employees who are not members of a negotiating unit:
Authorization is granted to approve requests for leaves of absence submitted by such employees where such requests are consistent with provisions of contracts in effect between the District and the bargaining unit most compatible with the employment status of the employee.
 3. Employees who are under contract to the District:
Authorization is granted to implement provisions for leaves of absence contained in each such contract.
- c) Leaves of absence, unpaid, not covered in b) 1. above:
1. Subject to limitations enumerated in this policy statement, authorization is granted for the following unpaid leaves of absence.
 - (a) For a period of time not to exceed one school year for approved graduate study, such leave to include any required internship experience.

(Continued)

Personnel

SUBJECT: LEAVES OF ABSENCE (Cont'd.)

- (b) At the expiration of a paid sick leave of absence, to extend such a leave of absence for a period of time not to exceed the end of the school year next succeeding the school year in which the paid leave of absence commenced.
 - 2. Unpaid leaves of absence shall not be used to extend vacation periods, to take vacations, to engage in other occupations, or to provide additional personal leaves, except that the Superintendent shall have discretion, where circumstances warrant, to approve leaves of absence for such purposes.
 - 3. Unpaid leaves of absence shall not be granted unless the services of a substitute employee, satisfactory in the discretion of the Superintendent, can be secured.
 - 4. Except where it interferes with an employee's legal or contractual rights, the timing of unpaid leaves of absence will be granted at the convenience of the District.
- d) Other leaves of absence:
- 1. Emergency Service Volunteer Leave

Upon presentation of a written request from the American Red Cross and with the approval of the Superintendent, employees certified by the American Red Cross as disaster volunteers shall be granted leave from work with pay for up to 20 days in any calendar year to participate in specialized disaster relief operations. This leave shall be provided without loss of seniority, compensation, sick leave, vacation leave or other overtime compensation to which the volunteer is otherwise entitled.
 - 2. Screenings for Breast Cancer and Prostate Cancer

Employees shall be granted up to four hours of leave on an annual basis to undertake a screening for breast cancer; employees shall be granted up to four hours of leave on an annual basis to undertake a screening for prostate cancer (i.e., male employees are entitled to a total of eight hours for both screenings). This leave shall be excused leave and shall not be charged against any other leave to which the employee is entitled.
 - 3. Blood Donation

The School District must allow its employees without use of accumulated leave time to donate blood during work hours at least two times per year at a convenient time and place set by the Superintendent/designee, including allowing an employee to participate in a blood drive at the District.

(Continued)

Personnel

SUBJECT: LEAVES OF ABSENCE (Cont'd.)

The District shall not retaliate against an employee for requesting or obtaining a leave of absence under this section. Additional leaves for the purpose of blood donation under any other provision of law shall not be prevented.

4. Bone Marrow Donation

Employees seeking to undergo a medical procedure to donate bone marrow shall be granted leaves to do so, the combined length of the leaves to be determined by the physician, but may not exceed 24 work hours unless agreed to by the Superintendent/designee. The District shall require verification for the purpose and length of each leave requested by the employee for this purpose.

5. Nursing Mothers

The District shall provide reasonable unpaid break time or permit the use of paid break time or meal time each day to allow an employee to express breast milk for her nursing child for up to three years following-child birth. The District shall make reasonable efforts to provide a room or other location in close proximity to the work area where the nursing mother can express milk in privacy.

6. Victims of Domestic Abuse

Employers are required to provide employees with an unpaid leave to appear as a witness, consult with the district attorney, or exercise the employee's statutory rights as the victim of, or witness to a crime of domestic violence. In addition, a victim of domestic violence may need one or more of these types of leave.

To use this leave, the employee shall provide notice of the need for leave at any time prior to the actual day of leave. Employers are permitted to ask the employee who sought the attendance or testimony of the employee to provide verification of the employee's service. Penalizing or discharging an employee for absences by reason of a required appearance as a witness in a criminal proceeding, or consultation with the district attorney, or exercising his/her rights as provided under the law constitutes a Class B misdemeanor by the employer.

7. Military Leave

The District will comply with state and federal laws regarding military leave and re-employment.

Leaves of absence for military spouses are granted in accordance with law and are unpaid.

(Continued)

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Personnel

SUBJECT: LEAVES OF ABSENCE (Cont'd.)

Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 USC Sections 4301-4333

Civil Service Law Sections 71-73, 159-b and 159-c

Education Law Sections 1709(16), 3005, 3005-a and 3005-b

General Municipal Law Section 92-c

Labor Law Sections 202-a, 202-c, 202-i and 202-j

Military Law Sections 242 and 243

Penal Law Section 215.14

Adopted: 6/27/00

Revised: 1/21/03; 8/8/06; 2/9/10; 10/9/12

Personnel

SUBJECT: FAMILY AND MEDICAL LEAVE ACT

The Board of Education, in accordance with the Family and Medical Leave Act of 1993 (as amended) (FMLA), gives "eligible" employees of the District the right to take unpaid leave for a period of up to 12 workweeks in a 12-month period as determined by the District.

The District uses a fixed leave year based on July 1 through June 30 (e.g., fiscal year) as its method for calculating the leave year period for the commencement of the FMLA leave period. In certain cases, FMLA leave may be taken on an intermittent basis rather than all at once, or the employee may work a part-time schedule.

The entitlement to leave for the birth or placement of a child shall expire at the end of the 12 month period beginning on the date of such birth or placement.

Employees are "eligible" if they have been employed by the District for at least 12 months and for at least 1,250 hours of service during the previous 12-month period. Full-time teachers are deemed to meet the 1,250 hour test. However, a break in employment for military service (i.e., call to active duty) should not interrupt the 12 month/1,250 hours of employment requirement and should be counted toward fulfilling this prerequisite. The law covers both full-time and part-time employees.

Qualified employees may be granted leave for one or more of the following reasons:

- a) The birth of a child and care for the child;
- b) Adoption of a child and care for the child;
- c) The placement of a child with the employee from foster care;
- d) To care for a spouse, minor child or parent who has a "serious health condition" as defined by the FMLA;
- e) To care for an adult child who is also incapable of self-care due to a disability (regardless of date of the onset of disability) and has a "serious health condition" as defined by the FMLA; and/or
- f) A "serious health condition" of the employee, as defined by the FMLA, that prevents the employee from performing his/her job.

A "serious health condition" is defined as an illness, injury, impairment or physical or mental condition that involves inpatient care or continuing treatment by a health care provider that renders the person incapacitated for more than three consecutive calendar days. Furthermore, the first visit to a health care provider for an employee claiming a "serious health condition" under FMLA must occur within seven days of the aforementioned incapacity with the second required visit occurring within

(Continued)

SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Cont'd.)

30 days of the incapacitating event. In order for an employee to claim the need for continuous treatment under FMLA for a chronic serious health condition, the condition must require a minimum of two visits per year to a healthcare provider, continue over an extended period of time, and may cause episodic rather than a continuing period of incapacity. A "serious health condition" is also defined as any period of incapacity related to pregnancy or for prenatal care.

Military Family Leave EntitlementsMilitary Caregiver Leave

An eligible employee who is the spouse, son, daughter, parent, or next of kin (defined as the nearest blood relative) is entitled to up to 26 weeks of leave in a single 12 month period to care for a "military member" who is:

- a) Recovering from a service-connected serious illness or injury sustained while on active duty; or
- b) Recovering from a serious illness or injury that existed prior to the service member's active duty and was aggravated while on active duty; or
- c) A veteran who has a qualifying injury or illness from service within the last five years and aggravates that illness or injury.

This military caregiver leave is available during a single 12 month period during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave. Military Caregiver Leave may be combined with other forms of FMLA-related leave providing a combined total of 26 weeks of possible leave for any single 12 month period; however, the other form of FMLA leave when combined cannot exceed 12 of the 26 weeks of combined leave. Military Caregiver Leave has a set "clock" for calculating the 12 month period for when FMLA leave begins and tolling starts at the first day of leave taken.

The term "military member" means:

- a) A member of the Regular Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
- b) A veteran (discharged or released under any condition other than dishonorable) who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy.

(Continued)

SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Cont'd.)"Qualifying Exigency" Leave/Call to Active Duty

An "eligible" employee is entitled to FMLA leave because of "a qualifying exigency" arising out of circumstances where the spouse, son, daughter, or parent of the employee is serving in the regular Armed Forces or either the National Guard or the Reserves and is on active duty during a war or national emergency called for by the President of the United States or Congress, or has been notified of an impending call to active duty status, in support of a contingency operation. There is no "qualifying exigency" unless the military member is or is about to be deployed to a foreign country.

A "qualifying exigency" related to families of the Army National Guard of the United States, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard of the United States, Air Force Reserve and Coast Guard Reserve personnel on (or called to) active duty to take FMLA protected leave to manage their affairs is defined as any one of the following reasons:

- a) Short-notice deployment;
- b) Military events and related activities;
- c) Childcare and school activities;
- d) Parental care leave;
- e) Financial and legal arrangements;
- f) Counseling;
- g) Rest and recuperation (for up to 15 calendar days);
- h) Post-deployment activities; and
- i) Any additional activities where the employer and employee agree to the leave.

In any case in which the necessity for leave due to a qualifying exigency is foreseeable, the employee shall provide such notice to the employer as is reasonable and practicable. This military-related leave is for up to 12 weeks during a single 12 month period. Leave may be taken intermittently or on a reduced leave schedule.

Implementation/Benefits/Medical Certification

At the Board of Education's or employee's option, certain types of paid leave may be substituted for unpaid leave.

(Continued)

SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Cont'd.)

An employee on FMLA leave is also entitled to have health benefits maintained while on leave. If an employee was paying all or part of the premium payments prior to leave, the employee will continue to pay his/her share during the leave period.

In most instances, an employee has a right to return to the same position or an equivalent position with equivalent pay, benefits and working conditions at the conclusion of the leave.

The Board of Education has a right to 30 days advance notice from the employee where practicable. In addition, the Board may require an employee to submit certification from a health care provider to substantiate that the leave is due to the "serious health condition" of the employee or the employee's immediate family member. Under no circumstance should the employee's direct supervisor contact any health care provider regarding the employee's condition; all contact in this manner must be made by a health care provider (employed by the employer), a human resource professional, a leave administrator or a management official. If the medical certification requested by the employer is found to be deficient, the employer must indicate where the errors are, in writing, and give the employee seven days to provide corrected materials to cure any deficiency prior to any action being taken.

Special Provisions for School District Employees

An instructional employee is an employee whose principal function is to teach and instruct students in a class, a small group, or an individual setting (e.g., teachers, coaches, driving instructors, special education assistants, etc.). Teaching assistants and aides who do not have instruction as the principal function of their job are not considered an "instructional employee."

Intermittent Leave Taken By Instructional Employees

FMLA leave that is taken at the end of the school year and resumes at the beginning of the next school year is not regarded as intermittent leave but rather continuous leave. The period in the interim (i.e., summer vacation) is not counted against an employee and the employee must continue to receive any benefits that are customarily given over the summer break.

Intermittent leave may be taken but must meet certain criteria. If the instructional employee requesting intermittent leave will be on that leave for more than 20% of the number of working days during the period for which the leave would extend, the following criteria may be required by the employer:

- a) Take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
- b) Transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits and which better accommodates recurring periods of leave than does the employee's regular position.

(Continued)

SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Cont'd.)

Appropriate notice for foreseeable FMLA leave still applies and all employees must be returned to an equivalent position within the school district. Additional work-related certifications, requirements and/or training may not be required of the employee as a contingent of their return to work.

Leave Taken by Instructional Employees Near the End of the Instructional Year

There are also special requirements for instructional employees taking leave and the leave's relation to the end of the term. If the instructional employee is taking leave more than five weeks prior to the end of the term, the District may require that the employee take the leave until the end of the term if the leave lasts more than three weeks and the employee was scheduled to return prior to three weeks before the end of the term.

If the instructional employee is taking leave less than five weeks prior to the end of the term for any of the following FMLA-related reasons except qualifying exigency, the District may require that the employee remain out for the rest of the term if the leave lasts more than two weeks and the employee would return to work during that two week period at the end of the instructional term.

If the instructional employee begins taking leave during the three weeks prior to the end of the term for any reason except qualifying exigency, the District may require that the employee continue leave until the end of the term if the leave is scheduled to last more than five working days.

Any additional time that is required by the employer due to the timing of the end of the school year, will not be charged against the employee as FMLA leave because it was the employer who requested that the leave extend until the end of the term.

FMLA Notice

A notice which explains the FMLA's provisions and provides information concerning the procedures for filing complaints of violations of the FMLA shall be posted in each school building and a notice of an employee's FMLA rights and responsibilities shall be either placed in the employee handbook of the employer or furnished to each new employee upon hire. The employer has five days to supply such notice from the date of hire.

Administration is directed to develop regulations to implement this policy, informing employees of their rights and responsibilities under the FMLA.

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SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Cont'd.)

Family and Medical Leave Act of 1993 (as amended), Public Law 103-3

National Defense Authorization Act of 2008, Public Law 110-181

10 USC 101(a) (13)

29 USC 1630.1 and 2611-2654

29 CFR Part 825 and Part 1630

42 USC 12102

Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191

45 CFR Parts 160 and 164

NOTE: Refer also to Policy #6552 -- Uniformed Services Employment and Reemployment Rights Act (USERRA)/Military Leaves of Absence

Adopted: 6/27/00

Revised: 11/9/10; 10/9/12; 11/18/14

Personnel

SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)/MILITARY LEAVES OF ABSENCE

In accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) and State Law, the School District, upon advance notice by the employee, shall grant leaves of absence for service in the uniformed services and/or military duty (hereinafter referred to as "military service" or "military duty") to its employees who are ordered to duty or volunteer for qualifying military service. The employee's notice may be either verbal or written. No advance notice is required if military necessity prevents the giving of notice, or the giving of notice is otherwise impossible or unreasonable under all the circumstances.

Employment Rights

Time during which an employee is absent pursuant to military leave shall not constitute an interruption of continuous employment in the School District and no such employee shall be subjected, directly or indirectly, to any loss or diminution of time service, increment, vacation or holiday privileges, or any other right or privilege, by reason of such absence; nor shall any employee be prejudiced by reason of such absence with reference to continuance in employment, reemployment, reinstatement, transfer or promotion.

Salary/Compensation

Every employee shall be paid his/her salary or other compensation for any and all periods of absence while engaged in the performance of ordered military duty, and while going to and returning from such duty. This payment of salary/compensation shall not exceed a total of 30 days or 22 working days, whichever is greater, in any one calendar year; and shall not exceed 30 days or 22 working days, whichever is greater, in any one continuous period of such absence.

The employee must be permitted, upon request, to use any accrued vacation, annual, or similar leave with pay during the period of military service in order to continue his/her civilian pay. The School District may not require the employee to use accrued leave.

The employee is not entitled to use accrued sick leave during the period of military service, unless the District allows employees to use sick leave for any reason or allows other similarly situated employees on comparable furlough or leave of absence to use accrued paid sick leave.

Employee Benefits**Health Plan Coverage**

If the employee has coverage under a health plan in connection with his/her employment with the District, the employee must be permitted to elect to continue the coverage for a certain period of time as designated in law.

(Continued)

Personnel

SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)/MILITARY LEAVES OF ABSENCE (Cont'd.)

When the employee is performing military service, he/she is entitled to continuing coverage for himself/herself (and dependents if the plan offers dependent coverage) under a health plan in connection with the employment. The plan must allow the employee an opportunity to continue coverage for a period of time that is the lesser of:

- a) The 24-month period beginning on the date on which the employee's absence for the purpose of performing military service begins; or
- b) The period beginning on the date on which the employee's absence for the purpose of performing military service begins, and ending on the date on which the employee fails to return from service or apply for a position of reemployment.

Health plan administrators may develop reasonable requirements addressing how continuing coverage may be elected, consistent with the terms of the plan and USERRA's exceptions to the requirement that the employee give advance notice of military service. Further, health plan administrators may develop reasonable procedures for employee payment to continue coverage, consistent with USERRA and the terms of the plan.

Pension/Retirement Plans

While on military duty, any School District employee who is a member of any pension or retirement system may elect to contribute to such pension or retirement system the amount which he/she would have contributed had such employment been continuous. Upon making such contribution, the employee shall have the same rights in respect to membership in the retirement system as he/she would have had if the employee had been present and continuously engaged in the performance of his/her position. To the extent that such contributions are paid, absence while engaged in the performance of military duty shall be counted in determining the length of total service under such pension or retirement system.

Alternatively, employees will have an opportunity to make up contributions to the pension or retirement system upon return to employment in the District in accordance with law and the individual employee's pension/retirement system.

The payment of member contributions required under law to obtain military service credit is waived for members called to active military duty on or after September 11, 2001 and prior to January 1, 2006, as the result of Non-Contributory Military Service Credit legislation signed as Chapter 326 of the Laws of 2005.

Time during which an employee is absent on military duty shall not constitute an interruption of continuous employment, but such time shall not be counted or included in determining the length of total service in the pension or retirement system unless the employee contributes to the pension or

(Continued)

SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)/MILITARY LEAVES OF ABSENCE (Cont'd.)

retirement system the amount he/she would have been required to contribute if the employee had been continuously employed during the period of military duty.

Leaves of Absence for Military Spouses

The spouse of a member of the armed forces of the United States, national guard or reserves who has been deployed during a period of military conflict (defined as a period of war declared by the United States Congress, or in which a member of a reserve component of the armed forces is ordered to active duty pursuant to the United States Code), to a combat theater or combat zone of operations shall be allowed up to ten days unpaid leave by their employer. Such leave shall only be used when such person's spouse is on leave from the armed forces of the United States, National Guard or reserve while deployed during a period of military conflict to a combat theater or combat zone of operations.

An employer shall not retaliate against an employee for requesting or obtaining a leave of absence as provided above. The provisions of this section shall not affect or prevent an employer from providing leave for military spouses in addition to leave allowed under any other provision of law. The provisions of this section shall not affect an employee's rights with respect to any other employee benefit provided by law.

Reemployment/Restoration Rights ("Escalator Principle")

Per USERRA, as a general rule, the employee is entitled to reemployment in the job position that he/she would have attained with reasonable certainty if not for the absence due to military service. The position to which the returning service member should be restored has become known as the "escalator position." The escalator principle requires that the employee be reemployed in a position that reflects with reasonable certainty the pay, benefits, seniority, and other job benefits that he/she would have attained if not for the period of military service.

Depending on the circumstances/intervening events, the escalator principle may cause an employee to be reemployed in a higher or lower position, transferred, laid off, or even terminated.

The employee must be qualified for the reemployment position. The District shall make reasonable efforts to help the employee become qualified to perform the duties of this position. The District is not required to reemploy the employee on his/her return from military service if the employee cannot, after reasonable efforts by the District, qualify for the appropriate reemployment position.

Per State law, an employee restored to his/her position after the termination of military duty shall be entitled to the rate of compensation he/she would have received had the employee remained in his/her position continuously during the period of military duty; and the employee shall be deemed to

(Continued)

Personnel

SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)/MILITARY LEAVES OF ABSENCE (Cont'd.)

have rendered satisfactory and efficient service in the job position during the period of military leave of absence. Further, the employee shall not be subjected directly or indirectly to any loss of time service, increment, or any other right or privilege; nor shall an employee be prejudiced in any way with reference to promotion, transfer, reinstatement or continuance in employment.

All other rights, benefits, and responsibilities of a District employee serving in the military shall be in accordance with law, regulations, and/or the applicable contract/collective bargaining agreement.

Probationary ServicePublic Employees in General

If a public employee (with the exception of the probationary service of "teachers" as described below) enters military duty before the expiration of the probationary period in any position to which he/she may have been appointed, or to which he/she may thereafter be appointed or promoted, the time such employee is absent on military duty shall be credited as satisfactory service during this probationary period.

Teachers/Supervisory Staff

In any case where a "teacher" (*as defined in State Education Law Section 3101, the term "teacher" encompasses a broad category of full-time members of the teaching and supervisory staff of the District, and is not limited to "instructional" employees*) enters military duty before the expiration of the probationary period to which he/she may have been appointed, the time the "teacher" is absent on military duty shall be credited as satisfactory service during this probationary period. If the end of such probationary service occurs while the "teacher" is on military duty or within one year following the termination of military duty, the period of the probationary service may be extended by the Board of Education for a period not to exceed one year from the date of termination of military duty. However, in no event shall the period of probationary service in the actual performance of teaching services extend beyond that required by the School District at the time of the "teacher's" entry into military service.

Collective Bargaining Agreements/Contracts/Plans/Practices

In accordance with USERRA, any State or local law, contract, agreement, policy, plan, or practice that establishes an employment right or benefit that is more beneficial than, or is in addition to, a right or benefit under USERRA, such greater employment right or benefit will supersede this Federal Law.

(Continued)

SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)/MILITARY LEAVES OF ABSENCE (Cont'd.)

Notice of Rights and Duties

The District shall provide a notice of the rights, benefits and obligations of employees and the District under USERRA. The District may provide the notice by posting it where employee notices are customarily placed. The District may also provide such notice to its employees in other ways that will minimize costs while ensuring that the full text of the notice is provided (e.g., by handing or mailing out the notice, or distributing the notice via electronic mail).

The U.S. Department of Labor has developed and made available on its website <http://www.dol.gov/vets/programs/userra/poster.htm> a poster for use by private and State employers (including school districts) that can be posted in order to comply with the notification mandate.

The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA)
38 USC Sections 4301-4333
Public Law 108-454
20 CFR Part 1002
Military Law Sections 242 and 243
Education Law Section 3101

Adopted: 5/20/03
Revised: 8/8/06; 11/14/06

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.

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.

A joint District/employee organization committee will be established to assist in the implementation of this policy.

Personnel

SUBJECT: DETERMINATION OF EMPLOYMENT STATUS: EMPLOYEE OR INDEPENDENT CONTRACTOR

Regulations promulgated by the Office of the State Comptroller provide guidance to school districts to help them determine whether an individual is an employee, and therefore eligible for membership in the New York State and Local Retirement System (NYSLRS) and for service credit, or an independent contractor who is not eligible for membership.

A certification of the determination that an individual is an employee will now be required when the School District initially reports to the NYSLRS certain covered professionals -- those persons providing services as an attorney, physician, engineer, architect, accountant or auditor.

Employee shall mean an individual performing services for the School District for which the District has the right to control the means and methods of what work will be done and how the work will be done. Independent contractor shall mean a consultant or other individual engaged to achieve a certain result who is not subject to the direction of the employer as to the means and methods of accomplishing the result.

Employees to be Reported to NYSLRS

Only persons who are active members of NYSLRS and who have been assigned a registration number shall be included in the reporting requirements. In the case of employees who are in the process of being registered to membership, all service, salary and deductions data and mandatory contributions shall be accumulated by the District and such accumulation shall be included with the first monthly report which is due after the employee's registration number has been assigned.

An individual serving the District as an independent contractor or consultant is not an employee and should not be reported to the retirement system.

The District has the primary responsibility for determining whether an individual is rendering services as an employee or as an independent contractor. When making such a determination the District must consider the factors enumerated in State Regulations.

The District shall also complete, as necessary, a Certification Form for Individuals Engaged in Certain Professions (Form RS2414) as promulgated by the Office of the New York State Comptroller. As noted on the Certification Form instructions, when making a determination as to an individual's status as an employee or independent contractor, no single factor should be considered to be conclusive of the issue. All factors should be considered in making an assessment of an individual's status when engaged to perform services.

(Continued)

**SUBJECT: DETERMINATION OF EMPLOYMENT STATUS: EMPLOYEE OR
INDEPENDENT CONTRACTOR (Cont'd.)**

Written Explanation by District: Certain Professions

In the case of an individual whose service has been engaged by the School District in the capacity of attorney, physician, engineer, architect, accountant or auditor and the District has determined that the individual is rendering service as an employee and, therefore, may be eligible for credit with a retirement system, the District shall submit to the retirement system, in a form prescribed by the Comptroller and certified by the Chief Fiscal Officer of the District, an explanation of the factors that led to the conclusion that the individual is an employee and not an independent contractor or consultant.

Retirement and Social Security Law Sections 11, 34, 311, and 334
2 NYCRR Sections 315.2 and 315.3

Adopted: 10/7/08

SUBJECT: PROFESSIONAL SERVICES PROVIDERS**Determination by Employer**

The District has the primary responsibility for determining whether an individual is rendering services as an employee or as an independent contractor. When making such a determination the District must consider the factors enumerated in Commissioner's Regulations Sections 315.2 and 315.3. An individual serving the District as an independent contractor or consultant is not an employee and should not be reported to the New York State and Local Retirement System (NYSLRS).

Charging for Professional Services

A lawyer shall not simultaneously be an independent contractor and an employee of the School District for the purpose of providing legal services to the District.

A lawyer who is not an employee of the School District shall not seek to be or be considered, treated or otherwise reported by the District as an employee thereof for purposes of compensation, remuneration, health insurance, pension and all employment-related benefits and emoluments associated therewith [Education Law Section 2051(2)].

Enforcement

Any person who shall knowingly:

- a) Violate the provisions of Education Law Section 2051(2);
- b) Make a false statement of material fact; or
- c) Falsify or permit to be falsified any record or records of the retirement system in an attempt to defraud the retirement system as a result of such act for the purpose of obtaining a credit towards pension benefits, or a benefit or payment in excess of \$1,000 from such retirement system for a professional services provider to which such professional services provider would not be entitled, shall be guilty of a Class E felony.

Reports Regarding Lawyers

The District shall, on or before the forty-fifth day after the commencement of its fiscal year, file with the State Education Department, the State Comptroller and the Attorney General a report specifying those requirements enumerated in Education Law Section 2053.

(Continued)

SUBJECT: PROFESSIONAL SERVICES PROVIDERS (Cont'd.)**Protection Against Fraud**

Any person who shall knowingly make any false statement, or shall falsify or permit to be falsified any record or records of the retirement system in any attempt to defraud the system as a result of such act, shall be guilty of a misdemeanor, and shall be punishable under the laws of New York State.

Any violation of applicable law that results in a member or beneficiary of the retirement system receiving a benefit or payment in excess of \$1,000 more than he/she would have been entitled to shall be a class E felony. Any violation of applicable law that results in a member or beneficiary of the retirement system receiving a benefit or payment in excess of \$3,000 more than he/she would have been entitled to shall be a class D felony.

Education Law Sections 525, 2050-2054
Retirement and Social Security Law Sections 111 and 411
8 NYCRR Sections 315.2 and 315.3

NOTE: Refer also to Policy #6570 -- Determination of Employment Status: Employee or Independent Contractor

Adopted: 9/7/10

Personnel

SUBJECT: EMPLOYMENT OF RETIRED PERSONS

A retired person may be employed and earn compensation in a position in the School District, without any effect on his or her status as retired and without suspension or diminution of his or her retirement allowance subject to the conditions enumerated in Retirement and Social Security Law Section 211(1). However, there shall be no earning limitations on or after the calendar year in which any retired person attains age 65.

No retired person may be employed in the District except upon approval of the Civil Service Commission or the Commissioner of Education unless otherwise authorized in accordance with law, as discussed below.

Two sections of the Retirement and Social Security Law (RSSL Section 211 and 212) affect a retiree's return to public employment in New York State. If a retiree returns to public employment, he or she may still be able to collect his or her pension depending upon:

- a) How much is earned after returning to work; and
- b) The retiree's age.

If a retiree is under age 65, he or she can return to public employment without approval or reduction in retirement benefits as long as his or her calendar year earnings do not exceed \$30,000 (the RSSL Section 212 limit). If a retiree's earnings will be more than the Section 212 limits, the employer must request and receive prior approval from the appropriate agency to hire the retiree under Section 211. This may help avoid a reduction or suspension of the retiree's pension. (Refer to subheading below for more information regarding RSSL Section 211 and the approval process.)

Section 211 waivers are provided for "unclassified service" positions. Retired police officers employed by a school district as a School Resource Officer fall under the "classified service" but may have the earnings limitation waived at the discretion of the Commissioner of Education, as long as all of the requirements for waivers in the unclassified service are fulfilled.

There is generally no restriction on a retiree's earnings beginning in the calendar year he or she turns 65, unless returning to public office.

RSSL Section 211 Approval Process

Approval for post-retirement employment of a person under the age of 65 or a retired police officer employed as a School Resource Officer whose calendar year earnings exceed \$30,000 may be granted only on the written request of the District giving detailed reasons related to the standards set forth in Section 211; and on a finding of satisfactory evidence by the Civil Service Commission or the Commissioner of Education that the retired person is duly qualified, competent and physically fit for the performance of the duties of the position in which he or she is to be employed and is properly certified where such certification is required.

(Continued)

SUBJECT: EMPLOYMENT OF RETIRED PERSONS (Cont'd.)

The District will prepare a detailed recruitment plan to fill such vacancy on a permanent basis when the need arises and will undertake extensive recruitment efforts to fill the vacancy prior to making a determination that there are no available non-retired persons qualified to perform the duties of such position.

Approvals to hire retired individuals may be granted for periods not exceeding two years each, provided that a person may not return to work in the same or similar position for a period of one year following retirement. However, in accordance with RSSL Section 212, a retiree may return to work in the same or similar position within the same year following retirement if his or her earnings are under \$30,000 or if he or she receives a Section 212 waiver, or other conditions exist as enumerated in law.

Reporting Requirements and Disclosure

- a) The School District shall report all money earned by a retired person in its employ in excess of the earnings limitation outlined in Retirement and Social Security Law Section 212 to the retirement system administered by the State or any of its political subdivisions from which the retired person is collecting his or her retirement allowance.
- b) The School District, when employing a retired person who is eligible to collect or is already collecting a retirement allowance from a retirement system administered by the State or any of its political subdivisions, shall report on an annual basis to the retirement system paying such retirement allowance and to the State Comptroller. This report shall consist of the re-employed retiree's name, date of birth, place of employment, current position, and all earnings.

Public Record

Any request for approval of the employment of a retired person, including the reasons stated, and the findings and determination of such request shall be a public record open for inspection in the Office of the Civil Service Commission, the Commissioner of Education, or the Board of Education making such findings and determination as specified in Retirement and Social Security Law Section 211.

Education Law Section 525
Retirement and Social Security Law Sections 111, 211, 212, 217, and 411
8 NYCRR Section 80-5.5(b)

Adopted: 9/7/10
Revised: 10/9/12; 11/17/15

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SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY**Statement of Overall Objectives**

School attendance is both a right and a responsibility. The School District is an active partner with students and parents in the task of ensuring that all students meet or exceed the New York State Learning Standards. Because the School District recognizes that consistent school attendance, academic success and school completion have a positive correlation, the School District has developed and reviewed annually 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

The School District will:

- a) Create and maintain a positive school building culture by fostering a positive physical and psychological environment where the presence of strong adult role models encourages respectful and nurturing interactions between adults and students. This positive school culture is aimed at encouraging a high level of student bonding to the school, which in turn should lead to increased attendance.
- b) Develop a Comprehensive Student Attendance Policy based upon the recommendations of a multifaceted District Policy Development Team. The District will hold at least one public hearing prior to the adoption of this collaboratively developed Comprehensive Student Attendance Policy.
- c) Maintain accurate recordkeeping via a Register of Attendance to record attendance, absence, tardiness or early departure of each student.
- d) Utilize data analysis systems for tracking individual student attendance and individual and group trends in student attendance problems.
- e) Develop early intervention strategies to improve school attendance for all students.

(Continued)

SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)

- f) Develop and implement an incentive program for students striving to have great attendance.

Student Attendance Recordkeeping/Data Collection

The record of each student's presence, absence, tardiness and early departure shall be kept in a register of attendance in a manner consistent with Commissioner's Regulations. An absence, tardiness or early departure will be entered as "excused" or "unexcused" along with the District code for the reason.

Attendance shall be taken and recorded in accordance with the following:

- a) For students in non-departmentalized kindergarten through grade five (i.e., self-contained classrooms and supervised group movement to other scheduled school activities such as physical education in the gym, assembly, etc.), such student's presence or absence shall be recorded after the taking of attendance once per school day, provided that students are not dismissed from school grounds during a lunch period. For purposes of APPR and Teacher-Student Data Linkages (TSDL), classroom attendance for all students K through 12 must be recorded on a subject by subject basis for Teacher of Record Determinations.
- b) For students in grades six through twelve, each student's presence or absence shall be recorded after the taking of attendance in each period of scheduled instruction.
- c) Any absence for a school day or portion thereof shall be recorded as excused or unexcused in accordance with the standards articulated in this policy.
- d) In the event that a student at any instructional level from kindergarten through grade twelve arrives late for or departs early from scheduled instruction, such tardiness or early departure shall be recorded as excused or unexcused in accordance with the standards articulated in this policy.

A record shall be kept of each scheduled day of instruction during which the school is closed for all or part of the day because of extraordinary circumstances including adverse weather conditions, impairment of heating facilities, insufficiency of water supply, shortage of fuel, destruction of or damage to a school building, or such other cause as may be found satisfactory to the Commissioner of Education.

Attendance records shall also indicate the date when a student withdraws from enrollment or is dropped from enrollment in accordance with Education Law Section 3202(1-a).

At the conclusion of each class period or school day, all attendance information shall be compiled and provided to the designated school personnel who are responsible for attendance. The nature of the absence, tardiness or early departure shall be coded on a student's record in accordance with the established District/building procedures.

(Continued)

SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)**Special Note on Extended Absences from School**

Unique educational, family, and athletic opportunities arise at times resulting in extended absences from school. ECS administration and faculty wish to support these endeavors, however, we request a family consider a student's overall academic standing when considering these opportunities. Not every student is capable of interfacing with teachers remotely or remaining responsible for large amounts of school work over an extended period of time. In the event your family is considering an out-of-town experience for your child, please communicate the nature of the experience and the duration of potential absence in as much advance of the event as possible. Families must also recognize not all curriculum, assignments and assessments can be made available in advance, or made possible away from school. In accordance with this comprehensive attendance policy, ECS reserves the right to require enrollment in a different school or program should a student consider a leave of absence from ECS in excess of 20 consecutive school days.

Determination of Excused and Unexcused Absences, Tardiness and Early Departures

Based upon our District's education and community needs, values and priorities, the School District has determined that absences, tardiness and early departures will be determined using the following standards:

Excused:

- a) Personal illness, death in the family, or physician appointments (with a parent note or, in the case of extended illness, a physician's note)
- b) Religious observance
- c) Court appearances (with documentation from court or judge)
- d) College visits and military obligations (with prior documentation from college or military)
- e) Educational reasons (i.e., but not limited to: music lesson, field trips, etc.)
- f) All day attendance at BOCES (with documentation and required teacher signatures)

Unexcused:

Any absence not listed as excused.

Upon returning to school, following an absence, tardy, or early departure, a student must present a note to the office, written by parent/guardian, stating the reason for the absence(s). All such excuses must be turned in to the office within two days of the absence. It shall be the responsibility of the student to consult with his or her teacher(s) regarding arrangements to make up missed work, assignments and/or

(Continued)

SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)

tests in accordance with the District policy for make-up work.

Make-Up Policy

- a) Students in grades 7 through 12 will have one day per day of absence, upon returning to school to complete work missed during the absence(s) without penalty. A teacher MAY extend the due date beyond one day, but is under no obligation to do so.
- b) If a student is absent for a period of three or more days it will be the responsibility of the student to work out a plan for make-up work directly with each teacher he or she has.
- c) If a student will be going on a family vacation, he or she must make arrangements with his or her teachers prior to leaving to address work that will be missed while absent.

Failure to comply with this policy will result in a loss of graded work and could significantly impact the academic success of the student.

Class Attendance, Academic Success and Course Credit - Grades 7 through 12

Every student has the right to the educational opportunities that will enable the student to develop his or her fullest potential. The process of education requires continuity of instruction, student interaction, classroom participation and well-planned instructional activity. The Ellicottville District's attendance policy is based on the principle that regular school attendance maximizes the student's interaction with his or her teachers and peers and is a major component of **academic success**. Regular attendance and promptness are expected in all classes and are essential for **student success** in school. Therefore, students are expected to attend all scheduled classes.

A student 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 scheduled class meeting time for more than 50% of the period; or
- b) Working pursuant to an approved independent study program;
- c) Receiving approved alternative instruction.

As attendance in classes is directly linked to student learning and achievement, up to 20% of a student's grade each marking period will be based on classroom participation. Regardless of the type of absence, a student will not be allowed the opportunity to make up participation grades if he or she is absent on a given day. (Students may be allowed to make up quizzes and tests.)

(Continued)

SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)

In addition, a student's overall long-term attendance pattern over time can seriously impact on the student's achievement. Consequently, if a student reaches 20 absences in a full year course or ten absences in a half-year course, the following actions may be taken:

- a) The student and parent/guardian will be scheduled for a "due process" hearing with the middle/high school principal. Depending on circumstances of the absences, the principal may establish a "contract" to allow the student to continue in a given class for credit. See "Attendance: Due Process Hearing" Regulation.
- b) If the student is failing the class with a grade less than 60% when he or she reaches the maximum number of allowable absences, he or she will be denied credit for the class.
- c) If the student is failing the class with a grade between 60% and 65% when he or she reaches the maximum number of allowable absences, an **Attendance Improvement Plan** will be created to provide the student with the opportunity to improve both grades and attendance.
- d) If the student is passing the class with a grade between 65% and 70% when he or she reaches the maximum number of allowable absences, an **Attendance Improvement Plan** will be created to provide the student with the opportunity to maintain or improve grades and attendance.
- e) Students that are denied course credit based on attendance and failing grades will be required to continue to "audit" the class for the remainder of the year for no credit. Students auditing a class will not be allowed to take tests or complete assignments, but must be in attendance to learn from the day to day instruction and interactions that take place within the classroom environment.
- f) If, after being denied course credit for exceeding the maximum of allowable absences, a student is absent an additional ten days, he or she may be **denied** the opportunity to attend summer school, if available, or take an on-line course at the District's expense for credit recovery.

Credit for any course is contingent upon obtaining a passing grade.

A student may be dropped from enrollment at ECS if he or she is absent 20 consecutive days.

Attendance at Extracurricular and After School Events

To be able to practice, participate and/or attend any extracurricular or after school activity, students must sign into school by 9 a.m. and remain in attendance, following their regular schedule for the remainder of the day. This includes Fridays, in order to participate in weekend activities. Extenuating circumstances will require **PRIOR** administrative approval.

(Continued)

SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)**Parent Notification of Excessive Absences**

Parents will be notified of attendance concerns as follows:

1st Quarter (5) week progress report	3 or more absences	3rd Quarter (5) week progress report	15 or more absences
End of 1st Quarter	6 or more absences	End of 3rd Quarter	18 or more absences
2nd Quarter (5) week progress report	9 or more absences	4th Quarter (5) week progress report	20 or more absences
End of 2nd Quarter	12 or more absences		

If a student has excessive absences at any point in time, the school will notify the parent. Methods of notification may include, but are not limited to phone calls, letters and conferences.

District Policy on Tardies

Consequences for excessive tardies to anyone class or the beginning of the school day will be established by administration and communicated to students at the beginning of each school year. Consequences for tardies may include, but are not limited to:

- a) Lunch Detention(s)
- b) After School Detention(s)
- c) Parent Conference
- d) In-School suspension(s)
- e) Student Support Team referral
- f) Agency referrals
- g) Loss of driving privileges for student drivers

For 1st period - a student will be considered tardy if not physically present in class when morning announcements begin.

For 2nd - 8th periods - a student will be considered tardy if not physically present in class when the bell rings.

(Continued)

SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)**Audit Status**

A student may request audit status for:

- a) Course review;
- b) Experimental/exploratory opportunity.

An audit request will require approval from: teacher, principal, guidance, and parent.

Students auditing a course will follow all school rules and policies regarding tardies, attendance, *code of conduct*, and class work.

Elementary Attendance Policy

All grade level classrooms have a mandatory attendance requirement. The Board of Education, administration and teachers believe that a student's best educational interests are served with his or her presence in class. Since classroom attendance is integral to the learning process, the following District Standard will be enforced in all elementary classrooms.

- a) Excessive absence may impact promotion to the next grade level.
- b) Students transferring from another district will have their absences from that school added to their attendance record at ECS for the current school year.
- c) Written correspondence with the parents will be maintained after ten absences or chronic tardiness in an effort to promote open communication.
- d) Appeals Procedure: Parents may appeal in writing to the Superintendent within five days of receiving notification.

Adopted: 6/27/00

Revised: 8/8/00; 1/7/03; 9/9/03; 6/1/04; 6/27/06; 6/5/07; 6/3/08; 6/30/09; 6/9/10; 8/30/11; 3/4/15;
8/27/19

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 years of age or more on December 1st in order to register for kindergarten.

A child who transfers into the School District at any time during the school year may be considered for admission to kindergarten by the Superintendent provided:

- a) The parents were not legal residents of the School District on the opening day of school, and
- b) The child has been registered and enrolled in kindergarten in the district in which his/her parents were legal residents.

Other Grades

Admission of children to other grades shall involve a consideration of both chronological age and the readiness of the children to do the work of those grades.

Proof of Age

A student's birth certificate or other satisfactory evidence of age shall be presented at the time of initial registration. The child shall be entered under his/her legal name.

Education Law Sections 1712, 3202 and 3212

SUBJECT: DIAGNOSTIC SCREENING OF STUDENTS

The School District has developed a plan for the diagnostic screening of all new entrants and students with low test scores.

A new entrant means a student entering the New York State public school system, prekindergarten through grade 12, for the first time, or re-entering a New York State public school with no available record of a prior screening.

Students with low test scores are students who score below level two on either the third grade English language arts or mathematics assessment for New York State elementary schools.

Such diagnostic screening will be utilized to determine which students:

- a) Have or are suspected of having a disability;
- b) Are possibly gifted; or
- c) Are possibly limited English proficient.

Such diagnostic screening shall be conducted:

- a) By persons appropriately trained or qualified;
- b) By persons appropriately trained or qualified in the student's native language if the language of the home is other than English;
- c) In the case of new entrants, prior to the school year, if possible, but no later than December 1 of the school year of entry or within 15 days of transfer of a student into a New York State public school should the entry take place after December 1 of the school year;
- d) In the case of students with low test scores, within 30 days of the availability of the test scores.

New Entrants

For new entrants, diagnostic screening shall include, but not be limited to the following:

- a) A health examination by a physician/physician's assistant or nurse practitioner or submission of a health certificate in accordance with Education Law Sections 901, 903, and 904;
- b) Certificates of immunization or referral for immunization in accordance with Public Health Law Section 2164;

(Continued)

Students

SUBJECT: DIAGNOSTIC SCREENING OF STUDENTS (Cont'd.)

- c) Vision, hearing and scoliosis screenings as required by Commissioner's Regulations Section 136.3;
- d) A determination of development in oral expression, listening comprehension, written expression, basic reading skills and reading fluency and comprehension, mathematical calculation and problem solving, motor development, articulation skills, and cognitive development using recognized and validated screening tools; and
- e) A determination whether the student is of foreign birth or ancestry and comes from a home where a language other than English is spoken as determined by the results of a home language questionnaire and an informal interview in English and the native language.

Students with Low Test Scores

For students with low test scores, diagnostic screening shall include, but not be limited to:

- a) Vision and hearing screenings to determine whether a vision or hearing impairment is impacting the student's ability to learn; and
- b) A review of the instructional programs in reading and mathematics to ensure that explicit and research validated instruction is being provided in reading and mathematics.

No screening examination for vision, hearing or scoliosis condition is required where a student, parent, or person in parental relation objects on the grounds that such examination conflicts with their genuine and sincere religious beliefs.

Results and Reports

The results of the diagnostic screening shall be reviewed and a written report of each student screened shall be prepared by appropriately qualified School District staff. The report shall include a description of diagnostic screening devices used, the student's performance on those devices and, if required, the appropriate referral.

If such screening indicates a possible disability, a referral, with a report of the screening, shall be made to the Committee on Special Education (CSE) or the Committee on Preschool Special Education (CPSE) no later than 15 calendar days after completion of such diagnostic screening.

If such screening indicates a possibly gifted child, the name and finding shall be reported to the Superintendent of Schools and to the parents/legal guardians no later than 15 calendar days after completion of such screening. The term gifted child is defined as a child who shows evidence of high

(Continued)

SUBJECT: DIAGNOSTIC SCREENING OF STUDENTS (Cont'd.)

performance capability and exceptional potential in areas such as general intellectual ability, special academic aptitude and outstanding ability in visual and performing arts. Such definition shall include those children who require educational programs or services beyond those normally provided by the regular school program in order to realize their full potential.

If such screening indicates a child identified as possibly being of limited English proficiency, such child shall be referred for further evaluation in accordance with Regulations of the Commissioner of Education Part 154 to determine eligibility for appropriate transitional bilingual or free-standing English as a Second Language (ESL) programs.

Reporting to Parents

Parents/guardians of children to be screened shall receive information in advance regarding the purpose of screening, the areas to be screened and the referral process. The information shall be communicated either orally or in writing in the parents' primary language(s). This information will be provided during the registration interview.

Parents/guardians have the right to request information regarding their child's performance on screenings. They shall have access to the screening results and obtain copies upon request. The results of all mandated screening examinations shall be in writing and shall be provided to the child's parent/guardian and to any teacher of the child within the school while the child is enrolled in the school. A letter will be sent to the parent/guardian of any child failing a screening.

Confidentiality of Information

The Board of Education's policy and administrative regulations in accordance with the Family Educational Rights and Privacy Act of 1974 (FERPA) shall apply to all information collected about a child through the screening program. In accordance with the policy and regulations, parents shall be informed of their right to privacy, their right to access to the records and their right to challenge those records should they be inaccurate, misleading or otherwise inappropriate.

Family Educational Rights and Privacy Act of 1974, 20 USC Section 1232(g)
Education Law Sections 901, 903, 904, 905, 914 and 3208(5)
Public Health Law Section 2164
8 NYCRR Parts 117, 136, 142.2 and 154

NOTE: Refer also to Policies #7133 -- Education of Homeless Children and Youth
#7512 -- Student Physicals
#8240 -- Instructional Programs: Driver Education, Gifted and Talented Education and Physical Education

Adopted: 6/27/00

Revised: 2/8/05; 8/8/06; 9/25/07; 4/29/08

2000

7122

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 NYCRR Section 109.2

Adopted: 6/27/00

SUBJECT: ENTITLEMENT TO ATTEND -- AGE AND RESIDENCY**Ages of Attendance/Compulsory Attendance Age**

According to Education Law, a student who becomes six years of age on or before the first of December in any school year shall be required to attend full-time instruction from the first day that the District schools are in session in September of such school year, and a student who becomes six years of age after the first of December in any school year shall be required to attend full-time instruction from the first day of session in the following September. Except as otherwise provided in Education Law Section 3205(3), a student shall be required to remain in attendance until the last day of session in the school year in which the student becomes 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 16 to 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 17 years of age.

All persons dwelling within the District who are between the ages of five years and 21 years and who have not received a high school diploma shall be entitled to enroll in the District.

Undocumented children, like U.S. citizen children, have the right to attend school full-time as long as they meet the age and residency requirements established by state law.

Proof of Age

The State Education Department does not require districts to collect students' social security numbers for any purpose. While school districts may need to collect certain data pursuant to State and/or federal laws, they should do so **after** a student has enrolled in school so as not to inadvertently give the impression that information related to immigration status will be used in making registration/enrollment determinations.

In accordance with Education Law, where a birth certificate or record of baptism is not available, a passport (including foreign passport) may be used to determine a child's age for purposes of enrollment/registration in school. Should none of these be available, the District may consider certain other documentary or recorded evidence to determine a child's age.

The following are examples of documentation that may be used to establish a student's age. This list is not intended to be exhaustive, nor is it a list of required documentation.

- a) School photo ID with date of birth;
- b) Hospital or health records;
- c) State or other government-issued ID;

(Continued)

SUBJECT: ENTITLEMENT TO ATTEND -- AGE AND RESIDENCY (Cont'd.)

- d) Military dependent ID card;
- e) Native American Tribal document;
- f) Record(s) from non-profit international aid agencies and voluntary agencies (VOLAGs);
- g) Consulate identification card; and
- h) Official driver's license.

Determination of Student Residency

The residence of children dwelling within the District boundaries shall be established in a manner consistent with State Law and the regulations of the Commissioner. The Board of Education or its designee shall determine whether a child is entitled to attend a District school. Any adverse residency decision by a school official, other than the Board or its designee, shall include written notice to the parent/person in parental relation of the procedures for obtaining review of the decision within the District.

A child's residence is presumed to be that of his/her parents or legal guardians. However, the District may encounter students, particularly from other countries, who reside with persons other than their parents or legal guardians. In order to determine residency in these cases, the District may request information regarding such student's custody to establish residency and to ensure the health, safety and welfare of the child.

Children Living With Noncustodial Parents

A child's residence is usually determined by the residence of the custodial parent. However, a noncustodial parent who resides in the District may enroll his/her child in a District school if he/she shares the day-to-day responsibilities for the child and the custodial parent designates the child's residence with the noncustodial parent.

Homeless Children

The parent/person in parental relation to a homeless child; or the homeless child, together with the homeless liaison designated by the School District in the case of an unaccompanied youth; or the director of a residential program for runaway and homeless youth established pursuant to Executive Law Article 19-H, in consultation with the homeless child, where such homeless child is living in such program, may designate either the school district of current location, the school district of origin, or a school district participating in a regional placement plan as the district the homeless child shall attend.

(Continued)

SUBJECT: ENTITLEMENT TO ATTEND -- AGE AND RESIDENCY (Cont'd.)**Children of Activated Reserve Military Personnel**

Students temporarily residing outside the boundaries of the District, due to relocation necessitated by the call to active military duty of the student's parent 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 Ellicottville Central School District will be based on evidence that the student is no longer under custody, control and support of his/her parents/persons in parental relation. To establish emancipation, a minor may submit documentation of his/her means of support, proof of residency and an explanation of the circumstances surrounding the student's emancipation, including a description of the student's relationship with his/her parents/persons in parental relation.

These statements are renewable each school year. If at any time the above information is changed without prompt notification or proven to be false, the parent/person in parental relation and/or student may be subject to legal action.

Children Living With Persons Not Their Parents -- Guardianship or Custody

In accordance with the Family Court Act and Domestic Relations Law, a person possessing a lawful order of guardianship or custody of a minor child who is not the parent of such child may enroll the child in public school in the school district where he/she and the child reside.

Therefore, upon application for enrollment by the guardian or custodian, the District shall enroll such a child for such time as the child resides with the guardian or custodian in the District upon verification that the guardian or custodian possess a lawful order of guardianship or custody for the child and that the guardian or custodian and the child properly reside in the same household within the District.

McKinney-Vento Homeless Education Assistance Act, Section 722, as reauthorized by the No Child Left Behind Act of 2001
Domestic Relations Law Section 74
Education Law Sections 2045, 3202, 3205, 3209, 3212(4) 3218(1)(b), and, 3218(1)(d)
Family Court Act Section 657
8 NYCRR Sections 100.2(x) and (y)

NOTE: Refer also to Policy #7133 -- Education of Homeless Children and Youth

Adopted: 6/27/00

Revised: 8/26/03; 8/8/06; 1/25/11

SUBJECT: ADMISSION OF NON-RESIDENT STUDENTS**Admission**

Non-resident students may be admitted in to the school only with the approval of the Superintendent upon terms prescribed by the Board of Education. The Board of Education's responsibility is to provide the best possible educational opportunities for the students who are legal District residents. Therefore, a criterion has been developed for the purpose of admission of non-resident students in the District.

- a) There is sufficient space to accommodate the non-resident student.
- b) No increase in the size of faculty or staff will be necessary to accommodate the non-resident student.
- c) The non-resident student is a student in good standing in their former district. A consent for a release of records will be required upon application so that Ellicottville Central School (ECS) can check on a student's standing in their former district(s). *After records are received, ONLY students that are deemed in good standing will be invited to ECS by an administrator for an admissions interview.*
- d) Non-resident families who wish to enroll their children in the school system shall submit a request, in writing, to the Superintendent of Schools, who shall determine whether or not the students will be admitted. In all instances, the Superintendent reserves the right to dismiss current students or reject returning students when evidence is present to justify such action.

Rules

- a) All policies and regulations established by the District are applicable to the non-resident student.
- b) All parents/guardians shall be given a copy of the Admission of Non-Resident Students (Policy 7131) annually.
- c) The student must maintain a good standing at all times; scholastically, citizenship-wise, attendance, and behaviorally. All non-resident students and parents/guardians will be required to sign a contract annually outlining District expectations to be considered a "student in good standing."
- d) The admission of such non-resident student is and continues during the enrollment period to be in the best interest of the District.
- e) Transportation of the non-resident student is not the responsibility of the District.

(Continued)

Students

SUBJECT: ADMISSION OF NON-RESIDENT STUDENTS (Cont'd.)**Deadlines**

May 15: All existing non-resident parents/guardians will be notified of the established tuition rate for the upcoming school year. A copy of the "Admission of Non-Resident Students" policy (Policy #7131) will be provided with this notification.

July 15: A \$250 tuition deposit must be paid by July 15 for each non-resident student for the upcoming school year. A deposit will be refundable if the District is notified prior to August 15 that the student will not be attending ECS or the student becomes a resident of the District.

July 15: A reminder letter will **not** be sent.

August 15: A full payment of tuition must be received by the District by August 15 for each non-resident student. Non-resident students who have not paid tuition in full by this date will be dropped from enrollment at Ellicottville Central School. Should a parent/guardian wish to have their student re-considered for enrollment, **they must re-apply. Full tuition MUST accompany such applications before they will be considered.** As unpaid students are dropped, parents/guardians need to realize that their child's/children's "spot" may be taken by another student on a waiting list. In the event a non-resident student is admitted after August 15, full tuition will be due upon registration/acceptance.

Prekindergarten:

Prekindergarten non-resident applications will be completed and returned in a manner similar to other grades. However, due to the unique enrollment process and quotas that are established by the New York State Education Department (NYSED), parents/guardians of prospective students **MUST** contact the Elementary Office directly. Given criteria established by NYSED there may be a delay in notification of acceptance and/or notification that a child has been placed on a waiting list. Students may be moved from the waiting list to the active roster at any point, including after the start of the school year.

Children of Employees in Permanent Positions

Children of employees in permanent positions in the District, who live outside the District boundaries, shall be admitted to the District upon following the policy guidelines. Such non-resident students will be given a financial credit to attend the District schools up to the regular tuition rate.

(Continued)

SUBJECT: ADMISSION OF NON-RESIDENT STUDENTS (Cont'd.)**Waiting Lists**

ECS administration will annually establish enrollment limits for all grade levels. These limits will be based on a variety of factors such as total current population, the academic needs of the grade level, etc. New non-resident applicants that exceed the grade level limit in a given year will be placed on a waiting list. Dates for waiting lists will be established when a student's complete application packet is received by the District for consideration. Students may be moved from the waiting list to the active roster at any point, including after the start of the school year. In the event a non-resident student is admitted after August 15, full tuition will be due upon registration/acceptance.

District Property Owners

If the parent/guardians of a non-resident student(s) owns property within the District, students will be given a financial credit (equal to the amount paid in school taxes) toward tuition.

Grace Periods

When deemed appropriate, the Superintendent may grant a thirty-day grace period for the payment of tuition for students leaving or entering the District.

Refunds

Tuition for non-resident students is considered non-refundable once payment has been made, No Exceptions. This would include students that opt not to attend after such payment has been made or students dismissed because of violating rules c) or d).

Tuition Rate

The tuition rate for non-resident students is established as follows:

	<u>Full</u>	<u>Pre-K</u>
2018-2019	\$602	\$301
2019-2020	\$620	\$310
2020-2021	\$640	\$320

Adopted: 6/7/00

Revised: 2/6/01, 3/9/04, 11/8/05, 2/10/09, 1/11/11, 2/21/12, 2/26/13, 8/26/14, 8/22/17, 2/27/18, 4/21/20

Students

SUBJECT: TRANSFER STUDENTS/CREDIT

A student who enters a District school from another state, another country, or another New York State school is considered to be a transfer student. Students who have been receiving home instruction and enroll in the School District are also considered to be transfer students.

It is the responsibility of the high school principal to evaluate the transcript or other records of a transfer student enrolling in a District high school, and award the appropriate units of transfer credit towards a high school diploma. However, when a student transfers from a registered New York State high school to a (registered) District high school, the principal **must** transfer credit for all credit awarded by such registered New York State high school.

Additionally, the principal, after consulting with relevant faculty, may award transfer credit for work done at other educational and cultural institutions and for work done through independent study. The decision should be based on whether the student's record indicates that the work is consistent with New York State commencement level learning standards and is of comparable scope and quality to that which would have been done in the school awarding the credit.

Transfer students **must** meet all the units of credit requirements for a diploma. While principals have considerable discretion in reviewing a student's record, they cannot waive the units of credit requirements for a diploma. The assessment requirements a student must meet to earn a diploma are based on the year in which the student entered grade 9 for the first time in New York State or in an out-of-state or out-of-country school. Transfer students who are *exempted* from taking specific State assessments must have their transcripts and permanent records so annotated.

Interscholastic athletic eligibility requirements for transfer students shall be in accordance with the rules enumerated in the most recent New York State Public High School Athletic Association (NYSPHSAA) Handbook.

8 NYCRR Part 100

Adopted: 4/8/03

Students

SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH

The parent or person in parental relation to a homeless child; or the homeless child, together with the homeless liaison designated by the School District in the case of an unaccompanied youth; or the director of a residential program for runaway and homeless youth established pursuant to Article 19-H of the Executive Law, in consultation with the homeless child, where such homeless child is living in such program, may designate either the school district of current location, the school district of origin, or a school district participating in a regional placement plan as the district the homeless child shall attend.

Pursuant to Commissioner's regulations, a "homeless child" means a child or youth who lacks a fixed, regular, and adequate nighttime residence, including a child who is:

- a) Sharing the housing of other persons due to a loss of housing, economic hardship or a similar reason;
- b) Living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations;
- c) Abandoned in hospitals;
- d) Awaiting foster care placement; or
- e) A migratory child who qualifies as homeless in accordance with Commissioner's regulations. As defined in the No Child Left Behind Act of 2001, the term "migratory child" *includes* a child who is, or whose parent or spouse is, a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, and who has moved from one school district to another in the preceding 36 months, in order to obtain, or accompanies such parent or spouse in order to obtain, temporary or seasonal employment in agricultural or fishing work.
- f) A child or youth who has a primary nighttime location that is:
 1. A supervised, publicly or privately operated shelter designed to provide temporary living accommodations including, but not limited to, shelters operated or approved by the state or local department of social services, and residential programs for runaway and homeless youth established pursuant to Article 19-H of the Executive Law; or
 2. A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; including a child or youth who is living in a car, park, public space, abandoned building, substandard housing, bus or train station or similar setting.

(Continued)

SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)

- g) Considered an "unaccompanied youth":
1. An unaccompanied youth is a homeless child (for whom no parent or person in parental relation is available) or youth not in the physical custody of a parent or legal guardian.
 2. An unaccompanied youth **shall not include** a child or youth who is residing with someone other than a parent or legal guardian for the sole reason of taking advantage of the schools of the district.

The **term "homeless child" shall not include** a child in foster care or receiving educational services pursuant to Education Law Section 3202(4), (5), (6), (6a) or (7) or pursuant to Articles 81, 85, 87 or 88. For example, a child in a family home at board, a school for the mentally retarded, a hospital or other institution for the care, custody and treatment of children; youths under the direction of the Division for Youth incarcerated in county correctional facilities or youth shelters; or children residing in child care institutions or schools for the deaf or blind would not be considered "homeless."

Enrollment, Retention and Participation in the Educational Program

Enrollment of homeless children shall not be delayed and their ability to continue or participate in the educational program shall not be restricted due to issues such as:

- a) Transportation;
- b) Immunization requirements;
- c) Residency requirements;
- d) Birth certificates, medical records, Individualized Education Programs (IEPs), school records and other documentation;
- e) Guardianship issues;
- f) Comprehensive assessment and advocacy referral processes;
- g) Resolution of disputes regarding school selection;
- h) Proof of social security numbers;
- i) Attendance requirements;
- j) Sports participation rules;

(Continued)

Students

SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)

- k) Inability to pay fees associated with extracurricular activities such as club dues and sports uniforms; or
- l) Other enrollment issues.

Educational Programs and Services

The School District shall provide homeless children and youth with access to all of its programs, activities and services to the same extent that they are provided to resident students.

Homeless children and youth shall be educated as part of the school's regular academic program. Services must be provided to homeless children and youth through programs and mechanisms that integrate homeless children and youth with their non-homeless counterparts, including programs for special education, vocational and technical education, gifted and talented students, before and after school, English language learners/limited English proficiency, Head Start, Even Start, and school nutrition. Services provided with McKinney-Vento funds must expand upon or improve services provided as part of the regular school program. Consequently, the School District shall ensure that homeless children and youth are not segregated in a separate school, or in a separate program within the school, based on their status as homeless; and to the extent feasible consistent with the requirements of Commissioner's regulations, keep a homeless child or youth in the school of origin except when doing so is contrary to the wishes of the child's or youth's parent or guardian. Further, the School District shall review and revise policies and practices, including transportation guidelines, that may act as barriers to the enrollment, attendance, school success, and retention of homeless children and youth in the School District.

All homeless children and youth are automatically eligible for Title I Part A services whether or not they meet the academic standards or live in a Title I school attendance area. Homeless students may receive Title I educational or support services from school-wide and targeted-assistance school programs.

Transportation

If the local social service district or the Office of Children and Family Services is not required to provide transportation, the designated district is responsible for the provision and the cost of the student's transportation. Where a homeless student designates the school district of current location as the district the student will attend, then that district shall provide transportation to the student on the same basis as a resident student. Where the homeless student designates the school district of origin or a school district participating in a regional placement plan, then that district must provide transportation to and from the homeless child's temporary housing and school, not to exceed 50 miles each way unless the Commissioner certifies that the transportation is in the best interests of the child.

(Continued)

Students

SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)

Transportation responsibilities apply to all school districts regardless of whether or not they receive McKinney-Vento funds. Transportation must be provided during the pendency of enrollment disputes. If the designated district provides transportation for non-homeless preschool children, it must also provide comparable transportation services for homeless preschool children.

School District Liaison for Homeless Children and Youth

The School District shall designate an appropriate staff person, who may also be a coordinator for other federal programs, as the local educational agency liaison for homeless children and youth to carry out the duties as enumerated in law, Commissioner's regulations and applicable guidance issued by the U.S. and New York State Education Departments. The District will inform school personnel, local service providers and advocates of the office and duties of the local homeless liaison.

Training

The District will train all school enrollment staff, secretaries, school counselors, school social workers, and principals on the legal requirements for enrollment. School nutrition staff, school nurses, teachers, and bus drivers will receive training on homelessness that is specific to their field.

Outreach

The District will make every effort to inform the parents or guardians of homeless children and youth of the education, transportation and related opportunities available to their children including transportation to the school of origin. The parent(s) or guardian(s) will be assisted in accessing transportation to the school they select, and will be provided with meaningful opportunities to participate in the education of their children. Public notice of educational rights of homeless children and youth will be disseminated by the District in places where families and youth are likely to be present (e.g., schools, shelters, soup kitchens), and in comprehensible formats (e.g., geared for low literacy or other community needs).

Dispute Resolution

The District shall establish procedures for the prompt resolution of disputes regarding school selection or enrollment of a homeless child or youth and provide a written explanation, including a statement regarding the right to appeal to the parent or guardian if the School District sends the student to a school other than the school of origin or the school requested by the parent or guardian. These disputes shall include, but are not limited to, disputes regarding transportation and/or a child's or youth's status as a homeless child or unaccompanied youth.

(Continued)

SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)

If there is a factual dispute over whether a student is homeless, the District will immediately enroll the student and then provide the parent or guardian the opportunity to submit verification of homelessness. The student will remain enrolled until a final determination is made by the District and for a minimum of 30 days after the final determination to allow the parent or guardian opportunity to appeal to the Commissioner of Education. If the student files an appeal that contains a request for a stay within 30 days of such final determination, the District must continue to enroll the student until the Commissioner rules on the stay request.

Record and Reporting Requirements

If the District, as the school district of origin, receives a request to forward student records to a receiving district, the records must be forwarded within five days.

The School District shall maintain documentation regarding all aspects of the District's contact with and services provided to homeless students and youth for possible on-site monitoring by the State Education Department.

The District shall collect and transmit to the Commissioner of Education, at such time and in the manner as the Commissioner may require, a report containing such information as the Commissioner determines is necessary to assess the educational needs of homeless children and youths within the state.

McKinney-Vento Homeless Education Assistance Act, as reauthorized by the No Child Left Behind Act
of 2001, 42 USC Section 11431 et seq.
Education Law Sections 902(b) and 3209
8 NYCRR Section 100.2(x)

Adopted: 9/9/03
Revised: 3/29/05; 9/25/07; 10/9/12; 11/17/15

Students

SUBJECT: INTERNATIONAL STUDENT EXCHANGE POLICY

Ellicottville Central School will strive to accept exchange students into the student body, to provide visiting students a broader perspective of the world. The District reserves the right to work with exchange organizations that provide a commitment to the standards set by the Council of Standards for International Educational Travel (CSIET), and the final approval for all student placements.

Placement of students will be processed for approval upon contact by the exchange program organization to determine the District's interest in hosting a student for a specific year. Notification of placement to the District must be made by August 31 of each year.

Upon acceptance into the student body, the exchange student must participate in regular classes and maintain a typical schedule, treating coursework as important with the expectation of attaining passing grades. Exchange students must have medical and accident insurance that meets or exceeds the US Department of State's guidelines. Enrollment eligibility will be for one year only, with no eligibility for a diploma.

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Students

SUBJECT: INVOLUNTARY TRANSFER OF STUDENTS

Involuntary transfer of a student from regular classroom instruction to an appropriate educational setting in another school shall be in accordance with Education Law.

Education Law Sections 1709(3) and 3214(5)

Adopted: 6/27/00

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 years of age on or before the first of December in any school year shall be required to attend full-time instruction from the first day that the District schools are in session in September of such school year, and a student who becomes six years of age after the first of December in any school year shall be required to attend full-time instruction from the first day of session in the following September. Except as otherwise provided in Education Law Section 3205(3), a student shall be required to remain in attendance until the last day of session in the school year in which the student becomes 16 years of age. The Education Law further provides that resident students over five and under 21 are entitled to attend school in the district in which they reside. The law further requires that a school district provide for this instruction and also to provide for home instruction for those students of legal age who are unable to profit from instruction in school.

In view of the above, administrative regulations will be developed to implement the terms of this policy to provide instruction as required by the New York State Education Law for students who become pregnant. The Superintendent, or his/her designee, is directed to consult with the school physician and the student's personal physician in determining the form of instruction.

The form of instruction may be any of the following or a combination of the following:

- a) Remain in school with provisions for special instruction, scheduling, and counseling where needed.
- b) Receive home instruction.
- c) Attend BOCES programs.

Education Law Sections 1604(20), 3202-1, 3205-1, 4401-1, and 4402-2

Adopted: 6/27/00

SUBJECT: SCHOOL CENSUS

All school districts are authorized, rather than obligated, to take a census of all children from birth to 18 years of age.

The census must indicate the names of all children between birth and 18 years of age, and of children with disabilities between birth and 21 years of age; their respective residences by street and number; the day of the month and the year of their birth; the names of the persons in parental relation to them; such information relating to physical or mental disabilities, to illiteracy, to employment and to the enforcement of the law relating to child labor and compulsory education as the State Education Department and the Board of Education shall require; and also such further information as the Board shall require.

On written request and in such form as prescribed by the Commissioner of Education, the Board shall provide to the Commissioner a report containing the names, ages and addresses of those children who are blind or deaf, and those children having serious physical or mental disabilities. Additionally, such report shall further indicate whether such children are being educated within the public schools of the District or, if they are not, where such education is being furnished to them.

Persons in parental relation to those children within the prescribed census age ranges are to make such reports as the Board of Education shall require, including, but not limited to, providing two weeks before the child reaches compulsory school age, the name of the child; the child's residence; the name of the person or persons in parental relation to the child; the name and location of the school to which the child shall have been or shall be sent as a student; and such other information as required by law or as the Board may require.

A parent, guardian or other person having under his/her control or charge a child between birth and 18 years of age who withholds or refuses to give information in his/her possession relating to such census data as required by law pertaining to the child; or, in the alternative, gives false information in relation to such census data, shall be liable to and punished by a fine or imprisonment as established by law.

Census data shall be reported as required by law.

Count of Immigrant Children and Youth

As a provision of the federal Title III Part A - English Language Acquisition, Language Enhancement, and Academic Achievement Act under the No Child Left Behind Act of 2001, the U.S. Secretary of Education requires that **all local educational agencies (LEAs)** count the number of "immigrant children and youth" enrolled in the public and nonpublic schools in the geographic area under the jurisdiction of, or served by, the LEA. The results of this count have important implications for the receipt of supplemental federal funds to eligible LEAs in New York State for services to recently arrived immigrant children and youth.

(Continued)

SUBJECT: SCHOOL CENSUS (Cont'd.)

For purposes of this count, the term "immigrant children and youth" shall include those individuals who:

- a) Are ages three through 21;
- b) Were **NOT** born in any state or from the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the U.S. Virgin Islands, the Northern Mariana Islands, or the Trust Territory of the Pacific Islands; and
- c) Have **NOT** been attending schools in any one or more States for more than three full academic years.

Each nonpublic school shall report its data to the public school district in which it is located. It is the responsibility of each public school district to report its immigrant count as well as the counts for all nonpublic schools within its jurisdiction.

In accordance with law, the District shall conduct its survey and submit the information electronically to the New York State Education Department by the specified deadline date. LEAs must also maintain on file a list of the immigrant students counted, their countries of origin, dates of arrival, and the public or nonpublic school in which they are registered as well as copies of the letter to each of the nonpublic schools in its jurisdiction regarding the count.

Education Law Sections 3240-3243 and 4402(1)(a)
8 NYCRR Section 200.2(a)

NOTE: Refer also to Policy #7650 -- Identification and Register of Children With Disabilities

Adopted: 6/27/00
Revised: 9/25/07; 2/9/10

SUBJECT: STUDENT EVALUATION**Placement**

Placement within the system, with respect to building, teacher, and grade or special class, shall be at the discretion of the school administration and shall be subject to review and change at any time. In making such decisions, the administrator or building principal will be guided by performance in class, past records, parent/guardian and teacher recommendations, standardized test scores, and any other appropriate sources of information, but the final decision shall rest with the school administration. Parents may request, in writing, teacher attributes that would best serve their child's learning needs; however, requests for specific teachers will not be honored.

Promotion and Retention

The procedures to be followed by the staff regarding promotion and retention will be developed by the Superintendent and will be continually evaluated 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 (i.e., English language learners) in accordance with State Education Department Guidelines.

The alternative testing procedures employed shall be based upon a student's individual needs and the type of test administered.

The District shall report the use of alternative testing procedures to the State Education Department on a form and at a time prescribed by the Commissioner.

(Continued)

SUBJECT: STUDENT EVALUATION (Cont'd.)**Reporting to Parents/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.

Section 504 of the Rehabilitation Act of 1973, 29 USC Section 794 et seq.
8 NYCRR Sections 100.2(g), 117 and 154

Students

SUBJECT: PROVISION OF INTERPRETER SERVICES TO PARENTS WHO ARE HEARING IMPAIRED

The Board of Education assures parents or persons in parental 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 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, notetakers, 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 NYCRR Section 100.2(aa)

Adopted: 6/27/00

SUBJECT: GRADUATION REQUIREMENTS/EARLY GRADUATION/ACCELERATED PROGRAMS

In order to graduate from Ellicottville Central School District, a student must complete or may exceed the requirements set forth in Part 100 of the Commissioner's regulations. The Board of Education reserves the right to establish requirements for graduation which exceed the minimum standards as defined by the New York State Regents. All students must be in compliance with Commissioner's regulations for graduation in achieving a minimum of a Regents diploma unless otherwise indicated.

Local Personal Finance Requirement

Beginning with the Class of 2023 and all graduating classes thereafter, each ECS student will complete and pass a mandatory course dedicated to the fundamentals of Personal Finance.

The Board of Education, administration and faculty reserve the right to determine the curriculum and scheduling for such course, which shall be a stand-alone, credit-bearing course not otherwise incorporated into other coursework required for graduation.

The required Personal Finance course shall be the equivalent of .5 local high school credits or three credit hours of dual-enrollment collegiate study.

Regents Diploma with Honors

The District may award a Regents diploma with honors to students who receive an average of 90% on all Regents examinations required for the honors diploma. These exams include comprehensive English, mathematics, science, US History and Government, Global History and Geography and languages other than English (LOTE). This "honors" diploma may also be given to a student who has substituted no more than two alternative assessments for a Regents examination as approved by Commissioner's Regulations Section 100.2(f). However, the student's actual score on the substituted alternative assessment will not be factored into the 90% calculation.

Regents Diplomas with Advanced Designation with Honors

The District may award a Regents diploma with advanced designation with honors. A student needs to have an average score of 90% on all Regents examinations required for the advanced diploma. These Regents examinations are: comprehensive English, two (or three) mathematics, two sciences (one in physical science/the other in life science), US History and Government, Global History and Geography and languages other than English (LOTE).

Appeal of Regents Examination Score Option

School districts must provide unlimited opportunities for all students (students with and without disabilities) to retake required Regents examinations to improve their scores so that the student may graduate with a Regents diploma. A student with or without a disability who fails, after at least two

(Continued)

SUBJECT: GRADUATION REQUIREMENTS/EARLY GRADUATION/ACCELERATED PROGRAMS (Cont'd.)

attempts, to attain a score of 65 or above on a required Regents examination for graduation must be given an opportunity to appeal such score in accordance with the provisions of Section 100.5(d)(7)(i) of the regulations of the Commissioner of Education. No student may appeal his or her score on more than two of the five required Regents examinations. A student whose appeal is accepted for one required Regents examination, and who has attained a passing score of 65 or above on each of the four remaining required Regents examinations, and who has attained a passing score of 65 or above on each of the three remaining required Regents examinations, shall earn a local diploma.

Early Graduation

Upon request from the student's parent/guardian, a student shall be eligible for early graduation in fewer than eight 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.

Accelerated ProgramsEighth Grade Acceleration for Diploma Credits

Individual eighth grade students only may be afforded the opportunity to take high school courses in mathematics and in at least one of the following areas: English, social studies, languages other than English, art, music, career and technical education subjects, or science courses. The Superintendent or designee is responsible for determining that an eighth grade student is eligible to take high school courses. The District shall utilize a set of criteria to determine each student's readiness for acceleration. Students who are accelerated for diploma credit must have been provided instruction designed to facilitate their attainment of, by the end of Grade 7, the state intermediate learning standards in each subject area in which they are accelerated.

College Courses

Ellicottville offers several college courses through a collaborative effort with a number of colleges/universities in New York State. Please see Policy #7230 -- Dual Credit for College Courses for more information.

Online Coursework

Section 100.5(d) of NYCRR amends the Commissioner's regulations to allow school districts and BOCES to offer students the ability to complete general education and diploma requirements for a specific subject through online instruction or blended coursework that combines online and classroom-based instruction.

(Continued)

SUBJECT: GRADUATION REQUIREMENTS/EARLY GRADUATION/ACCELERATED PROGRAMS (Cont'd.)

To receive credit students shall successfully complete an online or blended course and demonstrate mastery of the learning outcomes for the subject by passing the Regents exam and/or other assessment in the subject area.

8 NYCRR Sections 100.1(i), 100.2(f), 100.4(d) and 100.5

NOTE: Refer also to Policy #7222 -- Diploma or Credential Options for Students with Disabilities

Adopted: 6/27/00

Revised: 5/15/07; 2/9/10; 3/4/15, 5/19/20

Students

SUBJECT: PARTICIPATION IN GRADUATION CEREMONIES AND ACTIVITIES

Any student who has satisfactorily completed all graduation requirements will be permitted to participate in the graduation ceremony and all related graduation activities of his or her graduating class subject to certain exceptions. Students may be prohibited from participating in the graduation ceremony or related graduation activities as a consequence of violating the District's *Code of Conduct*; having outstanding financial obligations to the school; or not adhering to the Districts' dress code for graduation, which will be reviewed by administration each year and shared with students and parents prior to June 1st.

The District permits any student to participate in the graduation ceremony and all related graduation activities of his or her high school graduating class, if the student has been awarded a Skills and Achievement (SA) Commencement Credential or a Career Development and Occupational Studies (CDOS) Commencement Credential, but has not otherwise qualified to receive a Regents or local diploma. While permitted to participate, these students are not required to participate in the graduation ceremony or related graduation activities of his or her high school graduating class. For purposes of this policy with respect to students being awarded only a SA Commencement Credential or a CDOS Commencement Credential, the earliest a student can participate in the graduation ceremony is when a student's high school graduating class is the twelfth-grade class with which he or she entered into ninth grade. However, a student and/or parent can opt for the student to participate in the graduation ceremony at a later date. In either case, it should be noted that a student will be afforded the opportunity to participate in only one graduation ceremony.

The District will provide annual written notice of this policy and any related procedures to applicable students and their parents or guardians.

Education Law § 3204(4-b)
8 NYCRR § 100.2(oo)

Adopted: 11/19/19

Students

SUBJECT: DIPLOMA OR CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES

The District will provide students with disabilities appropriate opportunities to earn a diploma or non-diploma high school exiting credential in accordance with Commissioner's regulations. Students with disabilities may be eligible for one or more of the following:

Diploma Options

- a) Regents Diploma, including with honors, an advanced designation, a career and technical education endorsement, and/or any other designation or endorsement as may be available.
- b) Local Diploma, including with any endorsement as may be available.

Existing Credentials Options

- a) Career Development and Occupational Studies (CDOS) Commencement Credential, which may be earned as a supplement to a Regents or local diploma or as a student's only exiting credential.
- b) Skills and Achievement Commencement Credential.

Specific requirements and detailed information for each diploma and non-diploma high school exiting credential are specified in the Commissioner's regulations and various guidance materials issued by the New York State Department of Education.

8 NYCRR §§ 100.1, 100.2, 100.5, and 100.6

NOTE: Refer also to Policies #7220 -- Graduation Options/Early Graduation/Accelerated Programs
#7221 -- Participation in Graduation Ceremonies and Activities
#7641 -- Transition Services

Adopted: 6/27/00

Revised: 8/8/06; 9/25/07; 11/9/10; 1/13/15; 11/19/19

SUBJECT: CLASS RANK

In order to determine class rank, the Board has adopted a policy that will be effective starting with the ninth grade class of 2009 (the graduating class of 2013). However, please note: the classes of 2020, 2021, 2022, 2023 and 2024 (current accelerated 8th graders) ONLY, may be affected as indicated under the COVID-19 Amendments at the end of this policy.

The five required Regents exams are not weighted. Students who take and successfully pass any additional Regents exam and/or other non-Regents subjects that have also been identified as subjects receiving weighting for class rank will receive a weighted grade. (All of the courses have been identified in the course offerings.) Students taking a more demanding schedule will be rewarded for their efforts. The cumulative student average of all passed courses and/Regents would be multiplied by a factor of .01 for each weighted course a student takes and successfully passes. For example, if a student takes two weighted courses, the cumulative average will be multiplied by .02.

Criteria listed below will be used to determine the valedictorian, salutatorian and the "top 10" graduates of the senior high school of the Ellicottville Central School District.

- a) An eligible student must attend Ellicottville Central School for a minimum of three full academic years, prior to graduation, from grades 9 through 12.
- b) The student must be enrolled as a full-time student at the time of graduation.
- c) Only the average of grades earned in classes taught at Ellicottville Central School by ECS teachers (including Distance Learning classes taught by ECS staff) through the end of the third marking period of the senior year will be used to select the final candidates.
- d) Course credits earned in other high schools or in summer schools other than those conducted or endorsed by Ellicottville Central School District will not be used in determining the final selection of a valedictorian, salutatorian or a "top 10 graduate."
- e) Only college level courses offered at ECS and taught by ECS teachers will be considered weighted courses by a factor of .01 per three credit course. Such courses will be used in determining a student's final GPA and class rank. College level courses taken in any other manner will not be used in determining a student's final GPA and class rank.
- f) A student taking on-line courses through ECS, Distance Learning courses taught by non-ECS teachers and independent study courses will earn the proper respective credit for such classes towards fulfilling his or her graduation requirement, but these courses will not be used in determining a student's final GPA or class rank.
- g) The valedictorian and salutatorian will be afforded the opportunity to speak at commencement. In the event that the valedictorian or salutatorian is also the class president, that student will be afforded the opportunity to give just one speech.

(Continued)

SUBJECT: CLASS RANK (Cont'd.)

- h) Students eligible for graduation at the end of their junior year can qualify to be ranked as a senior under the above criteria. In addition to being eligible as valedictorian and salutatorian, the student graduating at the end of his or her junior year will be permitted to participate in all other senior activities, i.e., prom, inclusion in the yearbook, social functions, etc. It is important to note that the student who opts for graduation at the end of the junior year must fulfill all other requirements of Board of Education policy dealing with early graduation including the determination of the student's status in the year preceding the junior year.

COVID-19 Amendments

Amendments in this section replace corresponding subsections above accordingly and apply ONLY to the members of the classes of 2020, 2021, 2022, 2023 and 2024 (current accelerated 8th graders). These amendments will sunset on June 30, 2024 if not sooner as determined by the Board of Education.

- c) Only the average of grades earned in classes taught at Ellicottville Central School by ECS teachers (including Distance Learning classes taught by ECS staff) through the end of the third marking period of the senior year will be used to select the final candidates. For the classes taken during the spring of 2020, the third marking period grade will be based only on work that was assigned between the beginning of the marking period and March 16, 2020. The exception to this is the Dual Enrollment College classes will use grades from the entire marking period.
- i) **For the 2019-20 school year only**, the final grade for each class will be computed as follows and used for each applicable student through graduation:
1. Full year local and Regents classes = Average of four marking periods.
 - (a) If a student elects to take a Regents exam that was cancelled in June 2020 at some point in the future, that exam will not be calculated into the 2019-2020 average for the year.
 - (b) Members of the class of 2021 who took the January 2020 ELA Regents will not have that exam used to calculate their 2019-2020 average for the year.
 2. Full year Dual Enrollment College classes = Average of four marking periods and final exam/project (if required by the college).
 3. ALL 1st Semester classes = Average of 1st and 2nd marking periods and final exam/project.
 4. 2nd Semester local classes = Average of 3rd and 4th marking periods.
 5. 2nd Semester Dual Enrollment College classes = Average of 3rd and 4th marking periods and final exam/project (if required by the college).

Adopted: 9/9/03

Revised: 9/8/09, 11/19/19, 5/12/20

2015

7230

Students

SUBJECT: DUAL CREDIT FOR COLLEGE COURSES

Students in 11th and 12th grade who have demonstrated intellectual and social maturity may choose to register for one or more of the college classes that are offered at Ellicottville Central School. These classes are offered through cooperative agreements with various colleges in New York State.

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 the college offering the course and Ellicottville Central School administration.

Adopted: 6/27/00
Revised: 3/4/15

SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE

The District will comply with the provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA). Under its provisions, parents/guardians and non-custodial parent(s), whose rights are not limited by court order or formal agreement, of a student under 18, or a student who is 18 years of age or older or who is attending an institution of post-secondary education, have a right to inspect and review any and all education records maintained by the District.

Education Records

The term "education records" is defined as all records, files, documents and other materials containing information directly related to a student; and maintained by the education agency or institution, or by a person acting for that agency or institution. This includes all records regardless of medium, including, but not limited to, handwriting, videotape or audiotape, electronic or computer files, film, print, microfilm, and microfiche.

In addition, for students who attend a public school district, all records pertaining to services provided under the Individuals with Disabilities Education Act (IDEA) are considered "education records" under FERPA and they are subject to the confidentiality provisions of both Acts.

However, personal notes made by teachers or other staff are not considered education records if they are:

- a) Kept in the sole possession of the maker;
- b) Not accessible or revealed to any other person except a temporary substitute; and
- c) Used only as a memory aid.

Additionally FERPA does not prohibit a school official from disclosing information about a student if the information is obtained through the school official's personal knowledge or observation and not from the student's education records.

Records created and maintained by a law enforcement unit for law enforcement purposes are also excluded.

Access to Student Records

Administrative regulations and procedures will be developed to comply with the provisions of federal law relating to the availability of student records. The purpose of these regulations and procedures is to make available to the parents/guardians of students and non-custodial parent(s) whose rights are not limited by court order or formal agreement, or students who are 18 years of age or older or who are attending an institution of post-secondary education, student records, and files on students, and to ensure the confidentiality of these records with respect to third parties.

(Continued)

SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)

Under FERPA, unless otherwise exempted in accordance with law and regulation, the District may release personally identifiable information (PII) contained in student education records only if it has received a "signed and dated written consent" from a parent or eligible student. Signed and dated written consent may include a record and signature in electronic form provided that the signature:

- a) Identifies and authenticates a particular person as the source of the electronic consent; and
- b) Indicates the person's approval of the information contained in the electronic consent.

Exceptions

Without the consent of a parent or eligible student, the District may release a student's information or records when it is:

- a) Directory Information and Limited Directory Information

Directory information is information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Limited Directory Information Disclosure means that the District may limit disclosure of its designated directory information to specific parties, for specific purposes, or both. The intent is to allow schools the option to implement policies that allow for the disclosure of student information for uses such as yearbooks, honor roll lists, graduation programs and playbills, but restrict disclosure for more potentially dangerous purposes. The District will limit disclosure of its designated directory information as otherwise specified in its public notice to parents of students in attendance and eligible students in attendance.

- b) To School Officials who have a Legitimate Educational Interest

To other school officials, including teachers, within the educational agency or institution whom the school has determined to have legitimate educational interests. An educational interest includes the behavior of a student and disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of the student, other students or other members of the school community. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

- c) To Another Educational Institution

The District may disclose any and all educational records, including disciplinary records and records that were created as a result of a student receiving special education services under Part B of IDEA, to another school or postsecondary institution at which the student seeks or intends to enroll, or after the student has enrolled or transferred, so long as the disclosure is

(Continued)

Students

SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)

for purposes related to the student's enrollment or transfer. Parental consent is not required for transferring education records if the school's annual FERPA notification indicates that these disclosures may be made. In the absence of information about disclosures in the annual FERPA notification, school officials must make a reasonable attempt to notify the parent about the disclosure, unless the parent initiated the disclosure. Additionally, upon request, the District will provide a copy of the information disclosed and an opportunity for a hearing.

d) For Health and Safety Emergency Reasons

School districts must balance the need to protect students' PII with the need to address issues of school safety and emergency preparedness. Under FERPA, if an educational agency or institution determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records, without consent, to any person whose knowledge of the information is necessary to protect the health and safety of the student or other individuals during the period of the health or safety emergency. 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 will 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.

e) To Juvenile Justice Systems

Information may be disclosed to state and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a state statute that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released. In these cases the official or authority must certify in writing that the information will not be disclosed to any other party except as provided under law without prior written consent.

f) To Foster Care Agencies

A district may release records to an agency caseworker or other representative of a state or local child welfare agency, who has the right to access a student's case plan, when the agency or organization is legally responsible, for the care and protection of the student. This does not give a child welfare agency the right to look into any non-foster care student's records, without parental consent, when there has been a mere allegation of abuse or maltreatment, absent an order or subpoena.

(Continued)

SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)g) Pursuant to a Subpoena or Court Order

When the District receives a subpoena or court order for the release of records it will make a reasonable effort to notify the parent/guardian or eligible student of the order or subpoena in advance of compliance. This allows the parent/guardian or eligible student to seek protective action against the subpoena or order before the release of the records.

Districts may disclose a student's records without first notifying parents/guardians or eligible students if the disclosure is:

1. Based on a subpoena in which the court orders, for good cause shown, not to reveal to any person the existence or contents of the subpoena or any information furnished pursuant to the subpoena;
2. In accordance with a judicial order in cases where the parents are a party to a court proceeding involving child abuse or maltreatment or dependency matters, and the order is issued in the context of that proceeding; or
3. Made to a court (with or without an order or subpoena) when a District is involved in a legal action against a parent or student and the records are relevant to the matter.

h) For Financial Aid Purposes

Pertinent information may be released in connection with the determination of eligibility, amount, conditions and enforcement of terms of a student's financial aid.

i) To Accrediting Organizations

Disclosure of a student's records may be made to an organization in which that student seeks accreditation, in order to carry out their accrediting function.

j) To Parents of a Dependent Student

Even when a student turns 18 years of age or older a District may disclose education records to that student's parents, without the student's consent, if the student is claimed as a dependent for federal income tax purposes by either parent.

k) For Audit/Evaluation Purposes

The audit or evaluation exception allows for the disclosure of PII from education records without consent to authorized representatives of the Comptroller General of the U.S., the Attorney General, the Secretary of Education, federal, state or local educational authorities.

(Continued)

Students

SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)

Under this exception, PII from education records must be used to audit or evaluate a federal or state supported education program, or to enforce or comply with federal legal requirements that relate to those education programs.

The District may occasionally disclose PII from education records without consent to authorized representatives of the entities listed above. The District may also designate its own authorized representative who may access PII without consent in connection with an audit or evaluation of an education program within the District. As an example, the District might designate a university as its authorized representative in order to disclose, without consent, PII from education records on its former students to the university. The university could then disclose, without consent, transcript data on those former students attending the university to allow the District to evaluate how effectively the District prepared its students for success in postsecondary education.

l) For Conducting Studies

This exception allows for the disclosure of PII from education records without consent to organizations conducting studies for, or on behalf of, schools, school districts or postsecondary institutions. Studies can be for the purpose of developing, validating, or administering predictive tests; administering student aid programs; or improving instruction.

The District may disclose PII from education records without consent to these organizations conducting studies for the District, in accordance with its obligations under FERPA.

In addition, other entities outside of the District may occasionally disclose PII from education records that the District has previously shared with that entity, to organizations conducting studies on behalf of the District. For example, a State Education Agency (SEA) may disclose PII from education records provided by the District without consent to an organization for the purpose of conducting a study that compares program outcomes across school districts to further assess the effectiveness of these programs with the goal of providing the best instruction.

Required Agreements for the Studies or Audit/Evaluation Exceptions (see items k and l)

To the extent required by law, the District will enter into a written agreement with organizations conducting studies for the District, or, with its designated authorized representatives in connection with audits or evaluations of education programs within the District. In the event that the District discloses PII from education records to its own designated authorized representative in connection with an audit or evaluation of an educational program within the District, it will use reasonable methods to ensure to the greatest extent practicable that its designated authorized representative complies with FERPA and its regulations.

(Continued)

SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)**Challenge to Student Records**

Parents/guardians of a student under the age of 18, or a student who is 18 years of age or older or who is attending an institution of post-secondary education, will have an opportunity for a hearing to challenge the content of the school records and to ensure that the records are not inaccurate, misleading, or otherwise in violation of the privacy of students, and to provide an opportunity for the correction or deletion of any inaccurate, misleading, or otherwise inappropriate data.

Release of Information to the Noncustodial Parent

The District may presume that the non-custodial parent has the authority to request information concerning his or her child and release this information upon request. If the custodial parent wishes to limit the non-custodial parent's access to the records, it is his or her responsibility to obtain and present to the school a legally binding instrument that prevents the release of information related to the child.

Parents' Bill of Rights

The District posts a parents' bill of rights for data privacy and security on its website, and it includes this bill of rights with every contract it enters into with a third-party contractor that receives student, teacher, or principal data. The bill of rights informs parents of the legal requirements regarding privacy, security, and use of student data.

Family Educational Rights and Privacy Act of 1974, 20 USC § 1232g
34 CFR Part 99
Education Law § 2-d

NOTE: Refer also to Policies #7242 -- Student Directory Information
#7243 -- Military Recruiters' Access to Secondary School
Students and Information on Students
#7244 -- Student Data Breaches
#7643 -- Transfer Students with Disabilities

Adopted: 6/27/00
Revised: 8/8/06; 9/25/07; 2/9/10; 3/20/12; 1/27/15; 10/23/18

Students

SUBJECT: RELEASE OF INFORMATION TO THE NONCUSTODIAL PARENT

When parents of a student are separated, involved in divorce proceedings, or are divorced, the building principal will consider the rights of custodial and noncustodial parents to be equal with respect to access to their children, and information about their children, except when a court order or other legally binding document exists which contains special restrictions.

Unless restricted by a legally binding document (e.g., a final divorce decree which includes specific denial of visitation and/or access rights or a restraining order denying visitation and/or access rights), both parents have the right to access to their child; to view their child's school records; to receive school progress reports; to visit their child briefly at school; and to participate in parent-teacher conferences, although not necessarily together in the same conference.

Certified copies of all legally binding documents pertaining to child custody and visitation including, but not limited to, Judgments of Divorce and Separation, temporary and permanent court orders, and legally enforceable written agreements between the parties will be maintained in the appropriate school office. It is the responsibility of the custodial parent to provide the building principal with a certified copy of such court order or other legally binding document, if restricted access to the student or student information is requested.

In the alternative, written authorization from the custodial parent allowing the release of the child to the noncustodial parent will also be honored by the District.

The Board of Education directs the Superintendent or his/her designee to develop administrative regulations to provide guidance in releasing children to the custodial and noncustodial parents.

Education Law Section 3210

Adopted: 6/27/00

Students

SUBJECT: STUDENT DIRECTORY INFORMATION

Directory information is information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed.

The District shall publish an annual public notice informing parents or eligible students [i.e., a student 18 years of age or older or who is attending an institution of post-secondary education] of the District's definition of directory information, the parent or eligible student's right to refuse the release of student directory information and indication of the time period for their response. Following such public notice and a reasonable response period, the District may release such information to an outside group without individual consent.

The Family Educational Rights and Privacy Act (FERPA) defines student directory information as any of the items as indicated in the following list. The Ellicottville Central School District will release the following defined directory information as checked below:

- name
- address
- telephone listing
- date and place of birth
- major field of study
- grade level
- participation in officially recognized sports and activities
- weight and height (for members of athletic teams)
- dates of attendance
- honors, degrees and awards received
- email address
- photograph
- name of educational institution previously attended
- Student ID number, user ID, or other unique personal identifier *used to communicate in electronic systems* but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user.
- Student ID number or other unique personal identifier *that is displayed on a student ID badge*, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user.

Parents and eligible students may not, by opting out of disclosure of directory information, prevent a school from requiring a student to wear or present a student identification card or a badge that display information that may be directory information. A student's social security number, in whole or part, will not be designated as directory information.

(Continued)

SUBJECT: STUDENT DIRECTORY INFORMATION (Cont'd.)**Limited Directory Information Disclosure**

Limited Directory Information Disclosure means that the District may limit disclosure of its designated directory information to specific parties, for specific purposes, or both. Allowing limited directory information disclosure may permit the District to use student directory information for such limited purposes as school yearbooks, honor roll lists, graduation programs, playbills and other similar uses, without obtaining individual consent. Limiting the disclosure of such information may be beneficial when the District perceives such disclosure as putting students at risk of becoming targets of marketing campaigns, news media or possible victims of criminal acts. The District shall limit its disclosure of its designated directory information as specified in its public notice to parents and eligible students.

Military Recruiter Access

The release of student directory information is not to be confused with the release of names, addresses and telephone listings of eligible students [i.e., a student 17 years of age or older or in the eleventh grade (or its equivalent) or higher] to Military Recruiters. In compliance with the Elementary and Secondary Education Act (ESEA) of 1965, as amended by the No Child Left Behind Act of 2001 (NCLB), and the National Defense Authorization Act, the School District shall notify parents that by law it routinely releases this information to Military Recruiters upon request subject to a parents'/eligible students' written request not to disclose such information.

Family Educational Rights and Privacy Act of 1974, 20 USC Section 1232(g)
34 CFR Part 99

NOTE: Refer also to Policies #7240 -- Student Records: Access and Challenge
#7243 -- Military Recruiters' Access to Secondary School Students
and Information on Students

Adopted: 6/27/00
Revised: 8/8/06; 2/9/10; 3/20/12; 11/17/15

Students

SUBJECT: MILITARY RECRUITERS' ACCESS TO SECONDARY SCHOOL STUDENTS AND INFORMATION ON STUDENTS

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, and in accordance with the Family Educational Rights and Privacy Act (FERPA), the School District shall comply with a request by a Military Recruiter for names, addresses, and telephone listings of eligible students. Eligible student under ESEA and the National Defense Authorization Act is defined as a secondary student who is 17 years of age or older or in the eleventh grade (or its equivalent) or higher. Under ESEA and the National Defense Authorization Act, parents must be notified that the School District by law routinely discloses students' names, addresses, and telephone listings 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.

Under FERPA, the School District must provide notice to parents/eligible students of the types of student information that it releases publicly. This type of information, commonly referred to as "directory information," which is released by the District includes - but is not limited to - such items as students' names, addresses, and telephone listings. The notice must include an explanation of a parent's/eligible student's right to request that "directory information" not be disclosed without prior written consent of the parent/eligible student. Eligible student under FERPA is defined as a student 18 years of age or older or who is attending an institution of post-secondary education.

A single notice provided through a mailing, student handbook, or other method that is reasonably calculated to inform parents/eligible students of the above information is sufficient to satisfy the notification requirements of both FERPA, ESEA and the National Defense Authorization Act. The notification shall advise the parent/eligible student of how to opt out of the public, nonconsensual disclosure of directory information and the disclosure of name, address and telephone listing to Military Recruiters; and shall state the method and timeline within which to do so.

Further, in compliance with the ESEA and the National Defense Authorization Act, the District shall give Military Recruiters the same access to secondary school students as they provide to postsecondary institutions or to prospective employers.

If a parent/eligible student opts out of providing directory information (or any subset of such information) to third parties, the opt-out relating to the student's name, address, or telephone listing applies to requests from Military Recruiters as well. For example, if the opt-out states that telephone numbers will not be disclosed to the public, the District may not disclose telephone numbers to Military Recruiters.

The Superintendent/designee shall ensure that appropriate notification is provided regarding the opt-out rights prohibiting release of directory information and/or release of name, address and telephone listing to Military Recruiters.

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**SUBJECT: MILITARY RECRUITERS' ACCESS TO SECONDARY SCHOOL STUDENTS
AND INFORMATION ON STUDENTS (Cont'd.)**

Elementary and Secondary Education Act of 1965, Section 9528, 20 USC Section 7908 as amended by the
No Child Left Behind Act of 2001

Family Educational Rights and Privacy Act of 1974, 20 USC Section 1232(g)

National Defense Authorization Act Section 544, 10 USC Section 503

34 CFR Section 300.571

Education Law Section 2-a

8 NYCRR Section 3.33

Adopted: 9/9/03

Revised: 2/9/10

Students

SUBJECT: STUDENT DATA BREACHES

A student data breach is defined as any instance in which there is an unauthorized release of or access to personally identifiable information (PII) or other protected information of students not suitable for public release.

School districts have a legal responsibility to protect the privacy of education data, including personally identifiable information (PII) of its students. The Family Education Rights and Privacy Act of 1974, commonly known as FERPA, protects the privacy of student education records. Although FERPA does not include specific data breach notification requirements, it does protect the confidentiality of education records and requires districts to record each incident of data disclosure in accordance with 34 CFR 99.32 (a)(1). In addition, under state law, direct notification of parents and/or affected students may be warranted depending on the type of data compromised, such as student social security numbers and/or other identifying information that could lead to identity theft.

The District has implemented privacy and security measures designed to protect student data stored in its student data management systems. These measures include reviewing information systems and data to identify where personally identifiable information is stored and used; monitoring data systems to detect potential breaches; and conducting privacy and security awareness training for appropriate staff. In the event of an alleged breach, the District will promptly take steps to validate the breach, mitigate any loss or damage, and notify law enforcement if necessary.

The Superintendent will develop and implement regulations for prevention, response and notification regarding student data breaches.

34 CFR 99.32 (a)(1)
Technology Law Sections 202 and 208

NOTE: Refer also to Policies #5672 -- Information Security Breach and Notification
#7240 -- Student Records: Access and Challenge

Adopted: 1/27/15

Students

**SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND
ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO
MINORS**

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:

- 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).

Surveys Funded by Sources Other than U.S. Department of Education

The School District has developed and adopted this Board policy regarding the following:

- a) The right of the parent/guardian 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

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Students

SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS (Cont'd.)

to, in writing, to the building principal at least ten days prior to the administration or distribution of any survey. Further, the District shall grant a request by the parent/guardian for reasonable access to such survey within a reasonable period of time after the request is received by the District.

- b) Arrangements shall be provided by the District to protect student privacy in the event of the administration or distribution of a survey to a student containing one or more of the following items (including the right of the parent/guardian of the student to inspect, upon request, any survey containing one or more of such items):
1. Political affiliations or beliefs of student toward the student's parent/guardian;
 2. Mental or psychological problems of the student or the student's family;
 3. Sex behavior or attitudes;
 4. Illegal, anti-social, self-incriminating or demeaning behavior;
 5. Critical appraisals of other individuals with whom respondents have close family relationships;
 6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
 7. Religious practices, affiliations, or beliefs of the student or the student's parent/guardian;
 8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

Parents/guardians have the right to inspect, upon request, any survey containing one or more of such items. Such requests must be submitted by the parent/guardian, in writing, to the building principal at least ten days prior to the administration or distribution of any survey.

- c) Parents/guardians shall be granted, upon request, reasonable access and the right to inspect instructional materials used as part of the educational curriculum for the student within a reasonable period of time (defined by the School District, for the purposes of this policy, as 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

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Students

SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS (Cont'd.)

printed or representational materials, audiovisual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). *The term does not include academic tests or academic assessments.*

- d) The administration of physical examinations or screenings that the School District may administer to a student.

Further, this law does not apply to any physical examination or screening that is permitted or required by State law, including physical examinations or screenings that are permitted without parental notification.

In the implementation of this provision regarding the administration of physical examinations or screenings that the school may administer to the student, the School District incorporates by reference Board policies that address student health services, as applicable, including but not limited to policies regarding the administration of medication, immunization of students, and student physicals.

- e) Unless mandated/authorized in accordance with Federal or State law and/or regulation, it is policy of the Board of Education, to **not permit** the collection, disclosure, or use of personal information (the term "*personal information*" is defined as individually identifiable information including a student's or parent/guardian's first and last name; home address; telephone number; or Social Security number) collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose), *unless otherwise exempted pursuant to law as noted below*. Questions regarding the collection, disclosure, or use of personal information collected from students for such marketing purposes may be referred to the school attorney as deemed necessary by the Superintendent/designee.

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*;
- 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;

(Continued)

Students

SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS (Cont'd.)

- 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 others 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.

**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.*

This law is not intended to preempt applicable provisions of State law that require parental/guardian notification.

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) 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).
- b) The administration of **any survey** containing one or more of the eight items of information listed above in the subheadings referencing DOE-funded surveys as well as non-DOE-funded surveys.
- c) Any non-emergency, invasive physical examination or screening that is required as a condition of attendance; administered by the school and scheduled by the school in advance; and not necessary to protect the immediate health and safety of the student, or of other

(Continued)

Students

SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS (Cont'd.)

students. The term "*invasive physical examination*" means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but *does not include a hearing, vision or scoliosis screening*.

Specific Notification

In the event that the District does not identify the specific or approximate dates of the activities or surveys to be administered in the general annual notification, it shall "directly" notify, such as through U.S. Mail or email, the parents of students who are scheduled to participate in the specific activities or surveys prior to participation and provide an opportunity for the parent to provide written consent or opt his/her child out of participation in accordance with law and the surveys conducted.

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 FERPA.

The rights provided to parents/guardians under PPRA transfer from the parent/guardian to the student when the student turns 18 years old or is an emancipated minor under applicable State law.

The School District may use funds provided under Part A of Title V of the Elementary and Secondary Education Act of 1965 to enhance parental/guardian involvement in areas affecting the in-school privacy of students.

Family Educational Rights and Privacy Act of 1974, as amended by the No Child Left Behind Act of 2001,
20 USC Sections 1232h(b) and 1232h(c)
34 CFR Part 98

NOTE: Refer also to Policies #7121 -- Diagnostic Screening of Students
#7243 -- Military Recruiters' Access to Secondary School Students and Information on Students
#7511 -- Immunization of Students
#7512 -- Student Physicals
#7513 -- Administration of Medication and Use of Inhalers in Schools

Adopted: 8/8/00
Revised: 9/9/03; 2/9/10

SUBJECT: DESIGNATION OF PERSON IN PARENTAL RELATION

In accordance with General Obligations Law Title 15-A, a parent of a minor or incapacitated person may designate another person as a person in parental relation to such minor or incapacitated person for certain health care and educational decisions for a period not exceeding six months. However, such parental designation is conditioned upon there being no prior order of any court in any jurisdiction currently in effect that would prohibit the parent from himself/herself exercising the same or similar authority; and provided further that, in the case where a court has ordered that both parents must agree on education or health decisions regarding the child, a designation pursuant to this law shall not be valid unless both parents have given their consent.

The designation of a person in parental relation must be in writing in the form prescribed by General Obligations Law Title 15-A, and shall include specified information as enumerated in law for designations of 30 days or less, as well as additional information required for designations of more than 30 days. The designation of a person in parental relation may be presented to any school that requires such designation by either the parent or designee. The designation may specify a period of time less than six months for which such designation shall be valid unless earlier revoked by the parent in accordance with law. *However, a designation specifying a period of more than 30 days shall be notarized.*

If no time period is specified in the designation, it shall be valid until the earlier of revocation; or

- a) The expiration of 30 days from the date of signature if the designation does not meet the requirements for designations of more than 30 days, or
- b) Six months from the date of commencement specified in the designation if the designation meets the requirements for designations of more than 30 days.

Scope of Designation

A designation made pursuant to this law may specify:

- a) The treatment, diagnosis or activities for which consent is authorized;
- b) Any treatment, diagnosis or activity for which consent is not authorized; or
- c) Any other limitation on the duties and responsibilities conveyed by the designation.

Revocation of Designation

A parent may revoke a designation by notifying, either orally or in writing, the designee or a school to which the designation has been presented, or by any other act evidencing a specific intent to revoke the designation. A designation shall also be revoked upon the execution by the parent of a subsequent designation. Revocation by one parent authorized to execute such a designation shall be deemed effective and complete revocation of a designation pursuant to law.

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SUBJECT: DESIGNATION OF PERSON IN PARENTAL RELATION (Cont'd.)

A designee who receives notification from a parent of any such revocation shall immediately notify any school to which a designation has been presented. A parent may directly notify any such school of the revocation. The failure of the designee to notify the school of such revocation shall not make the revocation ineffective.

Effect of Designation

- a) A designee shall possess all the powers and duties of a person in parental relation pursuant to Public Health Law Sections 2164 and 2504 and Education Law Sections 2 and 3212, unless otherwise specified in the designation.
- b) A designation shall not impose upon a designee a duty to support pursuant to Family Court Act Section 413.
- c) A designation shall not cause a change in the school district of residence of the child for purposes of the Education Law, and during the period of validity of the designation, the child shall be presumed to be a resident of the school district in which the parent resided at the time the designation was made.
- d) A designation shall terminate and be revoked upon the death or incapacity of the parent who signed the designation.
- e) The decision of a designee shall be superseded by a contravening decision of a parent.

A person who acts based upon the consent of a designee reasonably and in the good faith belief that the parent has in fact authorized the designee to provide such consent may not be deemed to have acted negligently, unreasonably or improperly in accepting the designation and acting upon such consent. However, any such person may be deemed to have acted negligently, unreasonably or improperly if he/she has knowledge of facts indicating that the designation was never given, or did not extend to an act or acts in question, or was revoked.

No provision of Title 15-A of the General Obligations Law shall be construed to require designation of a person in parental relation as provided within the statute where such designation is not otherwise required by law, rule or regulation.

General Obligations Law Title 15-A
Education Law Sections 2 and 3212
Public Health Law Sections 2164 and 2504
Family Court Act Section 413
Mental Hygiene Law Section 80.03

Adopted: 8/8/06
Revised: 1/27/15

Students

SUBJECT: SCHOOL CONDUCT AND DISCIPLINE

The Board of Education acknowledges its responsibility to protect the educational climate of the District and to promote responsible student behavior. Accordingly, the Board delegates to the Superintendent the responsibility for assuring that the following components regarding school conduct and discipline are established, maintained in keeping with this policy, and reviewed annually and updated as needed through collaboration among professional staff, students, and parents.

School property shall mean in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus as defined in Vehicle and Traffic Law Section 142. A school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state.

The Board shall further provide for the enforcement of such *Code of Conduct*, which shall be developed in collaboration with student, teacher, administrator, and parent organizations, school safety personnel and other personnel and shall incorporate, at a minimum, those components addressed in law and enumerated in Policy #3410 -- *Code of Conduct on School Property*. Specific components may vary as appropriate to student age, building levels, and educational needs.

In accordance with the *Code of Conduct on School Property*, areas addressing student conduct and behavior will further utilize the following strategies in promoting acceptable student behavior:

- a) A bill of rights and responsibilities of students that focuses upon positive student behavior, and is publicized and explained to all students on an annual basis;
- b) A discipline code for student behavior setting forth prohibited student conduct and the range of penalties that may be imposed for violation of such code, that is publicized and explained to all students and provided in writing to all parents/guardians on an annual basis. Such code shall describe the roles of teachers, administrators, Board of Education members and parents/guardians;
- c) Strategies and procedures for the maintenance and enforcement of public order on school property that shall govern the conduct of all persons on school premises, in accordance with Section 2801 of the Education Law and accepted principles of due process of law;
- d) Procedures within each building to involve student service personnel, administrators, teachers, parents/guardians and students in the early identification and resolution of discipline problems. For students identified as having disabilities, the policy includes procedures for determining when a student's conduct shall constitute a reason for referral to the Committee on Special Education for review and modification, if appropriate, of the student's individualized education program;

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Students

SUBJECT: SCHOOL CONDUCT AND DISCIPLINE (Cont'd.)

- e) Alternative educational programs appropriate to individual student needs;
- f) Disciplinary measures for violation of the school policies developed in accordance with subparagraphs b) and c) of this paragraph. Such measures shall be appropriate to the seriousness of the offense and, where applicable, to the previous disciplinary record of the student. Any suspension from attendance upon instruction may be imposed only in accordance with Section 3214 of the Education Law; and
- g) Guidelines and programs for in-service education for all District staff to ensure effective implementation of school policy on school conduct and discipline.

The Board of Education will review this policy on school conduct and discipline annually and amend it when appropriate. The policy shall be filed in each school building, and shall be available for review by any individual.

Education Law Sections 2801(1) and 3214
8 NYCRR Section 100.2(1)(2)

NOTE: Refer also to Policy #3410 -- Code of Conduct on School Property
District Code of Conduct on School Property

Adopted: 6/27/00
Revised: 8/8/06

Students

SUBJECT: LOSS OR DESTRUCTION OF DISTRICT PROPERTY

The District is authorized to seek restitution, through civil action when necessary, from the parent or guardian of an unemancipated student over the age of ten and under the age of 18 where such student:

- a) Has willfully, maliciously, or unlawfully damaged, defaced or destroyed real or personal property in the care, custody and/or ownership of the District; or
- b) Has knowingly entered or remained in a District building, and wrongfully taken, obtained or withheld personal property owned or maintained by the District.

In instances where the District has sought and obtained a judgment from a court of competent jurisdiction, parent/guardian liability for civil damages shall not exceed \$5,000. Under certain circumstances, a court may consider the parent's or guardian's inability to pay any portion or all of the amount of damages which are in excess of \$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 \$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 and under the age of 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.

General Obligations Law Section 3-112
Penal Law Section 60.27

Adopted: 6/27/00

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. 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, tee shirts, they may not prescribe a specific brand which students must buy.

This policy does not mean that student, faculty, or parent groups may not recommend appropriate dress for school or special occasions. It means that a student shall not be prevented from attending school or a school function, or otherwise be discriminated against, so long as his/her dress and appearance meet the above requirements. A school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state.

Education Law Section 2801(1) -- definition of school function

NOTE: Refer also to *District Code of Conduct on School Property*

Adopted: 6/27/00
Revised: 8/8/06

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.

SuspensionFive 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 school days. In the absence of the principal, the designated "Acting Principal" may then suspend a student for a period of five school days or less.

When the Superintendent or the principal (the "suspending authority") proposes to suspend a student for five school days or less, the suspending authority 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 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 24 hours of the decision to propose suspension at the last known address or addresses of the parents/persons in parental relation. Where possible, notification shall also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents/persons in parental relation.

The notice shall provide a description of the incident(s) for which suspension is proposed and shall inform the student and the parent/person in parental relation of their right to request an immediate informal conference with the principal in accordance with the provisions of Education Law Section 3214(3)(b). Both the notice and the informal conference shall be in the dominant language or mode of communication used by the parents/persons in parental relation. At the informal conference, the student and/or parent/person in parental relation shall be authorized to present the student's version of the event and to ask questions of the complaining witnesses.

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Students

SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

The notice and opportunity for informal conference shall take place **prior to** suspension of the student unless the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, in which case the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practical.

Teachers shall immediately report or refer a violent student to the principal or Superintendent for a violation of the District's *Code of Conduct* and a minimum suspension period.

More Than Five School Days

In situations where the Superintendent determines that a suspension in excess of five school days may be warranted, the student and parent/person in parental relation, upon reasonable notice, shall have had an opportunity for a fair hearing. At the hearing, the student shall have the right of representation by counsel, with the right to question witnesses against him/her, and the right to present witnesses and other evidence on his/her behalf.

Where the basis for the suspension is, in whole or in part, the possession on school grounds or school property by the student of any firearm, rifle, shotgun, dagger, dangerous knife, dirk, razor, stiletto or any of the weapons, instruments or appliances specified in Penal Law Section 265.01, the hearing officer or Superintendent shall not be barred from considering the admissibility of such weapon, instrument or appliance as evidence, notwithstanding a determination by a court in a criminal or juvenile delinquency proceeding that the recovery of such weapon, instrument or appliance was the result of an unlawful search or seizure.

Minimum Periods of Suspension

Pursuant to law, Commissioner's regulations and the District's *Code of Conduct*, minimum periods of suspension shall be provided for the following prohibited conduct, subject to the requirements of federal and state law and regulations:

- a) Consistent with the federal Gun-Free Schools Act, any student who is determined to have brought a firearm to school or possessed a firearm on school premises shall be suspended for a period of not less than one calendar year. However, the Superintendent has the authority to modify this suspension requirement on a case-by-case basis.
- 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.

(Continued)

Students

SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

- c) A minimum suspension period for acts that would qualify the student to be defined as a violent student pursuant to Education Law Section 3214(2-a)(a), provided that the suspending authority may reduce such period on a case-by-case basis to be consistent with any other state and federal law.

Suspension of Students with Disabilities

Generally, 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 school days in a school year that do not constitute a disciplinary change in placement, students with disabilities must be provided with alternative instruction or services on the same basis as non-disabled students of the same age.

If suspension or removal from the current educational placement constitutes a disciplinary change in placement because it is for more than ten consecutive school days or 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 school days after a decision is made:

- a) By the Superintendent to change the placement to an interim alternative educational setting (IAES);
- b) By an Impartial Hearing Officer (IHO) to place the student in an IAES; or
- c) By the Board, District Superintendent, Superintendent or building principal to impose a suspension that constitutes a disciplinary change of placement.

The manifestation team shall include a representative of the District knowledgeable about the student and the interpretation of information about child behavior, the parent and relevant members of the CSE as determined by the parent and the District. The parent must receive written notice prior to the meeting to ensure that the parent has an opportunity to attend. This notice must include the purpose of the meeting, the names of those expected to attend and notice of the parent's right to have relevant members of the CSE participate at the parent's request.

(Continued)

SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

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 his/her disability the CSE shall conduct a functional behavioral assessment, if one has not yet been conducted, and implement or modify a behavioral intervention plan.

Functional behavioral assessment (FBA) means the process of determining why the student engages in behaviors that impede learning and how the student's behavior relates to the environment. FBA must be developed consistent with the requirements of Commissioner's Regulations Section 200.22(a) and shall include, but not be limited to, the identification of the problem behavior, the definition of the behavior in concrete terms, the identification of the contextual factors that contribute to the behavior (including cognitive and affective factors) and the formulation of a hypothesis regarding the general conditions under which a behavior usually occurs and probable consequences that serve to maintain it.

Behavioral intervention plan (BIP) means a plan that is based on the results of a functional behavioral assessment and, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs and intervention strategies that include positive behavioral supports and services to address the behavior.

Unless the change in placement was due to behavior involving serious bodily injury, weapons, illegal drugs or controlled substances, the student must be returned to the placement from which the student was removed unless the parent and the District agree to a change of placement as part of the modification of the behavioral intervention plan.

No Finding of Manifestation

If it is determined that the student's behavior is not a manifestation of his/her disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the 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.

(Continued)

SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)**Provision of Services Regardless of the Manifestation Determination**

Regardless of the manifestation determination, students with a disability shall be provided the services necessary for them to continue to participate in the general education curriculum and progress toward meeting the goals set out in their IEP as delineated below:

- a) During suspensions or removals for periods of up to ten school days in a school year that do not constitute a disciplinary change in placement, students with disabilities of compulsory attendance age shall be provided with alternative instruction on the same basis as nondisabled students. Students with disabilities who are not of compulsory attendance age shall be entitled to receive services during such suspensions only to the extent that services are provided to nondisabled students of the same age who have been similarly suspended.
- b) During subsequent suspensions or removals for periods of ten consecutive school days or less that in the aggregate total more than ten school days in a school year but do not constitute a disciplinary change in placement, students with disabilities shall be provided with services necessary to enable the student to continue to participate in the general education curriculum and to progress toward meeting the goals set out in the student's IEP and to receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur. School personnel, in consultation with at least one of the student's teachers, shall determine the extent to which services are needed, so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress in meeting the goals set out in the student's IEP.
- c) During suspensions or other disciplinary removals, for periods in excess of ten school days in a school year which constitute a disciplinary change in placement, students with disabilities shall be provided with services necessary to enable the student to continue to participate in the general education curriculum, to progress toward meeting the goals set out in the student's IEP, and to receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur. The IAES and services shall be determined by the CSE.

Interim Alternative Educational Setting (IAES)

Students with disabilities who have been suspended or removed from their current placement for more than ten school days may be placed in an IAES which is a temporary educational setting other than the student's current placement at the time the behavior precipitating the IAES placement occurred.

Additionally, an Impartial Hearing Officer in an expedited due process hearing may order a change in placement of a student with a disability to an appropriate IAES for up to 45 school days if the Hearing Officer determines that maintaining the current placement is substantially likely to result in injury to the students or others.

(Continued)

SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

There are three specific instances when a student with a disability may be placed in an IAES for up to 45 school days without regard to a manifestation determination:

- a) Where the student carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of the District; or
- b) Where a student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of the District; or
- c) Where a student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the District. Serious bodily harm has been defined in law to refer to one of the following:
 1. Substantial risk of death;
 2. Extreme physical pain; or
 3. Protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

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
- 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.

(Continued)

SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)**Suspension From BOCES**

The BOCES Principal may suspend School District students from BOCES classes for a period not to exceed five school days when student behavior warrants such action.

In-School Suspension

In-school suspension will be used as a lesser discipline to avoid an out-of-school suspension. The student shall be considered present for attendance purposes. The program is used to keep each student current with his/her class work while attempting to reinforce acceptable behavior, attitudes and personal interaction.

BOCES Activities

BOCES activities, such as field trips and other activities outside the building itself, are considered an extension of the school program. Therefore, an infraction handled at BOCES is to be considered as an act within the School District itself.

A student who is ineligible to attend a District school on a given day may also be ineligible to attend BOCES classes. The decision rests with the Superintendent or his/her designee.

Exhaustion of Administrative Remedies

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.

When a student has been suspended, the suspension may be revoked by the Board of Education whenever it appears to be for the best interest of the school and the student to do so. The Board of Education may also condition a student's early return to school and suspension revocation on the student's voluntary participation in counseling or specialized classes, including anger management or dispute resolution, where applicable.

(Continued)

SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446 Section 615(k)(1)]
18 USC Section 921

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

20 USC Section 7151, as reauthorized by the No Child Left Behind Act of 2001

34 CFR Part 300

Education Law Sections 2801(1), 3214 and 4402

Penal Law Section 265.01

8 NYCRR Sections 100.2(1)(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

Adopted: 6/27/00

Revised: 3/8/05; 12/6/05; 8/8/06; 11/14/06; 3/4/15

Students

**SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES
(ACCEPTABLE USE POLICY)**

The Board of Education will provide access to various computerized information resources through the District's computer system ("DCS" hereafter) consisting of software, hardware, computer networks and electronic communications systems. This may include access to electronic mail, so-called "on-line services" and the "Internet." It may include the opportunity for some students to have independent access to the DCS from their home or other remote locations. All use of the DCS, including independent use off school premises, shall be subject to this policy and accompanying regulations. Further, all such use must be in support of education and/or research and consistent with the goals and purposes of the School District.

Access to Inappropriate Content/Material and Use of Personal Technology or Electronic Devices

This policy is intended to establish general guidelines for the acceptable student use of the DCS and also to give students and parents/guardians notice that student use of the DCS will provide student access to external computer networks not controlled by the School District. The District cannot screen or review all of the available content or materials on these external computer networks. Thus some of the available content or materials on these external networks may be deemed unsuitable for student use or access by parents/guardians.

Despite the existence of District policy, regulations and guidelines, it is virtually impossible to completely prevent access to content or material that may be considered inappropriate for students. Students may have the ability to access such content or material from their home, other locations off school premises and/or with a student's own personal technology or electronic device on school grounds or at school events. Parents and guardians must be willing to establish boundaries and standards for the appropriate and acceptable use of technology and communicate these boundaries and standards to their children. The appropriate/acceptable use standards outlined in this policy apply to student use of technology via the DCS or any other electronic media or communications, including by means of a student's own personal technology or electronic device on school grounds or at school events.

The District respects the right of each parent/guardian to be fully informed of all requirements of this policy and any regulations adopted to ensure acceptable use of the DCS. Procedures will be established to define the process by which parents/guardians may submit a written request to deny or rescind student use of the DCS in accordance with law, regulation, and/or District policies and procedures.

Generally, the same standards of acceptable student conduct which apply to any school activity shall apply to use of the DCS. This policy does not attempt to articulate all required and/or acceptable uses of the DCS; nor is it the intention of this policy to define all inappropriate usage. Administrative regulations will further define general guidelines of appropriate student conduct and use as well as proscribed behavior.

(Continued)

Students

**SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES
(ACCEPTABLE USE POLICY) (Cont'd)**

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.

Students who engage in unacceptable use may lose access to the DCS in accordance with applicable due process procedures, and may be subject to further discipline under the District's school conduct and discipline policy and the Student Discipline *Code of Conduct*. The District reserves the right to pursue legal action against a student who willfully, maliciously or unlawfully damages or destroys property of the District. Further, the District may bring suit in civil court against the parents/guardians of any student who willfully, maliciously or unlawfully damages or destroys District property pursuant to General Obligations Law Section 3-112.

Student data files and other electronic storage areas will be treated like school lockers. This means that such areas shall be considered to be School District property subject to control and inspection. The computer coordinator may access all such files and communications 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.

Regulations will be established as necessary to implement the terms of this policy

Students

SUBJECT: STUDENTS PRESUMED TO HAVE A DISABILITY FOR DISCIPLINE PURPOSES

The parent of a student who has violated any rule or code of conduct of the School District and who was not identified as a student with a disability at the time of such behavior may assert several protections provided for under the Individuals with Disabilities Education Act (IDEA) and State regulations *if the School District is deemed to have had knowledge (as determined in accordance with law and/or regulations and referenced below) that the student was a student with a disability before the behavior that precipitated the disciplinary action occurred.*

Basis of Knowledge

The School District shall be deemed to have knowledge that the student had a disability if prior to the time the behavior occurred:

- a) The parent of the student has expressed concern in writing to supervisory or administrative personnel, or to a teacher of the student, that the student is in need of special education and related services. However, expressions of concern may be oral if the parent does not know how to write or has a disability that prevents a written statement;
- b) The parent of the student has requested an evaluation of the student; or
- c) A teacher of the student, or other District personnel, has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the Director of Special Education or to other supervisory personnel in accordance with the District's established child find or special education referral system.

Exception

A student is not a student presumed to have a disability for discipline purposes if, as a result of receiving the information specified above (i.e., subheading "Basis of Knowledge"):

- a) The parent of the student has not allowed an evaluation of the student pursuant to law and/or regulations;
- b) The parent of the student has refused services under law and/or regulations; or
- c) The student has been evaluated and it was determined that the student is not a student with a disability.

(Continued)

**SUBJECT: STUDENTS PRESUMED TO HAVE A DISABILITY FOR DISCIPLINE
PURPOSES (Cont'd.)****Responsibility for Determining Whether a Student is a Student Presumed to Have a Disability**

If it is claimed by the parent of the student or by School District personnel that the District had a basis for knowledge, in accordance with law and/or regulation, that the student was a student with a disability prior to the time the behavior subject to disciplinary action occurred, it shall be the responsibility of the Superintendent of Schools, building principal or other school official imposing the suspension or removal to determine whether the student is a student presumed to have a disability.

Conditions That Apply if There is No Basis of Knowledge

If it is determined that there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other nondisabled student who engaged in comparable behaviors.

However, if a request for an individual evaluation is made during the time period in which such nondisabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted in accordance with law and/or regulations. Pending the results of the evaluation, the student shall remain in the educational placement determined by school authorities.

If the student is determined to be a student with a disability, taking into consideration information from the evaluation and information provided by the parents, the District shall provide special education and related services in accordance with law and/or regulations.

Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446, Section 615(k)(5)]
Individuals with Disabilities Education Act (IDEA)
20 USC Section 1400 et seq.
34 CFR Part 300
8 NYCRR Section 201.5

NOTE: Refer also to Policy #7313 -- Suspension of Students

Adopted: 12/6/05

SUBJECT: STUDENT CELL PHONE USE IN SCHOOL

While cell phones have become a common item for many students, their use during school hours can be distracting, and, therefore, their use during school hours is considered inappropriate. At the same time, it is recognized that such items can represent a significant purchase for students/parents, and students should be able to properly safeguard their phones. Therefore, students will be allowed to possess a cell phone while on school premises during school hours, **BUT they MUST understand this is a privilege, and the following rules will be in effect:**

- a) Cell phones are to be turned off, and put away; their use will not be allowed during school hours except as specified later in this policy. Examples of cell phone use include, but are not limited to, using the phone to make a phone call, texting, sending pictures, looking up information on the internet, and/or accessing social media.
- b) School hours regarding cell phone use will be established and clearly published in the Student Agenda at the beginning of each school year.
- c) Inappropriate use will result in progressive consequences as follows:
 1. First Offense
 - (a) The cell phone will be confiscated and turned into the office.
 - (b) The student will be allowed to take the battery out of the phone.
 - (c) The student will be allowed to pick up the phone at the end of the school day.
 2. Second Offense
 - (a) The cell phone will be confiscated and turned into the office.
 - (b) The student will be allowed to take the battery out of the phone.
 - (c) The student's parent **must** pick up the phone. Office staff/administration will **not** be obligated to notify parents that the cell phone is in the office; the student will have to tell his or her parents.
 - (d) The student will be assigned to two after school detentions.
 3. Third Offense
 - (a) The cell phone will be confiscated and turned into the office.
 - (b) The student will be allowed to take the battery out of the phone.

(Continued)

SUBJECT: STUDENT CELL PHONE USE IN SCHOOL (Cont'd.)

- (c) The student's parent **must** pick up the phone. Office staff/administration will **not** be obligated to notify parents that the cell phone is in the office; the student will have to tell his or her parents.
 - (d) The student will be assigned to two after school detentions.
 - (e) The student will not be allowed to possess the cell phone during school hours.
- d) If a student refuses to turn in his or her cell phone immediately when asked to do so by a staff member, he or she will be considered insubordinate and, at the least, will be assigned one day of in-school suspension. Repeat offenders will face additional, stiffer consequences.
 - e) Students **MUST** realize that if they use their cell phone to engage in bullying, intimidation or harassment of others, their phone, and its contents, may be subject to confiscation and review by school administration, in accordance with the Dignity for All Students Act and NYS Law. If it is determined that the phone has been used for activities that are illegal or criminal, it may be turned over to the police.
 - f) Students caught calling parents for early dismissal without the permission of the school nurse or administration are subject to disciplinary actions, including in-school suspension.

The exceptions to these rules are:

1. A student may use his or her cell phone during their lunch period.
2. A student may use his or her phone to make an emergency call/text in either the school office or nurse's office provided he or she has obtained appropriate permission.
3. In some rare cases, a teacher may be granted permission to use cell phones in a classroom for a specific lesson. In such cases, permission needs to be requested to administration in writing.

Parents must also realize their assistance is needed. Parents should not call or text students during the school day. If the message is not of an urgent nature, the call/text should be made during lunch. If the call is of an urgent nature, the parent should call the office and the student will be located immediately. Parents need to support the school and avoid the pitfalls of student excuses such as:

- a) I was using the calculator (if a calculator is needed, the school will provide one).
- b) I was sick and needed to go home (students that are sick will be released by the school nurse or office personnel subsequent to parental contact).

(Continued)

SUBJECT: STUDENT CELL PHONE USE IN SCHOOL (Cont'd.)

- c) Balancing the needs of the students, parents, and the District with respect to cell phones is indeed a challenge. It is the belief of Ellicottville Central School that this policy fairly balances these needs.

Students

SUBJECT: STUDENT USE OF PERSONAL TECHNOLOGY

The Board of Education seeks to maintain a safe and secure environment for students and staff. Advances in technology have made it possible to expand the learning environment beyond traditional classroom boundaries. Using personal electronic devices during instructional time can enable students to explore new concepts, personalize their learning experience and expand their global learning opportunities. Additionally, the use of personal technology devices is ubiquitous in today's society and standards for student use during non-instructional time should adapt to this change. This policy defines the use of personal technology during instructional and non-instructional times and reinforces the standard that all use, regardless of its purpose, must follow the guidelines outlined in the Student Acceptable Use Policy (AUP), the District's *Code of Conduct*, and the Dignity for All Students Act.

Personal technology includes all existing and emerging technology devices that can take photographs; record or play audio or video; input text; upload and download media; connect to or receive information from the internet; and transmit or receive messages, telephone calls or images. Examples of personal technology includes, but are not limited to, iPods and MP3 players; iPad, Nook, Kindle, and other tablet PCs; laptop and netbook computers; personal digital assistants (PDAs), cell phones and smart phones such as BlackBerry, iPhone, or Droid, as well as any device with similar capabilities. Unacceptable devices shall include, but are not limited to, gaming devices or consoles, laser pointers, modems or routers, and televisions.

Instructional Uses

Instructional purposes include, but are not limited to, approved classroom activities, research, college admissions activities, career development, communication with experts, homework and other activities as deemed appropriate by school staff.

Personal technology use by students is permitted during the school day for educational purposes and/or in approved locations only. Teachers will indicate when and if classroom use is acceptable. Students are expected to act responsibly and thoughtfully when using technology resources. Students bear the burden of responsibility to inquire with school administrators and/or teachers when they are unsure of the permissibility of a particular use of technology prior to engaging in such use.

Non-Instructional Uses

Appropriate use of personal technology during non-instructional time is allowed as follows:

- a) A student may use his/her cell phone during their lunch period;
- b) A student may use his/her cell phone to make an emergency call/text in either the school office or nurse's office provided he/she has obtained appropriate permission;
- c) A teacher has been granted permission (from administration) to use cell phones in a classroom for a specific lesson;

(Continued)

SUBJECT: STUDENT USE OF PERSONAL TECHNOLOGY (Cont'd.)

- d) The student has obtained permission from the librarian, teacher, or study hall teacher to use their other personal technology devices other than cell phones during study halls or periods of time when instruction is not taking place.

Non-instructional use includes, but is not limited to: texting, calling and/or otherwise communicating with others, Internet searches, reading, listening to music, watching videos, etc. Use of student personal technology, when allowed, must be conducted in a safe and unobtrusive manner. Devices must be in silent mode to avoid disrupting others.

Liability

The District shall not be liable for the loss, damage, misuse, or theft of any personal technology brought to School. The District reserves the right to monitor, inspect, and/or confiscate personal technology when administration has reasonable suspicion to believe that a violation of school policy or criminal law has occurred.

The Board expressly prohibits use of personal technology in locker rooms, restrooms, Health Offices and any other areas where a person would reasonably expect some degree of personal privacy.

Prohibition during State Assessments

All students are prohibited from bringing electronic devices into a classroom or other location where a New York State assessment is being administered. Test proctors, test monitors and school officials shall have the right to collect prohibited electronic devices prior to the start of the test and hold them while the test is being administered, including break periods. Admission to any assessment will be denied to any student who refuses to relinquish a prohibited device.

Students with disabilities may use certain devices if the device is specified in that student's IEP or 504 plan or a student has provided medical documentation that they require the device during testing.

Permission

Students will not be permitted to use personal technology devices in school or at school functions until they have reviewed the AUP, the applicable sections of the *Code of Conduct* and associated technology guidelines, and signed the Student Use of Personal Technology (#7000F) Permission Form with their parents. The District reserves the right to restrict student use of District-owned technologies and personal technology on school property or at school-sponsored events, at the discretion of the administration.

(Continued)

Students

SUBJECT: STUDENT USE OF PERSONAL TECHNOLOGY (Cont'd.)

Students must follow the guidelines for use set out in the District *Code of Conduct* and the Acceptable Use Policy at all times. Consequences for misuse will follow guidelines in the District's *Code of Conduct*. The District will develop regulations for the implementation of this policy that shall include, but are not limited to, instructional use, non-instructional use, liability, bullying and cyberbullying, and privacy issues.

NOTE: Refer also to Policies #7315 -- Student Use of Computerized Information Resources
#7550 -- Dignity for All Students Act
#8271 -- Internet Safety/Internet Content Filtering Policy

Adopted: 3/4/15

Students

SUBJECT: ALCOHOL, TOBACCO, DRUGS AND OTHER SUBSTANCES (STUDENTS)

The Board of Education recognizes that the misuse of alcohol, drugs, tobacco, and other illegal substances is a serious problem with legal, physical, emotional and social implications for our students, as well as the entire community. Therefore, the consumption, sharing and/or selling, use and/or possession of alcoholic beverages, tobacco products, illegal drugs, counterfeit and designer drugs, or paraphernalia for the use of such drugs is prohibited at any school-sponsored function, on school grounds and on school buses at all times. The inappropriate use of prescription and over-the-counter drugs shall also be disallowed.

Smoking

Smoking shall not be permitted and no person shall smoke within 100 feet of the entrance, exits or outdoor areas of any public or private elementary or secondary schools. However, this shall not apply to smoking in a residence, or within the real property boundary lines of such residential real property.

Non-Medical Use of Prescription Drugs

Non-medical use of prescription drugs among young people has become an increasing problem in the United States. Prescription drugs are easier to access because they can be taken from their home's medicine cabinet and young people may believe they are safer than illicit drugs because they are manufactured by a pharmaceutical company.

Should a student be found in possession of any of these substances, they shall be dealt with in accordance with the *Code of Conduct*.

Persons Entering School Grounds

Persons shall be banned from entering school grounds or school-sponsored events when exhibiting behavioral, personal or physical characteristics indicative of having used or consumed alcohol or other substances. A school-sponsored function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state.

In accordance with Penal Law Section 220.00 for purposes of controlled substances offenses:

- a) "School grounds" means (a) in or on or within any building, structure, athletic playing field, playground or land contained within the real property boundary line of the District's schools, or (b) any area accessible to the public located within 1,000 feet of the real property boundary line comprising any such school or any parked automobile or other parked vehicle located within 1,000 feet of the real property boundary line comprising any District school. An "area accessible to the public" shall mean sidewalks, streets, parking lots, parks, playgrounds, stores and restaurants.

(Continued)

Students

SUBJECT: ALCOHOL, DRUGS AND OTHER SUBSTANCES (STUDENTS) (Cont'd.)

- b) "School bus" means every motor vehicle owned by the District and operated for the transportation of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities or privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities.

Primary Prevention

Preventing or delaying alcohol, tobacco, drugs, and other substance use/abuse by students shall be the major focus of a comprehensive K through 12 program in which proactive measures of prevention and early intervention are emphasized. This program shall include:

- a) A sequential K through 12 curriculum that will be developed and incorporated into the total educational process. This curriculum shall be concerned with education and prevention in all areas of alcohol, tobacco, drugs, and other substances uses/abuse;
- b) Training school personnel and parents/guardians to reinforce the components of the policy through in-service and community education programs with up-to-date factual information and materials.
- c) An effort to provide positive alternatives to alcohol and other substances use/abuse through the promotion of drug/tobacco/alcohol-free special events, service projects and extracurricular activities that will develop a positive peer influence.

Intervention

School-based intervention services shall be made available to all students, grades K through 12, and provided by prevention professionals who are appropriately trained in this area. The purpose of intervention is to eliminate any existing use/abuse of alcohol, tobacco, drugs, and other substances and to identify students considered to be at risk for use/abuse. Intervention programming shall include:

- a) Counseling of students in groups and as individuals on alcohol, tobacco, drugs, and other substance use/abuse. Counselors shall be appropriately trained and skilled school staff assigned for this purpose.
- b) Referring students to community or other outside agencies when their use/abuse of alcohol, tobacco, drugs and other substances requires additional counseling or treatment. Referral is a key link in school and community efforts and the process is basic to the dissemination of information regarding available counseling and health services;

(Continued)

SUBJECT: ALCOHOL, DRUGS AND OTHER SUBSTANCES (STUDENTS) (Cont'd.)

- c) Providing a supportive school environment designed to continue the recovery process for students returning from treatment. A re-entry program may include continuing student and/or family counseling and emphasizing positive alternatives to alcohol, tobacco, drugs, and other substance use/abuse.
- d) Developing a parent network to serve as a support group and provide a vehicle of communication for parent education;
- e) Ensuring confidentiality as required by state and federal law.

Disciplinary Measures

Disciplinary measures for students consuming, sharing and/or selling, using and/or possessing alcoholic beverages, illegal drugs, counterfeit and designer drugs, or paraphernalia for the use of such drugs shall be outlined in the District's *Code of Conduct on School Property*.

Staff Development

There shall be ongoing training of District staff about the components of an effective alcohol and other substances program. Training shall include, but not be limited to, District policies and regulations and the staff's role in implementing such policies, and regulations. Teachers shall be trained to implement the District's K through 12 alcohol, tobacco, drugs, and other substance prevention curricula; intervention staff shall be suitably trained to carry out appropriate services.

Implementation, Dissemination and Monitoring

It shall be the responsibility of the Superintendent to implement the alcohol, tobacco, drugs and other substances Board policy by collaboration with school personnel, students, parents/guardians and the community at large.

Additionally, copies of Board policy shall be disseminated to District staff, parents/guardians and community members. The Superintendent shall biennially review the tobacco, drug and alcohol abuse prevention program to determine its effectiveness and support appropriate modifications, as needed.

Safe and Drug-Free Schools and Communities Act, as reauthorized by the No Child Left Behind Act of 2001

20 USC Section 7101 et seq.

Education Law Section 2801(1)

Penal Law Sections 70.70(2)(a)(i), 220.00(17) and 220.44(5)

Public Health Law 1399(o)

Vehicle and Traffic Law Section 142

8 NYCRR Section 409

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Students

SUBJECT: ALCOHOL, DRUGS AND OTHER SUBSTANCES (STUDENTS) (Cont'd.)

NOTE: Refer also to Policies #3280 -- Use of School Facilities, Materials and Equipment
#3410 -- Code of Conduct on School Property
#5640 -- Smoking/Tobacco Use
#8211 -- Prevention Instruction
District Code of Conduct

Adopted: 6/27/00
Revised: 8/8/06; 3/4/15

Students

SUBJECT: SEARCHES AND INTERROGATIONS OF STUDENTS

Students are protected by the Constitution from unreasonable searches and seizures. A student may be searched and contraband/prohibited items seized on school grounds or in a school building by an authorized School District official only when the School District official has reasonable suspicion to believe the student has engaged in or is engaging in proscribed activity which is in violation of the law and/or the rules of the school (i.e., the District *Code of Conduct*). The reasonableness of any search involves a twofold inquiry. School officials must first determine whether the action was justified at its inception, and second, determine whether the search, as actually conducted, was reasonably related in scope to the circumstances which justified the interference in the first place.

Factors to be considered in determining whether reasonable suspicion exists to search a student include:

- a) The age of the student;
- b) The student's school record and past history;
- c) The predominance and seriousness of the problem in the school where the search is directed;
- d) The probative value and reliability of the information used as a justification for the search;
- e) The school official's prior knowledge of and experience with the student; and
- f) The urgency to conduct the search without delay.

If reasonable suspicion exists to believe that a student has violated or is violating the law and/or school rules, it is permissible for an authorized school official to search that student's outer clothing, pockets, or property. The search may include, but is not limited to, the student's outer clothing such as a jacket or coat, pockets, backpack, and/or purse. Whenever possible, searches will be conducted by a staff member of the same sex as the student and, whenever possible, another staff member will be present as a witness.

Strip Searches

A strip search is a search that requires a student to remove any or all of his/her clothing, other than an outer coat or jacket. Strip searches are intrusive in nature and are almost never justified. If school officials have highly credible evidence that such a search would prevent danger or yield evidence, such a search may be conducted under exigent circumstances. In the alternative, if school authorities believe there is an emergency situation that could threaten the safety of others, the student shall, to the extent practicable, be isolated and secured. Police and parents will be contacted immediately.

(Continued)

SUBJECT: SEARCHES AND INTERROGATIONS OF STUDENTS (Cont'd.)**Searches and Seizure of School Property**

Student desks, lockers, textbooks, computers, and other materials, supplies or storage spaces loaned by the school to students remain the property of the school, and may be opened and inspected by school employees at any time. The purpose of these searches, when they occur, is to ensure the safety of students, faculty and staff, enhance school security and prevent disruptions of the learning environment. Searches have been proven to have a deterrent effect on student behavior. Students have no reasonable expectation of privacy with respect to school property; and school officials retain complete control over such property. This means that student desks, lockers, textbooks, computers, and other materials, supplies or storage spaces may be subject to search and/or seizure of contraband/prohibited items at any time by school officials, without prior notice to students and without their consent. However, a student's personal belongings contained within the locker, desk, etc. are subject to the reasonable suspicion standard for searches by an authorized school official.

Questioning of Students by School Officials

School officials have the right to question students regarding any violations of school rules and/or illegal activity. In general, administration may conduct investigations concerning reports of misconduct which may include, but are not limited to, questioning students, staff, parents/guardians, or other individuals as may be appropriate and, when necessary, determining disciplinary action in accordance with applicable due process rights.

Should the questioning of students by school officials focus on the actions of one particular student, the student will be questioned, if possible, in private by the appropriate school administrator. The student's parent/guardian may be contacted; the degree, if any, of parental/guardian involvement will vary depending upon the nature and the reason for questioning, and the necessity for further action which may occur as a result.

The questioning of students by school officials does not preclude subsequent questioning/interrogations by police authorities as otherwise permitted by law. Similarly, the questioning of students by school officials does not negate the right/responsibility of school officials to contact appropriate law enforcement agencies, as may be necessary, with regard to such statements given by students to school officials.

School officials acting alone and on their own authority, without the involvement of or on behalf of law enforcement officials (at least until after the questioning of students by school authorities has been conducted) are not required to give the so-called "Miranda warnings" (i.e., advising a person, prior to any custodial interrogations as defined in law, of the right to remain silent; that any statement made by the individual may be used as evidence against him/her; and that the individual has the right to the presence of an attorney, either retained or appointed) prior to the questioning of students.

(Continued)

Students

SUBJECT: SEARCHES AND INTERROGATIONS OF STUDENTS (Cont'd.)

If deemed appropriate and/or necessary, the Superintendent/designee may also review the circumstances with School District legal counsel so as to address concerns and the course of action, if any, which may pertain to and/or result from the questioning of students by school officials.

Law Enforcement Officials

It shall be the policy of the School District that a cooperative effort shall be maintained between the school administration and law enforcement agencies. Law enforcement officials may be summoned in order to conduct an investigation of alleged criminal conduct on school premises or during a school-sponsored activity, or to maintain the educational environment. They may also be summoned for the purpose of maintaining or restoring order when the presence of such officers is necessary to prevent injury to persons or property.

Administrators have the responsibility and the authority to determine when the assistance of law enforcement officers is necessary within their respective jurisdictions.

School Resource Officers

Districts may utilize School Resource Officers (SROs), law enforcement officers who work within the school building. There are different types of SROs: those employed by the District and those employed by local law enforcement. SROs, acting in their capacity as law enforcement, are held to a different search standard than School District staff. Searches by law enforcement SROs must be justified by probable cause, not the District's standard of reasonable suspicion. District staff need to clearly establish who is initiating and conducting a search, the District or law enforcement, and that the appropriate standard for such a search has been met.

Interrogation of Students by Law Enforcement Officials

If police are involved in the questioning of students on school premises, whether or not at the request of school authorities, it will be in accordance with applicable law and due process rights afforded students. Generally, police authorities may only interview students on school premises without the permission of the parent/guardian in situations where a warrant has been issued for the student's arrest (or removal). Police authorities may also question students for general investigations or general questions regarding crimes committed on school property. Generally, in all other situations, unless an immediate health or safety risk exists, if the police wish to speak to a student without a warrant they should take the matter up directly with the student's parent/guardian.

Whenever police wish to question a student on school premises, administration will attempt to notify the student's parent/guardian.

If possible, questioning of a student by police should take place in private and in the presence of the building principal/designee.

(Continued)

SUBJECT: SEARCHES AND INTERROGATIONS OF STUDENTS (Cont'd.)**Child Protective Services' Investigations**

From time to time, Child Protective Services may desire to conduct interviews of students on school property. Such interviews generally pertain to allegations of suspected child abuse and/or neglect. The Board encourages cooperation with Child Protective Services in accordance with applicable Social Services Law.

Education Law Sections 1604(9), 1604(30), 1709(2), 1709(33) and 2801
Family Court Act Section 1024
Social Services Law Sections 411-428
8 NYCRR Section 100.2(1)

Adopted: 6/27/00
Revised: 8/8/06; 2/9/10; 3/4/15

SUBJECT: SEARCH OF PROPERTY AND STUDENTS**Application of Policy**

Students are entitled to the guarantees of the fourth amendment, and they are subject to reasonable searches and seizures. School officials are empowered to conduct reasonable searches of students and school property when there is reasonable cause to believe that students may be in possession of drugs, weapons, alcohol and other materials ("contraband ") in violation of school policy or state law. Students who bring contraband on to school grounds may be searched in order to secure the school environment so learning can take place and to protect other students from any potentially harmful effects stemming from the contraband. School property shall remain under the control of school officials and shall be subject to search. The administration may utilize canines and metal detectors (magnetometers) as provided in the Administrative procedures.

Definitions

For purposes of policy and these administrative procedures, the following definitions are applicable.

"Contraband" is all substances or materials, the presence of which is prohibited by school policy or state law, including but not limited to, controlled substances, drugs, alcohol or alcohol beverages, abuseable glue or aerosol paint, guns , knives, weapons and incendiary devices.

"Reasonable cause" is the standard for a search on school property or at school related events which is based on the school official's specific reasonable inferences which he or she is entitled to draw from the facts in light of the school official's experience . Specific reasonable inferences may be drawn from instances including but not limited to, a tip from a reliable student, suspicious behavior which suggests that contraband is present, a smell indicating the presence of the contraband or a bulge in a pocket, etc. Reasonable cause should not be based on mere hunch.

School Property

Student lockers, desks and other such property are owned by the school. The school exercises control over the school property because school property is subject to search at any time by school officials. Students are responsible for whatever is contained in desks and lockers issued to them by the school.

Automobiles

Automobiles on school property are subject to search by a school official if a school official has reasonable cause to believe that contraband is in or on the automobile.

(Continued)

SUBJECT: SEARCH OF PROPERTY AND STUDENTS (Cont'd.)**The Person**

Students and their effects are subject to being searched by school officials if a school official has reasonable cause to believe that the student is in possession of contraband.

Suggested Procedures

If a school official has reasonable cause to believe that contraband is present he or she may institute a search. Although the following procedures for a search are suggested they are not mandated because the circumstances attendant to the need for each search may vary. The students should ordinarily be required to be present and asked to consent to the search. If after being informed of the basis for the school official's reason to search the student does not consent and the circumstances permit, the student's parent or guardian will not consent to the search, the school official may proceed with the search, contact security, or if necessary call law enforcement authorities. Ordinarily, and if circumstances permit, the search of a person or his or her effects should be conducted out of the presence of other students.

Use of Canines

The Administration is authorized to utilize canines whose reliability and accuracy for sniffing out contraband has been established to aid in the search for contraband in school owned property and automobiles parked on school property. Canines shall not be used to search students unless school officials have established independently that there is reasonable cause to believe the student possesses contraband on his or her person. The canines must be accompanied by a qualified and authorized trainer who will be responsible for the dog's actions. An indication by the dog that contraband is present on school property or an automobile shall be reasonable cause for a further search by school officials.

Use of Metal Detectors (Magnetometers)

Weapons of any nature on school property or at school functions are prohibited by school policy and state law. The presence of weapons is inherently dangerous to all persons in the school setting. When the administration has reasonable cause to believe that weapons are in the possession of unidentified students, when there has been a pattern of weapons found at school or when violence involving weapons has occurred at a school, the Administration is authorized to use stationary or mobile metal detectors.

Students

SUBJECT: BUS RULES AND REGULATIONS

The Ellicottville 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 the *Code of Conduct* and student agenda/handbook.

Bus drivers shall be held responsible for reasonable and acceptable behavior of students while riding the school bus. Students riding school buses are expected to conform to the rules of conduct in order to permit the bus driver to transport his/her passengers safely.

The Board of Education, the Superintendent and/or his/her designee has the authority to suspend the transportation privileges of children who are disorderly and insubordinate on buses. Generally, parent(s)/guardian(s) will be required to make alternative transportation arrangements for their children who have been suspended from riding the bus. However, the effect of a suspension from transportation on the student's ability to attend school will be considered. If a suspension from transportation effectively results in a suspension from attendance because of the distance between the home and the school and the absence of alternative public or private means of transportation, the District shall make appropriate arrangements to provide for the student's education.

If a student with a disability who receives transportation as a related service as part of his/her Individualized Education Program is being considered for suspension from transportation, and that suspension would effectively result in a change in placement, the student shall be referred to the Committee on Special Education.

The Board directs the administration to establish rules and regulations for student conduct on buses, including applicable due process rights to be afforded students suspended from transportation privileges. These rules and regulations shall be promulgated to all concerned, including the nonpublic schools to which students are transported.

Individuals With Disabilities Education Act (IDEA)
20 USC Sections 1400-1485
8 NYCRR Section 156

Adopted: 6/27/00
Revised: 8/8/06; 3/4/15

SUBJECT: CORPORAL PUNISHMENT/EMERGENCY INTERVENTIONS**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.

Whenever a school employee uses physical force against a student, the school employee shall immediately report the situation to his/her principal or supervisor. The principal or supervisor 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 Ellicottville 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.

Emergency Interventions

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.

Such emergency interventions shall only be used in situations where alternative procedures and methods not involving the use of reasonable physical force cannot reasonably be employed. Emergency interventions shall not be used as a punishment or as a substitute for systematic behavioral interventions that are designed to change, replace, modify or eliminate a targeted behavior.

Staff who may be called upon to implement emergency interventions will be provided appropriate training in safe and effective restraint procedures. The parent(s) of the student shall be notified whenever an emergency intervention is utilized.

The District will maintain documentation on the use of emergency interventions for each student including:

(Continued)

SUBJECT: CORPORAL PUNISHMENT/EMERGENCY INTERVENTIONS (Cont'd.)

- a) Name and date of birth of student;
- b) Setting and location of the incident;
- c) Name of staff or other persons involved;
- d) Description of the incident and emergency intervention used, including duration;
- e) A statement as to whether the student has a current behavioral intervention plan; and
- f) Details of any injuries sustained by the student or others, including staff, as a result of the incident.

This documentation will be reviewed by District supervisory personnel and, if necessary, by the school nurse or other medical personnel.

8 NYCRR Sections 19.5, 100.2(1)(3), 200.15(f)(1) and 200.22(d)

NOTE: Refer also to Policy #7313 -- Suspension of Students

Students

SUBJECT: WEAPONS IN SCHOOL AND THE GUN-FREE SCHOOLS ACT

With the exception of those students who receive prior written permission from the Board of Education or its designee, no student may bring in or possess any "firearm" or "weapon" on school property, on a school bus or District vehicle, in school buildings, or at school-sponsored activities or settings under the control or supervision of the District regardless of location. Any student who has been found guilty of bringing in or possessing a firearm or weapon in violation of this policy will be disciplined in a manner consistent with State and Federal law and the District's *Code of Conduct*. Such discipline may include a mandatory suspension for a period of not less than one calendar year for a student who is determined to have violated the Federal Gun-Free Schools Act and its implementing provisions in the New York State Education Law, provided that the Superintendent may modify the suspension requirement on a case-by-case basis.

Students who have brought a "weapon" or "firearm" to school will be referred by the Superintendent to either a presentment agency (the agency or authority responsible for presenting a juvenile delinquency proceeding) or to appropriate law enforcement officials. Such referrals will be made as follows: a student who is under the age of 16 and who is not a 14 or 15 year-old who qualifies for juvenile offender status under the Criminal Procedure Law will be referred to a presentment agency for juvenile delinquency proceedings; a student who is 16 years old or older, or who is 14 or 15 and qualifies for juvenile offender status, will be referred to the appropriate law enforcement authorities.

For the purposes of this policy, the term "weapon" will be as defined in 18 USC 930(g)(2).

For the purposes of this policy, the term "firearm" will be as defined in 18 USC 921(a).

Students with disabilities continue to be entitled to all rights enumerated in the Individuals with Disabilities Act and Education Law Article 89. This policy shall not be deemed to authorize suspension of students with disabilities in violation of those authorities.

This policy does not diminish the authority of the Board of Education to offer courses in instruction in the safe use of firearms pursuant to Education Law Section 809-a.

Gun-Free Schools Act as reauthorized by the No Child Left Behind Act of 2001
18 USC Sections 921(a) and 930
Criminal Procedure Law Section 1.20(42)
Education Law Sections 809-a and 3214

NOTE: Refer also to Policies #3411 -- Prohibition of Weapons on School Grounds
#7313 -- Suspension of Students
District Code of Conduct

Adopted: 6/24/14

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, they must sign into school by 9 a.m. and remain in attendance, following their regular schedule for the remainder of the day. This includes Fridays, in order to participate in weekend activities. Extenuating circumstances will require **PRIOR** administrative approval.

(Continued)

SUBJECT: EXTRACURRICULAR ACTIVITIES (Cont'd.)

- c) Students who actively participate in an ECS sponsored Extracurricular club/organization must realize that: the use and/or possession of alcohol, illegal drugs, paraphernalia for the use of illegal drugs, or any type of tobacco products; inappropriately using prescription or over-the-counter drugs; **or being in the presence** of a group and/or situation involving any of the preceding items will not be tolerated. Any student involved in an ECS sponsored Extracurricular club/organization found to be in violation of this rule will have continued participation (including degree of participation) determined by a review committee consisting of the following people: Principal, Student Council Advisor and ECS club/organization advisor(s). This review committee will follow the due process steps outlined in this policy. Consequences will be determined following established procedural guidelines found in the Ellicottville Central School Regulation Manual and can include removal from the club/organization. Students involved in ECS sponsored Extracurricular club(s)/organization(s) will be required to annually sign a contract stating they understand this clause of the "Extracurricular Activities" policy.

School property shall mean in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus as defined in Vehicle and Traffic Law Section 142. A school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state.

Equal Access Act, 20 USC Sections 4071-4074
Education Law Sections 1709 and 1709-a, 2503-a, 2554-a and 2801(1)
8 NYCRR Sections 172.1 and 172.2

Adopted: 6/27/00
Revised: 8/29/06; 8/26/14

2000

7411

Students

SUBJECT: CENSORSHIP OF SCHOOL-SPONSORED STUDENT PUBLICATIONS AND ACTIVITIES

The District may exercise editorial control over the style and content of student speech in school-sponsored publications and activities that are part of the educational curriculum.

Adopted: 6/27/00

Students

SUBJECT: ACADEMIC ELIGIBILITY

The Ellicottville Central School affirms its belief that:

- a) A student's academic progress is the primary reason for his/her attendance in school.
- b) All students need to be encouraged to work to their fullest potential at all times.
- c) Involvement and/or attendance at school-sponsored activities and functions are important aspects to the social development of all students.
- d) No student will be deprived of an opportunity to participate in extracurricular activities provided she/he is working and making academic progress.
- e) The school will continue to create connections to support and assist students who are struggling academically.

Starting with the third Monday in September, and continuing on a weekly basis through the end of the school year, students in grades 7 through 12 who have **two or more** class grades drop below 65% will be declared ineligible. A student declared ineligible may earn the privilege of continued participation for a short period of time, but will ultimately be declared ineligible for the remainder of a season if he/she does not achieve passing grades in a timely manner. Administrative regulations will outline items such as: the steps for determining a student's eligibility status, as well as parental notification, description of activities needed to maintain eligibility, etc. These regulations will be reviewed on an annual basis, at which time, updates may be made if necessary.

Adopted: 4/8/03

Revised: 6/1/04; 8/19/08; 8/30/11

2003

7413

Students

SUBJECT: CLASS/CLUB ORGANIZATIONS

The Board of Education acknowledges the importance of student participation in extracurricular activities as an educational experience. The hope is to educate our students to work in a group organization method with common goals both for school purposes and their future involvements in life.

The Board of Education will annually review and approve all class and club organizations. They have the right to dissolve the existence of any class or club organization that does not follow the established guidelines.

Adopted: 5/6/03

Students

SUBJECT: INTER-DISTRICT EXTRACURRICULAR ACTIVITIES

Ellicottville Central will strive to offer the students extracurricular activities that provide opportunities to explore their talents and interests, while enhancing the educational process through classroom learning. Due to the limited student body size, it is realized not all such activities can be offered at our campus. The District will consider providing access to alternate programs offered in bordering districts, if a minimum of three students for one specific activity/concurrent activities exist. The bordering district must be open to accepting Ellicottville Central students to participate.

Adopted: 1/23/07

SUBJECT: SPORTS AND THE ATHLETIC PROGRAM**Athletic Policy**

Participation in interscholastic athletics at Ellicottville Central School is to be considered a student privilege. This privilege may be revoked if a student is continuously being reported as academically deficient, or having violated any of the training rules.

Athletics are an integral part of a well-balanced educational program. Therefore, the Board supports within its resources a broad sports program with equal access for both males and females, with emphasis on maximum participation, through interscholastic and intramural activity. The District will comply with recommendations from the U.S. Department of Education's Office for Civil Rights (OCR) regarding Title IX equal opportunity for males and females in the District's total athletic program.

The interscholastic athletic program shall conform to the regulations of the Commissioner of Education as well as the established rules of the New York State Public High Schools Athletic Association and the State Education Department.

Eligibility for interscholastic athletic competition requires that the students:

- a) Provide written parental/guardian consent. A consent form for a student's participation in interscholastic sports must contain information regarding mild traumatic brain injuries (concussions) as specified in Commissioner's regulations;
- b) Pass satisfactorily the medical examination administered by the school physician/nurse practitioner/physician assistant or the student's personal physician. The school physician/nurse practitioner/physician assistant 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 he/she is suffering from an injury. The diagnosis of and prescription of treatment for injuries is strictly a medical matter and should under no circumstances be considered within the province of the coach. A coach's responsibility

(Continued)

SUBJECT: SPORTS AND THE ATHLETIC PROGRAM (Cont'd.)

is to see that injured players are given prompt and competent medical attention, and that all details of a doctor's instructions concerning the student's functioning as a team member are carried out. No student will be allowed to practice or compete if there is a question whether he/she is in adequate physical condition.

A physician's certificate may be required before an athlete is permitted to return to practice or competition.

Concussions

A student who has sustained or is believed to have sustained a mild traumatic brain injury (concussion) must be immediately removed from athletic activities. If there is any doubt, it shall be presumed that the student is so injured until proven otherwise. Before being permitted to return to athletic activity, a student must be symptom free for not less than 24 hours and have been evaluated by and received written and signed authorization from a licensed physician. Additionally, for extra class athletic activities, a student must have received clearance from the School District Medical Director to participate in such activity.

Athletic Program - Safety

The District will take reasonable steps to see that physical risks to students participating in the interscholastic athletic program shall be kept at a minimum by:

- a) Requiring medical examinations of participants;
- b) Obtaining appropriately certified and/or licensed staff to coach all varsity, junior varsity, and modified games, along with certified and/or licensed officials to referee all such competitions;
- c) Ensuring that equipment is both safe and operative within approved guidelines;
- d) Providing professional development and training opportunities for all coaching staff.

Title IX of the Education Amendments of 1972, 20 USC Section 1681 et seq.
45 Code of Federal Regulations Part 86
8 NYCRR Section 135 and 136

NOTE: Refer also to Policy #7522 -- Concussion Management

Adopted: 6/27/00
Revised: 2/8/05; 8/8/06; 2/9/10; 3/4/15

Students

SUBJECT: SPECIAL PROCEEDING TO DETERMINE THE PHYSICAL CAPACITY OF STUDENTS TO PARTICIPATE IN ATHLETIC PROGRAMS

Upon the District's determination that a student will not be permitted to participate in an athletic program by reason of a physical impairment based on a medical examination conducted by the school physician, the student may commence a special proceeding in State Supreme Court to enjoin the School District from prohibiting his/her participation. Such special proceeding may be brought in the county in which the student resides or in the county in which the School District is located.

The petition shall be a verified petition of the parent or guardian of the student and the petition shall also have annexed affidavits of at least two licensed physicians setting forth that, in their opinion, the student is physically capable of participating in an athletic program, that participation would be reasonably safe, and what, if any, special or preventive measures are needed to protect the student.

The court shall grant such petition if it is satisfied that it is in the best interest of the student to participate in an athletic program and that it is reasonably safe for him/her to do so. The District shall not be held liable for any injury sustained by a student granted such court order, *provided* that the injury is incurred during the student's actual participation in such court ordered athletic program and, further, that such injury is attributable to the physical impairment for which the court order was obtained.

Unless specifically prohibited by the court, an order granted pursuant to such special proceeding shall be considered valid and sufficient for subsequent years, *provided* that the student has not changed athletic programs and, further, that two licensed physicians set forth *current affidavits* that, in their opinion, the student's physical impairment has not changed since the time of the original court order.

In no event shall a successful petitioner be entitled to costs in any such special proceedings.

Further, the District shall not be responsible for providing or bearing the cost of any special or preventive measures or devices needed to protect the student *unless* such special or preventive measures or devices are contained in the student's Individualized Education Program (IEP) recommended by the Committee on Special Education and such student is determined to have a disability as defined in Education Law Section 4401.

In accordance with the applicable provision of Education Law, a *physically impaired child* eligible to commence such a special proceeding shall be defined as any child determined by the school physician as ineligible for participation in an athletic program on the basis of State Education Department Regulations, the American Medical Association Guide for Medical Evaluation for Candidates for School Sports, or by any standard established by the School District.

In accordance with the applicable provision of Education Law, an athletic program shall include intramural activities, interschool activities, extramural activities, and organized practice as defined pursuant to Commissioner's regulations.

(Continued)

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Students

SUBJECT: SPECIAL PROCEEDING TO DETERMINE THE PHYSICAL CAPACITY OF STUDENTS TO PARTICIPATE IN ATHLETIC PROGRAMS (Cont'd.)

Education Law Sections 3208-a, 4401 and 4402

8 NYCRR Sections 100.2(k), 135.1 and 200.2(b)(1)

Section 504 of the Rehabilitation Act of 1973, 29 USC Section 794 et seq.

The Americans With Disabilities Act, 42 USC Section 12101 et seq.

The Individuals With Disabilities Education Act, 20 USC Section 1400 et seq.

Adopted: 6/27/00

Students

SUBJECT: ATHLETIC AND EXTRACURRICULAR ACTIVITIES POLICY

Participation in interscholastic athletics and extracurricular activities at Ellicottville Central School is to be considered a student privilege. This privilege may be revoked if a student is continuously being reported as academically deficient, or having violated any of the training/participation rules.

WARNING: PARTICIPATION IN ANY ACTIVITIES MAY INVOLVE SOME RISK. PHYSICAL INJURY CAN OCCUR IN ANY TYPE OF ACTIVITY. WHEN PARTICIPATING IN A SCHOOL-SPONSORED EVENT, EACH STUDENT AS WELL AS PARENTS/GUARDIANS MUST ACKNOWLEDGE THE POTENTIAL RISK OF PERSONAL INJURY. THE SCHOOL CARRIES NON-DUPLICATING STUDENT-ACCIDENT INSURANCE (IF A FAMILY HAS HEALTH INSURANCE, IT IS THE PRIMARY INSURER).

- a) No athlete shall participate in any sport until he or she has attended a mandatory meeting with a parent or guardian. That meeting shall concentrate on the athletic and extracurricular activities policy and such other matters as should be brought to the attention of the athlete and parent/guardian. This meeting must be attended by athletic participants annually.

The meeting for senior athletes will not only be a refresher, but also provide post-grad content.

- b) Students in athletics and/or extracurricular activities will be required to submit a signed copy of the athletic and extracurricular activities code cover sheet acknowledging that they have read, understand and agree to the policy to the coach/advisor, and another shall be retained for home. Each coach/advisor will be responsible for collecting and retaining a signed copy of the policy cover sheet.

Parent consent and the acknowledgement of athletic and extracurricular activities policy agreement must be signed and turned in to the coach/advisor and filed with the athletic director or MS/HS principal before a student begins practice/participation.

- c) A student that wishes to be considered for participation in two sports during a concurrent season **MUST** make an appointment to discuss this request with the athletic director at least two weeks prior to the start of the season.
- d) Each participant will be expected to do the following:
1. Demonstrate good sportsmanship, win or lose, respect officials, no trash talking, or unsportsmanlike gestures. Any player ejected from a game/event by an official is ineligible for the next game/event. (sectional/state rule).
 2. Refrain from profanity or vulgar language.
 3. Treat ALL staff, coaches/advisors and administrators with respect.

(Continued)

SUBJECT: ATHLETIC AND EXTRACURRICULAR ACTIVITIES POLICY (Cont'd.)

4. Attend practice/meetings faithfully, and notify coaches/advisors for permission if you will not be in attendance (habitual absence may result in dismissal).
5. Get necessary rest.
6. Wear school equipment only when and where authorized by your coaches/advisors.
7. NOT to remove personal effects or athletic equipment from an opponent's/host's school or to intentionally damage facilities or equipment of our school or that of any opponent/host.
8. Travel will be to and away from road games/events in school transportation unless released by your coach/advisor. You will not be released to ride with anyone not approved by your parent/guardian in writing – and never to the care of a minor.
9. You will demonstrate a team attitude. Never destroy team unity by negative remarks about the coach/advisor, school, and staff. If you have a problem, go directly to the coach/advisor involved and ask to have your complaint heard.
10. You must realize that you represent the school, your team/activity, the community, and your family at all times.
11. The "**DO GOOD RULE**" is as follows: we cannot list all of the things that might require some form of discipline therefore participants must anticipate that any action of his or hers that reflect poorly on the team/activity, school or community perception of our program will result in discipline. Participants are measured by a higher standard than most students because of their visibility and prestige. Any actions that reflect negatively upon that image will be subject to discipline. The discipline may range from a reprimand to dismissal from the team/activity.
12. **FULFILL YOUR COMMITMENT** - It is expected every athlete/participant who commits to participate in a sport or extracurricular club/activity will make every reasonable attempt to complete the activity regardless of variables such as leading roles, playing time, or assigned roles such as JV/Varsity selection. Coaches/advisors who feel a participant has quit a sport or activity without good reason may request an athletic/extracurricular committee meeting to determine potential consequences. It is imperative that you discuss reasons with your coach/advisors and parents. Just quitting is not acceptable. If a meeting has been requested the participant will NOT be permitted to participate on any other sports team/activity regardless of sports season/activity or school year until a meeting is held. The meeting will include the student, parents, coach/advisor of the sports/activities involved, athletic director (for student athletes) and administration. The committee's decision can range from "the student is cleared to immediately return to sports/activities" to "student is not eligible to

(Continued)

SUBJECT: ATHLETIC AND EXTRACURRICULAR ACTIVITIES POLICY (Cont'd.)

participate on/in ECS sports teams/activities for a specified period of time." If the student and/or parent disagree with the committee's decision, they can make an appeal to the Superintendent within one week.

13. Any participant who quits or is removed from a team/extracurricular organization will be expected to turn in all uniforms and equipment the day he or she quits. Participants who lose or have their gear stolen will be responsible to pay the school the current replacement value of the item. A delay in returning equipment could result in pilfering. Report cards, school records and/or diploma may be withheld until payment is received. Coaches/Advisors must cooperate in checking equipment in at the time of the notification.
 14. **DISCIPLINE MEASURES** – range from a reprimand to team/activity discipline such as laps, benching for a quarter, a half, a game, attendance at activity, etc., to suspension or dismissal. No student will be recognized for post-season awards that is not in good standing.
- e) Health Examination (for Student Athletes) – a student who may engage in interschool athletic competition shall receive an adequate health examination by their own primary care provider (PCP) or the school's medical doctor. The health examination completed by the PCP must be approved by the school physician before the student can participate in a sports activity. A medical exam may be scheduled at any time during the school year and shall be valid for a period of 12 months.
- Unless the medical exam is conducted within 30 days of the start of a season, a health history update is required.
- Any pupil whose safe participation is in question as a result of a health history interview, or injury, or prolonged absence must be re-qualified first by their PCP then by the school physician prior to participation.
- f) To be able to practice and participate in athletic contests/activities, participants must sign into school by 9 a.m. and remain in attendance, following their regular schedule for the remainder of the day. This includes Fridays, in order to participate in weekend athletics/activities. Extenuating circumstances (i.e., college visits, medical appointments, family emergency, etc.) will require administrative approval.
- g) An in-school or out-of-school suspension denies the participants the privilege of participation on the actual day(s) of suspension. In addition:
1. Students suspended up to three days will sit out the next competition/activity upon return from the school suspension (per incident) UNLESS the student already missed one or more competitions/activities while on suspension.

(Continued)

Students

SUBJECT: ATHLETIC AND EXTRACURRICULAR ACTIVITIES POLICY (Cont'd.)

2. Students suspended four or more days will have continued participation (including degree of participation) determined by a review committee consisting of the following people: principal, athletic director (for student athletes) and coach/coaches/advisors. This review committee will follow the due process steps outlined in this policy. Consequences will be determined following established procedural guidelines found in the Ellicottville Central School Regulation Manual and can include removal from team sports/activities for a period of time.
- h) Coach's/Advisor's Prerogative: Each coach/advisor reserves the right to limit a student participation for behavior(s) that are inappropriate and/or detrimental to the team/activity. *Each coach/advisor reserves the right to limit a student's participation due to poor or lack of adequate academic performance in addition to any limitations imposed by any Academic Eligibility Policy that is effect at the time of participation.*
 - i) Students who participate in interscholastic athletics/extracurricular activities must realize that: the use and/or possession of alcohol, illegal drugs, paraphernalia for the use of illegal drugs, or any type of tobacco/vaping (including e-cigarettes) products; inappropriately using prescription or over-the-counter drugs; or being in the presence of a group and/or situation involving any of the preceding items will not be tolerated. Any participant found to be in violation of this rule will have continued participation (including degree of participation) determined by a review committee consisting of the following people: principal, athletic director (for student athletes) and coach/coaches/advisors. This review committee will follow the due process steps outlined in this policy. Consequences will be determined following established procedural guidelines found in the Ellicottville Central School Regulation Manual and can include removal from team sports/extracurricular activities for a period of time.
 - j) Participants under this policy officially charged with a crime by law-enforcement authorities will have continued participation (including degree of participation) determined by a review committee consisting of the following people: principal, athletic director (for student athletes) and coach/coaches/advisors. This review committee will follow the due process steps outlined in this policy. Consequences may range from sitting out part of a contest/activity to removal from all sports teams/activities until the entire legal process is complete and the charge is resolved. A guilty verdict for criminal charges will result in removal from team sports/extracurricular activities for a period of time, which will be determined by the review committee.

Due Process Procedures for Participants Under Policy

All dismissal actions will provide due process for the student.

- Step 1. Within 24 hours (or the next school day) the student will meet with the principal or another designated administrator to have the charge(s) explained. The student will have an opportunity to confirm or deny the charge.

(Continued)

Students

SUBJECT: ATHLETIC AND EXTRACURRICULAR ACTIVITIES POLICY (Cont'd.)

- Step 2. If an admission of guilt is made by the student the appropriate consequences will be administered.
- Step 3. If the student denies the charge(s) the principal will convene a meeting of the student, the parents/guardian, principal (or other administrator), the coach/advisor, the athletic director or his or her representative (for student athletes), and the guidance counselor. The hearing will provide the accused student an opportunity to explain his or her version of the accusation.
- Step 4. An appeal of that decision may be made to the Superintendent within two school days.

Enforcement by School Officials

School officials, including Board members, the athletic director (for student athletes), coaches/advisors, and administrators who observe student/athlete violations, which occur on the school's campus, or within the ECS "Drug-Free School Zone" or happen to observe violations off campus, have an obligation to enforce this policy. Also, teachers who observe violations by students covered by this policy, which occur on the school's campus or within the ECS "Drug-Free School Zone", or happen to observe violations off campus, should report their observations to coaches/advisors or administrators. The student has a right to due process.

- a) All those in attendance at athletic events/extracurricular activities are reminded that the campus is a "drug-free school zone". Any violators will be asked to cease these actions or leave the premises.
- b) This policy shall be reviewed/revised annually by the School Board's Athletic and Performing Arts Committee, ECS administrators, coaches, advisors, students and approved by the Board of Education.

The athletic and extracurricular activities policy is in effect for any participant at the beginning date of the sports/extracurricular activity season and continues through until the end of the season including playoff games, competitions, performances, etc. as determined by official sectional dates and/or the District.

The coach/advisor of each sport/activity will inform participants of the official start date of each sport/activity.

Any participant who asks to participate after the official starting date will only be allowed to do so if he or she has not violated the policy from the beginning of the date.

Adopted: 6/12/01

Revised: 9/3/02, 7/28/04, 6/7/05, 6/13/06, 9/10/07, 7/10/07, 7/22/08, 7/29/09, 8/27/13, 6/2/15, 8/9/16,
8/27/19

SUBJECT: GUIDELINES FOR FITNESS ROOM**Philosophy**

Ellicottville Central School wishes to promote a complete physical fitness program for the entire student body to initiate a life-long habit of exercise as part of each of their lives. This would include educating the students to regular exercise in all aspects, so as to promote cardiovascular fitness, strength, flexibility, and mental well-being and to reduce the risk of injuries and disease processes.

Goals

- a) Safety in all aspects of exercise by providing adequate education in operation and use of equipment, exercise warm-up and cool down, and technique for proper exercise.
- b) Availability of area for use during in session school days, supervised by approved personnel for students grades 7 - 12 and staff.
- c) Priority for usage of the Fitness Room will be given to the student body, and athletic teams will be able to schedule set times for use to accommodate training dates with game dates or other portions of their pre-season training.
- d) Availability of area for set training sessions two times per year.
- e) Education of the student population regarding the importance of regular exercise and all its benefits.

Guidelines

- a) Assure all supervising personnel have knowledge and training regarding all equipment operation and use with the ability to implement and guide others in the concepts and techniques for cardiovascular, flexibility, plyometric, and weight lifting exercise.
- b) Safety for the fitness room is maintained by having a minimum of three individuals within the area at any given time, with at least one individual being an approved faculty or staff member.
- c) A sign-in and sign-out sheet for each exercise session.
- d) Curtailing of the privilege of fitness room use for reported misuse or damage
- e) Return of all equipment to peruse status, to maintain a safe environment.
- f) Follow established protocols for exercise as set forth by the Athletic Director.
- g) Utilize protective equipment as directed.

(Continued)

SUBJECT: GUIDELINES FOR FITNESS ROOM (Cont'd.)**Safety in the Fitness Facility**

- a) Do not lift before warming up-stretch and light weight.
- b) Do not perform any lift that has not been taught to you.
- c) Younger lifters must use low amounts of weight and do more repetitions.
- d) Do not lift without spotters when using free weight.
- e) Do not lift until you are clear - do not interfere with another lifter or lift if you're being interfered with, check your environment.
- f) Do not leave plates on the floor where someone may trip on them.
- g) Strip all bars and store all weight after use.
- h) Protect yourself by using good form, belts, and collars.
- i) Spotters must not be distracted - they have an important role to play in safe lifting. When using free weight there must be two spotters.
- j) Encourage each other.
- k) A three times a week procedure is heavy one day - light supplemental lifts the next session - heavy again. The idea is to have time to heal after heavy lifting. A good stretch before, and a running program after is a must.
- l) Report any misuse or damage immediately so that equipment that is unsafe is not used.
- m) Sign in on the clipboard, so that we can monitor use.
- n) Students must have an adult responsible for their session.

SUBJECT: COMBINING OF SPORTS ON AN INDIVIDUAL BASIS**Requests for ECS students to participate on a non-ECS team:**

Ellicottville Central School offers a wide spectrum of interscholastic opportunities to students, yet, at the same time it realizes that there are sports that students are interested in that are simply not offered at or through the District. In such cases, students may ask to participate on another school's team, provided that the administration at each district approves such participation. This "combining" can be a lengthy and complicated process. In light of this the following has been set forth as the process and rules for a student/student(s) asking to combine with another school.

Process:

- a) The student will request in writing that she/he be allowed to participate in said sport for the upcoming season. ECS will have a form for this request. This request needs to be submitted to the ECS Athletic Director in conjunction with Section VI timelines.
 - 1) A request for a fall sport must be submitted by the November preceding the season.
 - 2) A request for a winter sport must be submitted by the March preceding the season.
 - 3) A request for a spring sport must be submitted by the June preceding the season.
- b) The Athletic Director will first consult with ECS Administration and, if approved, will search for a school that will accept the student(s) athlete(s).
- c) Neighboring school districts will be contacted in the following order:
 - 1) Districts with a common border to ECS
 - (a) Preference given to districts where we have a successful history of combining
 - 2) Districts within a 25 mile radius of ECS
 - (a) Preference given to districts where we have a successful history of combining
 - 3) Districts that are outside of a 25 mile radius of ECS will not be considered
- d) ECS Administration will make the final determination of which school to combine with in the event more than one district offers the sport being requested. If no district is interested the process is stopped.
- e) Once an agreement is reached between ECS and the district where the sport is offered, the Athletic Director will ensure that the proper paperwork is submitted to both Chautauqua-Cattaraugus Athletic Association (CCAA) Executive Committee and Section VI.

(Continued)

Students

SUBJECT: COMBINING OF SPORTS ON AN INDIVIDUAL BASIS (Cont'd.)

- f) ECS will abide by the determination of the CCAA Executive Committee and Section VI.

In general, athletes making this request understand that the District will NOT provide transportation to and from the neighboring school of practice/competition. However, in the event that five (5) or more student athletes sign up for and actually participate in a sport in a district that shares a common border with ECS, the District will consider transporting the students. Providing transportation is contingent upon the availability of District vehicles and drivers. Additional vehicles will not be purchased/leased to provide this transportation. In the event that two (2) or more out of district sports have five (5) or more student athletes and the District cannot provide transportation for both, Administration will make the final determination as to which sport will receive the transportation. Items taken into consideration when making this decision include (but are not limited to): total number of athletes in each sport, years previously played in the sport, years of participation with a particular school, etc.

Prior to the start of the season each student athlete competing for another school and his/her parents will sign a contract that will be reviewed and, if necessary, updated annually by the District Athletic Committee. This contract will specify the conditions under which District provided transportation may be initiated, when it may be cancelled (i.e. the number of participants drops below five (5)), and the fact that the student athlete will continue to fall under the ECS Academic Eligibility Guidelines.

Requests for Non-ECS students to participate on an ECS team:

On occasion, a student from a neighboring school may request to participate **on a team at ECS ONLY if it is not offered at her/his school of attendance.** These requests will be considered **only if** they come to ECS by that school's Athletic Director or an administrator from the school.

Process:

- a) Students from neighboring school districts will **only** be considered if they are within a 25 mile radius of ECS. **Students from districts that are outside of a 25 mile radius of ECS will not be considered** (exception: Students that participated in a sport at ECS previous to the adoption of this policy will be allowed to continue.) ECS will not consider requests from students enrolled in private schools or home schooled students.
- b) The Athletic Director from the neighboring ("sending") school will submit a request for a student to participate to the ECS Athletic Director in conjunction with Section VI timelines.
- 1) A request for a fall sport must be submitted by the November preceding the season.
 - 2) A request for a winter sport must be submitted by the March preceding the season.

(Continued)

SUBJECT: COMBINING OF SPORTS ON AN INDIVIDUAL BASIS (Cont'd.)

- 3) A request for a spring sport must be submitted by the June preceding the season
- c) The Athletic Director will then consult with ECS Administration and, if approved, will move forward with the process. ECS Administration always retains the right to say "No" to such requests.
- d) Once an agreement is reached between ECS and the sending district, the Athletic Directors will ensure that the proper paperwork is submitted to both CCAA Executive Committee and Section VI.
- e) ECS will abide by the determinations of the CCAA Executive Committee and Section VI.

Other than traveling **from ECS** for team practices at a different facility (i.e. the entire team practicing at another school for a day) or competitions, ECS will not provide transportation for the students from sending districts.

The policy pertains **only** to recognized and sanctioned Section VI sports. It does not pertain to other extracurricular activities or clubs.

This policy does not pertain to sports where an entire team from ECS formally combines with another entire team from another school.

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 Ellicottville Central School District and shall apply the same and/or their interest and proceeds according to the instruction of the donors and according to the procedures established by the administration.

Education Law Section 1709(12-a)

Adopted: 6/27/00

Students

SUBJECT: STUDENT MEMBERSHIP IN THE NATIONAL HONOR SOCIETY

Selection of students to the National Honor Society (NHS) is a privilege, not a right. Students do not apply for membership in the National Honor Society; instead, they provide information to be used by the local selection committee (i.e., the Faculty Council) to support their candidacy for membership. The building principal shall annually appoint a member of the faculty as chapter adviser, who may serve consecutive terms. The chapter adviser shall be an ex-officio, non-voting, sixth member of the Faculty Council. The Faculty Council shall consist of five voting faculty members appointed annually by the principal. No principal or assistant principal may be included on the Faculty Council. The term of the Faculty Council shall be one year. The Faculty Council may be appointed to consecutive terms. The Faculty Council shall meet at least once a year to review the procedures of the chapter, to select members and to consider non-selection, dismissal, other disciplinary actions, and warning cases. The Faculty Council will develop and revise, when necessary, all chapter procedures for selection, disciplining, and dismissal of members, all of which must remain in compliance with the national guidelines.

Membership to the NHS is granted only to those students selected by the Faculty Council in each school and is based on outstanding scholarship (which must meet or may exceed national guidelines as determined by the Faculty Council), leadership, service, and character. The National Honor Society is more than just an honor roll, and the extent to which the local chapter emphasizes the components of the selection process enumerated above should be carefully included in the selection process guidelines. The selection of each member to the chapter shall be by a majority vote of the Faculty Council. Once selected, members have the responsibility to continue to demonstrate these qualities.

The selection process must be public information, available to parents, students, and faculty upon request. It may be published in student handbooks, the school newspaper, in parent newsletters, or some other publication that is widely available to students and parents and, in addition, should be shared at orientation programs for new students. Proper dissemination of information about the local chapter, particularly details concerning the selection process used at the school, will help prevent problems with students or parents who may wish to question the process. However, whatever procedure is followed by the selection committee, it must be fair, non-discriminatory, consistently applied, and written for public dissemination.

The principal shall reserve the right to approve all activities and decisions of the chapter; and he/she shall receive appeals in cases of non-selection of candidates, and the disciplining or dismissal of members. The National Council and the National Association of Secondary School Principals shall not consider appeals of the Faculty Council's decision regarding selection of individual members to local chapters.

Students

SUBJECT: MUSICAL INSTRUMENTS

- a) All instrumental music students shall be expected to own or rent their instrument.
- b) Students and parents/guardians will assume responsibility for proper care of school owned instruments and will pay damages to the same. Instruments rented from the District are on an annual basis.
- c) The District Music Instrument rental form will establish rates and care guidelines. Rental forms will require student and parent/guardian signatures. The student/family will be provided a copy of the rental form.
- d) The District will only transport in its vehicles those instruments meeting certain standards as indicated in the New York State Department of Transportation Regulations.

New York State Department of Transportation Regulations Section 720.22

Students

SUBJECT: FUND RAISING BY STUDENTS

Fund raising projects in which students sell merchandise, provide services, or in other ways solicit money for school activities may be sponsored by school organizations with the express approval of the building principal. Any such plan shall have a clearly defined purpose and, in general, shall contribute to the educational experience of students and shall not conflict with instructional programs or state mandates. Fund raising activities away from school property shall be held to a minimum. All participation shall be voluntary.

Door to door sales projects undertaken by any organization using the Ellicottville Central School name shall require previous approval of the Administration. Profits shall be used to enhance school programs by providing money for expenditures not normally funded by the District.

Employees are cautioned against giving the impression to students that the purpose of selling items or paying a fee is to defray a portion of the District's educational program. At no time should a student's participation in an educational activity include such sales or fees. These activities may jeopardize a student's right to participate in the educational program on a tuition and/or fee-free basis. Further, employees engaged in such activities may be held personally liable. In addition, it is imperative that employees not deposit the proceeds of any legitimate sales activity in their own personal accounts.

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

NOTE: Refer to Policy #3271 -- Solicitation of Charitable Donations from School Children

Adopted: 6/27/00
Revised: 3/5/02; 9/25/07

Students

SUBJECT: CONSTITUTIONALLY PROTECTED PRAYER IN THE PUBLIC SCHOOLS

The Board of Education affirms in writing to the NYS Education Department, the responsibilities of the School District, consistent with applicable statutory/case law pertaining to the First Amendment of the United States Constitution, to allow students and staff to engage in constitutionally protected prayer within the District schools.

Accordingly, no Board of Education policy shall prevent, or otherwise deny participation in, constitutionally protected prayer in District schools, consistent with federal law.

The Board rescinds any other policy that may be inconsistent with the mandates of this policy, which shall supersede any and all Board policies to the contrary.

Section 9524 of the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001
United States Constitution, First Amendment Equal Access Act, 20 USC Sections 4071-4074

Adopted: 3/18/03
Revised: 11/17/15

Students

SUBJECT: EMPLOYMENT OF STUDENTS OF MINOR AGE

A minor's work hours shall be in accordance with all applicable federal and state laws and regulations as well as requirements established by the School District.

Pursuant to Education Law, minors may be employed when attendance upon instruction is not required, provided they obtain a valid employment certificate or permit (if applicable); and provided such employment is not prohibited by and/or in violation of the Labor Law or other law.

Minors may not work during the hours they are required to attend school unless otherwise authorized pursuant to law and/or regulation.

However, students at least 14 years of age may be employed during the school lunch period in their school's cafeteria if the minor presents a valid employment certificate issued in accordance with Education Law.

Students 16 and 17 years of age may work when school is in session until 10 p.m. on any day preceding a school day. However, students 16 and 17 years of age may work between 10 p.m. and midnight on any day preceding a school day provided the employer receives and maintains both the written consent of the student's parent/guardian and a certificate from the student's school at the end of each marking period which asserts that the student is in satisfactory academic standing according to the standards established by the School District.

Students 16 and 17 years of age may work between 10 p.m. and midnight on any day preceding a non-school day provided the employer receives and maintains the written consent of the parent/guardian.

Before issuing a certificate of satisfactory academic standing, the District shall ensure that students and their parents/guardians are afforded all legal rights and protections, including the right of consent, in complying with requests for disclosure of student records and information from such records under the federal Family Educational Rights and Privacy Act.

Fair Labor Standards Act of 1938 (FLSA), as amended
29 USC Section 201 et seq.
29 CFR Parts 570-580
Family Educational Rights and Privacy Act of 1974 (FERPA)
20 USC Section 1232(g)
34 CFR Part 99
Education Law Article 65
Labor Law Articles 4 and 4-A
Arts and Cultural Affairs Law Article 35
8 NYCRR Sections 141.8 and 141.9 and Part 190

Adopted: 11/14/06

Students

SUBJECT: SCHOOL HEALTH SERVICES

All districts must provide and maintain a continuous program of health services which includes, but is not limited to:

- a) Providing medical examinations, dental inspection and/or screening, scoliosis screening, vision screening and audiometer tests, designed to determine the health status of the student;
- b) Informing parents or other persons in parental relation to the student, pupils and teachers of the individual student's health condition subject to federal and state confidentiality laws. The District will provide this notice in writing if the District becomes aware that the student has defective sight or hearing or a physical disability, including sickle cell anemia, or other condition which may require professional attention with regard to health;
- c) Where the exigencies warrant (where the parents/persons in parental relation are unable or unwilling to provide the necessary relief and treatment), providing relief in situations where the student would otherwise be deprived of the full benefit of education through inability to follow the instruction offered;
- d) Guiding parents, students and teachers in procedures for preventing and correcting defects and diseases and for the general improvement of the health of students;
- e) Instructing school personnel in procedures to take in case of accident or illness;
- f) Maintaining a program of education to inform school personnel, parents, non-school health agencies, welfare agencies and the general public regarding school health conditions, services and factors relating to the health of students;
- g) Providing inspections and supervision of the health and safety aspects of the school plant;
- h) Providing health examinations before participation in strenuous physical activity and periodically throughout the season as necessary;
- i) Providing health examinations necessary for the issuance of employment certificates, vacation work permits, newspaper carrier certificates and street trades badges; and
- j) Surveying and making necessary recommendations concerning the health and safety aspects of school facilities and the provision of health information.

Students

SUBJECT: IMMUNIZATION OF STUDENTS

Every child entering or attending a District school must present proof of immunization in accordance with Section 2164 of Public Health Law unless:

- a) A New York State licensed physician certifies that such immunization may be detrimental to the child's health; or
- b) The student's parent, parents, or persons in parental relation hold genuine and sincere religious beliefs which are contrary to the requirement. In such cases, the building principal will make a case-by-case determination whether a parent/guardian is entitled to invoke this religious exemption from required immunizations after receiving a written and signed statement from the parent(s) or persons in parental relation to such child.

Except for the above two exemptions, the District may not permit a student lacking evidence of immunization to remain in school for more than 14 days, or more than 30 days for an out-of-state or out-of-country transferee who can show a good faith effort to get the necessary certification or other evidence of immunization.

For homeless children, the enrolling school must immediately refer the parent or guardian of the student to the District's homeless liaison, who must assist them in obtaining the necessary immunizations, or immunization or medical records.

The administration will notify the local health authority of the name and address of excluded students and provide the parent/person in parental relation a statement of his/her duty regarding immunization as well as a consent form prescribed by the Commissioner of Health. The school shall cooperate with the local health authorities to provide a time and place for the immunization of these students.

Parents, guardians or other persons in parental relation may appeal to the Commissioner of Education if their child is denied school entrance or attendance for failing to meet health immunization standards.

The District will provide an annual summary of compliance with immunization requirements to the Commissioner of Health.

For current information regarding immunization requirements, refer to website:
<http://schoolhealthservicesny.com>

For advice on specialized immunization questions, contact the regional New York State Department of Health (NYSDOH) office directly. A complete listing of regional offices can be found on the following website:

http://www.health.ny.gov/professionals/diseases/reporting/communicable/infection/regional_epi_staff.htm

(Continued)

SUBJECT: IMMUNIZATION OF STUDENTS (Cont'd.)

All schools will post educational information on influenza and the benefits of influenza immunization. The information must be in plain view and available to parents. Schools can obtain the information to post at:

http://www.nyhealth.gov/prevention/immunization/childhood_and_adolescent.htm

Education Law Sections 310 and 914
Public Health Law Section 2164
8 NYCRR Part 136
10 NYCRR Subpart 66-1

NOTE: Refer also to Policy #7131 -- Education of Homeless Children and Youth

Adopted: 6/27/00
Revised: 2/8/05; 8/8/06; 9/25/07; 11/18/14

SUBJECT: STUDENT PHYSICALS**Health Examination**

Each student enrolled in District schools must have a satisfactory health examination conducted by the student's physician, physician assistant or nurse practitioner within 12 months prior to the commencement of the school year of:

- a) The student's entrance in a District school at any grade level;
- b) Entrance to prekindergarten or kindergarten;
- c) Entry into 2nd, 4th, 7th and 10th grades.

The District may also require an examination and health history of a student when it is determined by the District that it would promote the educational interests of the student.

In addition, the District requires a certificate of physical fitness for:

- a) All student athletes - A complete physical exam which is signed by a licensed practitioner is required before any participation, including practices, are allowed. The results of the physical are valid for a period of 12 months through the last day of the month in which the physical was conducted, unless there is a change in the student's health status following the physical exam. If there is a change in the student's health status, then a clearance signed by a licensed practitioner is required;
- b) All students who need work permits; and
- c) All students either suspected of or sustaining a mild traumatic brain injury (concussion) must receive a written and signed authorization from a licensed physician before returning to athletic activities in school. The school's Medical Director will provide final medical clearance for a return to learn or return to play protocol.

Health Certificate

Each student must submit a health certificate attesting to the health examination within 30 days after his/her entrance into school and within 30 days after his/her entry into the 2nd, 4th, 7th and 10th grades. The health certificate shall be filed in the student's cumulative record. The health certificate must:

- a) Describe the condition of the student when the examination was given;
- b) State the results of any test conducted on the student for sickle cell anemia;

(Continued)

Students

SUBJECT: STUDENT PHYSICALS (Cont'd.)

- c) State whether the student is in a fit condition of health to permit his/her attendance at public school and, where applicable, whether the student has defective sight or hearing, or any other physical disability which may tend to prevent the student from receiving the full benefit of school work or from receiving the best educational results, or which may require a modification of such work to prevent injury to the student;
- d) Include a calculation of the student's body mass index (BMI) and weight status category. BMI is computed as the weight in kilograms divided by the square of height in meters or the weight in pounds divided by the square of height in inches multiplied by a conversion factor of 703. Weight status categories for children and adolescents shall be defined by the Commissioner of Health. BMI collection is mandatory, effective September 2008. Reporting is random, with districts chosen by the NYS Department of Health. Selected districts must report BMI results on-line using DOH's Health Provider Network (HPN), a secure website;
- e) Be signed by a duly licensed physician, physician assistant, or nurse practitioner, who is authorized by law to practice in New York State consistent with any applicable written practice agreement; or authorized to practice in the jurisdiction in which the examination was given, provided that the Commissioner of Health has determined that such jurisdiction has standards of licensure and practice comparable to those of New York. A certificate signed by a chiropractor is not acceptable except for a scoliosis evaluation.

Dental Certificate

The dental certificate law became effective on September 1, 2008. This law applies to new entrants in PreK, K, Grades 2, 4, 7 and 10. In accordance with this law, a notice of request for a dental health certificate shall be distributed at the same time that the parent/person in parental relation is notified of health examination requirements, such certificate to be furnished at the same time the health certificate is required. At this time, students will be permitted to attend school regardless of whether or not they have a dental certificate.

The dental certificate shall be signed by a duly licensed dentist, or a registered dental hygienist, authorized by law to practice in New York State or one who is authorized to practice in the jurisdiction in which the assessment was performed, provided that the Commissioner has determined that the jurisdiction has standards of licensure and practice comparable to New York State. The certificate shall describe the dental health condition of the student upon assessment, which shall not be more than 12 months prior to the commencement of the school year in which the assessment is requested, and shall state whether the student is in fit condition of dental health to permit his/her attendance at the public schools.

(Continued)

Students

SUBJECT: STUDENT PHYSICALS (Cont'd.)

Requests are not to be retroactive (i.e., any physical requested prior to September 1, 2008 does not need to have an additional notice sent requesting the dental certificate). Requests are not required when the student or parent/person in parental relation objects on the grounds of conflict with their genuine and sincere religious beliefs. Within 30 days following the student's entrance in the school or grade, the certificate, if obtained, shall be filed in the student's cumulative health record.

Examination by Health Appraisal

The principal or the principal's designee will send a notice to the parents of, or person in parental relationship to, any student who does not present a health certificate, that if the required health certificate is not furnished within 30 days from the date of such notice, an examination by health appraisal will be made of such student by the Director of School Health Services.

The Director of School Health Services shall cause such students to be separately and carefully examined and tested to ascertain whether any such student has defective sight or hearing, or any other physical disability which may tend to prevent the student from receiving the full benefit of school work or from receiving the best educational results, or which may require a modification of such work to prevent injury to the student.

The physician, physician assistant or nurse practitioner administering such examination shall determine whether a one-time test for sickle cell anemia is necessary or desirable and, if so determined, shall conduct such test and include the results in the health certificate.

Unless otherwise prohibited by law, if it is ascertained that any students have defective sight or hearing, or a physical disability, or other condition including sickle cell anemia which may require professional attention with regard to health, the principal or principal's designee shall notify in writing, the student's parents or persons in parental relation as to the existence of such disability. If the parent, or persons in parental relation are unable or unwilling to provide the necessary relief and treatment for such students, such fact shall be reported by the principal or principal's designee to the Director of School Health Services, who then has the duty to provide relief for such students.

Health Screenings

The District will provide:

- a) Scoliosis screening at least once each school year for all students in grades 5 through 9. The positive results of any such screening examinations for the presence of scoliosis shall be provided in writing to the student's parent or person in parental relation within 90 days after such finding;

(Continued)

Students

SUBJECT: STUDENT PHYSICALS (Cont'd.)

- b) Vision screening to all students who enroll in school including at a minimum color perception, distance acuity and near vision within six months of admission to the school. In addition, all students shall be screened for distance acuity in grades kindergarten, 1, 2, 3, 5, 7 and 10 and at any other time deemed necessary. The results of all such vision screening examinations shall be provided in writing to the student's parent or person in parental relation and to any teacher of the student. The vision report will be kept in a permanent file of the school for at least as long as the minimum retention period for such records. The Education Law further requires that the test results be kept in the student's cumulative health record and be made available to the student's parents or persons in parental relation and teachers;
- c) Hearing screening to all students within six months of admission to the school and in grades kindergarten, 1, 3, 5, 7 and 10, as well as at any other time deemed necessary. Screening shall include, but not be limited to, pure tone and threshold air conduction screening. The results of any such hearing tests shall be provided in writing to the student's parent or person in parental relation and to any teacher of the student. When a student has failed a hearing screening, necessitating a medical referral, the parent/guardian should be notified by telephone communication and/or written form.

The results of all health screenings (dental, hearing, vision and scoliosis) shall be recorded on appropriate forms, include appropriate recommendations, and be kept on file in the school. The health records of individual students will be kept confidential in accordance with the federal Family Educational Rights and Privacy Act (FERPA) and any other applicable federal and State laws.

Accommodation for Religious Beliefs

No health examinations, health history, examinations for health appraisal, screening examinations for sickle cell anemia and/or other health screenings shall be required where a student or the parent or person in parental relation to such student objects thereto on the grounds that such examinations, health history and/or screenings conflict with their genuine and sincere religious beliefs. A written and signed statement from the student or the student's parent or person in parental relation that such person holds such beliefs shall be submitted to the principal or principal's designee, in which case the principal or principal's designee may require supporting documents.

Homeless Students

For homeless children, the enrolling school must immediately refer the parent or guardian of the student to the District's homeless liaison, who must assist them in obtaining the necessary medical records.

(Continued)

SUBJECT: STUDENT PHYSICALS (Cont'd.)

Family Educational Rights and Privacy Act of 1974 (FERPA)
20 USC Section 1232(g)
Education Law Sections 901-905, 912 and 3217
8 NYCRR Parts 135 and 136

NOTE: Refer also to Policies #5690 -- Exposure Control Program
#5691 -- Communicable Diseases
#5692 -- Human Immunodeficiency Virus (HIV) Related Illnesses
#7121 -- Diagnostic Screening of Students
#7133 -- Education of Homeless Children and Youth
#7511 -- Immunization of Students
#7522 -- Concussion Management

Adopted: 6/27/00

Revised: 2/8/05; 8/8/06; 9/25/07; 2/9/10; 5/21/13; 11/18/14

Students

SUBJECT: ADMINISTRATION OF MEDICATION

The school's registered professional nurse may administer medication to a student during school hours under certain conditions. (For the purpose of this policy "medication" includes prescription and non-prescription). Medications administered to or taken by students, must only be those medications that must be administered or taken during school hours- inclusive of district transportation, or at school-sponsored events. Per New York State Education Department (NYSED) requirements, the school must receive the following before medication is given to a student:

- a) The original written order from the student's provider stating the date order is written, student's name and date of birth, name of the medication, precise dosage, route, frequency and time of administration. The order must be signed by the provider (including electronic signatures) – not by a member of the staff;
- b) A written, signed consent from the student's parent or legal guardian requesting the administration of the medication, as prescribed by the provider, to the student in school; and
- c) The medication, properly labeled in its original container, must be delivered to the School Health Office by the student's parent or legal guardian. (The term "properly labeled" in the context of this policy means that the container must include the following information: the student's name, name of medication, dosage, frequency and prescribing physician.) A student is not permitted to carry any medication on his or her person in school, or on the school bus, or keep any medication in his or her school locker(s). An exception to this policy may apply for a student's asthma inhaler, insulin, or Epinephrine auto-injector which a student may carry and use under certain conditions.

All medication orders must be reviewed annually or whenever there is a change in dosage.

Procedures governing the School District's receipt, storage and disposal of medication, as well as those pertaining to the administration of medication to a student after school hours and/or off school grounds during a school-sponsored activity will be in accordance with NYSED guidelines.

Unlicensed Personnel Administration for Emergency Medication

The administration of emergency medication (injectable Epinephrine auto-injectors to a student for extreme hypersensitivity, intranasal and/or intramuscular Narcan for opioid overdose, or oral Glucagon to a student for extreme hypoglycemia, may be performed by a school staff member responding to an emergency situation when such use has been prescribed by a licensed prescriber. However, a registered professional nurse/nurse practitioner/physician/physician's assistant must have trained the staff member to administer the emergency medication for that particular emergency situation (e.g., Epinephrine auto-injector or glucagon) and given him or her approval to assist the student in the event of an emergency anaphylactic reaction, or emergency hypoglycemic incident. Such a response would fall under the Good Samaritan exemption for rendering emergency care during a life threatening situation.

(Continued)

SUBJECT: ADMINISTRATION OF MEDICATION (Cont'd.)**Students with Rescue Medications**

Students who require rescue medications for respiratory conditions, allergies, or diabetes must be permitted to self-carry and self-administer their medications if they have:

- a) A provider order for such which must attest that the provider has determined the student is able to self-administer their own medication effectively.
- b) Written parent or guardian consent for the student to self-carry and self-administer that medication.

If a student is self-carrying and self-administering their medication, the medication administration is not documented by the school and the parent or guardian assumes responsibility for ensuring their child is taking the medication as ordered.

Upon written request of the student's parent or legal guardian, the school must allow a student to maintain an extra rescue medication in the care and custody of the school's registered professional nurse. (A School District is **not required** to hire a registered professional nurse solely for the purpose of maintaining a spare inhaler or to ensure that a registered professional nurse is available at all times in a school building for such purpose.)

Students who self-administer medication without proper authorization, under any circumstances, will be referred for counseling by school nursing personnel. Additionally, school administration and parents will be notified of such unauthorized use of medication by the student, and school administration may also be involved in determining the proper resolution of such student behavior.

Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446 Section 614(a)]
Individuals with Disabilities Education Act (IDEA), 20 USC Sections 1400 et seq.
Section 504 of the Rehabilitation Act of 1973, 29 USC Section 794 et seq.
Education Law Sections 902(b), 916, 6527(4)(a) and 6908(1)(a)(iv)
Public Health Law Section 3000-a

NOTE: Refer also to Policy #7521 -- Students with Life-Threatening Health Conditions

Adopted: 6/27/00

Revised: 2/8/05; 8/8/06; 9/25/07; 2/9/10; 11/18/14; 12/8/15; 5/17/16

Students

SUBJECT: STUDENT HEALTH RECORDS

The School shall keep a convenient, accurate, and up-to-date health record of every student. Insofar as the health records include confidential disclosures or findings, they shall be kept confidential.

The Family Educational Rights and Privacy Act (FERPA) is a federal law that protects the privacy of students' "education records." For pre-K through grade 12 students, health records maintained by the School District, including immunization records and school nurse records, generally are considered "education records" subject to FERPA. In addition, records that the District or School maintains on special education students, including records on services provided to students under the Individuals with Disabilities Education Act (IDEA) are considered "education records" under FERPA because they are:

- a) Directly related to a student;
- b) Maintained by the School or a party acting for the School; and
- c) Not excluded from the definition of "education records."

Since student health and medical information in education records is protected by FERPA, the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rule excludes such information from its coverage.

Generally, these records may not be shared with third parties without written parental consent unless the disclosure meets one of the exceptions to FERPA's general consent requirement. One exception permits the disclosure of education records, without parental consent, to appropriate parties in connection with an emergency, if knowledge of the information is necessary to protect the health or safety of the student or other individuals.

Parents have a right under FERPA to inspect and review those health and medical records that are considered "education records" under FERPA. Individual records may be interpreted by the school's registered professional nurse to administrators, teachers and other school officials, consistent with law.

Family Educational Rights and Privacy Act of 1974 (FERPA), 20 USC Section 1232g
Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191 34 CFR Part 99
45 CFR Parts 160, 162 and 164 Education Law Sections 902(b) and 905
8 NYCRR Part 136

Adopted: 6/27/00

Revised: 8/8/06; 9/25/07; 9/7/10

Students

SUBJECT: PEDICULOSIS (HEAD LICE)

Few conditions seem to cause as much concern in schools and homes as an infestation of head lice in children. Students in the elementary grades (ages 3 through 10) are the most likely target hosts for these insect pests. Head lice do not respect socio-economic class distinctions and their presence does not indicate a lack of hygiene or personal cleanliness. Recent medical recommendations from both the American Association of Pediatrics (AAP) and the National Association of School Nurses (NASN) do not treat head lice as an illness that necessitates an absence from school and have shown that the contagion does not spread as easily as once thought. Therefore, the Board of Education does not condone the absence of students from school for unnecessary reasons and considers head lice an unnecessary absence that impedes a student's educational progress.

In order to control infestations of head lice (Pediculosis), the Board of Education has adopted the following protocols:

- a) Whenever there is a possibility that a student is infested, staff will contact the student's parents. An infested student will not return to school unless corrective treatment has been given and the student is free of active lice and nits. Current treatment protocols make this possible in less than 24 hours. Parents may be asked to have a physician prescribe medication for treatment.
- b) A student who has been infested will be readmitted to school after successfully completing an examination by the school nurse.
- c) School staff will work with parents to minimize student absence caused by exposure to head lice. An infested student is not sick and is not a danger to other students. Excessive and unnecessary absences affect a student's educational progress.
- d) School staff will protect student privacy and maintain confidentiality of medical information when infestations are detected.
- e) School staff will also work to minimize the social stigma that is unfairly attached to victims of head lice infestations. Head lice are not caused by poverty or unsanitary conditions. Students will not be separated from their peers or singled out as infested. All staff will learn proper precautions to prevent further spread of the infestation.

Regulations will be developed to provide guidelines on the detection and treatment of head lice, as well as classroom procedures for dealing with affected students.

Adopted: 1/10/12

SUBJECT: ACCIDENTS AND MEDICAL EMERGENCIES

Procedures shall be established and maintained by the Superintendent for the handling of student injuries that occur on school property and during school activities.

Student Emergency Treatment

All staff members of the School District are responsible to obtain first aid care of students who are injured or become ill while under school supervision.

In most instances first aid should be rendered, and then the parent should be contacted to come to school and transport the student to the family physician. Beyond first aid, the medical care of the student is the parent's responsibility. However, the student's welfare is always the primary concern, and it is the responsibility of school personnel to exercise good judgment and care under all circumstances.

The Board of Education encourages all staff members to become qualified to give emergency treatment through instruction in first aid and Cardiopulmonary Resuscitation (CPR).

Transporting an Ill or Injured Student

In the event of an illness or injury to a student, an ambulance may be called if warranted. This solution will be used after other alternatives, including parent/person in parental relation contact, have been made.

Insurance

The Board of Education shall approve provisions for all students to be covered by group insurance.

Such student accident insurance policies are to be a co-insurance with family coverage(s) as primary.

Education Law Sections 1604(7-a), 1604(7-b), 1709(8-a) and 1709(8-b)

Adopted: 6/27/00

Revised: 8/8/06

SUBJECT: STUDENTS WITH LIFE-THREATENING HEALTH CONDITIONS

Students come to school with diverse medical conditions which may impact their learning as well as their health. Some of these conditions are serious and may be life-threatening. The incidence of severe allergic reactions has been rising at an alarming rate, especially with regard to food. Other common causes of anaphylaxis include allergies to latex, medications, and insect stings.

Students, parents, school personnel and health care providers must all work together to provide the necessary information and training to allow children with chronic health problems to participate as fully and safely as possible in the school experience.

All students within the District with known life-threatening conditions should have a comprehensive plan of care in place: an Emergency Care Plan (ECP) and/or Individualized Healthcare Plan (IHP), and if appropriate an Individualized Education Plan (IEP) or Section 504 Plan.

School Health Team

The District has identified the following as important members of the School Health Team to ensure that health information is complete, appropriate accommodations are prepared, and any necessary medication and environmental protocols are in place for students with life-threatening health conditions:

- a) School District Administration;
- b) School Medical Director;
- c) School Nurse;
- d) Teachers;
- e) Food Service Personnel;
- f) Transportation Personnel;
- g) Athletic Director, Coaches and After School Staff and Volunteers.

Creating an Allergen-Safe School Environment

Avoidance of exposure to allergens is the key to preventing a life-threatening anaphylactic reaction. Educating the entire school community about life-threatening allergies is crucial in keeping students with such allergies safe. The risk of accidental exposure or cross-contamination is always present, particularly for students with food allergies. Risk is reduced when school personnel, parents and medical providers work together to develop a management plan for affected students.

(Continued)

SUBJECT: STUDENTS WITH LIFE-THREATENING HEALTH CONDITIONS (Cont'd.)

To guard against accidental exposure to allergens, monitoring high-risk areas and activities within the school is crucial. Staff will be instructed to monitor risky activities such as food sharing, outdoor activities, and art or science projects.

Anaphylaxis Protocols

Although anaphylaxis can affect almost any part of the body and cause various symptoms, the most dangerous symptoms include breathing difficulties and a drop in blood pressure or shock which are potentially fatal. Treatment for anaphylaxis includes immediate removal of the allergen, and treating the rapidly progressing effects of histamine release in the body with epinephrine and antihistamines.

The District will:

- a) Provide necessary precautions and general training for staff in transportation, classrooms, the cafeteria, or the gymnasium;
- b) Offer training by licensed medical personnel/registered professional nurses for all adults in a supervisory role in the recognition and emergency management of a specific medical condition for specific students;
- c) Work with parents and medical providers to create Individual Health Care Plans (IHPs), Emergency Care Plans (ECPs), 504 Plans, or Individualized Educational Plans (IEPs) as needed;
- d) Institute standing emergency medical protocols for nursing staff;
- e) Maintain stock supplies of life-saving emergency medications, as allowed by the laws of New York State, such as "epinephrine auto-injectors", in all Health Offices for use in first time emergencies;
- f) Follow specific legal documents duly executed in accordance with the laws of New York with medical orders regarding the care of specific students with severe life-threatening conditions;
- g) Allow independent students, to carry life-saving medication with prior approval by the medical provider and written parent or guardian consent, and according to health practice and procedures, as long as duplicate life-saving medication is also maintained in the Health Office in the event the self-carrying student misplaces their medicines; and
- h) Assure appropriate and reasonable building accommodations are in place within a reasonable degree of medical certainty.

(Continued)

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Students

SUBJECT: STUDENTS WITH LIFE-THREATENING HEALTH CONDITIONS (Cont'd.)

Americans with Disabilities Act, 42 USC Section 12101 et seq.
Individuals with Disabilities Education Act (IDEA), 20 USC Sections 1400-1485
Section 504 of the Rehabilitation Act of 1973, 29 USC Section 794 et seq.
34 CFR Part 300
Education Law Sections 6527 and 6908
Public Health Law Sections 2500-h and 3000-a

Adopted: 2/8/05
Revised: 8/8/06; 12/7/10; 12/8/15

Students

SUBJECT: CONCUSSION MANAGEMENT

The Board of Education recognizes that concussions and head injuries are the most commonly reported injuries in children and adolescents who participate in sports and recreational activities. The physical and mental well-being of our students is a primary concern. Therefore, the Ellicottville Central School District adopts the following Policy to support the proper evaluation and management of concussion injuries.

A concussion is a mild traumatic brain injury (MTBI). A concussion occurs when normal brain functioning is disrupted by a blow or jolt to the head or body that causes the head and brain to move rapidly back and forth. Recovery from concussion and its symptoms will vary. Avoiding re-injury and over-exertion until fully recovered are the cornerstones of proper concussion management. Concussions can impact a student's academics as well as their athletic pursuits.

Concussion Management Team (CMT)

In accordance with the Concussion Management and Awareness Act, the School District is authorized, at its discretion, to establish a Concussion Management Team (CMT) which may be composed of the certified athletic director, a school nurse, the school physician, a coach of an interscholastic team, a certified athletic trainer or such other appropriate personnel as designated by the School District. The Concussion Management Team shall oversee and implement the School District's concussion policy and regulations, including the requirement that all school coaches, physical education teachers, nurses and certified athletic trainers who work with and/or provide instruction to pupils engaged in school-sponsored athletic activities complete training relating to mild traumatic brain injuries. Furthermore, every concussion management team may establish and implement a program which provides information on mild traumatic brain injuries to parents and persons in parental relation throughout each school year.

Staff Training/Course of Instruction

Each school coach, physical education teacher, school nurse and certified athletic trainer who works with and/or provides instruction to students in school-sponsored athletic activities (including physical education class and recess) shall complete a course of instruction every two years relating to recognizing the symptoms of concussions or MTBIs and monitoring and seeking proper medical treatment for students who suffer from a concussion or MTBI.

Components of the training will include:

- a) The definition of MTBI;
- b) Signs and symptoms of MTBI;
- c) How MTBIs may occur;

(Continued)

Students

SUBJECT: CONCUSSION MANAGEMENT (Cont'd.)

- d) Practices regarding prevention; and
- e) Guidelines for the return to school and school activities for a student who has suffered an MTBI, even if the injury occurred outside of school.

The course can be completed by means of instruction approved by the State Education Department (SED) which include, but are not limited to, courses provided online and by teleconference.

Information to Parents

The District shall include the following information on concussion in any permission or consent form or similar document that may be required from a parent/person in parental relation for a student's participation in interscholastic sports. Information will include:

- a) The definition of MTBI;
- b) Signs and symptoms of MTBI;
- c) How MTBIs may occur;
- d) Practices regarding prevention; and
- e) Guidelines for the return to school and school activities for a student who has suffered an MTBI, even if the injury occurred outside of school.

The District will provide a link on its website, if one exists, to the above list of information on the State Education Department's and Department of Health's websites.

Identification of Concussion and Removal from Athletic Activities

The District shall require the immediate removal from all athletic activities of any student who has sustained, or is believed to have sustained, a mild traumatic brain injury (MTBI) or concussion. Any student demonstrating signs, symptoms or behaviors consistent with a concussion while participating in a class, extracurricular activity, or interscholastic athletic activity shall be removed from the class, game or activity and must be evaluated as soon as possible by an appropriate health care professional. Such removal must occur based on display of symptoms regardless of whether such injury occurred inside or outside of school. If there is any doubt as to whether the student has sustained a concussion, it shall be presumed that the student has been injured until proven otherwise. The District shall notify the student's parents or guardians and recommend appropriate evaluation and monitoring.

(Continued)

SUBJECT: CONCUSSION MANAGEMENT (Cont'd.)

The School District may choose to allow credentialed District staff to use validated neurocognitive computerized testing as a concussion assessment tool to obtain baseline and post-concussion performance data. These tools are not a replacement for a medical evaluation to diagnose and treat a concussion.

Return to School Activities and Athletics

The student shall not return to physical activity (including athletics, physical education class and recess) until he/she has been symptom-free for not less than 24 hours, and has been evaluated and received written authorization from a licensed physician. In accordance with Commissioner's regulations, the School District's Medical Director will give final clearance on a return to activity for extra-class athletics. All such authorizations shall be kept on file in the student's permanent health record. The standards for return to athletic activity will also apply to injuries that occur outside of school. School staff should be aware that students may exhibit concussion symptoms caused by injuries from outside activities and that these visible symptoms also indicate a removal from play.

The District shall follow any directives issued by the student's treating physician with regard to limitations and restrictions on school and athletic activities for the student. The District's Medical Director may also formulate a standard protocol for treatment of students with concussions during the school day.

In accordance with New York State Education Department (NYSED) guidelines, this Policy shall be reviewed periodically and updated as necessary in accordance with New York State Education Department guidelines. The Superintendent, in consultation with the District's Medical Director and other appropriate staff, may develop regulations and protocols for strategies to prevent concussions, the identification of concussions, and procedures for removal from and return to activities or academics.

Education Law Sections 207; 305(42), and 2854
8 NYCRR 135.4 and 136.5

Guidelines for Concussion Management in the School Setting, SED Guidance Document, June 2012

Adopted: 8/28/12

Students

SUBJECT: OPIOID OVERDOSE PREVENTION

In an effort to ensure the health and safety of its students and staff, the District will maintain and administer an opioid antagonist in its schools, specifically Naloxone, otherwise known by its brand name Narcan, for use during emergencies to any student or staff member experiencing a known or suspected opioid overdose regardless of a previous history of opioid abuse.

The school nurse may administer Narcan, and the District will permit volunteers and unlicensed school personnel who have received the requisite NYSDOH - approved training to administer Naloxone on-site during the school day and school related activities. While school registered nurses may administer intramuscular [IM] or intranasal [IN] Naloxone in the event of a known or suspected opioid overdose, trained staff members may only administer IN Naloxone. The medical director will be notified whenever Naloxone is administered on-site. In accordance with relevant New York State Education Department guidance, the District will also maintain a log of trained school personnel and report newly trained personnel on a quarterly basis to the NYSDOH.

Storage and Inventory

The District will store its supply of Naloxone in a secure, but accessible, and temperate location consistent with its emergency response plan. The school nurse or personnel designated by the school administrator 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.

SUBJECT: CHILD ABUSE AND NEGLECT/MALTREATMENT**Familial Child Abuse**

The School District subscribes to all of the provisions of Title 6 - Child Protective Services of the Social Services Law Sections 411-428. Our purpose is to provide protective services to abused and neglected/maltreated children as described by the law, and to make all school personnel within the District aware of our legal responsibilities under this law.

Regulations shall be developed, maintained and disseminated by administration regarding the:

- a) Mandatory reporting of suspected child abuse or neglect/maltreatment;
- b) Reporting procedures and obligations of persons required to report;
- c) Provisions for taking a child into protective custody;
- d) Mandatory reporting of deaths;
- e) Immunity from liability and penalties for failure to report;
- f) Obligations for provision of services and procedures necessary to safeguard the life of a child; and
- g) Provision of information in recognizing signs of unlawful methamphetamine laboratories for all current and new school officials (i.e., "mandated reporters") who, as part of their usual responsibilities, visit children's homes.

Additionally, an ongoing training program for all current and new school officials shall be established and implemented to enable such staff to carry out their reporting responsibilities.

School Officials Required to Report

The definition of a "school official" who is mandated to report cases of child abuse or neglect/maltreatment to the State Central Register (SCR) pursuant to Social Services Law Section 413(1) includes, but is not limited to, school teachers, school guidance counselors, school psychologists, school social workers, school nurses, school administrators or other school personnel required to hold a teaching or administrative license or certificate.

All mandated reporters shall make the report themselves and then immediately notify the building principal or his/her designee. The building principal or his/her designee shall be responsible for all subsequent administration necessitated by the report.

(Continued)

Students

SUBJECT: CHILD ABUSE AND NEGLECT/MALTREATMENT (Cont'd.)

Any report shall include the name, title and contact information for every staff member who is believed to have direct knowledge of the allegations in the report.

Prohibition of Retaliatory Personnel Action

Social Services Law Section 413(1) also prohibits a school from taking any retaliatory personnel action against an employee because such employee believes that he/she has reasonable cause to suspect that a child is an abused or neglected/maltreated child and that employee makes a report to SCR pursuant to Social Services Law. Further, no school or school official shall impose any conditions, including prior approval or prior notification, upon any staff member specifically designated a mandated reporter.

Pursuant to Labor Law Section 740(1)(e), "retaliatory personnel action" means the discharge, suspension or demotion of an employee, or other adverse employment action taken against an employee in the terms and conditions of employment.

Report Form

The Revised May 2007 New York State Office of Children and Family Services "**Report of Suspected Child Abuse or Maltreatment**" Form LDSS-2221A may be accessed at website:
<http://www.ocfs.state.ny.us/main/cps/>

Education Law Section 3209-a
Family Court Act Section 1012
Labor Law Section 740(1)(e)
Social Services Law Sections 411-428

Child Abuse in an Educational Setting

The School District is committed to the protection of students in educational settings from abuse and maltreatment by employees or volunteers as enumerated in law.

"Child abuse" shall mean any of the following acts committed in an educational setting by an employee or volunteer against a child:

- a) Intentionally or recklessly inflicting physical injury, serious physical injury or death; or
- b) Intentionally or recklessly engaging in conduct which creates a substantial risk of such physical injury, serious physical injury or death; or

(Continued)

Students

SUBJECT: CHILD ABUSE AND NEGLECT/MALTREATMENT (Cont'd.)

- c) Any child sexual abuse, defined as conduct prohibited by Penal Law Articles 130 or 263; or
- d) The commission or attempted commission against a child of the crime of disseminating indecent materials to minors pursuant to Penal Law Article 235.

"Educational setting" shall mean the building(s) and grounds of the School District; the vehicles provided by the School District for the transportation of students to and from school buildings, field trips, co-curricular and extracurricular activities both on and off School District grounds; all co-curricular and extracurricular activity sites; and any other location where direct contact between an employee or volunteer and a child has allegedly occurred.

In any case where an oral or written allegation is made to a teacher, school's registered professional nurse, school guidance counselor, school psychologist, school social worker, school administrator, School Board member, or other school personnel required to hold a teaching or administrative license or certificate, that a child (defined in the law as a person under the age of 21 years enrolled in a school district in this state) has been subjected to child abuse by an employee or volunteer in an educational setting, that person shall upon receipt of such allegation:

- a) Promptly complete a written report of such allegation including the full name of the child alleged to be abused; the name of the child's parent; the identity of the person making the allegation and their relationship to the alleged child victim; the name of the employee or volunteer against whom the allegation was made; and a listing of the specific allegations of child abuse in an educational setting. Such written report shall be completed on a form as prescribed by the Commissioner of Education.
- b) Except where the school administrator is the person receiving such an oral or written allegation, the employee completing the written report must promptly *personally deliver* a copy of that written report to the school administrator of the school in which the child abuse allegedly occurred (subject to the following paragraph).

In any case where it is alleged the child was abused by an employee or volunteer of a school other than a school within the school district of the child's attendance, the report of such allegations shall be promptly forwarded to the Superintendent of Schools of the school district of the child's attendance and the school district where the abuse allegedly occurred.

Any employee or volunteer who reasonably and in good faith makes a report of allegations of child abuse in an educational setting in accordance with the reporting requirements of the law shall have immunity from civil liability which might otherwise result by reason of such actions.

(Continued)

Students

SUBJECT: CHILD ABUSE AND NEGLECT/MALTREATMENT (Cont'd.)

Upon receipt of a written report alleging child abuse in an educational setting, the school administrator or Superintendent must then determine whether there is "reasonable suspicion" to believe that such an act of child abuse has occurred. Where there has been a determination as to the existence of such reasonable suspicion, the school administrator or Superintendent must follow the notification/reporting procedures mandated in law and further enumerated in administrative regulations including parental notification. When the school administrator receives a written report, he/she shall promptly provide a copy of such report to the Superintendent.

Where the school administrator or Superintendent has forwarded a written report of child abuse in an educational setting to law enforcement authorities, the Superintendent shall also refer such report to the Commissioner of Education where the employee or volunteer alleged to have committed such an act of child abuse holds a certification or license issued by the State Education Department.

Any school administrator or Superintendent who reasonably and in good faith makes a report of allegations of child abuse in an educational setting, or reasonably and in good faith transmits such a report to a person or agency as required by law, shall have immunity from civil liability which might otherwise result by reason of such actions.

Reports and other written material submitted pursuant to law with regard to allegations of child abuse in an educational setting, and photographs taken concerning such reports that are in the possession of any person legally authorized to receive such information, *shall be confidential and shall not be redisclosed except* to law enforcement authorities involved in an investigation of child abuse in an educational setting or as expressly authorized by law or pursuant to a court-ordered subpoena. School administrators and the Superintendent shall exercise reasonable care in preventing such unauthorized disclosure.

Additionally, teachers and all other school officials shall be provided an annual written explanation concerning the reporting of child abuse in an educational setting, including the immunity provisions as enumerated in law. Further, the Commissioner of Education shall furnish the District with required information, including rules and regulations for training necessary to implement District/staff responsibilities under the law.

Prohibition of "Silent" (Unreported) Resignations

The Superintendent and other school administrators are prohibited from withholding from law enforcement authorities, the Superintendent or the Commissioner of Education, where appropriate, information concerning allegations of child abuse in an educational setting against an employee or volunteer in exchange for that individual's resignation or voluntary suspension from his/her position.

(Continued)

SUBJECT: CHILD ABUSE AND NEGLECT/MALTREATMENT (Cont'd.)

Superintendents (or a designated administrator) who reasonably and in good faith report to law enforcement officials information regarding allegations of child abuse or a resignation as required pursuant to the law shall have immunity from any liability, civil or criminal, which might otherwise result by reason of such actions.

Education Law Article 23-B and Sections 902(b) and 3028-b
Penal Law Articles 130, 235 and 263
Social Services Law Section 413
8 NYCRR Part 83

Students

SUBJECT: SEXUAL HARASSMENT OF STUDENTS

The Board of Education affirms its commitment to provide an environment free from sex-based discrimination and sexual harassment, including sexual violence and intimidation. The Board therefore, prohibits all forms of sexual harassment against students by other students, employees, school volunteers, and non-employees such as contractors and vendors, which occur on school grounds or at school-sponsored events, programs, or activities, including, those that take place at locations off school premises.

Sexual Harassment

Sexual harassment is unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. For the purposes of this policy, sexual harassment also includes sexual violence. Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. Sexual violence includes, but is not limited to: rape, sexual assault, sexual battery, and sexual coercion.

Sexual harassment can originate from a person of either sex against a person of the opposite or same sex, and from students, District employees, or third parties such as visitors or school volunteers.

Prohibited Conduct

Sexual harassment can be verbal, non-verbal, or physical. Examples of such conduct may include, but are not limited to, the following:

- a) Verbal abuse or ridicule, including innuendoes, stories and jokes that are sexual in nature and/or gender-related. This might include inappropriate sex-oriented comments on appearance, including dress or physical features.
- b) Direct or indirect threats or bribes for unwanted sexual activity.
- c) Asking or commenting about a person's sexual activities.
- d) Unwelcome and unwanted physical contact of a sexual nature including, but not limited to, physical acts such as assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement.
- e) Displaying or distributing pornographic or other sexually explicit materials such as magazines, pictures, internet material, cartoons, etc.
- f) The use of profanity and/or other obscenities that are sexually suggestive or degrading in nature.

(Continued)

Students

SUBJECT: SEXUAL HARASSMENT OF STUDENTS (Cont'd.)

- g) Unwelcome staring, leering, or gesturing which is sexually suggestive in nature.
- h) Unwelcome and/or offensive public displays of sexual/physical affection.
- i) Clothing that reflects sexually obscene and/or sexually explicit messages, slogans, or pictures.
- j) Demanding sexual favors of a student, insinuating that refusal to acquiesce in such favors will adversely affect a student's grades, references, academic/scholastic placement, and/or participation in extracurricular activities.
- k) Engaging in sexual conduct with an individual who is unable to consent due to his/her age, use of drugs or alcohol, intellectual disability, or other disability.
- i) Any other unwelcome and unwanted sexually oriented and/or gender-based behavior which is sexually demeaning, belittling, intimidating, or perpetrates sexual stereotypes and attitudes.

Investigation of Complaints and Grievances

In order for the Board to enforce this policy, and to take corrective measures as may be necessary, it is essential that any student who believes he/she has been a victim of sexual harassment in the school environment, as well as any other person who is aware of and/or who has knowledge of or witnesses any possible occurrence of sexual harassment, should immediately report such alleged harassment. The District recognizes that sexual harassment is a sensitive issue and that students may choose to inform any trusted staff member of suspected discrimination or harassment. Staff members who receive such complaints will immediately inform the Civil Rights Compliance Officer. Where appropriate, the Civil Rights Compliance Officer may seek the assistance of the relevant Dignity Act Coordinator in investigating, responding to, and remedying student complaints of discrimination and/or harassment. In the event that the Civil Rights Compliance Officer is the alleged offender, the report will be directed to another Civil Rights Compliance Officer, if the District has designated an additional individual to serve in such capacity, or to the Superintendent.

The School District will act to promptly, thoroughly, and equitably investigate all complaints, whether verbal or written, of sexual harassment and will promptly take appropriate action to protect individuals from further sexual harassment. All such complaints will be handled in a manner consistent with the District's policies, procedures, and/or regulations regarding the investigation of discrimination and harassment complaints, including Policy #3420 -- Non-Discrimination and Anti-Harassment in the School District; and Administrative Regulation #3420R -- Non-Discrimination and Anti-Harassment in the School District.

(Continued)

Students

SUBJECT: SEXUAL HARASSMENT OF STUDENTS (Cont'd.)

Additional information regarding the District's discrimination and harassment complaint and grievance procedures, including but not limited to the designation of the Civil Rights Compliance Officer, knowingly making false accusations, and possible corrective actions, can be found in Policy #3420 -- Non-Discrimination and Anti-Harassment in the School District and Administrative Regulation #3420R -- Non-Discrimination and 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 sexual harassment. Complaints of retaliation may be directed to the Civil Rights Compliance Officer. In the event the Civil Rights Compliance Officer is the alleged offender, the report will be directed to another Civil Rights Compliance Officer, if the District has designated another individual to serve in such a capacity, or to the Superintendent.

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

Civil Rights Act of 1991, 42 USC Section 1981(a)
Title IX of the Education Amendments of 1972, 20 USC Section 1681 et seq.
34 CFR Section 100 et seq.
Education Law Section 2801(1)
OCR Dear Colleague Letter, April 4, 2011

Adopted: 6/27/00
Revised: 8/8/06; 9/25/07; 2/9/10; 8/9/11; 12/9/14

Students

SUBJECT: HAZING OF STUDENTS

The Board of Education is committed to providing a safe, productive and positive learning environment within its schools. Hazing activities are demeaning, abusive and/or illegal behaviors that harm victims, and are inconsistent with the educational goals of the District by negatively impacting the school environment. Hazing of a student by another student or group of students is strictly prohibited on school property; in school buildings; on school buses; by school-sponsored groups, clubs or teams; and at school-sponsored events and/or activities whether occurring on or off-campus. Hazing of a student refers to soliciting, encouraging, aiding, or engaging in "hazing" behavior as defined pursuant to District policy, regulation and/or law. The Board of Education shall require the prohibition of hazing - along with the range of possible intervention activities and/or sanctions for such misconduct - to be included in the District *Code of Conduct* for all grade levels.

For purposes of this policy, the term "*hazing among students is defined as any humiliating or dangerous activity expected of a student to join a group, regardless of their willingness to participate.*" Hazing behaviors include, but are not limited to, the following general categories:

- a) Humiliation: socially offensive, isolating or uncooperative behaviors.
- b) Substance abuse: abuse of tobacco, alcohol or illegal drugs.
- c) Dangerous hazing: hurtful, aggressive, destructive, and disruptive behaviors.

Incorporated within this definition are various forms of physical, emotional and/or sexual abuse which may range in severity from teasing/embarrassing activities to life threatening actions.

Even if the hazing victim participated "willingly" in the activity, or there was no "intent" by the hazer to harm or injure another individual, hazing is still hazing and against District policy, the District *Code of Conduct* and may be in violation of New York State Law. However, hazing of students does not need to rise to the level of criminal activity for such conduct to be in violation of District rules and subject to appropriate disciplinary sanctions. Any hazing activity, whether by an individual or a group, shall be presumed a forced activity and in violation of Board policy, regardless of the "willingness" of the student to participate.

Any student who believes that he/she is being subjected to hazing behavior, as well as students, school employees or third parties who have knowledge of or witness any possible occurrence of hazing, shall report the incident to any staff member or the building principal. Anonymous student complaints of hazing behavior will also be investigated by the District. The staff member/building principal to whom the report is made (or the staff member/building principal who witnesses hazing behavior) shall investigate the complaint/incident and take appropriate action to include, as necessary, referral to the next level of supervisory authority and/or other official designated by the District to investigate allegations of hazing. Investigations of allegations of hazing shall follow the procedures utilized for complaints of harassment within the School District. Allegations of hazing shall be promptly investigated and will be treated as confidential and private to the extent possible within legal constraints.

(Continued)

Students

SUBJECT: HAZING OF STUDENTS (Cont'd.)**Prohibition of Retaliatory Behavior (Commonly Known as "Whistle-Blower" Protection)**

The Board of Education prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of hazing. Follow-up inquiries and/or appropriate monitoring of the alleged hazer(s) and victim(s) shall be made to ensure that hazing behavior has not resumed and that all those involved in the investigation of allegations of hazing have not suffered retaliation. Any act of retaliation is subject to appropriate disciplinary action by the District.

Knowingly Makes False Accusations

Students who *knowingly* make false accusations against another individual as to allegations of hazing may also face appropriate disciplinary action.

District Responsibility/Training

Personnel at all levels are responsible for taking corrective action to prevent hazing behavior of which they have been made aware at School District sites; by school-sponsored groups, clubs or teams; and at school-sponsored events and/or activities whether occurring on or off-campus. Further, as may be applicable, personnel are to report such hazing behavior to their immediate supervisor. Staff training shall be provided to raise awareness of the problem of hazing within the schools and to facilitate staff identification of, and response to, such hazing behavior among students.

Prevention and intervention techniques within the District to help prevent hazing behavior and to support and protect victims shall include building-level and classroom-level strategies and activities as determined by administration. Individual intervention will be provided by appropriate staff members to hazers, victims and their parents to help ensure that the hazing stops.

Rules against hazing shall be publicized District-wide and shall be disseminated as appropriate to staff, students and parents. Disciplinary sanctions for violation of this policy shall be outlined in the District *Code of Conduct* and may also be incorporated in staff and student handbooks. In addition, allegations of hazing behavior may result in referral to law enforcement officials as necessary.

Civil Service Law Section 75-B
Education Law Sections 1709-a, 2503-a, 2554-a and 2801
Penal Law Sections 120.16 and 120.17
8 NYCRR Section 100.2(1)(2)

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property
#3420 -- Non-Discrimination and Anti-Harassment in the School District
#7532 -- Sexual Harassment if Students
District Code of Conduct

Adopted: 6/22/04

Students

SUBJECT: SUICIDE

The suicide of a student has an extremely disturbing effect on the school and the local community. Unfortunately, there has been a significant increase in the number of adolescents who choose suicide as a way to resolve their problems. It is the intent of this District to alert school personnel to the implications of suicide by a student, to help the school and the community cope with the aftermath of such a tragic event should it occur, to recommend ways of identifying children and adolescents at risk of attempting suicide and to suggest ways to prevent such occurrences.

Suicide prevention will be incorporated into the curriculum to make students aware of this growing problem. This will be done in a manner so as not to glamorize the situation but to educate students in regard to this policy.

The administration is responsible for informing staff of regulations and procedures of suicide prevention, intervention, and post-intervention that have been developed by the administration.

Students

SUBJECT: DIGNITY FOR ALL STUDENTS ACT

The Board of Education recognizes that learning environments that are safe and supportive can increase student attendance and improve academic achievement. A student's ability to learn and achieve high academic standards, and a school's ability to educate students, is compromised by incidents of discrimination or harassment, including but not limited to bullying, taunting and intimidation. Therefore, in accordance with the Dignity for All Students Act, Education Law, Article 2, the District will strive to create an environment free of discrimination and harassment and will foster civility in the schools to prevent and prohibit conduct which is inconsistent with the District's educational mission.

The District condemns and prohibits all forms of discrimination and harassment of students based on, but not limited to actual or perceived: race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex by school employees or students on school property and at school-sponsored activities and events that take place at locations off school property. In addition, any act of discrimination or harassment, outside of school-sponsored events, which can reasonably be expected to materially and substantially disrupt the education process may be subject to discipline.

Dignity Act Coordinator

At least one employee at every school shall be designated as the Dignity Act Coordinator(s). The Dignity Act Coordinator(s) will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (identity or expression) and sex. The Board of Education shall appoint a Dignity Act Coordinator(s) who is employed by such District or BOCES and is licensed and/or certified as a classroom teacher, school counselor, psychologist, nurse, social worker, administrator/supervisor or Superintendent of Schools. Districts must share the name(s) and contact information with all school personnel, students, and parents/persons in parental relation, which shall include, but is not limited to, providing the name, designated school and contact information by:

- a) Listing such information in the *Code of Conduct* and updates posted on the Internet website, if available; and
- b) Including such information in the plain language summary of the *Code of Conduct* provided to all persons in parental relation to students before the beginning of each school year; and
- c) Providing such information to parents and persons of parental relation in at least one District or school mailing or other method of distribution including, but not limited to, through electronic communication and/or 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; and

(Continued)

Students

SUBJECT: DIGNITY FOR ALL STUDENTS ACT (Cont'd.)

- d) Posting such information in highly visible areas of school buildings; and
- e) Making such information available at the District and school-level administrative offices.

If a Dignity Act Coordinator vacates his/her position, another school employee shall immediately be designated for an interim appointment as Coordinator, pending approval from the Board of Education, within 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

Each District and Charter School shall establish guidelines for training which shall be approved by the Board of Education. Training will be provided each school year for all District employees in conjunction with existing professional development training to raise staff awareness and sensitivity of bullying, discrimination and/or harassment directed at students that are committed by students or school employees on school property, 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.

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.

(Continued)

Students

SUBJECT: DIGNITY FOR ALL STUDENTS ACT (Cont'd.)

Instruction in grades kindergarten through 12 shall include a component on civility, citizenship and character education. Such component shall instruct students on the principles of honesty, tolerance, personal responsibility, respect for others, observance of laws and rules, courtesy, dignity and other traits which will enhance the quality of their experiences in, and contributions to, the community. For the purposes of this policy, "tolerance," "respect for others" and "dignity" shall include awareness and sensitivity to discrimination or harassment and civility in the relations of people of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, genders and sexes.

Rules against discrimination and harassment will be included in the *Code of Conduct*, publicized District-wide and disseminated to all staff and parents. An age-appropriate summary shall be distributed to all students at a school assembly at the beginning of each school year.

Reports and Investigations of Bullying, Discrimination and 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 school day* after witnessing or receiving a report of such incident. The employee must then file a written report *within two 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.

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.

(Continued)

SUBJECT: DIGNITY FOR ALL STUDENTS ACT (Cont'd.)**Prohibition of Retaliatory Behavior (Commonly Known as "Whistle-Blower" Protection)**

Any person who has reasonable cause to suspect that a student has been subjected to discrimination or harassment by an employee or student, on school grounds or at a school function, who acts reasonably and in good faith and reports such information to school officials or law enforcement authorities, shall have immunity from any civil liability that may arise from making such report. The Board prohibits any retaliatory behavior directed at complainants, victims, witnesses and/or any other individuals who participated in the investigation of a complaint of discrimination or harassment.

Education Law Sections 10-18, 801-a, 2801 and 3214
8 NYCRR Section 100.2

NOTE: Refer also to Policies #1330 -- Appointments and Designations by the Board of Education
#3410 -- Code of Conduct on School Property
#3420 -- Non-Discrimination and Anti-Harassment in the School District
#3412 -- Uniform Violent and Disruptive Incident Reporting System (VADIR)
#7532 -- Sexual Harassment of Students
#7534 -- Hazing of Students
#8130 -- Equal Educational Opportunities
#8242 -- Civility, Citizenship and Character Education/Interpersonal Violence Prevention Education

Adopted: 6/20/12
Revised: 1/27/15

Students

SUBJECT: NOTIFICATION OF SEX OFFENDERS

In accordance with the Sex Offender Registration Act ("Megan's Law"), the Board of Education supports the New York State Department of Criminal Justice Services (DCJS) in its effort to inform the community in certain circumstances of the presence of individuals with a history of sex offenses, particularly against children, in the school locality. This policy is enacted in order to minimize the possibility that the sex offender will come in contact with school-age children, and to assist law enforcement agencies in preventing further criminal activity from occurring. Furthermore, the District shall cooperate with local police authorities and the local community in promoting and protecting the safety and well-being of its students.

It is the policy of the Board of Education to disseminate all information which the District receives from local police authorities in conjunction with Megan's Law to designated staff members who might have possible contact with the offender during the course of their school duties including, but not limited to, building principals, supervisors, teachers, office personnel, coaches, custodians, bus drivers, and security personnel. The Superintendent reserves the right to automatically disseminate such information to additional members of the staff, designated supervisors of non-school groups that regularly use District facilities and have children in attendance, parents 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. A link to the New York State Sex Offender Registry will be provided on the District's website for any community member that wants more information.

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 according to District policy and/or regulation.

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.

(Continued)

SUBJECT: NOTIFICATION OF SEX OFFENDERS (Cont'd.)**Special Circumstances Whereby Sex Offenders May Enter Upon School Grounds**

As a mandatory condition of the sentence for sex offenders placed on probation or conditional discharge whose victim was under the age of 18 or who has been designated a Level 3 sex offender, the court requires that such sentenced offender refrain from knowingly entering into or upon school grounds or any other facility or institution primarily used for the care or treatment of persons under the age of 18 while one or more of such persons are present.

However, by exception, a sex offender may enter school grounds or facility with the written authorization of his/her parole officer and the Superintendent for limited authorized purposes. Entrance upon the premises is subject to the following conditions:

- a) The offender is a registered student, participant or employee of the facility;
- b) The offender is an employee of an entity contracted by the facility;
- c) The offender has a family member enrolled in the facility; or
- d) If the school is the offender's designated polling place and he/she enters solely to vote.

Implementation

Administrative regulations shall be developed to implement this policy.

Correction Law Article 6-C
Executive Law 259-c(14)
Penal Law 65.10(4-a)
Public Officers Law Section 84 et seq.

Adopted: 6/27/00
Revised: 8/8/06; 1/27/15

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 Policies #5730 -- Transportation of Students: Transportation to School Sponsored Events
#7420 -- Sports and the Athletic Program

Students

SUBJECT: SPECIAL EDUCATION: DISTRICT PLAN

A District plan shall be developed describing the Special Education program in the Ellicottville Central School District. The District plan shall include the following:

- a) A description of the nature and scope of special education programs and services currently available to students residing in the District, including but not limited to descriptions of the District's resource room programs and each special class program provided by the District in terms of group size and composition.
- b) Identification of the number and age span of students (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 USC 1474(e)(3)(B)
8 NYCRR Part 155 and Section 200.2(c)

Adopted: 6/27/00
Revised: 2/8/05; 8/8/06; 1/13/15

Students

SUBJECT: CHILDREN WITH DISABILITIES

A child with a disability means a student under the age of 21 who is entitled to attend public schools and who, because of mental, physical or emotional reasons can only receive appropriate educational opportunities from a program of special education. A child is not considered as having a disability if his/her educational needs are due primarily to unfamiliarity with the English language; environmental, cultural or economic factors; or lack of appropriate instruction in reading or mathematics.

If the State Education Department finds that the District has inappropriate policies, procedures or practices resulting in a significant disproportionality by race/ethnicity in the suspension, identification, classification and/or placement of students with disabilities, the District will ensure that it publicly reports on the subsequent revisions to those policies, procedures or practices.

The Board of Education recognizes the existence of individual differences in the intellectual, social, emotional and physical development of children attending school in the District. In recognizing these differences the Board supports a system of services offered in the least restrictive environment for children with disabilities which includes:

- a) Not requiring any student to obtain a prescription for a drug or other substance identified as a controlled substance by the federal Controlled Substances Act as a condition of receiving services.
- b) Education in regular classes with or without support services, education in a resource room, education for part of the day in a special class, full time education in a special class, home instruction and education in a residential setting.
- c) Providing for the education of students with disabilities with non-disabled peers to the extent appropriate.
- d) 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.
- e) 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

(Continued)

Students

SUBJECT: CHILDREN WITH DISABILITIES (Cont'd.)

without requiring assistive technologies and products and services that are made usable with assistive technologies) in developing and administering District-wide assessment programs by:

1. Addressing appropriate universal design principles in IEP;
 2. Having the Library Media Specialist and/or Curriculum Coordinator keep Committee on Special Education (CSE)/Committee on Preschool Special Education (CPSE) apprised of available products and services utilizing universal design principles;
 3. Ensuring that instructional materials and activities allow learning goals to be achievable by individuals with wide differences in abilities;
 4. Ensuring that flexible curricular materials and activities are built into the instructional design and operating systems;
 5. Ensuring that instruction is diversified to deliver the general education curriculum to every student and diversify ways students may respond to that curriculum.
- f) Consideration of the location of a school program(s) to a student's residence, before placement into an educational program.
- g) 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.
- h) Allocation of appropriate space within the District for special education programs that meet the needs of students with disabilities.
- i) 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.

(Continued)

Students

SUBJECT: CHILDREN WITH DISABILITIES (Cont'd.)

These requirements only pertain to students with disabilities parentally placed in elementary and secondary nonpublic schools, not to parental placements of preschool children with disabilities in private day care or preschool programs; or to CSE placements of students with disabilities in approved private schools, Special Act School Districts, State-supported or State-operated schools or to Charter schools.

Parental consent must be obtained by the school district of location before any personally identifiable information about the student is shared between officials in the public school district of residence and officials in the public school district of location.

The school district of location must consult with nonpublic school representatives and representatives of parents of parentally placed nonpublic school students with disabilities enrolled in nonpublic elementary and secondary schools located within the boundaries of the School District. The School District must engage in consultation regarding the child find process and services generally; consultation is not specific to individual students. Individual services are determined by the CSE.

The consultation process must be timely and meaningful and include discussion of:

- a) Child Find;
- b) Provision of Special Education Services; and
- c) Use of Federal Funds.

The school district of location must provide, as appropriate, special education services to an eligible student who legally resides in another state and who is parentally placed in a nonpublic school located in New York State. The services to be provided to out-of state students must be documented on a services plan that is developed by the CSE of the district of location. The services plan is the written plan that describes the specific special education and related service that the district of location will provide to the student consistent with the services that the school district of location has determined through the consultation process and in relation to the proportionate shares of federal IDEA Part B dollars, to be provided to the student.

Tuition Reimbursement Claims for Disabled Nonpublic School Students

The parent must comply with the IDEA's pre-hearing notice requirement for tuition reimbursement claims. Specifically, the IDEA directs that at least ten business days before submitting a request for an impartial due process hearing for tuition reimbursement, the parent must give the district written notice of intent to enroll the child in private school at public expense. The purpose of this requirement is to give the public school district's CSE the opportunity to meet and develop a new IEP for the student that addresses the parent's concerns. *A parent who does not provide such written notice within ten days may have his request for reimbursement reduced or denied. In most cases, a parent's failure to satisfy these notice requirements is a complete bar to recovery.*

(Continued)

SUBJECT: CHILDREN WITH DISABILITIES (Cont'd.)

Individuals with Disabilities Education Improvement Act of 2004, Public Law 108-446 Sections 612 and 614
Individuals with Disabilities Education Act (IDEA), 20 USC Section 1400 et seq.

20 USC Section 9101(23)

21 USC Section 812(c)

34 CFR Part 300

Education Law Sections 3208, 3242, 3602-c, 4401-4407 and 4410-6

8 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: 6/27/00

Revised: 11/14/06; 2/9/10; 1/13/15

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 CSE shall determine written goals, including academic and functional goals, for each student with a disability by considering the special and individual needs of each student with a disability. Short-term instructional objectives and/or benchmarks will be created for each preschool student with a disability and for students who take New York State alternate assessments.
- c) The Committee shall recommend to the Board of Education appropriate educational programs and services for each student with a disability based upon the CSE evaluation.
- d) The CSE shall provide information to those teachers and professionals who arrange instructional groups for students with disabilities. Information shall include physical, psychological and social information as well as achievement test results.
- e) The curriculum and instruction provided to students with disabilities who are grouped by similarity of needs shall be consistent with the individual needs of each student in the group.
- f) Students with disabilities may be grouped according to:
 1. Academic achievement, functional performance and learning characteristics;
 2. Social development;
 3. Physical development; and
 4. Management needs.
- g) When grouping students by similarity of needs, the social needs or physical development of a student shall not be the sole determinant for placement of a student in a special education program.
- h) The management needs of such students may vary, provided that environmental modifications, adaptations, or human or material resources required to meet the needs of any one student in the group are provided and do not consistently detract from the opportunities of other students in the group to benefit from instruction.

8 NYCRR Sections 200.1(ww), 200.2(b)(3), 200.4(d) and 200.6(a)(3)

Adopted: 6/27/00

Revised: 8/8/06; 2/9/10

Students

**SUBJECT: THE ROLE OF THE BOARD IN IMPLEMENTING A STUDENT'S
INDIVIDUALIZED EDUCATION PROGRAM**

The Board of Education shall establish at least one Committee on Special Education and one Committee on Preschool Special Education. 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 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 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 30 days of the Board's receipt of the recommendation of the CSE.

If on review of the recommendation of the CSE, the Board of Education disagrees with such recommendation, the Board shall follow one of the following procedures:

- a) The Board may remand the recommendation to the CSE with a statement of the Board's objections or concerns and a request that a timely meeting be held to review and consider such objections or concerns. The CSE shall consider the Board's objections or concerns, revise the IEP where appropriate, and resubmit a recommendation to the Board. If the Board continues to disagree with the recommendation of the CSE, the Board may continue to remand the recommendation to the original committee for additional reviews of its objections or concerns, or establish a second CSE to develop a new recommendation in accordance with the following paragraph, provided that the Board arranges for the programs and services in accordance with the student's IEP within the timelines as outlined above; or, in the alternative,

(Continued)

Students

**SUBJECT: THE ROLE OF THE BOARD IN IMPLEMENTING A STUDENT'S
INDIVIDUALIZED EDUCATION PROGRAM (Cont'd.)**

- b) The Board may establish a second CSE to develop a new recommendation for the student. If the Board disagrees with such new recommendation, the Board may remand the recommendation to the second CSE with a statement of the Board's objections or concerns and a request that a timely meeting be held to review and consider such objections or concerns. The second CSE shall consider the Board's objections or concerns, revise the IEP where appropriate, and resubmit a recommendation to the Board. If the Board continues to disagree with the recommendation of the second CSE, the Board may continue to remand the recommendation for additional reviews of its objections or concerns by the second CSE, provided that the Board arranges for the programs and services in accordance with the student's IEP, as developed by the second CSE, within the timelines as outlined above.

Pursuant to Commissioner's regulations, the Board may not select the recommendation of the original CSE once it has established a second CSE.

The Board shall provide the student's parents/guardians 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 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 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.

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**SUBJECT: THE ROLE OF THE BOARD IN IMPLEMENTING A STUDENT'S
INDIVIDUALIZED EDUCATION PROGRAM (Cont'd.)**

Each Subcommittee may perform the functions for which the CSE is responsible, except:

- a) When a student is considered for initial placement in a special class; or
- b) When a student is considered for initial placement in a special class outside of the student's school of attendance; or
- c) When a student is considered for placements in a school primarily serving students with disabilities or a school outside the District.

Subcommittees shall report annually to the CSE regarding the status of each student with a disability within its jurisdiction. Upon receipt of a written request from the parent or person in parental relationship 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 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: 6/27/00

Revised: 2/8/05; 8/8/06

Students

SUBJECT: PRESCHOOL SPECIAL EDUCATION PROGRAM

The Board recognizes the need for educational programs for three and four year old children with disabilities and directs that administrative practices and procedures be developed to:

- a) Ensure the timely evaluation and placement of each preschool child with a disability residing in the District so the child has the opportunity to participate in preschool programs.
- b) Establish a Committee on Preschool Special Education (CPSE) which shall be comprised in accordance with applicable federal and state law and regulation.
- c) Ensure that parents have received and understand the request for consent for evaluation and re-evaluation of a preschool aged child.

Evaluations for Preschool Children with Disabilities

The District is required to collect entry assessment data in the three 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 outcome areas from approved preschool evaluators conducting initial evaluations on all preschool children suspected of having disabilities. The CPSE will then meet to determine the child's eligibility for preschool education programs and/or services and complete the Child Outcomes Summary Form to determine the child's entry level of functioning in the three outcome areas for all preschool children evaluated and found to be eligible. The form is kept in the student's record until the exit assessment information is due as a way to summarize complex assessment information in a format so that the data can be aggregated and reported to the State Education Department (SED).

Individuals with Disabilities Act (IDEA), 20 USC Section 1400 et seq.
Education Law Section 4410
8 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: 6/27/00
Revised: 2/8/05; 9/25/07; 4/29/08

Students

SUBJECT: LEAST RESTRICTIVE ENVIRONMENT

Least restrictive environment means that placement of students with disabilities in special classes, separate schools or other removal from the regular educational environment occurs only when the nature or severity of the disability is such that even with use of supplementary aids and services, education in regular classes cannot be satisfactorily achieved. The placement of an individual student with a disability in the least restrictive environment shall:

- a) Provide the special education and related services, as well as supplementary aids and services, needed by the student. The term "related services" does not include a medical device that is surgically implanted, the optimization of the device's functioning (e.g., mapping), maintenance of, or the replacement of such device;
- b) Provide for education of the student to the maximum extent appropriate to the needs of the student with other students who do not have disabilities; and
- c) Be as close as possible to the student's home.

The District has an obligation, pursuant to law, and regulation, to educate students with disabilities in the least restrictive environment. The School District shall ensure that:

- a) Placement is based on the student's individualized education program and determined at least annually;
- b) Placement is as close as possible to the student's home, and unless the student's individualized education program requires some other arrangement, the student shall be educated in the school he/she would have attended if not disabled;
- c) In selecting the least restrictive environment, consideration will be given to any potential harmful effect on the student or on the quality of services that he/she needs; and
- d) A student with a disability will not be removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

The District shall ensure that a continuum of alternative placements, in accordance with law and/or regulation, will be available to meet the needs of students with disabilities. To enable students with disabilities to be educated with nondisabled students to the maximum extent appropriate, specially designed instruction and supplementary services may be provided in the regular class, including, as appropriate, related services, resource room programs and special class programs within the general education classroom.

(Continued)

Students

SUBJECT: LEAST RESTRICTIVE ENVIRONMENT (Cont'd.)

Individuals with Disabilities Education Act (IDEA) 20 USC Section 1400 et seq.
34 CFR Part 300
Education Law Sections 4401-4410-a
8 NYCRR Sections 100.5, 100.9, 200.1(cc), 200.1(qq), 200.2(b), 200.4 and 200.6

Adopted: 6/27/00
Revised: 8/8/06; 9/25/07; 2/9/10

Students

**SUBJECT: PREREFERRAL INTERVENTION STRATEGIES IN GENERAL EDUCATION
(PRIOR TO A REFERRAL FOR SPECIAL EDUCATION)**

The School District shall establish a plan for implementing schoolwide approaches and prereferral interventions in order to remediate a student's performance *prior to referral* for special education.

The provision of programs and/or services for students starts with consideration/implementation of instruction in the general education curriculum, with appropriate supports and/or modifications as may be necessary. In implementing prereferral intervention strategies, the District may utilize resources/strategies already in place for qualified students including, but not limited to, services available through Section 504 of the Rehabilitation Act of 1973, and Educationally Related Support Services and Academic Intervention Services as defined in Education Law and/or Commissioner's regulations. All of these programs may be considered as possible components of Prereferral/Intervention Instructional Support Plans. The District will ensure that they have a system in place, with appropriate personnel, for developing, implementing and evaluating prereferral intervention strategies.

The District will provide general education support services, instructional modifications, alternative instructional approaches, or alternative program options to address a student's performance prior to a referral to a Committee on Special Education (CSE). Formal Instructional Support Services Teams (ISST) or other school-based teams (e.g., Direct Student Support Teams or Child Study Teams), will be formed in accordance with law and/or regulations as may be applicable as well as District guidelines. The ISST will include representatives from general and special education as well as other disciplines and include individuals with classroom experience. Parents/persons in parental relation to students will be involved in developing prereferral strategies to address the educational needs of their child. Additionally, the District will seek collaboration between outside agencies and the school prior to a referral of the student to the CSE in order to address necessary student support services.

Administration shall ensure that appropriate opportunities exist for collaboration between general educators and special educators, and that consultation and support are available to teachers and other school personnel to assist parents/persons in parental relation to students and teachers in exploring alternative approaches for meeting the individual needs of any student prior to formal referral for special education.

The determination of prevention and prereferral intervention strategies/services shall consider the student's strengths, environment, social history, language and cultural diversity in addition to the teacher's concerns. The building administrator will further ensure that all staff are familiar with intervention procedures and procedures for operating an ISST.

Prereferral/Intervention Instructional Support Plans shall be proactive in their strategies to meet the broad range of student needs and to improve student performance. Prereferral/Intervention strategies and/or Instructional Support Plans are to be reviewed and evaluated to determine their effectiveness, and modified as may be appropriate. Appropriate documentation of the prevention and/or intervention strategies implemented shall be maintained.

(Continued)

Students

**SUBJECT: PREREFERRAL INTERVENTION STRATEGIES IN GENERAL EDUCATION
(PRIOR TO A REFERRAL FOR SPECIAL EDUCATION) (Cont'd.)**

However, should a referral be made to the CSE during the course of implementing prereferral/intervention instructional support services, the CSE is obligated in accordance with law to continue its duties and functions, and must meet mandatory time lines in evaluating the student for special education services and implementation of an individualized education program, if applicable.

Educational Related Support Services

Educational related support services (ERSS) means curriculum and instructional modification services; direct student support team services; assessment and non-career counseling services; special instruction to eligible students with disabilities as defined in Education Law Section 4401, which does not generate excess cost aid including related services but excluding transportation and transition services; and to eligible, qualified students pursuant to Section 504 of the Rehabilitation Act of 1973. These services are provided to eligible students, individually or in groups, and may include those related consultation services provided to their families and related school personnel in order to enhance the academic achievement and attendance of such students. Educational related support services shall also meet speech and language improvement services as defined in Commissioner's regulations.

ERRS may be utilized as a component of any Prereferral/Intervention Instructional Support Plan.

Section 504 of the Rehabilitation Act of 1973

For students who are qualified for services pursuant to Section 504 of the Rehabilitation Act, but are not classified as students with disabilities as defined in Education Law Section 4401, Section 504 Accommodation Plans may address instructional support services that can be utilized as components of any prereferral/intervention strategies as deemed necessary and/or appropriate.

Academic Intervention Services

Academic intervention services means additional instruction which supplements the instruction provided in the general 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.

(Continued)

Students

**SUBJECT: PREREFERRAL INTERVENTION STRATEGIES IN GENERAL EDUCATION
(PRIOR TO A REFERRAL FOR SPECIAL EDUCATION) (Cont'd.)**

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 years based on student performance results.

Parental notification of students who have been determined to need academic intervention services will be provided as per Commissioner's regulations.

In implementing prevention and/or prereferral intervention support strategies in order to remediate a student's performance prior to referral for special education, the utilization of academic intervention services, as enumerated in Commissioner's regulations, may be included as a component of any such Prereferral/Intervention Instructional Support Plan.

Section 504 of the Rehabilitation Act of 1973,

29 USC Section 794 et seq.

Education Law Sections 3602(32), 4401 and 4401-a

8 NYCRR Sections 100.1(g), 100.1(p), 100.1(r), 100.1(s), 100.1(t), 100.2(v), 100.2(dd)(4), 100.2(ee),
200.2(b)(7), 200.4(a)(2), 200.4(a)(9); 200.4(c) and Part 154

Adopted: 6/27/00

Revised: 2/8/05

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 and the District shall provide a copy of the evaluation report and the documentation of eligibility to the student's parent. The results of any reevaluations must be addressed by the Committee on Special Education (CSE) in a meeting to review and, as appropriate, revise the student's Individualized Education Program (IEP).

Prior to the reevaluation, the School District shall obtain informed written parental consent unless otherwise authorized pursuant to law and/or regulation. Parental consent need not be obtained if the District can demonstrate that it has taken reasonable measures to obtain that consent, and the student's parents fail to respond. The District must have a record of its attempts to obtain parental consent. Should the student's parents refuse consent for the reevaluation, the District may continue to pursue the reevaluation by using mediation and/or due process procedures.

The District shall take whatever action is necessary to ensure that the parent understands the proceedings at the meeting of the CSE, including arranging for an interpreter for parents with deafness or whose native language is other than English.

Graduation/Aging Out

The District is not required to conduct a reevaluation of a student before the termination of a student's eligibility due to graduation with a local high school or Regents diploma or exceeding the age eligibility for a free appropriate public education. However, the District must provide the student with a summary (Student Exit Summary) of the student's academic achievement and functional performance, including recommendations on how to assist the student in meeting his/her post-secondary goals. Although not required to do so, the District will also provide this Student Exit Summary (www.vesid.nysed.gov/specialed/idea/studentexit.htm) 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 he/she receives an Individualized Education Program (IEP) diploma. If the student will be

(Continued)

Students

SUBJECT: DECLASSIFICATION OF STUDENTS WITH DISABILITIES (Cont'd.)

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 21 or until receipt of a regular high school diploma. However, New York State Law does not grant a child who has reached the age of majority all rights previously granted to parents under IDEA.

Recommendation for Declassification

If the student has been receiving special education services, but it is determined by CSE that the student no longer needs special education services and can be placed in a regular educational program on a full-time basis, the recommendation shall:

- a) Identify the declassification support services, if any, to be provided to the student; and/or the student's teachers; and
- b) Indicate the projected date of initiation of such services, the frequency of provision of such services, and the duration of these services, provided that such services shall not continue for more than one year after the student enters the full-time regular education program.

Declassification Support Services

Declassification support services means those services provided to the student or the student's teacher(s) to aid in the student's transition from special education to full-time regular education. These services are provided by persons certified or licensed in the appropriate area of service pursuant to Commissioner's Regulations Part 80. Such services include:

- a) For the student: psychological services, social work services, speech and language improvement services, non-career counseling, and other appropriate support services; and
- b) For the student's teacher(s): the assistance of supplementary school personnel and consultations with appropriate personnel.

When appropriate, the District 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.

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

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SUBJECT: DECLASSIFICATION OF STUDENTS WITH DISABILITIES (Cont'd.)

written language, the District shall take steps to ensure that the notice is translated orally or by other means to the parent in his/her native language or other mode of communication; that the parent understands the content of the notice; and that there is written evidence that all due process procedures, pursuant to law and/or regulation, have been met.

Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446]

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

34 CFR Part 300

Education Law Sections 4401-4410-a

8 NYCRR Sections 100.2(u), 200.1(ooo), 200.2(b)(8), 200.4(b)(4), 200.4(b)(5), 200.4(c)(3), 200.4(c)(4), 200.4(d)(1) and 200.5(a)

NOTE: Refer also to Policy #7641 -- Transition Services

Adopted: 6/27/00

Revised: 8/8/06; 9/25/07; 1/13/15

Students

SUBJECT: PROVISION OF SPECIAL EDUCATION SERVICES TO NONPUBLIC SCHOOL STUDENTS WITH DISABILITIES WHO ARE PARENTALLY PLACED

Beginning with the 2007-2008 school year, the **district of location** is responsible for child find, including individual evaluations, Committee on Special Education (CSE) meetings, provision of special education services, and due process to parentally placed nonpublic school students attending nonpublic schools located in the geographic region of the public school district.

The new requirements **do not** pertain to parental placements of preschool children with disabilities in private day care or preschool programs or to CSE placements of students with disabilities in approved private schools, Special Act School Districts, and State-supported or State-operated schools, nor does it apply to Charter schools. These requirements only pertain to students with disabilities parentally placed in elementary and secondary nonpublic schools.

Parental Consent Needed by the School District of Location

Federal law and regulations require the following:

- a) If a student with a disability is parentally placed, or is going to be parentally placed in a nonpublic school that is not located in the school district where the student legally resides, parental consent must be obtained by the school district of location before any personally identifiable information about the student is shared between officials in the public school district of residence and officials in the public school district of location. Therefore, parent consent is required before sharing Individualized Education Programs (IEPs) and other education records between the district of residence and the district of location.
- b) Parent consent must also be obtained by the school district of location prior to sharing of personally identifiable information with the nonpublic school.
- c) If a parent who has placed a student with a disability in a nonpublic school at his/her own expense does not provide consent for the initial evaluation or the reevaluation, or the parent fails to respond to a request to provide consent, the district of location may not use the due process hearing to override lack of parental consent; and the district of location is not required to consider the student as eligible for special education services.

Consultation Requirements with Nonpublic Schools

The school district of location must consult with nonpublic school representatives and representatives of parents of parentally placed nonpublic school students with disabilities enrolled in nonpublic elementary and secondary schools located within the boundaries of the school district. The school district must engage in consultation regarding the child find process and services generally; consultation is not specific to individual students. Individual services are determined by the CSE. The consultation process must be timely and meaningful and include discussion of the following topics:

(Continued)

Students

SUBJECT: PROVISION OF SPECIAL EDUCATION SERVICES TO NONPUBLIC SCHOOL STUDENTS WITH DISABILITIES WHO ARE PARENTALLY PLACED (Cont'd.)

Child Find

The child find process must include discussion on how parentally placed nonpublic school students suspected of having a disability can participate equitably, including the procedures to be followed by the district of location and nonpublic school to identify students who may have disabilities.

Provision of Special Education Services

Consultation must address how, where and by whom special education and related services will be provided to such students, including a discussion of types of services, such as direct services and alternate service delivery mechanisms.

If the school district disagrees with the views of the nonpublic school officials on the provision of services or the types of services, whether provided directly or through a contract, the school district shall provide to the nonpublic school officials a written explanation of the reasons why the school district chose not to provide services directly or through a contract.

Use of Federal Funds

Consultation must also include determination of the proportionate amount of federal funds available to serve parentally placed nonpublic school students with disabilities, including the determination of how the amount was calculated.

Upon completion of the consultation process, the nonpublic school representatives must provide written affirmation of their participation in the consultation process. If the nonpublic school representative does not provide such affirmation within a reasonable period of time, the school district must forward the documentation of the consultation process to the State Education Department (SED).

Child Find Requirements (Including Individual Evaluations and Reevaluations)

Child find is the practical method the public school district of location will develop and implement to identify, locate and ensure the evaluation and identification of students with disabilities who are parentally placed in nonpublic schools. The child find activities must be similar to activities undertaken for students with disabilities in the public schools and must be completed in a time period comparable to that for other students attending public schools in the school district. The child find obligations also include parentally placed nonpublic school children who reside outside New York State.

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Students

SUBJECT: PROVISION OF SPECIAL EDUCATION SERVICES TO NONPUBLIC SCHOOL STUDENTS WITH DISABILITIES WHO ARE PARENTALLY PLACED (Cont'd.)

The district of location must have procedures for conducting evaluations and reevaluations of students enrolled in nonpublic schools located within their district within required timeframes and at no cost to parents. The reevaluation requirements apply to all eligible parentally placed nonpublic school students with disabilities, even those not currently receiving services.

Development of Individualized Education Programs (IEPs) and Provision of Special Education Services for New York State Resident Students

The CSE of the district of location will be responsible to develop an Individualized Education Program (IEP) for New York State students with disabilities enrolled by their parents in nonpublic schools located in the geographic region of the public school. The IEP developed for parentally placed nonpublic school students must be developed consistent with the manner in which the IEPs of all students with disabilities are developed and the services to be provided cannot be determined based on the proportionate share of federal funds. The CSE of the district of location must ensure that a representative of the nonpublic school where the student attends is included in the meeting where the IEP is developed. If the representative cannot attend, the school district must use other methods to ensure participation by the private school, including individual or conference telephone calls. The IEP must be reviewed periodically, but not less than annually.

The school district of location is also responsible to provide special education services pursuant to the IEP developed for each eligible student. The parent must request special education services in writing to the school district by June 1 preceding the school year for which the request for services is made. Exceptions to the June 1 request for services deadline must be provided in accordance with law.

Transportation

If special education services are to be provided to a student at a site other than the nonpublic school, the district of location is responsible to provide the special education services, including, as applicable, arranging and providing transportation necessary for the student to receive special education services. The proportionate share of IDEA Part B dollars could be used for such purpose.

The school district of residence remains responsible to provide transportation to parentally placed nonpublic school students from the student's home to the nonpublic school.

Services Plans for Out-of-State Children

The school district of location must provide, as appropriate, special education services to an eligible student who legally resides in another state and who is parentally placed in a nonpublic school located in New York State. The services to be provided to out-of-State students must be documented on a services plan that is developed by the CSE of the district of location. The services plan is the

(Continued)

Students

SUBJECT: PROVISION OF SPECIAL EDUCATION SERVICES TO NONPUBLIC SCHOOL STUDENTS WITH DISABILITIES WHO ARE PARENTALLY PLACED (Cont'd.)

written plan that describes the specific special education and related services that the district of location will provide to the student, consistent with the services that the school district of location has determined through the consultation process and in relation to the proportionate shares of federal IDEA Part B dollars, to be provided to the student.

The services plan must, to the extent appropriate, be developed, reviewed and revised by the CSE of school district of location consistent with the requirements for development of an IEP. The parent(s) of the student must be invited to the meeting and the district of location must also ensure that a representative of the nonpublic school where the student attends be included in the meeting where the services plan is developed. If the nonpublic school representative cannot attend, the school district must use other methods to ensure participation by the nonpublic school, including individual or conference telephone calls. The services plan must be reviewed periodically, but not less than annually.

Individuals with Disabilities Education Improvement Act of 2004 (Public Law 108-446)
Individuals with Disabilities Education Act (IDEA), 20 USC Section 1400 et seq.
34 CFR Part 300
Education Law Sections 3242, 3602-c, 4401-a, 4402, 4404, 4405, and 4410-b
8 NYCRR Part 200

Adopted: 10/30/07

Students

SUBJECT: USE OF TIME OUT ROOMS

"Time out" is a technique used to interrupt an unacceptable behavior by removing the student from the situation where the misbehavior is occurring. SED does not regulate the use of time outs, but does regulate the use of a separate room where a student may be removed for a time out.

Except as provided pursuant to 8 New York Code of Rules and Regulations (NYCRR) Section 200.22(c) as referenced below, the School District shall not employ the use of time out rooms as a means of regulating student behavior.

Pursuant to Commissioner's regulations, a time out room is defined "as an area for a student to safely deescalate, regain control and prepare to meet expectations to return to his/her education program." If a time out room is to be used, it must be used in conjunction with a behavioral intervention plan (that is designed to teach and reinforce alternative appropriate behaviors). The student is then removed to a supervised area in order to facilitate self-control. Time outs may also be used in unanticipated situations that pose an immediate concern for the physical safety of a student or others. Such unanticipated or emergency use requires proper documentation as outlined in Commissioner's Regulation Section 200.22(d)(4).

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.

At a minimum, the use of time out rooms shall be governed by the following rules and standards:

- a) The District prohibits placing a student in a locked room or space or in a room where the student cannot be continuously observed and supervised. The time out room shall be unlocked and the door must be able to be opened from the inside. The use of locked rooms or spaces for purposes of time out or emergency interventions is prohibited.

Staff shall continuously monitor the student in a time out room. The staff must be able to see and hear the student at all times.

Under no circumstances shall a time out room in a school program be used for seclusion of the student, where the term "seclusion" is interpreted to mean placing a student in a locked room or space or in a room where the student is not continuously observed and supervised.

- b) Factors which may precipitate the use of the time out room:

Only under circumstances where a data driven FBA/BIP is designed to teach and reinforce alternate appropriate behavior which addresses precipitating behaviors that endanger the welfare of the student or others.

(Continued)

SUBJECT: USE OF TIME OUT ROOMS (Cont'd.)c) Time limitations for the use of the time out room:

Time limitations must directly correlate to the developmental level of the student.

Further, a student's IEP shall specify when a behavioral intervention plan includes the use of a time out room for a student with a disability, including the maximum amount of time a student will need to be in a time out room as a behavioral consequence as determined on an individual basis in consideration of the student's age and individual needs.

School administration or other personnel shall be notified in the event a student is placed in a time out room for excessive amounts of time; and such information shall be considered when determining the effectiveness of the student's behavioral intervention plan and the use of the time out room for the student. Whether the student requires a debriefing following the use of a time out room shall be left to the staff knowledgeable about the individual student.

d) Staff training on the policies and procedures related to the use of time out rooms shall include, but not be limited to, the following measures:

1. The Director of Special Education shall be responsible to the Superintendent for establishing administrative practices and procedures for training all District personnel responsible for carrying out the provisions of Commissioner's regulations relating to the use of time out rooms, including members of the Committee on Special Education (CSE) and Committee on Preschool Special Education (CPSE).
2. School administration will be responsible for implementation and oversight of training.

e) Data collection to monitor the effectiveness of the use of time out rooms:

District schools shall establish and implement procedures to document the use of time out rooms, including information to monitor the effectiveness of the use of the time out room to decrease specified behaviors. Such data would be subject to review by the State Education Department (SED) upon request.

Such data collection should appropriately include, but is not limited to, the following information:

1. A record for each student showing the date and time of each use of the time out room;
2. A detailed account of the antecedent conditions/specific behavior that led to the use of the time out room;

(Continued)

SUBJECT: USE OF TIME OUT ROOMS (Cont'd.)

3. The amount of time that the student was in the time out room; and
4. Information to monitor the effectiveness of the use of the time out room to decrease specified behaviors which resulted in the student being placed in the room.

f) Information to be provided to parents:

The School District shall inform the student's parents prior to the initiation of a behavioral intervention plan that will incorporate the use of a time out room for a student, and shall give the parent the opportunity to see the physical space that will be used as a time out room and provide the parent with a copy of the school's policy on the use of time out rooms.

Additionally, parents should be notified if their child was placed in a time out room. Minimally, *whenever a time out room is used as an emergency intervention* pursuant to Commissioner's Regulations Section 200.22(d), the parent shall be notified of the emergency intervention. Such notification will be provided the same day whenever possible.

The parent is a member of the CSE and the use of a time out room must be included on the student's IEP. The parent receives prior notice as to the recommendations on a student's IEP and may request due process in the event the parent does not agree with the CSE recommendations.

Parent reports of alleged inappropriate interventions used in a time out room should be directed to school administrators.

Physical Space Used as a Time Out Room

The physical space used as a time out room must meet certain standards.

- a) The room shall provide a means for continuous visual and auditory monitoring of the student.
- b) The room shall be of adequate width, length and height to allow the student to move about and recline comfortably.
- c) Wall and floor coverings should be designed to prevent injury to the student, and there shall be adequate lighting and ventilation.
- d) The temperature of the room shall be within the normal comfort range and consistent with the rest of the building.
- e) The room shall be clean and free of objects and fixtures that could be potentially dangerous to a student and shall meet all local fire and safety codes.

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Students

SUBJECT: USE OF TIME OUT ROOMS (Cont'd.)

Education Law Sections 207, 210, 305, 4401, 4402, 4403, and 4410
8 NYCRR Sections 19.5, 200.1, 200.4, 200.7, 200.22, and 201.2

Adopted: 1/13/15

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.

Community Resources

The School District may compile a list of community resources (appropriate and/or helpful services that may be available outside of the school setting) and provide this information to parents or persons in parental relation of a child with a disability. Such a list shall clearly state that these services are in addition to programs and services provided by the School District and will not be paid for by the School District. Any member of the School District's committees or subcommittees on special education, or the School District, who, acting reasonably and in good faith, provides this information shall not be liable for such action.

Education Law Sections 4402(1)(b)(3-a) and 4410 (5)(b)(IV)
8 NYCRR Sections 200.2(b)(1) and 200.2(b)(2)

Adopted: 6/27/00
Revised: 2/9/10; 1/13/15

SUBJECT: 504 POLICY

The 504 program has been established to provide a process necessary to meet the educational needs of students with disabilities (SWD) in accordance with the Rehabilitation Act of 1973. The program will establish a method by which disabled students are identified, evaluated, and placed with such a plan that will give them equal opportunity to benefit from the school's academic and non-academic activities. The plan will ensure compliance with procedural safeguards with confidentiality, notice to parents, right to examine relevant records, right to a grievance procedure and right to a review of a due process hearing decision.

Staff Issues

- a) The Superintendent of Schools will designate a 504 Coordinator whose duties will include developing and maintaining a 504 program, distribution of necessary documents, and overseeing the 504 Committee. A 504 Coordinator will also handle parent complaints, responses to Office of Civil Rights (OCR) investigations, and make arrangements for any 504 grievance procedures.
- b) A 504 Committee will be established by the 504 Coordinator. The committee shall make the necessary decisions regarding the student identification (eligibility), evaluation, and accommodation plan. The Committee members need not be fixed. They must be composed of a group of persons knowledgeable about the student, the meaning of the evaluation data, and available plan options. Thus, the Committee might not consist of the same group of people for each student. It is hopeful in most whenever possible that a current general education teacher of the student serve on the Committee.

Documents

The 504 Coordinator and Committee must establish a set of forms that will serve as the necessary documentation to validate the creation of a 504 plan for any student with disabilities.

- a) Internal Referral Form: used to gather referral information from parents and staff
- b) Parental Consent Form: documents parents' consent to initial evaluation
- c) Notice of Parent Rights: informs parents and students of their rights under 504
- d) Notice of Evaluation/Meeting: notifies parents of upcoming 504 committee meetings and evaluations
- e) Report of Evaluation/Meeting: informs parents of the 504 Committee basic decisions
- f) Individual Accommodations Plan (IAP): for students that qualify for services, consists of a written plan of accommodations that will be implemented in order for the student to receive an appropriate education under 504.

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SUBJECT: 504 POLICY (Cont'd.)**Referral Process**

- a) Section 504 covers qualified students with disabilities who attend schools receiving Federal financial assistance. To be protected under Section 504, a student must be determined to:
1. have a physical or mental impairment that substantially limits one or more major life activities;
 2. have a record of such an impairment, or
 3. be regarded as having such an impairment.
- b) The 504 referral process should begin by informing all staff of factors that may indicate a student may potentially be in need for services under 504. Many factors can be considered including: frequent failures, frequent disciplinary referrals, medical problems, past referrals to special education (where child did not qualify), students returning from hospitals or treatment programs, and students for whom informal classroom modifications have not worked, among others.

The Internal Referral Form should have staff explain clearly why they feel the child needs 504 assistance and the efforts that already have been made to help the student achieve. Section 504 addresses the needs of students who are substantially limited in the classroom **because of disabilities**, not for other reasons. In addition, the school does not have to refer a student for a 504 evaluation because a parent requests a referral. The NYS Department of Education states a student must be referred only if the **school** believes the student might be in need of 504 services because of a disability that substantially limits their learning.

A student must have a physical or mental impairment that substantially limits a major life activity such as learning before they can be eligible for 504 services. All impairments might not substantially limit the student's performance in school. Therefore, the existence of a physical or mental impairment does not mean that the student automatically qualifies under 504.

- c) Once a student has been referred to the 504 Committee, the 504 Coordinator shall inform the parents of their rights under the 504 and obtain parental consent for evaluation (required by the OCR).

504 Committee Action

- a) The 504 Committee must collect all the information necessary to make an educational determination that a student must suffer from a disability that is limiting their performance in the classroom. This information may be provided by a number of sources but not limited to: report cards, referral forms, teacher reports, disciplinary records, testing results, health records, parent information, and counselor's reports.

(Continued)

Students

SUBJECT: 504 POLICY (Cont'd.)

- b) The Committee then determines eligibility under 504. The Committee should state what they think the potential disability is, and if they feel it substantially limits the student's learning. **The eligibility process required under the 504 is an educational, not a medical determination.** The Committee is identifying educational needs for accommodations that are required for students to receive an appropriate education despite their disabilities.
- c) The 504 Committee will develop an individual accommodation plan (IAP) for every student that has been determined to be eligible. The accommodation will consist of modifications or plan of services they feel are necessary for the student to be successful in the classroom and therefore have equal opportunity to benefit from the academic and non-academic activities of the school. These may include environmental modifications, curricular modifications, behavior management plans, counseling, or any other type of modifications and support services.

Implementation

- a) The developed student individual accommodation plan (IAP) shall be shared with parents/guardians and any teacher staff currently involved with the education of the student.

The original copy of the IAP will be stored with the 504 Coordinator and not in the general student file.

- b) The 504 Coordinator must be instrumental in monitoring compliance with the terms set forth in the IAP established by the 504 Committee. The teaching staff must be aware that changes in a student's curriculum and/or learning environment have been made to give that student equal opportunity to education as set forth by the adoption of the Rehabilitation Act of 1973.

Review and Reevaluation

The 504 Committee should meet as needed to address any issues with any student IAP. Modifications to add or subtract services can be made at any time. An annual review of every student IAP is done by the 504 Committee. New teachers should replace former teachers on the Committee in order to provide new information and ideas regarding the educational needs of the student.

Prohibition Against Disability-Based Discrimination in Accelerated Programs

The practice of denying, on the basis of disability, a qualified student with a disability the opportunity to participate in an accelerated program violates both Section 504 and Title II. A school district may not impose or apply eligibility criteria that screens out or tends to screen out a student with a disability from fully and equally enjoying any service, program, or activity, unless such criteria can be shown to be necessary.

(Continued)

SUBJECT: 504 POLICY (Cont'd.)

It is also unlawful to deny a student with a disability admission to an accelerated class or program solely because of his/her need for special education or related aids or services (i.e., related services, supplementary aids and services, program modification and supports for school personnel) or because the student has an Individualized Education Program (IEP) or a plan under Section 504.

Schools may employ appropriate eligibility requirements or criteria in determining whether to admit students, including students with disabilities, into accelerated classes or programs. Additionally, nothing in Section 504 or Title II requires schools to admit into accelerated classes or programs students with disabilities who would not otherwise be qualified for these classes or programs.

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Students

SUBJECT: SECTION 504/TITLE II GRIEVANCE POLICY

Section 504 of the Rehabilitation Act of 1973 and Title n of the Americans with Disabilities Act prohibit discrimination on the basis of disability or sex. A grievance procedure has been created to assure the prompt and impartial resolution to any complaint directed to the District in regards to a student with disabilities. The 504 Coordinator will conduct an investigation regarding the grievance in regard to the District's compliance with the rights of the complainant. The 504 Coordinator shall also be responsible for handling complaints and grievances regarding discrimination based on race, color, creed, religion, national origin, political affiliation, sex orientation, age, military status, or marital status.

NOTE: Refer also to Policy #3232 -- Complaints and Grievances by Students

Adopted: 2/8/05

Students

SUBJECT: DUE PROCESS RIGHTS FOR PARENTS OF CHILDREN WITH DISABILITIES

In accordance with the Individuals With Disabilities Education Act (IDEA) as well as Part 200 of the regulations of the Commissioner of Education, a procedural safeguards notice must be provided to parents, as required by Section 1410(d)(1) of IDEA, upon:

- a) Initial referral for evaluation for the provision of special education services;
- b) Each notice of an individualized education program (IEP) meeting;
- c) Reevaluation of the child;
- d) Registration of a request for a due process proceeding (mediation or an impartial hearing);
- e) A decision to remove a child from his/her current educational placement for more than ten cumulative or consecutive days in a given school year as the result of disciplinary action [20 United States Code (USC)1415(k)(4)(A)].

New York State Regulations also require the procedural safeguards notice to be provided to parents when:

- a) The Committee on Special Education/Committee on Preschool Special Education notifies the parent of its recommendation;
- b) The recommendation is reviewed by the Board of Education.

Individuals With Disabilities Education Act (IDEA)
USC Sections 1400-1485
Education Law Sections 4401-4407
8 NYCRR Part 200

Adopted: 6/27/00

Students

SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON SPECIAL EDUCATION (CSE)/SUBCOMMITTEE ON SPECIAL EDUCATION MEMBERS

Committee on Special Education (CSE) Membership

The Board of Education shall appoint a Committee on Special Education (CSE) whose membership shall include, but not be limited to, the following members:

- a) The parent(s) or persons in parental relationship of the student. To ensure that one or both parents are present at each CSE meeting, the District and the parent(s) may agree to use alternative means of participation such as videoconferences or conference phone calls;
- b) Not less than one regular education teacher of such student (if the student is, or may be, participating in the regular education environment);
- c) Not less than one special education teacher of the student, or, where appropriate, not less than one 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 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 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 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 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 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 regular education teacher of such student (if the student is, or may be, participating in the regular education environment);
- c) Not less than one special education teacher, of the student, or where appropriate, not less than one 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 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 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;
- 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;

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Students

SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON SPECIAL EDUCATION (CSE)/SUBCOMMITTEE ON SPECIAL EDUCATION MEMBERS (Cont'd.)

- 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 Commissioner's Regulations Part 200 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 USC Section 1400 et seq.
34 CFR Part 300 and Section 300.321
Education Law Section 4402
8 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: 6/27/00
Revised: 2/8/05; 8/8/06; 10/30/07; 3/8/11

**SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON PRESCHOOL
SPECIAL EDUCATION (CPSE) MEMBERS**

Committee on Preschool Special Education (CPSE) Membership

The Board of Education shall appoint a Committee on Preschool Special Education (CPSE) whose membership shall include, but not be limited to, the following members:

- a) The parent(s) of the preschool child. To ensure that one or both parents are present at each CPSE meeting, the District and the parent(s) may agree to use alternative means of participation such as video conferences or conference phone calls;
- b) Not less than one regular education teacher of such child (if the child is, or may be, participating in the regular education environment);
- c) Not less than one special education teacher of the child or, where appropriate, not less than one special education provider (i.e., related service provider) of such child;
- d) A representative of the School District who is qualified to provide, or supervise the provision of, special education and who is knowledgeable about the general curriculum and about the availability of resources of the District and the municipality (who shall serve as Chairperson of the CPSE);
- e) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team selected from the regular education teacher, the special education teacher or provider, the school psychologist, the School District representative described above, or a person having knowledge or special expertise regarding the student as determined by the District;
- f) At the discretion of the parent or the District, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate. The determination of knowledge or special expertise shall be made by the party (parents or School District) who invited the individual to be a member of the committee;
- g) An additional parent of a child with a disability who resides in the School District or a neighboring school district, and whose child is enrolled in a preschool or elementary level education program provided that such parent shall not be employed by or under contract with the School District or municipality; and provided further that such parent shall not be a required member if the parents of the child request, in writing, that the additional parent member not participate in the meeting;

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Students

SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE) MEMBERS (Cont'd.)

- h) 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; and
- i) A representative of the municipality of the preschool child's residence. Attendance of the appointee of the municipality is not required for a quorum.

However, except for the parents/persons in parental relation and the appointee from the municipality (a) and i) above) a member of the CPSE is not required to attend a meeting of the team in whole or in part if the parent/person in parental relation and the District agree in writing that the attendance is not necessary because the member's area of the curriculum or related services is not being modified or discussed at that meeting.

Additionally, a member as described in letters b) through h) of this subheading may be excused from attending the CPSE meeting, in whole or in part, if the parent/person in parental relation to the student with a disability and the School District agree, in writing to the excusal not less than five 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 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 Commissioner's Regulations Part 200 as well as members of the Committee on Preschool Special Education.

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**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 USC Section 1400 et seq.
34 CFR Part 300
Education Law Section 4410
8 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: 6/27/00
Revised: 2/8/05; 8/8/06; 10/30/07; 3/23/10

Students

SUBJECT: COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE) PROCESS

The Committee on Preschool Special Education (CPSE) is a multidisciplinary team which must be convened consistent with federal and state laws. The CPSE is responsible for evaluating preschool children, ages 3-5, suspected of having a developmental delay or disability. As a result of the reauthorization of the Individuals with Disabilities Education Act (IDEA), the parent or person in parental relationship is now a member of the CPSE.

The parent or person in parental relationship must be invited by the CPSE at least five days prior to the meeting. The CPSE shall permit individuals invited by the parent/person in parental relationship to be present at any meeting held to review or evaluate a preschool child which the parent/person in parental relationship believes has knowledge or expertise about the child.

The CPSE authorizes the evaluation to be conducted. The evaluation includes, but is not limited to, a physical examination, an individual psychological evaluation, a social history, and other appropriate assessments or evaluations as necessary to ascertain the physical, mental and emotional factors which contribute to the suspected disabilities.

The CPSE must consider all the evaluation components and compare them to accepted milestones. The New York State Education Department has developed specific criteria, to be used as guidelines by the CPSE, regarding the amount of delay that constitutes an educational disability. Communications to parents/persons in parental relationship should be in their dominant language or other mode of communication, such as sign language, unless it is not feasible.

Once the Chairperson of the CPSE receives a referral, he/she must immediately notify the parent/person in parental relationship that a referral has been made and request consent for the child's evaluation. In the event that the parent/person in parental relationship does not provide consent for evaluation, no further action will be taken by CPSE until such consent is obtained. In the event that consent for an individual evaluation is not provided, the CPSE shall implement the District's practices and procedures for the purpose of ensuring that parent/persons in parental relationship have received and understand the request for consent.

Upon receipt of parent or person in parental relationship consent, or following a hearing officer's decision when such hearing is initiated at the request of the parent/person in parental relationship, the Board of Education must arrange for an evaluation of the preschool child and provide the parent/person in parental relationship with an approved list of evaluators.

Upon completion of the evaluation, the evaluator must submit written reports of the assessment and/or evaluation and the summary portion of the evaluation to members of the CPSE and to the person designated by the municipality in which the preschool age child resides so as to allow for a recommendation by the CPSE to be made to the Board of Education within 30 days of the receipt of consent.

(Continued)

Students

**SUBJECT: COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE) PROCESS
(Cont'd.)**

The report must include a detailed statement of the preschool child's individual needs, if any. However, the summary evaluation report shall not include a recommendation as to the general type, frequency and duration of special education services and programs that should be provided; nor should the report address the manner in which the preschool student can be provided with instruction or related services in the least restrictive environment. The summary evaluation report shall also not make reference to any specific provider of special services or programs. Such recommendations are to be made by the CPSE.

Upon request by the parent or person in parental relationship, an approved evaluator shall provide the parent/person in parental relationship with a copy of the statement and a recommendation provided to the CPSE. If the parent/person in parental relationship disagrees with the evaluation, the parent/person in parental relationship may obtain an independent evaluation at public expense (unless an impartial hearing officer determines that the district's evaluation is appropriate) in accordance with applicable law and regulation.

If the CPSE determines that the child has a disability, an Individualized Education Program (IEP) shall be developed pursuant to applicable law and/or regulations, specifying goals and services in the least restrictive environment. The CPSE shall recommend approved appropriate services and/or special programs and the frequency, duration and intensity of such services including, but not limited to, the appropriateness of single services or half-day programs based on the individual needs of the preschool child. The Committee shall first consider the appropriateness of providing:

- a) Related services only; or
- b) Special education itinerant services only; or
- c) Related services in combination with special education itinerant services; or
- d) A half-day preschool program; or
- e) A full day preschool program.

Prior to recommending the provision of special education services in a setting which includes only preschool children with disabilities, the CPSE shall first consider providing special education services in a setting where age-appropriate peers without disabilities are typically found. Provision of special education services in a setting with no regular contact with age-appropriate peers without disabilities shall be documented on the child's IEP and shall only be considered when the nature or severity of the child's disability is such that education in a less restrictive environment with the use of supplementary aids and services cannot be achieved satisfactorily.

(Continued)

**SUBJECT: COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE) PROCESS
(Cont'd.)**

If the CPSE determines that the student demonstrates the need for a single related service as defined pursuant to law and regulation, such service shall be provided as a related service only or, where appropriate, as a special education itinerant service.

Twelve month special services and/or programs shall be provided to preschool students deemed eligible consistent with their individual needs as specified in the IEP.

The IEP of each preschool student with a disability shall be reviewed and, if appropriate, revised periodically but not less than annually pursuant to Commissioner's regulations. In any meeting held to review the IEP of a preschool student with a disability, the student's parent/person in parental relationship shall be present as a member of the Committee (or be given the *opportunity* to attend and participate) along with those individuals designated and/or permitted pursuant to law and regulation.

Applicable due process provisions will be provided in accordance with law and regulation.

Education Law Section 4410
20 USC Sections 1400-1485,
Individuals with Disabilities Education Act (IDEA)
8 NYCRR Section 200.16
Sections 200.2(b)(3) and 200.3

Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):
DEVELOPMENT AND PROVISION****Development of Individualized Education Program**

The Board of Education directs that the Committee on Special Education (CSE) or Committee on Preschool Special Education (CPSE) shall have prepared a written statement (program) for each child with a disability.

Such an Individualized Education Program (IEP) will be developed by the CSE or CPSE upon referral, and reviewed or revised, whichever is appropriate, for every child with a disability at least annually or in the event that the program no longer appears to be appropriate to meet the student's needs and ability level.

The District shall ensure that each student with a disability has an IEP in effect at the beginning of each school year.

IEPs developed on or after January 1, 2009 will be on the form prescribed by the Commissioner.

Functional Behavioral Assessments/Behavioral Intervention Plans

A functional behavioral assessment (FBA) is an integral part of the evaluation and reevaluation of a student with a disability which should be used throughout the process of developing, reviewing and revising a student's IEP when the student's behavior impedes learning of the child or others. The FBA is the process of determining why a student engages in challenging behavior and how the student's behavior relates to the environment. An FBA for a student with a disability is an evaluation requiring parental consent, pursuant to Commissioner's Regulation 200.5(b).

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 FBA must, as appropriate, be based on multiple sources of data such as structured interviews, behavior ratings scales, standardized assessments and checklists. It must include, but is not limited to:

(Continued)

Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):
DEVELOPMENT AND PROVISION (Cont'd.)**

- a) Information obtained from direct observation of the student;
- b) Information from the student, the student's teacher(s) and/or related service providers; and
- c) A review of available data and information from the student's record and other sources including any relevant information provided by the student's parent.

The FBA cannot be based solely on the student's history of presenting problem behavior.

The CSE/CPSE will ensure that functional behavioral assessments, when appropriate, are conducted and reviewed to:

- 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 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 60 calendar days after written parental consent has been obtained or a parental refusal to consent is overridden, unless:

(Continued)

Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):
DEVELOPMENT AND PROVISION (Cont'd.)**

- 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 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
- 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;

(Continued)

Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):
DEVELOPMENT AND PROVISION (Cont'd.)**

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
 - 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 Commissioner's Regulations Section 200.4(j).

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 requests a re-evaluation;
- c) At least once every three years, unless the District and the parent/person in parental relation agree in writing that such re-evaluation is unnecessary.

A re-evaluation shall not be conducted more frequently than once a year unless the parent and the District representative appointed to the CSE/CPSE agree otherwise.

The re-evaluation will be conducted by a multi-disciplinary team or group of persons, including at least one teacher or other specialist with knowledge in the area of the student's disability. The re-evaluation shall be sufficient to determine the student's individual needs, educational progress and achievement, the student's ability to participate in instructional programs in regular education and the student's continuing eligibility for special education. The results of any re-evaluations must be addressed by the CSE/CPSE in reviewing, and as appropriate, revising the student's IEP.

(Continued)

Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):
DEVELOPMENT AND PROVISION (Cont'd.)**

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.

Amendments to the IEP

Amendments to the IEP made after the annual review by the CSE/CPSE may be made by reconvening the CSE/CPSE and rewriting the IEP or by developing a written document to amend or modify the student's current IEP, provided that:

- a) The parents/persons in parental relation request an amendment to the IEP and the District and parents/persons in parental relation agree to the amendment in writing; or
- b) The District provides the parents/persons in parental relation a written proposal to amend a provision or provisions of the IEP conveyed in language understandable to the parents/persons in parental relation in their native language or other dominant mode of communication, informs and allows the parents/persons in parental relation the opportunity to consult with the appropriate personnel or related service providers concerning the proposed changes, and the parents/persons in parental relation agree in writing to the amendments.

If the parents/persons in parental relation agree to amend the IEP without a meeting, they shall be provided prior written notice (notice of recommendation) of the changes to the IEP and the Committee notified of the changes. If the changes are made by rewriting the entire IEP, the District shall provide the parents/persons in parental relation a copy of the rewritten IEP. If the amendment is made without rewriting the entire document, the District shall provide a copy of the document that amends the IEP or, upon request, a revised copy of the entire IEP with the amendments incorporated.

Use of Recording Equipment at IEP Meetings

The Board of Education shall allow recording equipment to be used at meetings regarding individualized education programs for students with disabilities.

Provision of Individualized Education Program

The Board of Education directs that the Superintendent/designee(s) establish administrative practices and procedures to ensure that each regular education teacher, special education teacher, related service provider and/or other service provider who is responsible for the implementation of a student's IEP is *provided with either a paper of the IEP or is able to access a student's IEP electronically (including amendments to the IEP) prior to the implementation of such program*. Such individuals responsible for the implementation of a student's IEP shall be notified and trained on how to access such IEP electronically. For purposes of this policy, "other service provider" means a representative of

(Continued)

Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):
DEVELOPMENT AND PROVISION (Cont'd.)**

another public school district, charter school, Board of Cooperative Educational Services (BOCES) or school enumerated in Education Law Articles 81, 85 or 89 where the student receives or will receive IEP services. Further, the District will designate at least one school official who shall be responsible for maintaining a record of the personnel who have received IEP copies for each student.

Any copy of a student's IEP shall remain confidential in compliance with the Individuals with Disabilities Education Act, the Family Educational Rights and Privacy Act, and District policy regarding confidentiality of student records; and shall not be disclosed to any other person other than the parent of such student, except in accordance with federal and state laws and/or regulations. Appropriate training and information will be provided to designated school personnel, as applicable, to ensure the confidentiality of such information. Procedures will be established to ensure that copies of students' IEPs are stored in secure locations and retrieved or destroyed when such professionals are no longer responsible for implementing a student's IEP.

The Chairperson of the CSE, CSE subcommittee, or CPSE *shall designate* for each student one or, as appropriate, more than one professional employee of the School District with knowledge of the student's disability and education program *who will be responsible to, prior to the implementation of the IEP, inform* each regular education teacher, special education teacher, related service provider, other service provider, supplementary school personnel (i.e., a teaching assistant or a teacher aide as defined in Commissioner's regulations), and other provider and support staff person of his/her responsibility to implement the recommendations on a student's IEP, including the responsibility to provide specific accommodations, program modifications, supports and/or services for the student in accordance with the IEP. In selecting the professional staff person(s), the Chairperson could select him/herself for this responsibility, another administrator, or a teacher, related service provider or other professional based on the particular circumstances of the student's disability and education program.

The School District shall also ensure that each teaching assistant, teacher aide and each other provider responsible for assisting in the implementation of a student's IEP has *the opportunity to review* a copy of the student's IEP (including amendments) prior to the implementation of such program. Further, each teaching assistant, teacher aide and such other provider responsible for assisting in the implementation of a student's IEP shall have *ongoing access* to a copy of the IEP, which may be the copy provided to the student's special education teacher or the teacher or related service provider under whose direction the supplementary school personnel or other provider works. However, the District may, at its discretion, provide a copy of the IEP to teaching assistants and/or teacher aides.

A copy of a student's IEP shall be provided to the student's parents at no cost to the student's parents.

(Continued)

Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):
DEVELOPMENT AND PROVISION (Cont'd.)**

Individuals with Disabilities Education Improvement Act of 2004, Public Law 108-446 Section 615(k)(1)
Individuals with Disabilities Education Act (IDEA), 20 USC Section 1400 et seq.

21 USC Section 812(c)

Education Law Articles 81, 85 and 89 and Sections 3208 and 4402(7)

8 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

Adopted: 6/27/00

Revised: 12/17/02; 9/9/03; 8/8/06; 3/23/10; 1/13/15

Students

SUBJECT: TRANSITION SERVICES

Beginning not later than the first IEP to be in effect when the student is age 15 (and at a younger age, if determined appropriate), and updated annually, the student's IEP must include:

- a) A statement of the student's needs taking into account the student's strengths, preferences and interests as they relate to transition from school to post-school activities;
- b) Appropriate measurable postsecondary goals based upon age appropriate transition assessments relating to training, education, employment and, where appropriate, independent living skills;
- c) A statement of transition service needs that focuses on the student's courses of study, such as participation in advanced-placement courses or a vocational educational program;
- d) Needed activities to facilitate the student's movement from school to post-school activities, including instruction, related services, community experiences, the development of employment and other post-school adult living objectives and, when appropriate, acquisition of daily living skills and functional vocational evaluation; and
- e) A statement of the responsibilities of the District and participating agencies, when applicable, for the provision of such services and activities, before the student leaves the school setting, that promote movement from school to post-school opportunities.

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:

(Continued)

SUBJECT: TRANSITION SERVICES (Cont'd.)

- a) Instruction;
- b) Related services (the term "related services" does not include a medical device that is surgically implanted, the optimization of the device's functioning (e.g., mapping), maintenance of, or the replacement of such device);
- c) Community experiences;
- d) The development of employment and other post-school adult living objectives; and
- e) When appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.

Individuals with Disabilities Education Improvement Act of 2004, Public Law 108-446 Section 614(a)
Individuals with Disabilities Education Act (IDEA), 20 USC Sections 1400 et seq.
34 CFR Sections 300.321, 300.343, 300.347 and 300.348
Education Law Section 4401
8 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 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 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 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 day residential program; or

(Continued)

Students

SUBJECT: EXTENDED SCHOOL YEAR (JULY/AUGUST) SERVICES AND/OR PROGRAMS (Cont'd.)

- e) Students who are not in programs as described in subparagraphs (a) through (d) above during the period from September through June and who, because of their disabilities, exhibit the need for a 12 month special service and/or program provided in a structured learning environment of up to 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 12 months duration to prevent substantial regression as determined by the Preschool Committee on Special Education (CPSE).

For students eligible for 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 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 USC Section 1400 et seq.
Education Law Section 4408
8 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)

Adopted: 6/27/00
Revised: 8/8/06; 10/30/07

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 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 academic 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 USC Sections 1400 et seq.
8 NYCRR Section 200.4(e)(8)

Adopted: 8/8/06

Students

SUBJECT: RESPONSE TO INTERVENTION (RTI) PROCESS

***[Per Commissioner's regulations, the School District shall select and define the specific structure and components of the response to intervention program, including, but not limited to, the criteria for determining the levels of intervention to be provided to students, the types of interventions, the amount and nature of student performance data to be collected, and the manner and frequency for progress monitoring. This sample policy is intended as a template that should be customized to District practices as applicable.]**

In accordance with Commissioner's regulations, the 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 Commissioner's regulations prior to a referral to the Committee on Special Education (CSE) for evaluation.

Minimum Requirements of District's RtI Program

The District's RtI process shall include the following minimum requirements:

- a) Scientific, research-based instruction in reading and mathematics provided to all students in the general education class by qualified personnel. Instruction in reading, per Commissioner's regulations, 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;

****[District to specify grade levels and the related number of screenings each year.]**

- c) Scientific, research-based instruction matched to student need with increasingly intensive levels of targeted interventions for those students who do not make satisfactory progress in their levels of performance and/or in their rate of learning to meet age or grade level standards;
- d) Repeated assessments of student achievement which should include curriculum based measures to determine if interventions are resulting in student progress toward age or grade level standards;

(Continued)

** and ** District must customize*

SUBJECT: RESPONSE TO INTERVENTION (RTI) PROCESS (Cont'd.)

- e) The application of information about the student's response to intervention to make educational decisions about changes in goals [i.e., goals for all students, not just Individualized Education Program (IEP) goals], instruction and/or services and the decision to make a referral for special education programs and/or services; and

***[District to identify staff members and/or student support teams responsible for reviewing such student information and applying same to make decisions concerning student academic progress and further intervention strategies.]**

- f) Written notification to the parents when the student requires an intervention beyond that provided to all students in the general education classroom that provides information about:
1. The amount and nature of student performance data that will be collected and the general education services that will be provided as enumerated in Commissioner's regulations;
 2. Strategies for increasing the student's rate of learning; and
 3. The parents' right to request an evaluation for special education programs and/or services.

Structure of Response to Intervention Program

****[District to identify the RtI model to be implemented District-wide. District will choose the RtI model that works best for its needs: e.g., use of a multi-tiered model, with the number of tiers to be determined by the District's choice of RtI program/process. District to identify those staff members (e.g., Student Support Teams) primarily responsible for implementation of the District RtI policy.]**

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.

Student Support Teams, whose members may include, but are not limited to, regular education teachers, special education personnel, the school psychologist, reading and math coordinators, designated administrators, and other individuals deemed appropriate by the District, will be available for each building/grade level classification to address the implementation of the District's RTI process.

The Student Support 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;

(Continued)

** and ** District must customize*

Students

SUBJECT: RESPONSE TO INTERVENTION (RTI) PROCESS (Cont'd.)

- 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.

Criteria for Determining the Levels of Intervention to be Provided to Students

***[District to establish grade levels/assessment guidelines for targeted areas of student performance in accordance with Commissioner's regulations to identify 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.]**

****[District to identify assessment measures/tools and the corresponding scores or levels of proficiency below which students shall be considered for increasingly intensive levels of targeted intervention and instruction (i.e., multi-tiered RtI model).]**

Types of Interventions

*****[District will need to customize. The following three-tiered model is provided as a brief overview and used for illustration only.]**

The District will provide multiple tiers of increasingly intensive levels of targeted intervention and instruction for those students who do not make satisfactory progress in their levels of performance and/or in their rate of learning to meet age or grade level standards.

It is expected that use of the Tier Level of instruction will be specific to each student's needs and will be an ongoing process, with students entering and exiting tiers of intervention according to the analysis of student performance data and progress monitoring.

Tier One Instruction

Tier One instruction is provided to all students in the general education setting. The use of scientific, research based instruction in the areas of reading and math will be provided by the general education teacher and/or other qualified personnel as appropriate, and will emphasize proactive, preventative core instructional strategies in the classroom setting. Group and/or individualized instruction, assessment and reinforcement activities will be provided as deemed appropriate by the classroom teacher.

The analysis of Tier One student performance data will be used to identify those students who need additional intervention at the Tier Two Level of instruction.

(Continued)

, and *** District must customize*

SUBJECT: RESPONSE TO INTERVENTION (RTI) PROCESS (Cont'd.)Tier Two Instruction

In general, Tier Two instruction will consist of small group, targeted interventions for those students identified as being "at risk" who fail to make adequate progress in the general education classroom. Tier Two instruction will include programs and intervention strategies designed to supplement Tier One interventions provided to all students in the general education setting.

Tier Two instruction may be provided by specialized staff such as reading and math teachers, tutors, speech therapists, school psychologists and/or school counselors as determined by the Student Support Team.

At the conclusion of Tier Two instruction, the Student Support Team will review the student's progress and make a determination as to whether Tier Two interventions should be maintained; the student returned to the general education classroom if satisfactory progress is shown; or referred for Tier Three instruction.

Tier Three Instruction

Tier Three instruction is the provision of more intensive instructional interventions, tailored to the needs of the individual student; and is provided to those students who do not achieve adequate progress after receiving interventions at the Tier Two level. Tier Three instruction may include longer periods of intervention program and services than those provided in the first two Tiers based upon the significant needs of the student.

Tier Three instruction will be provided by those specialists, as determined by the Student Support 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.

Progress monitoring on a continuous basis is an integral part of Tier Three; and the student's response to the intervention process will determine the need/level of further intervention services and/or educational placement.

Amount and Nature of Student Performance Data to be Collected

The Student Support 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.

(Continued)

Students

SUBJECT: RESPONSE TO INTERVENTION (RTI) PROCESS (Cont'd.)**Manner and Frequency for Progress Monitoring**

The Student Support 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. Parents may also request that the progress of their child be reviewed by the Student Support Team.

Fidelity measures (e.g., an observational checklist of designated teaching behaviors in accordance with the RtI process being implemented) will also be completed by Team members to assess whether the intervention was implemented as intended and uniformly applied. Clear benchmarks will be established for student performance and performance charts will be plotted at the completion of the instructional period/intervention process.

Staff Development

All staff members involved in the development, provision and/or assessment of the District's RtI program, including both general education and special education instructional personnel, 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.

Parent Notification

Written notification shall be provided to parents when their child requires an intervention beyond that provided to all students in the general education classroom. Such written notice shall include the following information:

- a) The amount and nature of student performance data that will be collected and the general education services that will be provided as part of the RtI process;
- b) Strategies for increasing the child's rate of learning; and
- c) The parents' right to request an evaluation for special education programs and/or services.

34 CFR Sections 300.309 and 300.311

Education Law Sections 3208, 4002, 4401, 4401-a, 4402, 4402, and 4410

8 NYCRR Sections 100.2(ii), 200.2(b)(7), 200.4(a), 200.4(j)(3)(i), and 200.4(j)(5)(i)(g)

Adoption Date Pending

**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 21 identified, located and evaluated, including children of preschool age, homeless children, children who are wards of the State as defined in Commissioner's regulations and children in all public and private agencies and institutions.

Any student suspected of having a disability is to be referred to the applicable Committee on Special Education (CSE)/Committee on Preschool Special Education (CPSE) for evaluation and possible identification as a student with disability.

Census data shall be reported by October 1 to the CSE/CPSE as appropriate. The CSE/CPSE will maintain and revise annually a register and related summary reports containing the data requirements indicated in Commissioner's regulations.

Nonpublic School Students with Disabilities Who are Parentally Placed

If the School District boundaries encompass a nonpublic school, the District, as the district of location, must develop and implement methods to identify, locate and ensure the identification and evaluation of students with disabilities who have been, or are going to be, parentally placed in such nonpublic school.

The child find activities must be similar to activities for students with disabilities in the public schools and must be completed in a time period comparable to that for other students attending public schools in the School District.

As the public school district of location, the District must consult with the nonpublic schools where students are parentally placed to determine an accurate count of students with disabilities attending such schools and receiving special education services.

These requirements only pertain to students with disabilities parentally placed in elementary and secondary nonpublic schools, not to parental placements of preschool children with disabilities in private day care or preschool programs; or to CSE placements of students with disabilities in approved private schools, Special Act School Districts, State-supported or State-operated schools; or to Charter schools.

(Continued)

**SUBJECT: IDENTIFICATION AND REGISTER OF CHILDREN WITH DISABILITIES
(CHILD FIND) (Cont'd.)**

Provision of Special Education Services for Child under Age Seven (7)

It is the responsibility of the Committee on Special Education (CSE) to provide special education services to a child with a disability under the age of seven who is eligible for school-age services, not subject to compulsory attendance requirements and not on a regular school attendance register. These are children with disabilities who are eligible for school-age special education services that are no longer eligible for preschool special education services, but are not parentally placed in a nonpublic elementary school and not being home schooled.

Individuals with Disabilities Education Improvement Act of 2004, Public Law 108-446 Section 612
Individuals with Disabilities Education Act (IDEA), 20 USC Section 1400 et seq.
34 CFR Part 300
Education Law Sections 3240-3242, 3602-c(2)(a), 4401-a, 4402(1)(a), 4404, 4405 and 4410-6
8 NYCRR Sections 200.2(a), 200.4 and 200.6(m)(3)

NOTE: Refer also to Policies #7130 -- Entitlement to Attend - Age and Residency
#7160 -- School Census

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 relation 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 or more parties is qualified to act as a parent, the birth or adoptive parent is presumed to be the parent unless they do not have the legal authority to do so.

Surrogate Parents

It is the duty of the School District to determine whether a child needs a surrogate parent and to assign a surrogate parent in the manner permitted under New York State law. This determination shall be completed within a reasonable time following the receipt of a referral for an initial evaluation or re-evaluation.

In the event that no parent or guardian for a child with a disability can be identified; or after reasonable efforts the whereabouts of the parent or guardian cannot be determined; or the student is an unaccompanied homeless youth; or the child with a disability is a ward of the State and does not have a "parent" as defined above; or the rights of the parent to make educational decisions have been subrogated by a judge in accordance with State law; the Board shall assign an individual to act as a surrogate for the parents or guardians.

Alternatively, the surrogate parent may be appointed by a judge overseeing the child's case.

(Continued)

SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)

The person selected as a surrogate shall have no interest that conflicts with the interest of the child he/she represents, and shall have knowledge and skills that ensure adequate representation of the child.

Prior Written Notice (Notice of Recommendation)

Prior written notice must be given to parents of a student with a disability a reasonable time before the District proposes to, or refuses to, initiate or change the identification, evaluation, educational placement of the student or the provision of a free appropriate public education 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.

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 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.

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.

(Continued)

SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)**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.

Consent for an Unaccompanied Homeless Youth

Consent may be provided by a surrogate parent. However, until a surrogate parent is appointed, consent may be provided on a temporary basis by an employee of a temporary housing facility operated or approved by a local social services district or a residential facility for runaway and homeless youth.

(Continued)

SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)Consent for a Ward of the State

A ward of the State means a child or youth under the age of 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.

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 time per year and also:

(Continued)

SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)

- a) Upon initial referral or parental request for evaluation;
- b) Upon the first filing of a due process complaint notice to request mediation or an impartial hearing;
- c) Upon request by a parent;
- d) Upon a decision to impose a suspension or removal that constitutes a disciplinary change in placement; and
- e) Upon first receipt of a State complaint.

Individuals with Disabilities Education Improvement Act of 2004 (Public Law 108-446) Section 614(a)
Individuals with Disabilities Education Act (IDEA) 20 USC Section 1400 et seq.
34 CFR Part 300
Education Law Sections 3212, 4005, 4202, 4401 and 4402
8 NYCRR Sections 200.1 and 200.5

NOTE: Refer also to Policy #7260 -- Designation of Person in Parental Relation

Adopted: 6/27/00
Revised: 12/6/05; 8/8/06; 10/30/07; 3/23/10

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, 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 him/her. 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 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 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:

Due Process Complaint Notification

- a) 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.

(Continued)

SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)

This written due process complaint notice must include:

1. The name of the student;
 2. The address of the student's residence or, in the case of a homeless student, available contact information;
 3. The name of the school the child is attending;
 4. 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
 5. A proposed resolution of the problem to the extent known and available to the party at the time.
- b) 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 15 days of receiving the notice that they believe the notice requirements have not been met.
- c) Within five 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.
- d) 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 days of receiving the complaint which includes:
1. An explanation of why the District proposed or refused to take the action raised in the complaint;
 2. A description of other options the Committee on Special Education (CSE)/Committee on Preschool Special Education (CPSE) considered and why those options were rejected;
 3. A description of each evaluation procedure, assessment, record, or report the District used as a basis for the proposed or refused action; and
 4. A description of the factors relevant to the District's proposal or refusal.

(Continued)

Students

SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)

- e) 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.
- f) Within ten days of receiving the complaint notice, the non-complaining party must send a response specifically addressing the issues raised in the notice.
- g) A party may amend its due process complaint notice only if:
 - 1. The other party consents in writing and is given the opportunity to resolve the complaint through a resolution process;
 - 2. The IHO grants permission, but not later than five 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.

- h) No issues may be raised at the impartial due process hearing that were not raised in the due process complaint notice.

Resolution Process

- a) Within 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.

The District will take steps to ensure that one or both of the parents of the student with a disability are present at the resolution meeting, 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.

- b) 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.

(Continued)

Students

SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)

- c) The parent and District may agree in writing to waive the resolution process or agree to use the mediation process to resolve the dispute.
- d) 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 business days of the agreement's execution.
- e) If the District has not resolved the due process complaint to the satisfaction of the parents within 30 days of receipt of the complaint notice, the impartial hearing process may begin.
- f) 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 timeline for the resolution process and due process hearing until the meeting is held:
 - 1. 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 30-day period, request that an IHO dismiss the parents' due process complaint.
 - 2. If the District fails to hold the resolution meeting within 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.

Pre-Hearing Conference

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.

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.

(Continued)

Students

SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)

- a) The District must immediately (but not later than two business days after receipt of the due process complaint notice or mailing of the due process complaint notice to the parent) initiate the process to select an IHO. The District selects the IHO through a rotational selection process in accordance with regulatory timelines. The Superintendent's Secretary/District Clerk will be responsible for contacting IHOs and maintaining appropriate records.
- b) The IHO must be certified by the Commissioner of Education, be independent and have access to the support and equipment necessary to perform the duties of an IHO. When the selected IHO indicates availability, the Board of Education must immediately appoint him/her. To expedite this process, the Board may designate one or more of its members to appoint the IHO on behalf of the Board.
- c) The IHO may not accept appointment unless he/she is available to make a determination of sufficiency of a due process complaint notice within five days of receiving such a request and (unless an extension is granted) to initiate the hearing in a timely fashion.
 1. When the District files the due process complaint notice, the hearing or pre-hearing conference must commence within the first 14 days after the date the IHO is appointed;
 2. When a parent files the due process complaint notice, the hearing or pre-hearing conference must commence within the first 14 days after whichever of the following occurs first:
 - (a) The date the IHO receives the parties' written waiver of the resolution meeting; or
 - (b) The IHO receives the parties' written confirmation that a mediation or resolution meeting was held but no agreement could be reached; or
 - (c) The expiration of the 30-day resolution period unless the parties agree in writing to continue mediation at the end of the 30-day resolution period. In such case, the hearing or pre-hearing conference will commence within the first 14 days after the IHO is notified in writing that either party withdrew from mediation.
- d) 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.
- e) 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 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.

(Continued)

Students

SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)

- f) 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.
- g) The role and responsibilities of the IHO will be as enumerated in Commissioner's regulations.
- h) The student shall remain in his/her 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, he/she 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.
- i) The IHO renders and forwards the finding of fact and decision to the parties and to the State Education Department in accordance with regulatory timelines but not later than 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 school days after the hearing; for preschool hearings the timeframe is 30 days after the receipt by the Board of a request for a hearing or after the initiation of such hearing by the Board.
- j) The decision of the IHO is final and binding on both parties unless appealed to the State Review Officer (SRO).

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

(Continued)

Students

SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)

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 will be responsible for compensating the IHO for prehearing, hearing and post-hearing activities at the rate agreed upon at the time of the IHO's appointment. The rate of compensation may not exceed the maximum rate approved by the Director of the Division of the Budget. The District will also reimburse the IHO for travel and other hearing-related expenses (e.g., duplication and telephone costs) pursuant to an annually determined schedule. On an annual basis, the District will forward a copy of its compensation rates to each IHO on the District's rotational list.

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.

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 he/she determines that the interests of the parent(s) are opposed to or are inconsistent with those of the student or whenever the interests of the student would be best protected by such appointment.

Confidentiality

All issues relating to a request for and conduct of an impartial due process hearing must be kept confidential by all District staff.

(Continued)

SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)

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 USC Section 1400 et seq.
34 CFR Part 300
Education Law Sections 4005, 4202, 4404(1) and 4410(7)
8 NYCRR Sections 200.1, 200.2, 200.5, 200.16, 200.21 and 201.11

NOTE: Refer also to Policy #7690 -- Special Education Mediation

Students

SUBJECT: INDEPENDENT EDUCATIONAL EVALUATIONS

Parents of children with disabilities have the right under Federal and State regulations to obtain an independent educational evaluation (IEE) at public expense under certain conditions. Regulatory standards are outlined in New York State Regulations of the Commissioner of Education Part 200.5(g). Additionally, the Federal Regulations (34 Code of Federal Regulations [CFR] 300.503) specify requirements for an independent evaluation.

A parent is entitled to only one IEE at public expense each time the District conducts an evaluation with which the parent disagrees.

Administrative regulations on independent evaluations will be developed in order to explain the rights of parents and the responsibilities of school districts with regard to independent evaluations, and also to avoid any misunderstandings.

8 NYCRR Sections 200.1(z) and 200.5(g)
34 CFR Sections 300.12 and 300.503

Adopted: 6/27/00
Revised: 12/17/02; 2/9/10

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 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. The parties may be required to sign a confidentiality pledge prior to the commencement of the process.

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 program (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 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 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 USC Section 1400 et seq.
34 CFR Part 300
Education Law Sections 4005, 4202 and 4404-a
Judiciary Law Section 849a
8 NYCRR Sections 200.1 and 200.5

Adopted: 6/27/00

Revised: 2/8/05; 8/8/06; 3/23/10

Ellicottville Central School District**NUMBER****CURRICULUM (GENERAL)**

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2020 8000

Instruction

Ellicottville Central School District

NUMBER

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Instruction

SUBJECT: CURRICULUM DEVELOPMENT, RESOURCES AND EVALUATION

Research has demonstrated that student success is tied to curricula that is appropriately aligned and articulated, and in compliance with all state and national standards. 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. In order to help our students achieve success, the District will ensure that:

- a) All curriculum is aligned with New York State and Common Core Learning standards;
- b) All approved curriculum is taught in every classroom.

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. The administration is directed to ensure the implementation of this policy.

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

Adopted: 6/27/00

Revised: 1/27/15

Instruction

SUBJECT: REQUEST FOR PART 100 VARIANCE OR PART 200 INNOVATIVE PROGRAM WAIVER FROM COMMISSIONER'S REGULATIONS

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 NYCRR Sections 100.2(n) and 200.6(k)

Adopted: 6/27/00

Instruction

SUBJECT: EQUAL EDUCATIONAL OPPORTUNITIES

The Ellicottville Central School District provides equal opportunity for students and does not discriminate against any student enrolled in (or any candidate for admission to) its programs and activities on the basis of actual or perceived race, color, national origin, sex, disability, or age. Further, the District does not discriminate on the basis of weight, ethnic group, religion, religious practice, sexual orientation, gender, or any other basis prohibited by state or federal non-discrimination laws, and provides equal access to its facilities to the Boy Scouts and other designated youth groups.

Educational Services for Married/Pregnant Students

Public schools may not discriminate against students based on their parental and/or marital status. The opportunity to participate in all of the services, programs, and activities of the school district shall not be restricted or denied because of pregnancy, parenthood, or marriage.

Pregnant students shall be encouraged to remain and participate in District programs. The forms of instruction provided to such students may include any or all of the following:

- a) Remain in school with provisions for special instruction, scheduling, and counseling as needed;
- b) Receive home instruction;
- c) Attend BOCES programs.

In this regard, the Superintendent or his/her designee, in consultation with student services staff, the school physician and the student's personal physician, may make program modifications which are feasible and necessary to accommodate the special needs of such students.

Investigation of Complaints and Grievances

The School District will act to promptly, thoroughly, and equitably investigate all complaints, whether verbal or written, of discrimination and will promptly take appropriate action to protect individuals from further discrimination. All such complaints will be handled in a manner consistent with the District's policies, procedures, and/or regulations regarding the investigation of discrimination and harassment complaints, including Policy #3420 -- Non-Discrimination and Anti-Harassment in the School District; Policy #7551 -- Sexual Harassment of Students; and Administrative Regulation #3420R -- Non-Discrimination and Anti-Harassment in the School District.

Additional information regarding the District's discrimination and harassment complaint and grievance procedures, including but not limited to the designation of the Civil Rights Compliance Officer, knowingly making false accusations, and possible corrective actions, can be found in Policy #3420 -- Non-Discrimination and Anti-Harassment in the School District and Administrative Regulation #3420R -- Non-Discrimination and Anti-Harassment in the School District.

(Continued)

Instruction

SUBJECT: EQUAL EDUCATIONAL OPPORTUNITIES (Cont'd.)**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. Complaints of retaliation may be directed to the Civil Rights Compliance Officer. In the event the Civil Rights Compliance Officer is the alleged offender, the report will be directed to another Civil Rights Compliance Officer, if the District has designated another individual to serve in such a capacity, or to the Superintendent.

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

Americans with Disabilities Act, 42 USC Section 12101 et seq.
Section 504 of the Rehabilitation Act of 1973, 29 USC Section 794 et seq.
Title VI of the Civil Rights Act of 1964, 42 USC Section 2000d et seq.
Title IX of the Education Amendments of 1972, 20 USC Section 1681 et seq.
20 USC Section 1701, et seq.
45 CFR Section 84.40

Adopted: 6/27/00
Revised: 2/18/03; 8/26/03; 2/9/10; 7/3/12; 12/9/14

Instruction

SUBJECT: PLAN FOR ACADEMIC INTERVENTION SERVICES (AIS)

Ellicottville Central School recognizes the importance of early intervention services for those students experiencing academic difficulties. The plan is designed for the student, parent, or professional staff to identify students in need of additional services to meet the academic requirements of the District or the state. Academic Intervention Services (AIS) will be established to meet the needs of all identified students from K through 12.

In accordance with NYS Commissioner's Regulations Section 100.2, students will be considered and assigned to AIS using a two-step process as follows:

- a) Students who score below the median scale between level 2 and level 3 will be identified as eligible for AIS.
- b) Ellicottville Central School will then apply local measures to determine which students shall receive AIS. These multiple measures may include, but are not limited to, the following:
 1. Developmental reading assessments for grades K through 6;
 2. New York State English as a Second Language Achievement Test (NYSESLAT);
 3. Benchmark and lesson-embedded assessments for reading and math in grades K-6 based on teacher designed and selected assessments;
 4. Common formative assessments that provide information about students' skills;
 5. Unit and lesson assessments for ELA, mathematics, science, social studies, and Languages other than English (LOTE) for grades 7-18; and/or
 6. Results of psychoeducational evaluations based on a variety of assessments and inventories.

Regardless of the measures used, they will be applied uniformly at each grade level and in each content area when determining which students shall receive AIS.

Instruction

SUBJECT: THERAPY DOGS

The Ellicottville Central School District supports the use of therapy dogs by teachers or other qualified personnel ("owner") for the benefit of its student's subject to the conditions of this policy.

A "therapy dog" is a dog that has been individually trained and certified to work with its owner to provide emotional support, well-being, comfort or companionship to School District students. Therapy dogs are not "service animals" as that term is used in the American Disabilities Act. The dog must be well behaved and have a temperament that is suitable for interaction with students and others in a public school. Therapy dogs are personal property of the teacher or employee and are not owned by the School District.

Therapy Dog Standards and Procedures

The following requirements must be satisfied *before* a therapy dog will be allowed in school buildings or on school grounds:

Request: An owner who wants to bring a therapy dog to school must submit a written request form to a principal or Superintendent. The request must be renewed each school year or whenever a different therapy dog will be used.

Training and Certification: The owner must submit the American Kennel Club's Canine Good Citizen Certification or its equivalent as determined by the Superintendent. The certification must remain current at all times.

Health and Vaccination: The therapy dog must be clean, well groomed, in good health, house broken, and immunized against diseases common to dogs. The owner must submit proof of current licensure from the local licensing authority and proof of the therapy dog's current vaccinations and immunizations from a licensed veterinarian.

Control: A therapy dog must be under control of the teacher or school employee through the use of leash or other tether unless the use of a leash or other tether would interfere with the therapy dog's safe, effective performance of its work or tasks. However, the therapy dog must always be under the owner's control.

Identification: The therapy dog must have appropriate identification identifying it as a therapy dog.

No Disruption: The therapy dog must not disrupt the educational process by barking, seeking attention or any other behavior.

Health and Safety: The therapy dog must not pose a health or safety risk to any student, employee or other person at school.

(Continued)

Instruction

SUBJECT: THERAPY DOGS (Cont'd.)

Supervision and Care of Therapy Dogs: The owner is solely responsible for the supervision and care of the therapy dog, including any feeding, exercising, and clean up while the animal is in a school building or on school property. The School District is not responsible for providing any care, supervision, or assistance for a therapy dog.

Authorized Area(s): The owner shall only allow the therapy dog to be in areas of the school building or on school property that are authorized by the School District administrators.

Insurance: The owner must submit a copy of an insurance policy that provides liability coverage for the therapy dog while on school property.

Exclusion or Removal from School

A therapy dog may be excluded from school property and buildings if a school administrator determines that:

- a) A handler does not have control of the therapy dog.
- b) The therapy dog is not housebroken.
- c) The therapy dog presents a direct and immediate threat to others in the school.
- d) The animal's presence otherwise interferes with the educational process.

The owner shall be required to remove the therapy dog from school premises immediately upon such a determination.

Allergic Reactions

If any student or school employee assigned to a classroom in which a therapy dog is permitted suffers an allergic reaction to the therapy dog, the owner of the animal will be required to remove the animal to a different location designated by an administrator.

Handlers will not knowingly feed a therapy dog or allow others to feed the therapy dog any items that contains tree nuts/peanut products.

Damages to School Property

The owner of a therapy dog is solely responsible and liable for any damage to school property or injury to personnel, students, or others caused by the therapy dog.

(Continued)

SUBJECT: THERAPY DOGS (Cont'd.)

Therapy Dog in Training

This policy shall also be applicable to therapy dogs in training that are accompanied by a bona fide trainer.

Instruction

SUBJECT: SAFETY CONDITIONS AND PROGRAMS

The practice of safety will be considered an integral part of the instructional program through fire prevention, emergency procedures and drills, driver education, and traffic and pedestrian safety.

Each principal will be responsible for the supervision of a safety program for his/her school.

The safety program may include, but not be limited to, in-service training, plant inspection, fire prevention, accident recordkeeping, driver and vehicle safety programs, emergency procedures and drills, and traffic safety programs relevant to students, employees and the community.

It shall be the duty of the Board of Education to provide inspections and supervision of the health and safety aspects of the school facilities.

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 his/her 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 his/her 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 NYCRR Part 136 and Section 141.10

Adopted: 6/27/00

Instruction

SUBJECT: PREVENTION INSTRUCTION**Acquired Immune Deficiency Syndrome (AIDS) Instruction in Health Education**

The Board of Education shall provide a health education program that will include appropriate instruction for all students concerning Acquired Immune Deficiency Syndrome (AIDS). Accurate information concerning the nature of the disease, methods of transmission, and means of prevention shall be provided in an age-appropriate manner and shall be consistent with community values and will stress that abstinence is the most appropriate and effective premarital protection against AIDS.

A representative community advisory group consisting of appropriate school personnel, School Board members, parents, religious representatives, and other community members shall be established in order to make recommendations for curriculum content, implementation, and evaluation of an AIDS instructional program. Appropriate training will be provided for instructional staff.

No student shall be required to receive instruction concerning the methods of prevention of AIDS if the parent or legal guardian has filed with the principal a written request that the student not participate in such instruction, with an assurance that the student will receive this instruction at home.

AIDS instruction in the elementary grades shall be taught by the regular classroom teachers, while such instruction in the middle and high school grades shall be a part of the required health education curriculum.

Substance Abuse-Prevention Instruction

The Board of Education recognizes the need to educate students on the hazards of alcohol, tobacco and/or drug abuse. 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)

SUBJECT: PREVENTION INSTRUCTION (Cont'd.)**Fire and Arson Prevention/Injury Prevention/Life Safety Education**

The Board of Education directs the administration to provide instruction in fire and arson prevention, injury prevention and life safety education relating to protection against injury or death and property loss or damage as a result of criminally initiated or other preventable fire.

Such instruction shall include materials to educate children on the dangers of falsely reporting a criminal incident, an impending explosion or fire emergency involving danger to life or property, an impending catastrophe, or a life safety emergency.

Student Safety

Instruction in courses in technology education, science, home and career skills, health and safety, physical education, and art shall include and emphasize safety and accident prevention.

Safety instruction shall precede the use of materials and equipment by students in applicable units of work in the courses listed above, and instructors shall teach and enforce all safety procedures relating to the particular courses. These shall include the wearing of protective eye devices in appropriate activities.

Emergency Planning

The School District shall maintain updated plans and operating procedures to be followed in the event of natural or manmade disasters or enemy attack. Students shall be provided instruction to respond effectively in emergency situations.

Instruction on Prevention of Child Abduction

All students in grades K through 8 in District schools shall receive instruction designed to prevent the abduction of children. Such instruction shall be provided by or under the direct supervision of regular classroom teachers and the Board of Education shall provide appropriate training and curriculum materials for the regular classroom teachers who provide such instruction. However, at the Board's discretion, such instruction may be provided by any other public or private agency.

The Commissioner of Education will provide technical assistance to assist in the development of curricula for such courses of study which must be age appropriate and developed according to the needs and abilities of students at successive grade levels in order to provide awareness skills, information, self-confidence, and support to aid in the prevention of child abduction.

(Continued)

Instruction

SUBJECT: PREVENTION INSTRUCTION (Cont'd.)

For purposes of developing such courses of study, the Board of Education may establish local advisory councils or utilize the school-based shared decision making and planning committee established pursuant to the regulations of the Commissioner to make recommendations concerning the content and implementation of such courses. Alternatively, the District may utilize courses of instruction developed by consortia of school districts, boards of cooperative educational services, other school districts, or any other public or private agency. Such advisory council shall consist of, but not be limited to, parents, school trustees and Board members, appropriate school personnel, business and community representatives, and law enforcement personnel having experience in the prevention of child abduction.

Instruction on Child Development and Parenting Skills

Instruction regarding child development and parenting skills may be offered by the District. The curriculum shall include instruction on the consequences and prevention of shaken baby syndrome, which may include the viewing of a video presentation for students in secondary schools.

AIDS Instruction: 8 NYCRR Section 135.3(b)(2) and (c)(2)

Substance Abuse: Education Law Section 804

8 NYCRR Section 135.3(a)

Student Safety: Education Law Section 808

8 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

Adopted: 6/27/00

Revised: 8/8/06; 10/30/07

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 12 times in each school year; eight of these shall be held between September 1 and December 1. At least one of the 12 drills shall be held during a 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 additional drills shall be held during summer school in buildings where summer school is conducted and one of these drills shall be held during the first week of summer school.

After-School Programs

The building principal or his/her designee shall require those in charge of after-school programs, attended by any individuals unfamiliar with the school building, to announce at the beginning of such programs the procedures to be followed in the event of an emergency.

Bomb Threats**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 areas must be thoroughly searched for suspicious objects before ordering 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.

(Continued)

Instruction

**SUBJECT: FIRE DRILLS, BOMB THREATS AND BUS EMERGENCY DRILLS
(Cont'd.)**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 his/her 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 to provide written information to all staff and students regarding emergency procedures by October 1 of each school year, an annual drill to test the emergency response procedures under each of its building level school safety plans; and the annual updating 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 emergency drills to be held on each school bus during the school year. The first drill is to be conducted during the first seven days of school, the second between November 1 and December 31, and the third between March 1 and April 30. No drills shall be conducted when buses are on routes.

Students who do not ordinarily ride buses to school shall also be included in the drills. Students attending public and nonpublic schools who do not participate in regularly scheduled drills shall also be provided drills on school buses, or as an alternative, shall be provided classroom instruction covering the content of such drills.

Each drill shall include instruction in all topics mandated by the Education Law and the Commissioner's regulations and shall include, but will not be limited to, the following:

- a) Safe boarding and exiting procedures with specific emphasis on when and how to approach, board, disembark, and move away from the bus after disembarking;
- b) The location, use and operation of the emergency door, fire extinguishers, first aid equipment and windows as a means of escape in case of fire or accident;

(Continued)

Instruction

**SUBJECT: FIRE DRILLS, BOMB THREATS AND BUS EMERGENCY DRILLS
(Cont'd.)**

- c) Orderly conduct as bus passengers.

Instruction on Use of Seat Belts

When a school bus is equipped with seat safety belts, the District shall insure that all students who are transported on such school bus owned, leased or contracted for by the District or BOCES shall receive instruction on the use of seat safety belts. Such instruction shall be provided at least three times each year to both public and nonpublic school students who are so transported and shall include, but not be limited to:

- a) Proper fastening and release of seat safety belts;
- b) Acceptable placement of seat safety belts on students;
- c) Times at which the seat safety belts should be fastened and released; and
- d) Acceptable placement of the seat safety belts when not in use.

Education Law Sections 807, 2801-a and 3623
Penal Law Sections 240.55, 240.60 and 240.62
8 NYCRR Sections 155.17 and 156.3(h)(2)

Adopted: 6/27/00
Revised: 2/8/05; 10/30/07; 1/27/15

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, national origin, 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, national origin, 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 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
8 NYCRR Sections 100.2(h) and 141 et seq.
Executive Law Section 290 et seq.

Adopted: 6/27/00
Revised: 9/9/03; 2/9/10

Instruction

SUBJECT: ADULTS IN OCCUPATIONAL EDUCATION

In accord with Chapter 964, Laws of 1970 (Occupational Education Program), Article 93, Section 4602, the Board of Education, Ellicottville Central School will provide for adults to participate in a regular Board of Cooperative Educational Services Occupational Education class in accord with the following provisions:

- a) Each adult (High School Graduate or 21 or over) desiring to attend a regular occupational education course must submit a written request to the chief administrator of the District.
- b) Priority for space in a class will be given to those students regularly enrolled in the local high school.
- c) Adults granted approval to attend an occupational class will pay tuition to the local school district or directly to BOCES in accord with the current charges.

Chapter 864, Laws of 1970 (Occupational Education Program), Article 93, Section 4602

Adopted: 6/27/00

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 (7-12)

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.

SUBJECT: INSTRUCTIONAL PROGRAMS: DRIVER EDUCATION, GIFTED AND TALENTED EDUCATION AND PHYSICAL EDUCATION

Driver Education

A driver education course may be offered under the conditions set forth by the New York State Education Department and Commissioner's regulations.

Education Law Section 806-a
8 NYCRR Section 107.2

Gifted and Talented Students

The Board of Education will provide appropriate educational programs for students identified as being gifted and talented.

Education Law Article 90 and Section 3204(2)(b)
8 NYCRR Section 142

Physical Education Class

All students, except those with medical excuses, shall participate in physical education in accordance with the Commissioner's regulations, which require that all students attend and participate in physical education as follows:

- a) All students in grades K through 3 shall participate in a daily program for a minimum of 120 minutes per week. All students in grades 4 through 6 shall participate in a program three times per week for a minimum of 120 minutes per week. The minimum time devoted to such programs (K through 6) shall be at least 120 minutes in each calendar week, exclusive of any time that may be required for dressing and showering.
- b) Students in grades 5 through 6 that are in a middle school shall participate in the physical education program a minimum of three periods per calendar week during one semester of each school year and two periods during the other semester, or a comparable time each semester if the school is organized in other patterns.
- c) All secondary students (in grades 7 through 12) shall have the opportunity for regular physical education, but not less than three times per week in one semester and two times per week in the other semester. For students in grades 10 through 12 only, a comparable time each semester shall be provided if the school is organized in other patterns or if students have demonstrated acceptable levels of physical fitness, physical skills and knowledge of physical education activities in extra class programs or out-of-school activities approved by the physical education staff and the School Administration.

(Continued)

Instruction

SUBJECT: INSTRUCTIONAL PROGRAMS: DRIVER EDUCATION, GIFTED AND TALENTED EDUCATION AND PHYSICAL EDUCATION (Cont'd.)

- d) For grades K through 12, a district may provide an equivalent program as approved by the Commissioner of Education.

An excuse from physical education class may be accepted from a licensed physician or licensed chiropractor for conditions of the spine.

Any student whose condition precludes participation in a regular program shall be provided with adaptive physical education approved by the Commissioner of Education.

Education Law Sections 803 and 3204
8 NYCRR Section 135.4

Adopted: 6/27/00
Revised: 2/8/05; 10/30/07; 11/9/10; 1/27/15

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 years, to attend instructional courses in patriotism, citizenship, and human rights issues, with particular attention to the study of the inhumanity of genocide, slavery (including the freedom trial and underground railroad), the Holocaust, and the mass starvation in Ireland from 1845 to 1850.

The Board also directs that all students attending District schools in grades eight 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 week during each school year a uniform course of exercises shall be provided to teach students, in an age appropriate manner, the purpose, meaning and importance of the Bill of Rights Articles in the United States and New York State Constitutions. These exercises shall be in addition to the above required courses.

In addition, each School District that receives Federal Funds for a fiscal year shall hold an educational program on the United States Constitution on September 17th of each year for the students in the District to commemorate the September 17, 1787 signing of the Constitution, known as Constitution Day and Citizenship Day. However, when September 17 falls on a Saturday, Sunday, or holiday, this day shall be held during the preceding or following week.

The Board directs that the above named subjects, as mandated by law, be addressed in the instructional curricula provided by the District.

Education Law Section 801
36 USC Section 106

Adopted: 6/27/00
Revised: 8/8/06

Instruction

**SUBJECT: CIVILITY, CITIZENSHIP AND CHARACTER EDUCATION/
INTERPERSONAL VIOLENCE PREVENTION EDUCATION****Civility, Citizenship and Character Education**

The Board of Education recognizes that teaching students respect, civility and understanding toward others, as well as the practice and reinforcement of appropriate behavior and values of our society, is an important function of the School System.

The School District wishes to foster an environment where students exhibit behavior that promotes positive educational practices, allows students to grow socially and academically, and encourages healthy dialogue in respectful ways. By presenting teachers and staff as positive role models, the District stresses positive communication and discourages disrespectful treatment. This policy is not intended to deprive and/or restrict any student of his/her right to freedom of expression but, rather, seeks to maintain, to the extent possible and reasonable, a safe, harassment free and educationally conducive environment for our students and staff.

Furthermore, the District shall ensure that the course of instruction in grades K through 12 includes a component on civility, citizenship and character education in accordance with Education Law, with an emphasis on discouraging acts of harassment, bullying and/or discrimination. Character education is the deliberate effort to help students understand, care about, and act upon core ethical values.

Character education shall instruct students on the principles of:

- a) Honesty;
- b) Tolerance;
- c) Personal responsibility;
- d) Respect for others;
- e) Awareness and sensitivity to discrimination and/or harassment as defined in the Dignity for All Students Act (DASA);
- f) Civility in relation to people of different races, weights, national origins, ethnic groups, religions, religious practices, physical or mental abilities, sexual orientations, genders or sexes;
- g) Observance of laws and rules;
- h) Courtesy;

(Continued)

Instruction

**SUBJECT: CIVILITY, CITIZENSHIP AND CHARACTER EDUCATION/
INTERPERSONAL VIOLENCE PREVENTION EDUCATION (Cont'd.)**

- i) Dignity and other traits which will enhance the quality of students' experiences in, and contributions to, the community; and
- j) Safe and responsible use of the Internet and electronic communications.

As determined by the Board of Regents, and as further enumerated in Commissioner's regulations, the components of character education shall be incorporated in existing School District curricula as applicable.

The District encourages the involvement of staff, students, parents and community members in the implementation and reinforcement of character education in the schools.

Interpersonal Violence Prevention Education

The District will utilize the interpersonal violence prevention education package provided by the State Education Department. These materials will be incorporated as part of the health or other related curricula or programs for students in grades K through 12.

Education Law Sections 801, 801-a and 804(4)
8 NYCRR Section 100.2(c)(2)

Adopted: 3/6/01
Revised: 11/9/10; 7/3/12; 1/27/15

Instruction

SUBJECT: ANIMALS IN THE SCHOOL (INSTRUCTIONAL PURPOSES)

Observation and experimentation with living organisms and animals gives students unique perspectives of life processes. Animals and animal materials should be used respectfully and for the purpose of meeting course objectives.

The Board of Education, in recognizing the educational uses of animals in the classroom, requires that permission be obtained from the building principal before animals are brought into the school or classrooms. It is the principal's responsibility to ensure that there is an appropriate educational purpose if any animal is housed in a classroom. Animals are not to be transported on school buses with the exception of animals certified to assist persons with disabilities.

Study and Care of Live Animals

It shall be the responsibility of the principal or his/her designee to develop a plan of care for those animals housed in school in the event of an emergency school closing or in the event the animals remain in the classroom on days when school is not in session.

Dissection of Animals

Any student expressing a moral or religious objection to the performance or witnessing of the dissection of an animal, either wholly or in part, shall be provided the opportunity to undertake and complete an alternative project approved by the student's teacher; provided, however, that such objection is substantiated in writing by the student's parent or legal guardian. An alternate activity clearly related to and of comparable rigor will be assigned in lieu of laboratory dissection. Some examples of alternate activities include the use of computer simulations or research. Students who perform alternative projects shall not be penalized.

Effective July 1, 2011, the District will give reasonable notice to all students enrolled in a course that includes the dissection of an animal and students' parent(s)/legal guardian(s) about their rights to seek an alternate project to dissection. Such notice shall be made available upon request at the school and distributed to parents and students enrolled in a course that includes dissection at least once at the beginning of the school year.

Instruction in the Humane Treatment of Animals

Students in elementary school must receive instruction in the humane treatment and protection of animals and the importance of the part they play in the economy of nature as well as the necessity of controlling the proliferation of animals that are subsequently abandoned and caused to suffer extreme cruelty. Such instruction shall be for a period of time as specified by the Board of Regents and may be joined with work in literature, reading, language, nature study, or ethnology.

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

Education Law Section 809

8 NYCRR Section 100.2(c)(8)

Adopted: 5/15/05

Revised: 6/21/11

SUBJECT: EVALUATION OF THE INSTRUCTIONAL PROGRAM

Evaluation may be concerned with the extent to which:

- a) Each student achieves in accordance with his/her ability;
- b) Each staff member performs at full potential;
- c) The total learning environment, including instructional processes, physical facilities, and the educational program, remains consistent with the needs of students and the larger society and contributes to the accomplishment of the goals of the school.

The Board of Education expects staff members to maintain a continual program of evaluation at every level to determine the extent of progress toward the schools' objectives. The Board of Education will periodically request the Superintendent to present factual information that it considers necessary to evaluate the effectiveness of the School System.

8 NYCRR Section 100.2(m)

Adopted: 6/27/00

Instruction

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.

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 participation of that school's parents. In addition to the goals stated above each building level plan will describe the details to:

- a) Convene an annual meeting, at Open House, 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. A Parent Advisory Council will be established at the annual meeting.
- b) Build the schools' and parents' capacity for strong parental involvement through implementing and encouraging participation in appropriate parental involvement activities; Open House, Parent Conferences, Annual District Meeting, Reading Celebration Week.
- 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.
- f) The compact must include:

(Continued)

Instruction

SUBJECT: TITLE I PARENT INVOLVEMENT POLICY (Cont'd.)

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 the 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 twice 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 the child's class, and observation of classroom activities i.e. parent conferences, website, district newsletter and newsletter inserts, Reading Celebration Activities.

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 academic content standards and State student academic achievement 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; i.e. principal's letter informing parents of state test results, teacher review of fluency assessments with parents.
- 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; i.e. website links will be published on Title I web page, Reading Celebration book give away, access to Family Support Library.
- 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: i.e. professional development includes website training, Mosaic of Thought reading comprehension strategies.

(Continue)

Instruction

SUBJECT: TITLE I PARENT INVOLVEMENT POLICY (Cont'd.)

- d) Coordinate and integrate to the extent feasible and appropriate, parent involvement programs and activities with Head Start, Reading First, Early Reading First, Even Start, the Home Instruction Programs for Preschool youngsters, the parents as Teachers Program, and public preschool and other programs, and conduct other activities, such as parent resource centers, that encourage and support parents in more fully participating in the education of their children; PreK program involves parents in parent/child activities. This program is housed at ECS and builds bridges with parents. Teachers screen and make recommendations for kindergarten. The Family Support Coordinator and the Title I teacher meet on an "as need" basis.
- e) Ensure that information related to school and parent programs, meetings and other activities is sent to the parents of participating children in format and, to the extent practicable, in a language the parents can understand.

In carrying out the parental involvement requirements, the District and the schools, to the extent practicable, shall provide full opportunities for the participation of parents with limited English proficiency, parents with disabilities, and parents with 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.

Title I of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act of 2001
20 USC Sections 6318 and 6321
34 CFR Parts 74-86 and 97-99, and 200

Adopted: 6/27/00
Revised: 10/30/07

Instruction

SUBJECT: INSTRUCTIONAL TECHNOLOGY

The Board of Education recognizes its responsibility to further the District's educational goals through the use of appropriate and high quality technological materials and equipment. For the purpose of this policy, technology refers to computers, interactive videodiscs, Compact Disc-Read Only Memory (CD-ROM) devices, local area networks, satellite transmission and other telecommunications equipment.

Continuing advances in technology are bringing about changes that have an increasing impact on the way we obtain, process, evaluate and use information. Therefore, the District is committed to:

- a) A comprehensive staff development program to ensure appropriate and effective use of technology.
- b) The preparation of students to utilize multiple types of technology.
- c) The integration of technology within and across all curriculum areas.
- d) The equitable distribution and access to technological equipment and materials for all students.
- e) The promotion of technology as an alternative to traditional methods of gathering, organizing and synthesizing information.
- f) The provision of sufficient funds, within the budgetary constraints of the Board, for the implementation of technology instruction.

The Board directs the Superintendent or his/her designee to assess the technological needs of the District's instructional program, research and review current materials and make recommendations to the Board.

Instruction

SUBJECT: INTERNET SAFETY/INTERNET CONTENT FILTERING POLICY

In compliance with the Children's Internet Protection Act (CIPA) and Regulations of the Federal Communications Commission (FCC), the District has adopted and will enforce this Internet safety policy that ensures the use of technology protection measures (i.e., filtering or blocking of access to certain material on the Internet) on all District computers with Internet access. Such technology protection measures apply to Internet access by both adults and minors with regard to visual depictions that are obscene, child pornography, or, with respect to the use of computers by minors, considered harmful to such students. The District will provide for the education of students regarding appropriate online behavior including interacting with other individuals on social networking websites and in chat rooms, and regarding cyberbullying awareness and response. Further, appropriate monitoring of online activities of minors, as determined by the building/program supervisor, will also be enforced to ensure the safety of students when accessing the Internet.

Further, the Board of Education's decision to utilize technology protection measures and other safety procedures for staff and students when accessing the Internet fosters the educational mission of the schools including the selection of appropriate teaching/instructional materials and activities to enhance the schools' programs; and to help ensure the safety of personnel and students while online.

However, no filtering technology can guarantee that staff and students will be prevented from accessing all inappropriate locations. Proper safety procedures, as deemed appropriate by the applicable administrator/program supervisor, will be provided to ensure compliance with the CIPA.

In addition to the use of technology protection measures, the monitoring of online activities and access by minors to inappropriate matter on the Internet and World Wide Web *may* include, but shall not be limited to, the following guidelines:

- a) Ensuring the presence of a teacher and/or other appropriate District personnel when students are accessing the Internet including, but not limited to, the supervision of minors when using electronic mail, chat rooms, instant messaging, and other forms of direct electronic communications. As determined by the appropriate building administrator, the use of email 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 websites visited by students as a measure to restrict access to materials harmful to minors;
- c) In compliance with this Internet Safety Policy as well as the District's Acceptable Use Policy, unauthorized access (including so-called "hacking") and other unlawful activities by minors are prohibited by the District; and student violations of such policies may result in disciplinary action; and
- d) Appropriate supervision and notification to minors regarding the prohibition as to unauthorized disclosure, use and dissemination of personal identification information regarding such students.

(Continued)

Instruction

SUBJECT: INTERNET SAFETY/INTERNET CONTENT FILTERING POLICY (Cont'd.)

The determination of what is "inappropriate" for minors shall be determined by the District and/or designated school official(s). It is acknowledged that the determination of such "inappropriate" material may vary depending upon the circumstances of the situation and the age of the students involved in online research.

The terms "minor," "child pornography," "harmful to minors," "obscene," "technology protection measure," "sexual act," and "sexual contact" will be as defined in accordance with CIPA and other applicable laws/regulations as may be appropriate and implemented pursuant to the District's educational mission.

Under certain specified circumstances, the blocking or filtering technology measure(s) may be disabled for adults engaged in bona fide research or other lawful purposes. The power to disable can only be exercised by an administrator, supervisor, or other person authorized by the School District.

The School District shall provide certification, pursuant to the requirements of CIPA, to document the District's adoption and enforcement of its Internet Safety Policy, including the operation and enforcement of technology protection measures (i.e., blocking/filtering of access to certain material on the Internet) for all School District computers with Internet access.

Internet Safety Instruction

In accordance with New York State Education Law, the School District may provide, to students in grades K through 12, instruction designed to promote the proper and safe use of the internet. The Commissioner shall provide technical assistance to assist in the development of curricula for such course of study which shall be age appropriate and developed according to the needs and abilities of students at successive grade levels in order to provide awareness, skills, information and support to aid in the safe usage of the internet.

Under the Protecting Children in the 21st Century Act, students will also be educated on appropriate interactions with other individuals on social networking websites and in chat rooms, as well as cyberbullying awareness and response.

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.

Student access to the District's computer system will automatically be provided unless the parent has submitted written notification to the District that such access not be permitted (Passive Consent). Procedures will be established to define the process by which parents may submit a written request to deny or rescind student use of District computers.

(Continued)

Instruction

SUBJECT: INTERNET SAFETY/INTERNET CONTENT FILTERING POLICY (Cont'd.)

The District has provided reasonable public notice and has held at least one public hearing or meeting to address the proposed Internet Safety/Internet Content Filtering Policy prior to Board adoption. Additional public notice and a hearing or meeting is not necessary when amendments are made to the Internet Safety Policy in the future.

The District's Internet Safety/Internet Content Filtering Policy must be made available to the FCC upon request. Furthermore, appropriate actions will be taken to ensure the ready availability to the public of this policy as well as any other District policies relating to the use of technology.

The Internet Safety/Internet Content Filtering Policy is required to be retained by the school for at least five years after the funding year in which the policy was relied upon to obtain E-rate funding.

47 USC Sections 254(h) and 254(l)
47 CFR Part 54
Education Law Section 814

Adopted: 2/20/01
Revised: 11/14/06; 10/30/07; 11/9/10; 7/1/14

**SUBJECT: INSTRUCTION FOR ENGLISH LANGUAGE LEARNERS OR STUDENTS
WITH LIMITED ENGLISH PROFICIENCY**

The Board of Education recognizes its responsibility to ensure that students of foreign birth or ancestry, who have limited English proficiency (LEP) or English Language Learners (ELL), are provided with an appropriate program of bilingual transitional education or a free-standing program of English as a Second Language (ESL).

The District has developed a comprehensive plan to meet the educational needs of students with limited English proficiency. The plan will be kept on file in the District and made available for SED review upon request. The plan includes:

- a) The District's philosophy for the education of ELL/LEP students;
- b) Administrative practices and procedures to:
 1. Diagnostically screen students for limited English proficiency;
 2. Identify students with limited English proficiency;
 3. Annually evaluate each ELL/LEP student including his/her performance in content areas to measure the student's academic progress.
- c) A description of the nature and scope of the bilingual and/or English as a second language instructional program and services available to ELL/LEP students;
- d) A description of the criteria used by the District to place ELL/LEP students in appropriate bilingual or free-standing English as a second language programs;
- e) A description by building of the curricular and extracurricular services provided to ELL/LEP students;
- f) A description of the District and school level procedures for the management of the program, including staffing, site selection, parental notification, coordination of funds, training and program planning.

The instructional programs and services available to limited English proficient pupils to help them acquire English proficiency may include, pursuant to Commissioner's regulations, bilingual education programs, free-standing English as a second language programs, appropriate support services, transitional services, in-service training and parental notification.

(Continued)

**SUBJECT: INSTRUCTION FOR ENGLISH LANGUAGE LEARNERS OR STUDENTS
WITH LIMITED ENGLISH PROFICIENCY (Cont'd.)**

A student who, as a result of a disability, scores below the State designated level on the Language Assessment Battery-Revised (LAB-R) or the NYS English as a Second Language Achievement Test (NYSESLAT) shall be provided special education programs and services in accordance with the individualized education program (IEP) developed for such student and shall also be eligible for services available to an ELL/LEP student when those services are recommended in the IEP. Such a student will be counted as an ELL/LEP student as well as a student with a disability for purposes of calculating State aid.

The parent/guardian of a student identified as an English language learner or as limited English proficient shall be informed in his/her native language, if necessary, of the student's identification for and/or participation in an English language learner instructional program as well as other school related information.

The Superintendent shall ensure that all data required by the Commissioner's regulations is submitted to the State Education Department in a timely manner.

Title I of the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001, Sections 1112(g) and 3302(a)
Education Law Sections 207, 215, 2117, 3204(2)(2-a), 3602, and 3713
8 NYCRR Section 100.2(g) and Parts 117 and 154

Adopted: 6/27/00
Revised: 1/13/04; 8/8/06; 4/29/08; 11/9/10

Instruction

SUBJECT: PURPOSES OF INSTRUCTIONAL MATERIALS

The purpose of instructional materials shall be to implement, enrich, and support the educational program of the school.

Instructional materials should contribute to the development of positive social and intellectual values of the students.

The Board of Education shall provide the faculty and students in the District with such instructional materials as are educationally needed and financially feasible to make the instructional program meaningful to students of all levels of ability. In addition, the Board will ensure that all instructional materials will be made available in a usable alternative format for each student with a disability at the same time as such instructional materials are available to non-disabled students. The alternative format must meet the National Instructional Materials Accessibility Standard (NIMAS) defined in federal law.

20 USC Section 1474(e)(3)(B)
Education Law Section 701 et seq.
8 NYCRR Parts 155 and 200.2

Adopted: 6/27/00
Revised: 11/9/10

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, outdated materials will be discarded.

Rules of the Board of Regents Section 21.4

Adopted: 6/27/00

Instruction

SUBJECT: OBJECTION TO INSTRUCTIONAL MATERIALS

Any criticism of instructional materials that are in the schools should be submitted in writing to the Superintendent. The Board of Education will be informed. A committee, including the librarian and building principal, will be designated by the Superintendent to investigate and judge the challenged material according to the principles and qualitative standards stated in Policy #8320 -- Selection of Library and Audiovisual Materials.

Curriculum Areas In Conflict With Religious Beliefs

In accordance with applicable law and regulation, a student may be excused from the study of specific materials relating to health and hygiene if these materials are in conflict with the religion of his/her parents/guardians. Alternatives may be provided that are of comparable instructional value.

Education Law Section 3204(5)
8 NYCRR Section 135.3

NOTE: Refer also to Policies #8320 -- Selection of Library and Audiovisual Materials
#8360 -- Religious Expression in the Instructional Program

Adopted: 6/27/00
Revised: 8/8/06

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.

2000

8332

Instruction

SUBJECT: CURRICULUM AREAS IN CONFLICT WITH RELIGIOUS BELIEFS

A student may be excused from the study of specific materials if these materials are in conflict with the religion of his/her parents or guardian. Alternatives may be provided that are of instructional value.

Education Law Section 3204(5)

Adopted: 6/27/00

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 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

- a) School activities related to the teaching about religious holidays or themes must be consistent with, representative of, and congruent with the District's curriculum.
- b) 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.
- c) 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.

Symbols in the Schools

The purpose of using religious symbols should be to teach about religious concepts and traditions, and to convey historical or cultural content, not to promote or celebrate religious concepts, events or holidays.

(Continued)

Instruction

SUBJECT: RELIGIOUS EXPRESSION IN THE PUBLIC SCHOOLS (Cont'd.)**Music in the Schools**

The purpose of using religious music should be to teach musical concepts, to convey historical and cultural content, or to create aesthetic experiences in a setting which emphasizes artistic expression and educational value, not to promote or to celebrate a religious faith.

Curriculum Areas In Conflict With Religious Beliefs

Students shall be given the option to be excused from participating in those parts of an activity, program, or area of instruction involving a religious theme which conflicts with their own religious beliefs or that of their parents/guardians in accordance with applicable law and regulations. Alternatives may be provided that are of comparable instructional value.

Implementation

Administrative regulations will be developed to implement the terms of this policy. Further, the District shall vigorously publicize and disseminate this policy and accompanying regulations in order to ensure community, faculty, student, and parental/guardian awareness.

United States Constitution, First Amendment
New York State Constitution, Article XI, Section 4
Equal Access Act, 20 USC Sections 4071- 4074
Education Law Sections 1709(1) and (3), 3204(5) and 3210
8 NYCRR Sections 16.2 and 109.2

NOTE: Refer also to Policy #8330 -- Objection to Instructional Materials

Adopted: 6/27/00
Revised: 10/30/07

Instruction

SUBJECT: ACADEMIC FREEDOM/TEACHER SELECTION OF AND/OR TEACHER SUPPLIED INSTRUCTIONAL MATERIALS

The Board of Education recognizes the right of the teacher to provide information that will enrich and support the curriculum while, at the same time, taking into consideration the needs of the individual student, especially as it regards the diversity of learning styles, varied interests, abilities and maturity levels of students. Classroom discussion and/or selection of supplemental instructional materials by the teacher must be of educational merit, reflect the appropriate curriculum and/or course of study, and reflect the diverse needs of the students served.

Further, the Board believes that such academic freedom also carries with it educational responsibility that is determined by the basic ideals, goals, and policies of the School District. While the Board is opposed to unrestricted censorship or restraint that interferes with the educational responsibility of the classroom teachers, the Board also expects that controversial issues will be presented in a fair and unbiased manner, without undue pressure or coercion by the classroom teacher to impose his/her opinion on the students.

As a consequence of Board responsibility to guarantee academic freedom to both students and teachers, and as befits their professional status, teachers are encouraged to provide appropriate supplementary instructional materials for classroom use in addition to District provided materials in accordance with administrative regulations.

Use of Video Tapes/Films in Classroom Instruction

Teachers who wish to use video tapes and/or films in classroom instruction must follow established administrative regulations for the school. Additionally, teachers who wish to utilize such video tapes and/or films in their classroom must not use such purchased or rented visual technology resources which are marked "For Home Use Only." Teachers are authorized to use for classroom instruction, and are responsible for securing, those films, videos and other visual technology resources which are designated for public performance, or for which permission for public performance has been obtained. When such resources are not selected from designated curriculum guides utilized by the school, prior to such use, teachers must report to their building principal or his/her designee, of their intention to use such materials in the classroom.

Implementation

The Board of Education directs the Superintendent or his/her designee to develop administrative regulations to implement the terms of this policy. Further, the District shall ensure that its administrative/instructional personnel shall be aware of District policy and regulations pertaining to this topic.

Education Law Section 1709(3)

Adopted: 6/27/00

**SUBJECT: TEXTBOOKS/WORKBOOKS/CALCULATORS/INSTRUCTIONAL
COMPUTER HARDWARE****Textbooks**

The term "textbook" shall refer to a book supplied to a student for a fixed period of time for his/her personal use and basic to the study of a subject. The Board of Education shall make provision for funds to be budgeted for the purchase of textbooks and related instructional materials.

Upon the recommendation of the Superintendent of Schools, the Board of Education shall designate the textbooks to be used. Textbooks, once designated, cannot be superseded within a period of five years except by a three-fourths vote of the Board.

Each school district has the option of participating in the National Instructional Materials Access Center (NIMAC). Whether a district does or does not participate in NIMAC, the district will be responsible to ensure that each student who requires instructional materials in an alternate format will receive it in a timely manner and in a format that meets NIMAS standards [8 NYCRR Section 200.2(b)(10)]. The New York State Education Department (NYSED) recommends that school districts choose to participate in NIMAC, because this national effort to centralize the distribution of instructional materials in alternate formats will help guarantee timely provision of such materials to students.

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

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

Students will be required to pay for lost books or for excessive damage to books.

Textbooks for Resident Students Attending Private Schools

Resident students attending private schools will be supplied non-sectarian textbooks in accordance with the requirements of Education Law.

Workbooks

The term "workbook" shall refer to the type of book that provides spaces to write in and is consumed each year. It is usually paper-covered and designed to be used in connection with a textbook. The Board of Education shall approve the expenditure of funds for the purchase of workbooks and manuals.

(Continued)

**SUBJECT: TEXTBOOKS/WORKBOOKS/CALCULATORS/INSTRUCTIONAL
COMPUTER HARDWARE (Cont'd.)****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.

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/mgtsserv/charging_for_calculators.shtml)

Instructional Computer Hardware**Loan to Students Attending Nonpublic Schools in the District**

The School District shall loan, upon request of an individual or a group of individual students, to all students legally attending nonpublic elementary or secondary schools located in the School District, instructional computer hardware which is designated for use in any public elementary or secondary schools of the State or is approved by any school authorities as such term is defined in Education Law Section 2(12).

Such instructional computer hardware is to be loaned free to such children, subject to such rules and regulations as are or may be prescribed by the Board of Regents and school authorities and shall be required for use as a learning aid in a particular class or program. Instructional computer hardware containing computer software programs which are religious in nature or content shall not be purchased or loaned by the School District.

The School District shall not be required to loan instructional computer hardware to nonpublic school students in excess of that acquired pursuant to Education Law Section 753 and shall be loaned on an equitable basis to children attending nonpublic schools in the District and to students with disabilities residing in the District who attend programs under the provisions of Education Law Sections 4401(2)(c),(2)(e),(2)(g),(2)(i), and (2)(l). However, the School District shall not be required to loan instructional computer hardware purchased with local or federal funds or with State funds, other than Instructional Computer Hardware Aid funds.

(Continued)

Instruction

**SUBJECT: TEXTBOOKS/WORKBOOKS/CALCULATORS/INSTRUCTIONAL
COMPUTER HARDWARE (Cont'd.)**

School authorities shall specify a date by which written requests for the purchase and loan of instructional computer hardware must be received by the District. Such date shall not be earlier than the first day of June of the school year prior to that for which such instructional computer hardware is being requested. For a child not attending a nonpublic school prior to June first, the parent/guardian may submit a written request for instructional computer hardware within 30 days after such child is enrolled in the nonpublic school. In no event, however, shall a request made later than the times otherwise provided pursuant to Education Law Section 754 be denied where a reasonable explanation is given for the delay in making the request. All nonpublic schools in the School District shall be notified of the specified date.

The form of request used by a lending District may provide for a guarantee by a parent or guardian for the return of such hardware or, in the case of loss or damage, for payment of the value thereof.

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

Education Law Sections 2(12), 701 et seq., 753, 754, 3602(6), 3602(26), 4401(2)(c), 4401(2)(e), 4401(2)(g),
4401(2)(i) and 4401(2)(l)

8 NYCRR Sections 21.3, 100.12, 155.1(a)(4) and 175.25

Adopted: 6/27/00

Revised: 8/8/06; 10/30/07; 2/22/11

Instruction

SUBJECT: LOAN OF INSTRUCTIONAL COMPUTER HARDWARE

The School District shall loan, upon request of an individual or a group of individual students, to all students legally attending nonpublic elementary or secondary schools located in the School District, instructional computer hardware which is designated for use in any public elementary or secondary schools of the State or is approved by any school authorities as such term is defined in Education Law Section 2(12). Such instructional computer hardware is to be loaned free to such children, commencing with the 2007-2008 school year, subject to such rules and regulations as are or may be prescribed by the Board of Regents and school authorities.

The School District shall not be required to loan instructional computer hardware to nonpublic school students in excess of the instructional computer hardware acquired pursuant to Education Law Section 753. Instructional computer hardware shall be loaned on an equitable basis to children attending nonpublic schools in the District and to students with disabilities residing in the District who attend programs under the provisions of Education Law Sections 4401(2)(c), 4401(2)(e), 4401(2)(g), 4401(2)(i), and 4401(2)(l). However, the School District shall not be required to loan to children attending nonpublic schools in the District, or to such students with disabilities, instructional computer hardware purchased with local or federal funds or with State funds, other than Instructional Computer Hardware Aid funds.

Instructional computer hardware containing computer software programs which are religious in nature or content shall not be purchased or loaned by the School District.

Instructional computer hardware shall be loaned upon the individual written request of nonpublic school students, but such requests shall not be required of students attending public school districts. Requests may be presented directly to the lending District or, with the consent of the lending District, to an appropriate official of the nonpublic school which the student attends. The form of request used by the lending District may provide for a guarantee by a parent or guardian for the return of such hardware or, in the case of loss or damage, for payment of the value thereof.

School authorities shall adopt regulations specifying the date by which written requests for the purchase and loan of instructional computer hardware must be received by the District. Notice of the date shall be given to all nonpublic schools in the School District. Such date shall not be earlier than the first day of June of the school year prior to that for which such instructional computer hardware is being requested. For a child not attending a nonpublic school prior to June first, the parent/guardian may submit a written request for instructional computer hardware within 30 days after such child is enrolled in the nonpublic school. In no event, however, shall a request made later than the times otherwise provided pursuant to Education Law Section 754 be denied where a reasonable explanation is given for the delay in making the request.

The District has established June 1 as the date by which such requests for the purchase and loan of instructional computer hardware must be received by the District unless otherwise authorized in accordance with law and Commissioner's regulations.

(Continued)

Instruction

SUBJECT: LOAN OF INSTRUCTIONAL COMPUTER HARDWARE (Cont'd.)

Such instructional computer hardware shall remain the property of the lending District and shall bear an identifying label. The school authorities of each District shall establish lending procedures which apply to students in public and nonpublic schools, and shall inform the authorities of such schools of these procedures.

Instructional Computer Hardware and Technology Equipment Apportionment

The School District shall be eligible for an apportionment under the provisions of Education Law Section 753 for approved expenses for:

- a) The purchase or lease of micro and/or mini computer equipment or terminals for instructional purposes; or
- b) Technology equipment with a useful life used in conjunction with or in support of educational programs including but not limited to video, solar energy, robotic, satellite, laser and such other equipment as the Commissioner of Education shall approve; or
- c) The repair of such equipment and training/staff development for instructional purposes.

Such aid shall be provided pursuant to the Instructional Computer Technology Plan developed by the District which specifies requirements for each School District's Technology Plan, including an assurance of the Superintendent of Schools, in a form prescribed by the Commissioner of Education, that the School District has provided for the loan of instructional computer hardware to students legally attending nonpublic schools pursuant to Education Law Section 754.

The School District shall not be required to purchase or otherwise acquire instructional computer hardware or technology equipment, the cost of which exceeds the amount of state aid provided pursuant to Education Law Section 753.

Expenses aided pursuant to Section 753 shall not be eligible for aid pursuant to any other provision of Education Law.

The School District shall maintain a separate record of expenditures incurred from State aid received pursuant to Education Law Section 753 and the Rules of the Board of Regents Section 21.3.

Education Law Sections 2(12), 753, 754, 3602(6), 3602(26), 4401(2)(c), 4401(2)(e), 4401(2)(g), 4401(2)(i),
and 4401(2)(l)
8 NYCRR Sections 21.3, 100.12, 155.1(a)(4), and 175.25

Adopted: 10/30/07

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. The copyright officer will also serve as the designated agent registered with the United States Copyright Office to expeditiously respond to any notices of claimed copyright infringement.

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 USC Section 101 et seq.

2000

8410

Instruction

SUBJECT: SCHOOL CALENDAR AND SCHOOL DAY

School Calendar

The Superintendent shall be responsible for the preparation of a school calendar to be presented to the Board for adoption.

School Day

The school day shall be set by the Superintendent with approval of the Board.

Education Law Sections 3204(4) and 3604(7)(8)
8 NYCRR Section 175.5

Adopted: 6/27/00

**SUBJECT: EMERGENCY SCHOOL CLOSINGS: EXTRAORDINARY CONDITION
DAYS/STUDENT ATTENDANCE****Days of Session**

School districts must be in session for all students, including students with disabilities, for not less than 180 days. Included in the 180 days are days on which attendance is taken; days on which Regents examinations, State Assessments or local examinations are given; and days on which Superintendent's Conference Days are held.

Legal Holidays

District officials may not schedule days of session on a Saturday or a legal holiday except Election Day, Washington's Birthday and Lincoln's Birthday (however, driver education classes may be conducted on a Saturday).

Legal holidays include: New Year's Day; Dr. Martin Luther King, Jr. Day; Lincoln's Birthday; Washington's Birthday; Memorial Day; Flag Day (second Sunday in June); Independence Day; Labor Day; Columbus Day; Election Day; Veterans' Day; Thanksgiving Day; and Christmas Day.

Length of School Day

The minimum length of the school day for purposes of generating state aid is 2.5 hours for half-day kindergarten, 5.0 hours for full-day kindergarten through grade 6, and 5.5 hours for grades 7 through 12. These hours are exclusive of the time allowed for lunch. If the School District establishes a school calendar in excess of 180 required days, the excess days need not comply with the mandated daily time requirements.

Extraordinary Conditions

The length of the school day requirement does not apply if schools open late or close early due to extraordinary circumstances beyond their control. Similarly, because of circumstances beyond its control, the School District may lose whole days of instruction due to emergency school closings.

Pursuant to Education Law Section 3604(7), if the Commissioner of Education finds that the schools of the District were not in session for 180 days because of extraordinarily adverse weather conditions, impairment of heating facilities, insufficiency of water supply, shortage of fuel, lack of electricity, natural gas leakage, unacceptable levels of chemical substances, or the destruction of the school building either in whole or in part, the Commissioner is authorized to excuse up to five days under certain circumstances.

(Continued)

Instruction

**SUBJECT: EMERGENCY SCHOOL CLOSINGS: EXTRAORDINARY CONDITION
DAYS/STUDENT ATTENDANCE (Cont'd.)**

For the District to receive such a "waiver" from the Commissioner, the Commissioner must find that those "lost days" of instruction could not have been made up by using, for the secondary grades, all scheduled vacation days which occur prior to the first scheduled Regents examination day in June; and, for the elementary grades, all scheduled vacation days which occur prior to the last scheduled Regents examination day in June. Scheduled vacation days that may be used include days of religious observance associated with Passover, Easter and other religious holidays. Only Saturdays, Sundays, and legal holidays are excluded from days that may be used for this purpose.

Requests for excusal must be made in writing to the State Education Department at the close of the school year. If scheduled vacation days and days waived by the Commissioner are insufficient and the School District still remains one or more days short of the 180 days, the District may schedule additional sessions after Regents examinations, through June 30, to satisfy the length of session requirement.

In the event that only one building in the District will be short the required days of session because of some extraordinary condition, the day(s) for only that building must be made up by using all scheduled vacation days before an excusal can be given.

The rescheduling/make up of "lost days" of instruction will take into consideration collective bargaining agreements as may be applicable.

A declaration of a State of Emergency by the Governor due to adverse weather conditions does not authorize the school districts affected to operate an annual session of less than 180 days.

Reporting

Pursuant to Commissioner's Regulations Section 155.17(h), each Superintendent shall notify the Commissioner of Education as soon as possible whenever the emergency plan or building-level school safety plan is activated and results in the closing of a school building in the District; and shall provide such information as the Commissioner may require. School districts within a Supervisory District shall provide such notification through their District Superintendent, who shall be responsible for notifying the Commissioner. Such information need not be provided for routine snow emergency days.

Education Law Sections 3210, 3602(4), 3604(7), and 3604(8)
General Construction Law Section 24
General Municipal Law Section 92-c
8 NYCRR Sections 155.7 and 155.17 and Part 175

Adopted: 1/23/07

Instruction

SUBJECT: SUMMER SCHOOL

The School District may contract summer school in any given year, but is not required to do so. Summer School is an additional opportunity to meet the needs of students by providing courses for enrichment, acceleration, and improvement of skills or making up course work from the regular school year.

Students -- Public, Nonpublic, and Home Schooled

When the School District contracts a summer school program from another school district, all students, including public, nonpublic, and home schooled students are entitled to attend the summer school program. The School District cannot charge students fees for any part of the District's program offered to meet high school diploma requirements. However, students must meet any academic requirements for a particular course.

Students with Disabilities

Students with disabilities are entitled to attend summer school on the same basis as their non-disable peers. Students who qualify under section 504 are entitled to those accommodations deemed necessary to ensure access to all public school programs and activities. If a student with a disability requires accommodations to participate in summer school program, the District is required to provide the necessary supports and services, including testing accommodations.

Students with disabilities receive extended school year programs and services if the Committee of Special Education (CSE) determines for particular students that the programs and services are required to prevent regression during July and August.

Recognition of Earned Credit

All New York registered high schools must grant transfer credit for all credit awarded by any public or nonpublic registered New York high school. After consultation with the relevant faculty, the High School Principal may also grant transfer credit for work done at institutions other than New York registered high schools upon determining that the work is consistent with New York State learning standards and was comparable in scope and quality to the work done in the District high school.

Contracting for Instruction

The School District may contract for summer school instruction with another school district. These courses must be provided at no cost to students. No contracts or agreements regarding the provision of elementary, middle, or secondary level instruction may be with any other entity.

Education Law Section 807, 917, 1950, 2040, 3602(1)(g), 3602(39), and 4402(2)(a)
8 NYCRR Parts 104, 110, and 112 and Section 100.5(d)(I) and 136

Adopted: 12/11/07

2000

8420

Instruction

SUBJECT: OPENING EXERCISES

The Board directs the administration to include the Pledge of Allegiance as part of the opening exercises in all the schools. Under certain circumstances, such as religious conviction, students may be excused from this requirement as a protection of their Constitutional rights.

Education Law Section 802
8 NYCRR Section 108.5

Adopted: 6/27/00

Instruction

SUBJECT: INDEPENDENT STUDY

There are occasions when the individual needs of some students are best served by the pursuit of Independent Study Programs. Some of these reasons might be to allow a student to enrich his/her own program, to permit a student to establish a required sequence, (3) to eliminate schedule conflicts, and other authentic reasons.

Independent study, for credit, will be available to meet the individual needs of students in grades 9 through 12. The principal, after consultation with relevant faculty, may award transfer credit for work done through independent study. The decision should be based on whether the student's record indicates that the work is consistent with New York State commencement level learning standards and is of comparable scope and quality to that which would have been done in the school awarding the credit. Credit shall be granted only for courses in the approved curriculum.

The Superintendent of Schools or his/her delegate is permitted to authorize such Independent Study and is directed to establish Administrative Regulations governing such study in order to maintain proper academic standards.

8 NYCRR Section 100.5(d)(5)(i)(b)

2000

8440

Instruction

SUBJECT: HOMEWORK

The Board of Education acknowledges the educational value of homework as an adjunct to and extension of the instructional program of the schools. For the purposes of this policy, "homework" shall refer to those assignments to be prepared by the student outside of the school or independently while in attendance at school.

Adopted: 6/27/00

Instruction

SUBJECT: HOME TUTORING (HOMEBOUND INSTRUCTION)

Resident children attending public or nonpublic schools who are unable to attend school because of physical, mental or emotional illness or injury as substantiated by a licensed physician are eligible to be instructed at home or in a hospital by a tutor provided by the School District. These students will be provided with such instruction in accordance with New York State Education Law and Commissioner's regulations.

Procedures for students requiring home tutoring shall be developed under the direction of the Superintendent or his/her designee.

Education Law Sections 1604(20), 1709(24), 3202, and 4401

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 attendance on field trips is governed by the same rules as attendance at 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.

The Superintendent/designee may cancel preciously approved filed trips due to extenuating circumstances.

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property
#5730 -- Transportation of Students
#7310 -- School Conduct and Discipline
District Code of Conduct on School Property

Adopted: 6/27/00
Revised: 2/8/05

SUBJECT: HOME INSTRUCTION (HOME SCHOOLING)

From time to time, parents will choose to instruct their children at home. Although New York State law does not recognize home schools as private elementary or secondary schools, 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.

Primary responsibility for determining compliance with Commissioner's regulations addressing home instruction rests with the Superintendent of Schools of the school district in which a home-instructed student resides.

Provision of Services to Home-Instructed Students

They are not awarded a high school diploma. A high school diploma may only be awarded to a student enrolled in a registered secondary school who has completed all program requirements set by the Board of Regents, the school or the District.

a) Extracurricular Participation

Students instructed at home are not eligible to participate in interscholastic sports. Commissioner's regulations mandate that only students enrolled in the public school are allowed to participate in interscholastic sports. However, the School District *does permit* home-instructed students to participate in intramural and other school-sponsored extracurricular activities.

b) Textbooks and Materials

The District *shall not* provide textbooks and other materials to home-instructed students.

c) Health Services

The School District is *not required* to furnish health services.

d) Remedial Programs

The District *is not responsible* for providing remedial programs.

e) Career and Technical/Gifted Education

The District is *not authorized* to provide Occupational and Vocational Education programs (career and technical education) nor programs for the Gifted to home-instructed students.

(Continued)

Instruction

SUBJECT: HOME INSTRUCTION (HOME SCHOOLING) (Cont'd.)f) Special Education Services

The District is *not authorized* to provide individualized education program (IEP) services to home-instructed students as home schools are not recognized in New York State as private elementary or secondary schools pursuant to Education Law Section 3602-c.

While the Public School District may not provide special education services to students that are home schooled, the Committee on Special Education (CSE) of the Public School District must, if parental consent is obtained, conduct an individual evaluation of a home schooled student and who is suspected of having a disability and develop an IEP for such child, which would be the District's offer of a free appropriate public education (FAPE) to the student if the parents choose to enroll their child in a public or private school. However, the parents of a home schooled student may refuse consent to an initial evaluation and, if they do so or if they do not respond to a request for such consent, the School District may not seek to compel the parent to have their child evaluated to determine eligibility for special education services.

g) Use of School Facilities

Students instructed at home *shall not be allowed* to use school facilities, except as provided for community organizations in Policy #3280 -- Community Use of School Facilities.

h) Special Education Services

The parent must request Special education services in writing to the Board of Education of the school district of location by June 1 preceding the school year for which the request for services is made. However, for a student who is first identified as a student with a disability after the first day of June preceding the school year for which the request is made and prior to the first day of April of such current school year, the parent must submit the written request for services within 30 days after the student was first identified. A request may also be submitted within 30 days of a change in the student's school district of residence.

All special education services will be available to home-schooled students at District facilities located at 5873 Route 219, Ellicottville, New York 14731.

Education Law Sections 3204, 3205, 3210(2), 3212(2), 3240-42, 3602-c and 4402
8 NYCRR Sections 100.10, 135.4(c)(7)(ii)(b)(2) and 200.2(a)

Adopted: 6/27/00

Revised: 12/4/01; 10/30/07; 4/29/08; 10/7/08

Instruction

SUBJECT: DUAL ENROLLMENT: NONPUBLIC SCHOOL STUDENTS

In accordance with Education Law, New York State resident students who attend nonpublic schools located in the District may also enroll in public school programs provided by the School District in three categories: gifted education, career education (vocational and occupational education), and special education and related services for students with disabilities. Dual enrollment is not permitted in any other areas. Furthermore, no other forms of dual enrollment are available, such as participation on teams or school bands. Dual enrollment provisions apply only to those programs operated during the course of the school year and not to summer programs. Nonpublic school students are eligible to participate in public school summer school programs in the school district in which they live on the same basis as any other resident students.

If deemed appropriate by the School District and/or mandated by law or regulation, the school district of residence of such nonpublic school student may contract for the provision of such dual enrollment services with the Board of Cooperative Educational Services (BOCES), the school district in which the nonpublic school is located (if different from district of residence), or another school/school district as may be necessary.

A written request from the parent(s), guardian(s) or person(s) legally having custody of a nonpublic school student for provision of such dual enrollment services must be filed with the Board of Education of the school district in which such parent(s), guardian(s) or person(s) legally having custody of the student reside on or before the first day of June preceding the school year for which the request is made. Through such written request for participation in a dual enrollment program, a student is considered enrolled in the public schools; however, no formal registration in the public school is required. Dual enrollment does not in any way jeopardize the student's enrollment in the nonpublic school. The administrator of a nonpublic school may receive and forward such request from the parent(s), guardian(s) or person(s) legally having custody of the student to the Board of Education of the district of residence of such nonpublic school student in accordance with proper timelines. Requests should be filed as early as possible so that they can be considered by the Board as plans are made and budgets prepared. For the purpose of obtaining educational programs and/or services for students with disabilities, such request shall be reviewed by the Committee on Special Education in accordance with law.

The Board of Education retains authority to determine, by resolution, which courses of instruction shall be offered during the course of the school year, the eligibility of students to participate in specific courses, and the admission of students in accordance with law. All students in like circumstances shall be treated equally.

Nonpublic school students receiving such dual enrollment services shall not be segregated from District students in any dual enrollment program.

(Continued)

Instruction

SUBJECT: DUAL ENROLLMENT: NONPUBLIC SCHOOL STUDENTS (Cont'd.)

For students receiving gifted or career education, transportation shall be provided between the nonpublic school attended by such students and the public school where such services are provided if the distance between the nonpublic school and the public school exceeds one-fourth of a mile. The Board of Education shall provide transportation for students receiving special education programs and/or services pursuant to law in accordance with the needs of each such student. The District may claim state aid for this transportation.

The Board of Education, teachers, and other employees of the School District shall not be liable for harm to nonpublic school students caused by others while such students are walking between the public and nonpublic schools.

While the Dual Enrollment Law provides that services for those students enrolled in such dual enrollment instruction be provided in the regular classes of the School District, pursuant to law, the District is not required to provide such dual enrollment services exclusively in those programs/courses of instruction offered by the District and may, if appropriate and/or mandated by law, secure the provision of dual enrollment services elsewhere. The Board of Education of the District providing dual enrollment services to non-resident students shall be entitled to recover tuition from the district of residence of such students in accordance with the formula promulgated by the Commissioner of Education. Additionally, BOCES/state aid may also be claimed, as appropriate, for the provision of dual enrollment services.

The Board of Education is authorized to determine the standards of eligibility of students to participate in specific courses. If one course is a prerequisite for another, access to the prerequisite shall be made available to those nonpublic school students entitled to dual enrollment in the schools of the District.

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

Education Law Section 3602-c (b)(2)

Adopted: 6/27/00