

## **FOREWORD**

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

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

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

Policy should accomplish the following:

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

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

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or administrative enactment, all other parts shall remain in full effect unless and until they are amended or repealed by the Board of Education.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

## **RANDOLPH ACADEMY UNION FREE SCHOOL DISTRICT**

Randolph Academy Union Free School District is a public Special Act school district located in Western New York with schools located in Hamburg and Randolph.

The District provides intensive quality education for special students' needs, offering therapy, counseling and behavior management as well as a full 12-month academic program. The District presently serves up to 34 area school districts comprised of both rural and urban populations with a Day Program as well as providing education to the residential students at Randolph Children's Home (RCH).

### **DISTRICT MISSION STATEMENT**

Randolph Academy supports, empowers, and educates students to live safely, behave responsibly, treat all persons with respect, advance toward their goals, and succeed in the classroom.

### **THE MAIN PROGRAM**

#### **Staffing**

Masters degree teachers at the Randolph Academy are Special Education certified and/or are certified in specialty areas. Therapy and guidance counselors are certified Masters level professionals. All staff receive training in therapeutic crisis intervention strategies and are regularly in-serviced in pertinent academic and therapeutic areas to insure maximum service to our students.

#### **Related Support Services**

Reading AIS and Math AIS Support Services include the following: Guidance Counseling; Speech Therapy; Remedial Math/Remedial Reading; Individual Tutoring; Psychological Services; Individual and Group Counseling; Health Care; Occupational Therapy Activities; Physical Therapy Activities; Recreational Activities; Anger Management; and Crisis Intervention. Small class size is available.

#### **Academic Program**

**Elementary:** Serves students through Grade 6, offering remediation for students below grade level and challenge for students at or above level.

**Grades 7 through 10 and GED:** Serves Regents, local diploma, Career Development and Occupational Studies commencement credential (CDOS), and Skills and Achievement commencement credential (SA) candidates.

**Regular Diploma:** Provides a comprehensive New York State academic program which includes credit bearing Regents courses in English, Math, Social Studies and Science for grades 9 through 12.

**Local Diploma, CDOS and SA:** Offers individual 12:1:1, 8:1:1 and 6.1.1 classroom instruction. Also offers vocational classes and work-based learning.

**GED Diploma:** GED preparation is offered to eligible students age 16 or older.

**Transitional Program:** Provides a "transition" experience at the local public high school in an Academy resource classroom. Prepares Regents Diploma students for a successful return to their home school district.

## **Instructional Areas Included in District Program**

Art, Mathematics, Physical Education, English, Music/Steel Drum, Science, Health, Social Studies, Life Skills, Technology, Vocational Food Service, Vocational Cosmetology, Work Study, Vocational Module, Horticulture, Computer Applications.

### **NORMATIVE CULTURE**

Randolph Academy has trained its entire staff in the sociological model of Normative Culture. Normative Culture includes students and staff as mutual members of a "*positive*" community. The culture is driven by a belief that peers can take responsibility for their own behavior, and then model that positive behavior to their peers and effect a positive change via peer pressure.

Normative Culture teaches that there are behaviors in any social group that become the "norms" within the group. The Academy recognizes that there are both positive and negative "norms" within peer groups. The positive norms of Randolph Academy are:

**Safety**  
**Respect**  
**Responsibility**  
**Goal-Orientation**  
**"The classroom is sacred"**

### **Guided Group Interaction (GGI) Sessions**

These sessions operate daily in order for peers to learn and practice the principles of Normative Culture. The groups are "guided" by staff facilitators and an observer.

### **Restorative Practices**

As part of Normative Culture, restorative practices are implemented to build strong positive relationships, resolve conflicts and act as an alternative to suspension.

## **PHILOSOPHY STATEMENT**

According to the Randolph Academy Union Free School District Philosophy of Education, the District provides a comprehensive and academically challenging education for all students in an atmosphere that will stimulate and nurture the students' intellectual, moral, social and physical development in order to prepare each student for college and career, and responsible participation in the American democratic society.

The official educational goals of the District include:

- a) A mastery of the basic skills in reading, writing, and mathematics.

Essential to the learning process is the ability to understand and express ideas through reading, writing and conversation, both with words and numbers.

We believe that every student should demonstrate a reasonable level of competence in reading, mathematics and communication skills. In addition, the school will encourage and assist students in exceeding minimum levels of competence in these skills to the degree that each individual's abilities and aspirations will allow.

- b) Use of the investigative process in problem solving.

The school must prepare students for a lifetime of learning. It is the school's responsibility to encourage and assist students to think about, talk about, and study the world around them. The school must encourage an attitude of curiosity and provide the necessary skills for students to ask questions and seek answers, to experiment, to research, and above all, to reason and have success in doing so.

- c) Commitment to Normative Culture.

Normative Culture calls all students and staff to guide their actions and behaviors by the five norms of Safety, Respect, Responsibility, Goal Directed Living and The Classroom is Sacred. The strength of Normative Culture's peer-based culture is found in the ability of every member of the community to influence every other member of the community to respect the norms in order to strengthen the community, help individuals succeed and become successful citizens.

- d) A positive self-image and self-respect.

An individual's attitude about oneself is a crucial factor in learning. It is important that every student experience success, and where possible excel, in developing and using his/her unique abilities. It is the school's responsibility to help students realistically appraise their abilities and limitations, to set challenging but attainable goals and to pursue and achieve them, taking justifiable pride in their accomplishment.

- e) Respect for the beliefs, opinions and customs of others.

We live in a world of diversity. The school must help students learn from and live harmoniously with all religious, racial and ethnic groups. This requires that students develop a sensitivity to the feeling of other human beings. It suggests that accomplishments, either individual or as a societal, must be measured in terms of their ultimate effect on people.

- f) Creativity

We believe that human beings are born with the impulse and ability to create. We highly value this attribute and believe it should be encouraged in every possible way. Therefore, it is essential that the school program be organized in a way that nurtures rather than stifles the natural creativity of students.

- g) An Understanding of the Democratic Process.

The school must prepare students for life in a democratic society. This means students must possess the necessary knowledge, skills and attitudes to participate effectively in the democratic process. Participation also implies a knowledge of and an ability to use procedures for bringing about orderly change, and a willingness to be governed by decisions made through the democratic process even when they differ from one's beliefs.

- h) Good Personal Health and Safety Habits.

The physical and mental health and well-being of each individual is a key factor in his/her ability to contribute to and take satisfaction from his/her work and personal relationships. It is the school's responsibility to assist students in developing personal attitudes and habits which help prevent disease and reduce accidents, and which result in a physically and mentally vital individual. The school must also help students understand that an individual's health and safety habits have the potential to affect not only themselves but all others.

- i) Career-Related Skills

A sense of vocation or purpose is important to each individual. Therefore, it is the responsibility of the school to help students identify and appraise their individual aptitudes by providing opportunities and encouraging them to survey many areas of interest.

**RANDOLPH ACADEMY UNION FREE SCHOOL DISTRICT**  
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The following citations will be used in the Policy Manual:

*Federal:*

USC	United States Code
CFR	United States Code of Federal Regulations

*State:*

NYCRR	New York Code of Rules and Regulations
8 NYCRR	Regulations of the Commissioner of Education

**Randolph Academy Union Free School District** **NUMBER**

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## Bylaws

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

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

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

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

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

However, by custom and tradition, local school Boards have responsibilities to the local citizenry they serve, and by ethics, to the personnel whom they employ. Recognizing this three-dimensional concept or source of authority and responsibility, the Board of Education of Randolph Academy Union Free School District is the policy-making body for the Randolph Academy Union Free School, and serves within the framework provided by law, the will of the local citizenry, and the ethics of the personnel employed by the Board of Education.

The wisdom and foresight of the members of the Board of Education and the effectiveness and efficiency with which the Board of Education as a corporate body discharges its duties and obligations will determine to a large extent the educational level of the citizens of the Randolph Academy Union Free School District.

New York State Constitution  
Education Law Articles 33 and 35

Adopted: 9/17/08

## Bylaws

**SUBJECT: BOARD OF EDUCATION AUTHORITY**

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

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

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

Education Law §§ 1604, 1701 and 1709

Adopted: 9/17/08

## Bylaws

**SUBJECT: BOARD OF EDUCATION MEMBERS: QUALIFICATIONS**

A Board of Education member of the Randolph Academy Union Free 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) Cannot be an employee of the Randolph Academy Union Free School District;
- e) The only member of his/her family (that is, cannot be a member of the same household) on the Randolph Academy Union Free School District Board;
- f) May not simultaneously hold another incompatible public office, including, but not limited to Superintendent, clerk, tax collector, treasurer or librarian, or an employee of the Board. In union free districts, however, a Board member may be appointed clerk of the Board and of the District.
- g) 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 §§ 2101, 2102, 2103, 2103-a, and 2130(1)  
Public Officers Law § 3  
Town Law § 23(1)

Adopted: 9/17/08

## Bylaws

**SUBJECT: APPOINTMENT OF BOARD OF EDUCATION MEMBERS**

The Randolph Academy Union Free School District shall be governed by a Board of Education which shall be composed of five members appointed by the Board of Trustees of the Randolph Children's Home or of its successor corporation as constituted pursuant to the provisions and bylaws therein provided by the not-for-profit corporation law, and two members appointed by the Commissioner of Education, said members to serve for terms of four years; and such Board of Education shall have all the powers and duties of a Board of Education of a Union Free School District under the provisions of the Education Law.

Education law § 2030(6)

NOTE: Refer also to Policy #1221 -- Appointment of Public Members to the Board by the Commissioner of Education

Adopted: 9/17/08

## Bylaws

**SUBJECT: APPOINTMENT OF PUBLIC MEMBERS TO THE BOARD BY THE COMMISSIONER OF EDUCATION**

In accordance with Chapters 628 and 629 of the Laws of 2004, effective September 1, 2005, and Part 105 of the Regulations of the Commissioner of Education, effective September 29, 2005, the Commissioner of Education shall approve and appoint two public members to the Board of Education of each Special Act school district for four school-year terms from candidates recommended by a Regional Interview Team. Upon appointment, the public members shall have all the rights, privileges, powers, duties and responsibilities of members of the Board of Education of a Union Free school district under Education Law and other laws pertaining to such school districts.

As a member of the Board of Education of the Randolph Academy Union Free School District, each appointed individual shall be responsible for the education of the children attending the District and must provide for the governance and oversight of the District's affairs, personnel and properties. To address these responsibilities, these individuals are expected to work with other Board members to establish a strong control environment, issue comprehensive policies, ensure that the District operates in accordance with its mission and all legal requirements, monitors the District's financial condition and ensures the District hires qualified individuals.

Specifically, each appointed Board member is expected to:

- a) Regularly attend and participate in Board meetings and committee meetings where applicable;
- b) Read, review and inquire about materials that involve the District, including Board minutes and reports; and
- c) Use good judgment in analyzing all District matters and act in good faith consistent with the best interests of the District.

**Candidate Qualifications**

Any person shall be eligible to apply for appointment by the Commissioner as a public member of the Board of Education who:

- a) Is eligible to vote in the general election;
- b) Is a resident of a component school district of the supervisory district in which the District is located, of a contiguous supervisory district or of a school district that is not a component school district of any supervisory district but is contiguous to a component school district of the supervisory district in which the District is located; and
- c) Submits a letter of intent with a resume and application to the New York State Education Department in the form and containing such information as prescribed by the Commissioner.

(Continued)

**SUBJECT: APPOINTMENT OF PUBLIC MEMBERS TO THE BOARD BY THE COMMISSIONER OF EDUCATION (Cont'd.)**

A person shall not be eligible to serve as a public member of the Board of Education if he/she:

- a) Is an officer or employee of the child care agency that appoints members to the Board of Education of the District;
- b) Serves as an officer or employee of the District;
- c) Has a prohibited interest in a contract with the District within the meaning of General Municipal Law Article 18;
- d) Is an officer or employee of a school district, a BOCES or a public agency as defined in Education Law Section 4001 (6) that contracts with the District; or
- e) Is an officer or employee of an employee organization that represents employees of the District pursuant to Civil Service Law Article 14 or its parent employee organization.

In appointing public members, preference shall be given to eligible persons with one or more of the following characteristics:

- a) Background and experience in corporate or school finance;
- b) Experience as a member of the governing board of an education corporation, another not-for-profit corporation or a school district; and/or
- c) Background in the education and treatment of troubled youth.

In the event a public member vacates his/her office during their term pursuant Education Law 2112, the Commissioner may appoint an eligible person in the manner prescribed for the remaining balance of the term of office or may fill such position by appointment for a full term commencing and ending on such dates as determined by the Commissioner.

Education Law §§ 101,207,305, 308 and 309  
NYCRR Part 105

Adopted: 9/17/08  
Revised: 10/7/15

## Bylaws

**SUBJECT: RESIGNATION AND DISMISSAL**

Board members may resign 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.

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, removal from office or from the School District, or refusal to serve as a Board member, the District has the power and duty to fill the vacancy. If the Board chooses to fill the vacancy by appointment, the appointment requires a majority vote of the full Board and shall be only for the term ending at which time such vacancy shall be filled in a regular manner for the balance of the unexpired term.

If not filled by Board appointment, the District Superintendent of the Supervisory District may appoint a competent person to fill the vacancy until the next annual election.

A person 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.

(Continued)

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**SUBJECT: RESIGNATION AND DISMISSAL (Cont'd.)**

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

Adopted: 9/17/08



## Bylaws

**SUBJECT: ROLE OF THE BOARD OF EDUCATION**

Recognizing the complexity of public elementary/secondary education and the limited time available to the unpaid, volunteer members of the Board of Education, the Board has decided that it could best fulfill its responsibilities by adopting a role consisting of the following:

- a) Performance of all functions required by statute which cannot be delegated legally or prudently.
- b) Selection of a Superintendent who is competent to manage the District School System through the development and implementation of a realistic, comprehensive, strategic plan.
- c) Development of a set of educational objectives for the District, expressed in terms of student performance and prioritized to reflect the needs of the student body and the desires of the community. The Board shall accept the direct responsibility for ensuring the acceptability and currency of these objectives and the relative priority of each.
- d) Requiring the Superintendent to develop a comprehensive, strategic plan for the District; the annual component of which shall specify: the current educational objectives of the District in terms of student performance; process objectives to be achieved during the current year (each of which shall be justified in terms of its expected eventual contribution to student learning); the resources required for the achievement of each of the objectives; a time schedule of events which is sufficiently detailed to permit the Board to make periodic evaluations, during the course of the year, of the degree of achievement in relation to the Superintendent's which will provide the Board with periodic information regarding year-to-date progress against objectives.
- e) Critically reviewing and approving the Superintendent's plan.
- f) Evaluation of the Superintendent's performance on the basis of:
  1. Achievement in relation to his/her approved plan.
  2. Compliance with laws, regulations and policies of the Board.
  3. The degree to which he/she handles questions, complaints and crises to the satisfaction of the community, the faculty, students and the Board, without requiring time-consuming analysis and intervention by the Board.
  4. The degree to which the District has demonstrably increased its capability to improve student performance, provide essential non-instructional services, and/or increased the efficiency of its operation.
- g) Assisting the Superintendent in implementing his/her plan, primarily by representing the Superintendent and the District to the various publics whose understanding and support is required.

Adopted: 9/17/08

## Bylaws

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

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

Education Law §§ 1604 and 1709

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

Adopted: 9/17/08

## Bylaws

**SUBJECT: NOMINATION AND ELECTION OF BOARD OFFICERS**

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

The elected officers of the Board of Education are:

- a) President;
- b) Vice President.

Education Law §§ 1701 and 2105(6)

Adopted: 9/17/08

## Bylaws

**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 § 1701

Adopted: 9/17/08

## Bylaws

**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 § 1701

Adopted: 9/17/08

**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 District Clerk;
- d) Claims Auditor;
- e) External (Independent) Auditor;
- f) Central Treasurer, Extraclassroom Activities Account;
- g) School Attorney;
- h) Purchasing Agent;
- i) Certifier of Payrolls;
- j) Records Access/Management Officer;
- k) Director of School Health Services (District Physician/Nurse Practitioner);
- l) Designated Educational Official (DEO) to receive court notification regarding a student's sentence/adjudication in certain criminal cases and juvenile delinquency proceedings;
- m) Audit Committee;
- n) Dignity Act Coordinator.

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

- a) Supervisors of Attendance;
- b) Committee on Special Education and Committee on Preschool Special Education;

(Continued)

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

- c) Asbestos Hazard Emergency Response Act (AHERA) Local Educational Agency (LEA) designee;
- d) Title IX/Section 504/ADA Compliance Officer;
- e) Chemical Hygiene Officer;
- f) Chief Emergency Officer.

The following may also be appointed:

Insurance Advisor

**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) School Pesticide Representative.

**Authorizations**

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

(Continued)

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

McKinney-Vento Homeless Education Assistance Act, § 722, as reauthorized by the Every Student Succeeds Act (ESSA) of 2015

29 CFR § 1910.1450

Education Law §§ 305(31), 1709, and 2503

8 NYCRR Part 185

21 NYCRR Parts 1401, 9760

Adopted: 9/17/08

Revised: 5/16/12; 1/17/17



## Bylaws

**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, signs the minutes to signify their official standing and forwards copies of the minutes to each member of the Board of Education;
- c) Sends notices of special meetings to members of the Board; contacts and communicates with members as required;
- d) Sees that the proper legal notices and announcements are published on all specifications and items out on bid, in accordance with state law;
- e) Maintains an up-to-date record of Board policies and Bylaws;
- f) Delivers to, and collects from, the President (or Vice President) such papers for signature as may be necessary;
- g) Distributes notices to the public announcing availability of copies of the budget to be presented at the Annual District Meeting in compliance with the requirements of the State Education Law;
- h) Administers oaths of office, as required by Section 10, Public Officers Law;
- i) Calls all meetings to order in the absence of the President and Vice President;
- j) 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 § 2121  
Public Officers Law § 104

Adopted: 9/17/08

## Bylaws

**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;
- 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 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 Internal Claims Auditor has attested to the authority to issue the check based upon proper evidence of a charge against the District's funds;
- f) Safeguards the check-signing machine and signature plate, personally overseeing all uses of the machine to prepare checks;
- g) Assumes other duties customary to the office.

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

Adopted: 9/17/08  
Revised: 6/22/11

## Bylaws

**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 (CPA) or an independent public accountant (PA). The audit shall also include all extraclassroom activity funds. The independent accountant shall present the report of the annual audit to the Board. 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 Audit Committee perform an oversight role with respect to the hiring and performance of the auditor, as required by law.

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)

**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) §§ 3.50-3.54, 4.03, 4.19-4.24, and 5.07-5.20

Education Law § 1709 (20-a) and 2116-a

General Municipal Law §§ 33 and 104-b

8 NYCRR §§ 170.2, 170.3 and 170.12

Adopted: 9/17/08

Revised: 6/22/11

## Bylaws

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

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

**Qualifications**

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

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

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

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

(Continued)

## Bylaws

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

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

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

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

- a) Examine all claim forms with respect to the availability of funds within the appropriate codes and adequacy of evidence to support the District's expenditure;
- b) 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;
- d) Meet with the Board of Education Audit Committee at monthly scheduled meetings; and
- e) Provide a written and oral report to the Board annually.

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

Adopted: 9/17/08

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

Extraclassroom Activity (ECA) Central Treasurer

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

- a) Disbursing ECA funds by means of prenumbered check forms upon receipt of a payment order signed by the student activity treasurer and faculty advisor of the ECA, provided that there are sufficient funds in the account;
- b) Signing all checks disbursing ECA funds;
- c) Providing completed checks disbursing ECA funds to the student activity treasurer of the ECA;
- d) Signing a receipt for all ECA funds placed into his or her custody and depositing those funds promptly into a bank designated by the Board;
- e) Maintaining a record of the receipts and disbursements of each individual ECA account and of all the ECA accounts combined;
- f) Verifying bank statements and preparing a reconciliation of cash balances and ECA accounts to be forwarded to the Internal Claims Auditor monthly;
- g) Submitting to the Board a financial report relating to the receipts and expenditures for all ECA accounts on a quarterly basis; and
- h) Reporting to the Board or its designee regularly and independently of the Internal Auditor.

Internal Claims Auditor

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

- a) Examining the statements of accounts from the ECA Central Treasurer monthly;
- b) Auditing the ledgers kept by the student activity treasurer(s) at least twice a year on a rotating basis, and reconciling these ledgers with the ECA Central Treasurer's records;
- c) Examining transactions and paperwork to determine if correct procedures are being used, including supporting documentation requirements and receipt issuance;

(Continued)

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

- d) Certifying the accuracy of entries posted and available balances listed;
- e) Investigating any instances when the ECA Central Treasurer's report and the student activity treasurer's ledgers do not agree;
- f) Assembling, at the end of the school year, the monthly reports and preparing a composite report listing the financial condition of each ECA account for the full school year; and
- g) Reporting to the Board or its designee regularly and independently of the ECA Central Treasurer.

8 NYCRR Part 172

NYSED Finance Pamphlet, The Safeguarding, Accounting, and Auditing of Extraclassroom Activity Funds,  
Revised 2019

Adopted: 9/17/08  
Revised: 2/13/24



## Bylaws

**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

## Bylaws

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

The school physician/nurse practitioner shall be appointed by the Board of Education. The duties of the school physician/nurse practitioner 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) Provides final medical clearance for a return to extra class athletic activities for all students who have or are believed to have sustained a mild traumatic brain injury (concussion);
- g) Develops the program of health service in accordance with policies approved by the Board and as directed by the Superintendent of Schools;
- h) Conducts physical exams for all bus drivers and substitutes prior to employment and annually thereafter;
- i) Conducts a medical evaluation on any employee at the request of the Board of Education.

Education Law §§ 902 and 913

Adopted: 9/17/08  
Revised: 10/7/15

## Bylaws

**SUBJECT: DUTIES OF THE SCHOOL NURSE-TEACHER (SNT)**

The duties of the school nurse-teacher shall consist of the following:

- a) Serving as the school's link between the home and the school in all matters pertaining to health and attendance. He/she shall be available during school hours, not only to care for children in school, but also to advise parents and teachers in regard to specific health problems, both physical and emotional;
- b) Interpreting to the home and community the health services of the school; and
- c) Working closely with other health agencies in the community.

## Bylaws

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

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

Adopted: 9/17/08

## Bylaws

**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; this action requires only one reading.

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.

**Dissemination of Policy**

The Superintendent is directed to establish and maintain an orderly plan for preserving and making accessible the policies adopted by the Board and the administrative rules and procedures necessary to implement the policies.

Accessibility is to extend to the members of the Board of Education, School District administrators, School District employees through the building libraries and internal computer network, and to such areas in the community as determined by the Board.

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

Adopted: 9/17/08

Revised: 10/7/15

## Bylaws

**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: 9/17/08

## Bylaws

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

All Board meetings will be open to the public except those portions that are executive sessions. The Board will make reasonable efforts to ensure that all meetings are held in an appropriate facility that can adequately accommodate all members of the public who wish to attend. The Superintendent will attend all Board meetings. Members of the Superintendent's staff may attend Board meetings at the Superintendent's discretion. The Board may also request that additional people attend.

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

When the Board schedules a meeting on at least one week's notice, it will give or electronically transmit public notice of the time and place in one or more designated public locations at least 48 hours before the meeting. Notice of other meetings will be given or electronically transmitted, to the extent practicable, and posted at one or more designated public locations at a reasonable time before the meeting. When the Board has the ability to do so, it will conspicuously post meeting notices on the District's website. If a meeting is streamed live over the Internet, the notice will inform the public of the website's Internet address.

The Superintendent will prepare the meeting agenda during the week before the meeting and review it with District Clerk and the Board President at their request. The agenda will then be distributed to Board members no later than the Friday before the regular meeting. The President or other Board members will submit requests to place matters on the agenda to the Superintendent and/or District Clerk.

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

**Using Videoconferencing to Conduct Board Meetings**

If videoconferencing is used to conduct a Board meeting:

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

(Continued)

## Bylaws

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

- b) The public notice for the meeting will inform the public that videoconferencing will be used, identify the locations for the meeting, and state that the public has the right to attend the meeting on school property or individuals will be provided a link virtually. Requests for a virtual link should go to the District Clerk 24 hours prior to the meeting.

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

**Recording Meetings**

The Board allows public meetings to be photographed, broadcast, webcast, or otherwise recorded and/or transmitted by means of audio or video, in a non-disruptive manner, and it supports the use of this technology to facilitate the open communication of public business.

**Quorum**

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

**Use of Parliamentary Procedure**

The Board will use pertinent portions of the latest edition of Robert's Rules of Order to conduct its business.

**Public Comment**

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

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

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

(Continued)



## Bylaws

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

If individuals engage in disruptive or unruly behavior during the meeting, the Board President will remind the audience of this policy and the requirement to conduct themselves in a civil manner and comply with the District *Code of Conduct*. The Board President may call for the removal of disruptive or unruly individuals from the meeting. When appropriate, law enforcement may be called to remove disruptive or unruly individuals. In some instances, individuals engaging in disruptive or unruly behavior may be subject to criminal sanctions.

These rules apply to residents and nonresidents equally.

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

NOTE: Refer also to Policies #1520 -- Special Meetings of the Board of Education  
#1730 -- Executive Sessions  
#6217 -- Employment of Relatives of Board of Education Members

Adopted: 9/17/08  
Revised: 6/22/11; 10/7/15; 1/23/24

## Bylaws

**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) Approval of minutes;
- c) Public participation;
- d) Financial (Treasurer's Report, Warrant, other);
- e) Personnel (Resignations, Leaves, Appointments, Conditional Appointments, Substitutes);
- f) Old Business;
- g) New Business;
- h) Executive Session;
- i) 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 § 1606  
Public Officers Law § 104(2)

Adopted: 9/17/08

## Bylaws

**SUBJECT: SPECIAL MEETINGS OF THE BOARD OF EDUCATION**

Special meetings of the Board shall be held on call by any member of the Board. A reasonable and good faith effort shall be made by the Superintendent or the Board President, as the case may be, to give every member of the Board 24 hours' notice of the time, place and purpose of the meeting. All special meetings shall be held at a regular meeting place of the Board and/or in accordance with provisions of the Open Meetings Law as may be applicable.

Ordinarily, 24 hour notice will be given for a special meeting. In an emergency, however, when all members can otherwise be notified of the meeting, all members may, at the meeting, waive in writing, the lack of 24 hour notice.

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

Special meetings shall be called for specific purposes, occasioned by matters of urgency, and shall not usurp the place of the regular, publicly designated Board meeting, in the consideration of School District business. No other business other than that so stated shall be considered at a special meeting unless each and every member of the Board of Education shall be present and so agree. Items tabled at previous meetings may be considered and decided at a special meeting except where the contrary is stated at a previous resolution of a meeting of the Board of Education.

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

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

Adopted: 9/17/08  
Revised: 6/22/11

**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 §§ 1701, 1706, 1707, 1709 and 2109

Adopted: 9/17/08

## Bylaws

**SUBJECT: MINUTES**

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

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

The minutes of each meeting of the Board will state:

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

**Minutes of Executive Sessions**

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

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

Education Law Sections 1721, 2121, and 3020-a  
Public Officers Law Sections 87, 103, 103-a, and 106

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

Adopted: 9/17/08  
Revised: 2/13/24

## Bylaws

**SUBJECT: EXECUTIVE SESSIONS**

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

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

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

Education Law § 3020-a  
Public Officers Law Article 7

Adopted: 9/17/08

2024

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Internal Operations

**Randolph Academy Union Free School District**

**NUMBER**

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## Internal Operations

**SUBJECT: ORIENTING AND TRAINING BOARD MEMBERS**

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

- a) Giving the appointee selected materials relating to the responsibilities of Board membership supplied by local, state, or national school-board associations or other professional organizations;
- b) Inviting the appointee to attend Board meetings and to participate in its discussions;
- c) Having the Clerk supply material pertinent to meetings and explaining its use;
- d) Inviting the appointee to meet with the Superintendent and other administrative personnel to discuss services they perform for the Board;
- e) Having the clerk provide a copy of or access to the Board's policies and bylaws;
- f) Providing the opportunity to attend a local, state, or national school-board association's orientation program.

**Board Member Training**

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

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

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

Adopted: 9/17/08  
Revised: 1/23/24



## 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.

Adopted: 9/17/08

## 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 less than a quorum of the full membership for special purposes. These committees shall be discharged on the completion of their assignment. The President of the Board shall be an ex-officio member of such committees.

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

**Audit Committee**

By January 1, 2008, 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.

**Committees and Sub-Committees**

All committees and/or sub-committees of the Board of Education must abide by the provisions of the Open Meetings Law.

Such committees must meet publicly, go into executive session only on a motion and only for one of the permitted topics, give advance notice of meetings, make public minutes and otherwise comply with all requirements of the Open Meetings Law.

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

Education Law §§ 1708, 2116-c and 4601  
Public Officers Law Article 7

NOTE: Refer also to Policy #5562 -- Audit Committee

Adopted: 9/17/08

## Internal Operations

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

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

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

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

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

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

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

Adopted: 9/17/08

## 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.

Education Law § 2118  
General Municipal Law § 77-b

Adopted: 9/17/08

## 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: 9/17/08

**Randolph Academy Union Free School District** **NUMBER**

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**Randolph Academy Union Free School District** **NUMBER**

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## Community Relations

**SUBJECT: MEDIA/MUNICIPAL GOVERNMENTS/SENIOR CITIZENS****School District Media**

The School Administrators and Public Relation Specialist's is responsible for the preparation of news releases concerning the activities within that building, and for reviewing them with the Superintendent prior to release.

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

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

**Municipal Governments**

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

**Senior Citizens**

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

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

Adopted: 9/17/08  
Revised: 1/23/24



## Community Relations

**SUBJECT: PUBLIC PERFORMANCE BY STUDENTS**

Public performances by students are recognized as a means of demonstrating the breadth and depth of training received in the schools, as well as a means of recognition of individual and group skills. Public appearances of any individual or group representing the school should be in such a manner as to be consistent with the general purposes of the school and the needs and interests of the students involved.

Public performances by students or groups of students representing the school should not be for the purpose of promoting competitive goods or services. The theme of any performance must not be sectarian, commercial, or of a partisan political nature.

All public performances by individuals or groups of students representing the District should be expected to contribute to the general educational aim of the program, should be appropriate to the group, and should be in good taste and in keeping with general community standards.

Students or student groups representing the District may perform for outside organizations where admission fees are charged only if the proceeds are to be used for charitable, educational or civic purposes. All costs directly associated with the performance shall be borne by the sponsoring organization and payment for any performance is acceptable only in the form of a contribution to support the work of the performing organization. Individual payments may not be accepted by a student or students or members of the staff.

## 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 Services Department, the Board of Health, the Recreation Department, the Public Library, and all community emergency services agencies.

Adopted: 9/17/08

## 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.

4 USC § 6

Education Law §§ 418-420

Executive Law §§ 402 and 403

8 NYCRR §§ 108.1-108.3

Adopted: 9/17/08

## 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 United States Code (USC) § 14501 et seq.  
Education Law §§ 3023 and 3028  
Public Officers Law § 18

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

Adopted: 9/17/08

**SUBJECT: SCHOOL VOLUNTEERS**

A school volunteer is an unpaid person who assists District staff, including, but not limited to, instructional personnel, and in curricular, co-curricular, or extracurricular programs.

**General Guidelines**

- 1) Use of volunteers will not replace any duly appointed or authorized District personnel or conflict with the duties or job responsibilities of these personnel. Any information gained through volunteering must be held in strict confidence with the building principal or designee assuring that the volunteer has no access to confidential student or personnel data unless designated by a school official in accordance with the Family Educational Rights and Privacy Act (FERPA).
- 2) Volunteers may assist on an occasional or regularly scheduled basis, however, they may not teach or provide the initial instruction for accomplishing educational objectives; but may reinforce skills taught by the professional staff.
- 3) Volunteers will not provide transportation to students in their personal automobiles for any school-sponsored activities.
- 4) Volunteers will not be assigned the responsibility for disciplining students but may assist the teacher in maintaining proper behavior of students and report behavioral problems to the teacher.
- 5) Volunteers will not supervise a class in the absence of the teacher and will not be alone with students(s).
- 6) Volunteers will not contact parents regarding the performance of students or write comments on any papers or school work sent home.

**Implementation of the Volunteer Program**

- 1) General administration of the volunteer program in the District will be the responsibility of the Superintendent or designee with building principals assuming general authority over volunteers.
- 2) The need for volunteers will be determined by the building principal and other designated personnel.
- 3) Each prospective volunteer must complete an application which will be forwarded to the District Office for review. All regularly scheduled volunteers will, at a minimum, complete an application, provide authorization for a reference check, and be screened and interviewed by the building principal or designee. Occasional volunteers will be screened by the building principal in a manner of his or her choosing.

(Continued)

**SUBJECT: SCHOOL VOLUNTEERS (Cont'd.)**

- 4) The building principal will forward his or her decisions concerning selection, placement, and replacement of volunteers to the Superintendent for final evaluation. Following approval from the Superintendent, volunteers selected for work in the District will be placed on the list of approved volunteers. However, the Superintendent retains the right to approve or reject any volunteer applications submitted for consideration.
- 5) Building principals will assume final responsibility for the assignment of volunteers from the approved list.
- 6) Orientation and in-service training will be provided to volunteers by appropriate District staff.
- 7) Volunteers will work under the supervision of appropriate staff and are expected to comply with all District rules and regulations.
- 8) An accurate list of volunteers will be kept by each building principal or supervisor and forwarded to the Superintendent. Also, a copy of each building's volunteer registry file will be forwarded to the Personnel Office.
- 9) The District does not carry health or accident insurance or Workers' Compensation on volunteers. Approved volunteers are covered for their actions or omissions within the scope of their approved authority under the liability section of the District's property and casualty policy.
- 10) Volunteers must sign in and out in the school office.
- 11) Each school will keep a volunteer registry which will include, but not be limited to, the following information: name, address, telephone number, and emergency contact.
- 12) Volunteers must wear appropriate identification, as determined by the Superintendent, or building principal or supervisor, or designee, to ensure immediate recognition as persons whose specific purpose is helping students and staff.



**RANDOLPH ACADEMY UNION FREE SCHOOL DISTRICT  
APPLICATION FOR VOLUNTEERS (Cont'd.)**

**Emergency Information**     In case of emergency, please notify:

\_\_\_\_\_ Name \_\_\_\_\_ Address \_\_\_\_\_ Phone \_\_\_\_\_

My signature below permits the District to contact any or all references listed if necessary.

Date \_\_\_\_\_ Signature \_\_\_\_\_

\*\*\*\*\*

**DO NOT WRITE BELOW THIS LINE -- OFFICE USE ONLY**

Reviewed by \_\_\_\_\_ Date \_\_\_\_\_

REMARKS: \_\_\_\_\_

<p>Approved [ ]                  Not Approved [ ]</p>
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**RANDOLPH ACADEMY UNION FREE SCHOOL DISTRICT  
CONFIDENTIALITY AGREEMENT FOR SCHOOL VOLUNTEERS**

Your service as a volunteer in our schools is greatly appreciated. In your association with teachers and students, you may have access to student information that is not to be shared or discussed with anyone other than designated personnel. Confidentiality is of the utmost importance in your work with teachers and students. You may not discuss a child even with that child's parents or guardians; nor are you to contact parents or guardians regarding the behavior or performance of students. You must always refer any questions regarding students to the student's teacher or the building principal. If you need help with a student, discuss the matter professionally with the child's teacher or other designated school official. Before beginning service as a volunteer in our District, it is requested that you acknowledge your intent to fulfill this responsibility by endorsing the statement below.

- 1) I will not discuss with others, when serving as a volunteer or when no longer in a volunteer role, the content of any confidential student information which was learned in the course of or because of my volunteer work in the school; nor will I disclose or permit to be disclosed, directly or indirectly, student education records, personally identifiable student information in those records, or other confidential information regarding any student. Exceptions to this rule include my ability to discuss student information with designated staff members and/or as authorized by administration.
- 2) The confidentiality of student information will include, but not be limited to, the following topics:
  - a. Academic standing (including student grades and test scores);
  - b. Attendance;
  - c. Financial status;
  - d. Physical or mental health identity and history;
  - e. Disciplinary status or records.
- 3) I further understand that, in accordance with the Family Educational Rights and Privacy Act, "education records" (generally defined as "those records, files, documents, and other materials which contain information directly related to a student; and are maintained by an educational agency or institution or by a person acting for such agency or institution") cannot be released, except as enumerated in law, without parent or guardian permission.
- 4) As a volunteer, I understand that I am not authorized to examine, release, or comment on student records or information unless expressly authorized by school officials in accordance with applicable law.
- 5) While in the possession and control of confidential student data, I understand that I must protect those documents from being viewed or obtained by non-authorized individuals.
- 6) I will never take any confidential student data off campus unless authorized by the building principal or designee.

(Continued)

**RANDOLPH ACADEMY UNION FREE SCHOOL DISTRICT  
CONFIDENTIALITY AGREEMENT FOR SCHOOL VOLUNTEERS (Cont'd.)**

- 7) Concerns or questions regarding student records or issues of confidentiality should be brought to the attention of the school administrator and/or staff member that supervises the volunteer.
- 8) I must report any breach or suspected breach in this confidentiality agreement to the building principal or designee.

Volunteers in our District will perform tasks only under the supervision and guidance of appropriate staff, and are expected to comply with all District rules and regulations. Orientation and in-service training will be provided by appropriate staff to help ensure volunteer awareness of their duties, responsibilities, and expectations; and will stress the issues and importance of confidentiality of student information. Volunteers will be given selected materials, including applicable Board policies and/or administrative regulations, that address the role of the volunteer.

Violation of these guidelines may result in termination of the volunteer's services. The Superintendent or designee is responsible for decisions concerning continuation or discontinuance of a volunteer's activities.

**Volunteer Confidentiality Agreement and Signature** (required for all volunteers)

By signing, I acknowledge that I have read, understand, and will comply with the Confidentiality Statement above.

\_\_\_\_\_  
Name of Volunteer (please print)

\_\_\_\_\_  
Signature of Volunteer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Administrator

\_\_\_\_\_  
Date

This Confidential Agreement will be kept on file in the Main Office of the building to which the volunteer is assigned. A copy of the Agreement will be provided to the volunteer.

**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).

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

The District will ensure that any and all notifications and documents required by law, regulation, or District policy to be posted on its website will be so published.

**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, and in compliance with any and all relevant laws, rules, and regulations.
- d) The review of a Student Web Page (if considered a school-sponsored student publication) 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) 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).
- g) Web Pages may include faculty or staff names; however, other personal information about employees including, but not limited to, home telephone numbers, addresses, email addresses, or other identifying information such as names of family members may be published only with the employee's written permission.
- h) All Web Pages must conform to the standards for appropriate use found in the District's Acceptable Use Policy(ies) and accompanying Regulations regarding standards of acceptable use; examples of inappropriate behavior; and compliance with applicable laws, privacy, and safety concerns.
- i) All staff and/or students authorized to publish material on the District/school/classroom Web Page(s) shall acknowledge receipt of the District's Web Page Standards and agree to comply with same prior to posting any material on the Web.

**Release of Student Education Records/Directory Information**

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

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.

(Continued)

**SUBJECT: SCHOOL DISTRICT STANDARDS AND GUIDELINES FOR WEB PAGE PUBLISHING (Cont'd.)****Use of Copyrighted Materials and "Fair Use" Exceptions**Copyrighted Materials

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

**Consequences for Non-Compliance**

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

Staff

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

Students

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

**Oversight**

The Superintendent 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.

(Continued)

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

Digital Millennium Copyright Act (DMCA), 17 United States Code (USC) §§ 101 et seq., 512 and 1201 et seq.

Family Educational Rights and Privacy Act of 1974, 20 United States Code (USC) § 1232(g)  
34 Code of Federal Regulations (CFR) Parts 99 and 201

NOTE: Refer also to Policies #7411 -- Censorship of School Sponsored Student Publications and Activities  
#8350 -- Use of Copyrighted Materials

Adopted: 9/21/10  
Revised: 10/7/15

## Community Relations

**SUBJECT: VISITORS TO THE SCHOOL**

All visitors shall be required to report to the Main Office upon arrival at school and state their business. 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 § 2801

Penal Law §§ 140.10 and 240.35

Adopted: 9/17/08

**SUBJECT: USE OF SERVICE ANIMALS****Therapy Dogs in School**

The Board of Education supports the use of therapy dogs by teachers or other school personnel ("Owner/Handler") for the benefits of its students.

**Definitions**

**Therapy Dog:** A dog who is trained and certified/registered to work together with its Owner/Handler to provide emotional support to students. Therapy dogs are not "service animals" pursuant to the Americans with Disabilities Act. Rather, therapy dogs are individually trained and certified/registered to provide appropriate interactions with students and others at school.

**Owner/Handler:** The individual who owns the dog and is responsible for caring for and supervising the therapy dog, which includes toileting, feeding, grooming, and veterinary care. The District is not obligated to supervise or otherwise care for a therapy dog.

**Requests for Therapy Dogs**

Requests to bring therapy dogs to school must be submitted in writing to the school's principal. Requests must include the therapy dog's current health/vaccination records, the therapy dog's license, the Owner/Handler's insurance policy covering the therapy dog's activities within the public-school setting, the therapy dog's certification/registration to engage in therapy dog activities from a professional accrediting organization, and the therapy dog's proposed role in interacting with students. The request must be submitted for each school year and/or whenever the Handler/Owner wishes to use a different therapy dog. Approval may be rescinded at any time at the discretion of the principal or superintendent. A therapy dog may only interact with students once parents/guardians have been notified of the dog's approval to be at school and have been provided an opportunity their children to opt-out of engaging with the therapy dog.

**Owner/Handler Responsibilities**

The therapy dog's owner, is responsible for the handling of the therapy dog. Therapy dogs are not the property of the District. The Owner, as the therapy dog's handler, must adhere to the following requirements:

- a) The District requires that a therapy dog be under the control of its Owner/Handler at all times. The District requires that a therapy dog shall have and use a harness, leash, or other tether at all times.
- b) The Owner/Handler must abide by current city, county, and state ordinances, laws, and/or regulations pertaining to licensing, vaccination, and other requirements for animals. It is the Owner/Handler's responsibility to know and understand these ordinances, laws, and regulations. The District has the right to require documentation of compliance with such ordinances, laws, and/or regulations, which may include a vaccination certificate.

(Continued)



**SUBJECT: USE OF SERVICE ANIMALS (Cont'd.)**

- c) The Owner/Handler is required to clean up after and properly dispose of the animal's waste in a safe and sanitary manner. The Owner/Handler must always carry sufficient equipment to clean up the animal's waste.
- d) The Owner/Handler agrees to abide by all equally applicable District policies such as assuring that the animal does not unduly interfere with the routine activities of the District.
- e) The District's personnel shall not be required to provide care or food for any therapy dog including, but not limited to, removing the animal during emergency evacuation for events such as a fire alarm.
- f) The Owner/Handler must possess and provide copies of proper insurance that provides at least \$300,000 liability coverage for the therapy dog while on school property. A copy of your homeowners or renter's liability declarations page will suffice.

**Removal of Therapy Dog**

The District may exclude the therapy dog from the District if:

- a) The therapy dog does not possess the required training/certification for performing therapy dog duties;
- b) The therapy dog poses a direct threat to the health or safety of others or causes substantial property damage to the property of others;
- c) The therapy dog's presence results in a fundamental alteration of a District program, service, or activity;
- d) The therapy dog is not house-broken;
- e) The Owner/Handler does not comply with the Owner/Handler's responsibilities set forth above;
- f) The therapy dog or its presence creates an unmanageable disturbance or interference with the District's operations; or
- g) The Owner/Handler does not maintain duties associated with regular employment stated in the contract.

The District will base such determinations upon the consideration of the behavior of the particular dog at issue, and not on speculation or fear about the harm or damages a dog may cause. Any removal of the animal will be done in accordance with District policy. The administration reserves the right to remove dog at their discretion.

(Continued)

**SUBJECT: USE OF SERVICE ANIMALS (Cont'd.)****Allergies/Aversions**

The Owner/Handler shall remove the therapy dog to a separate area as designated by a school administrator in instances where the therapy dog is in the presence of any student, school employee, or other individual on school grounds who suffers dog allergies or aversions.

**Damages and Injuries**

The Owner/Handler is fully and solely responsible and liable for any damage to school property or injury to others while on school property that is caused by the therapy dog.

**Required Vaccination Schedule for Therapy Dogs: Core and Non-core Vaccines**

<b>Dog Vaccine</b>	<b>Initial Puppy Vaccination (at or under 16 weeks)</b>	<b>Initial Adult Dog Vaccination (over 16 weeks)</b>	<b>Booster Recommendation</b>	<b>Comments</b>
Rabies 1-year	Can be administered in one dose, as early as 3 months of age. States regulate the age at which it is first administered.	Single dose	Annual boosters are required.	<i>Core dog vaccine.</i> Rabies is 100% fatal to dogs, with no treatment available. Prevention is key.
Rabies 3-year	Can be administered as one dose, as early as 3 months of age. States regulate the age at which it is first administered.	Single dose	A second vaccination is recommended after 1 year, then boosters every 3 years.	<i>Core dog vaccine.</i>
Distemper	At least 3 doses, given between 6 and 16 weeks of age	2 doses, given 3-4 weeks apart	Puppies need a booster 1 year after completing their initial series, then all dogs need a booster every 3 years or more often.	<i>Core dog vaccine.</i> Caused by an airborne virus, distemper is a severe disease that, among other problems, may cause permanent brain damage.

(Continued)

## Community Relations

**SUBJECT: USE OF SERVICE ANIMALS (Cont'd.)**

Parvovirus	At least 3 doses, given between 6 and 16 weeks of age	2 doses, 3-4 weeks apart	Puppies need a booster 1 year after completing the initial series, then all dogs need a booster every 3 years or more often.	<i>Core dog vaccine.</i> Canine "parvo" is contagious, and can cause severe vomiting and bloody diarrhea. Parvo is usually fatal if untreated.
Adenovirus, type 1 (CAV-1, canine hepatitis)	Depends on vaccine. For instance, the intranasal one just has to be boosted once a year	Depends on vaccine	Puppies need a booster 1 year after completing the initial series, then all dogs need a booster every 3 years or more often.	<i>Core dog vaccine.</i> Spread via infected saliva, urine and feces; canine hepatitis can lead to severe liver damage, and death.
Adenovirus, type 2 (CAV-2, kennel cough)	At least 3 doses, between 6 and 16 weeks of age	2 doses, 3-4 weeks apart	Puppies need a booster 1 year after completing the initial series, then all dogs need a booster every 3 years or more often.	<i>Core dog vaccine.</i> Spread via coughs and sneezes.

## 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.

NOTE: Refer also to Policies #3420 -- Non-Discrimination and Anti-Harassment in the District  
#8330 -- Objection to Instructional Materials and Controversial Issues  
District *Code of Conduct*

Adopted: 9/17/08

## Community Relations

**SUBJECT: STUDENT PARTICIPATION**

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

## Community Relations

**SUBJECT: ADVERTISING IN THE SCHOOLS**

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

- a) Schools may cooperate in furthering the work of any non-profit, community-wide, social service agency, provided that such cooperation does not restrict or impair the educational program of the schools or conflict with Section 19.6 of the Rules of the Board of Regents;
- b) The schools may use films or other educational materials bearing only simple mention of the producing firm;
- c) The Superintendent of Schools may, at 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 Randolph Academy Union Free School District except as authorized by law or the Commissioner's regulations.

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

Adopted: 9/17/08

## 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.

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

It is the policy of the Board to encourage the greatest possible use of school facilities for community-wide activities including those uses permitted by New York State law. Groups wishing to use the school facilities must secure written permission from the Board or its designee and abide by the rules and regulations established for use including restrictions on alcohol, tobacco, and drug use.

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

Rental rates may be modified at the discretion of the Board of Education to reflect increased cost of utilities and maintenance. Damage to facilities, equipment or grounds will be the responsibility of the group or organization using the facilities at the time the damage is incurred. Liability insurance will be required of all groups or organizations requesting use of buildings or grounds where appropriate. The Board of Education, the School District or any of its officers or employees will hold no liability for injury.

**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 by District employees, students, Board members or New Direction employees for school related purposes only. Private or personal use of school-owned materials and equipment is strictly prohibited.

The Board will permit school materials and equipment to be loaned to staff members when such use is directly or peripherally related to their employment, and 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.

**Separation of Professional and Personal Affairs**

Staff are to make every effort to separate their personal affairs from their professional duties. Only job-related duties should be attended to during paid time. Additionally, at no time should school equipment or school supplies be utilized for personal business. This prohibits the use of the following for personal business: FAX machine, copy machine, computers, email, postage meter, school letterhead, and using the school address for personal mailings or deliveries. In general, every effort must be made to prevent the commingling of personal and professional affairs.

(Continued)



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

Education Law § 414  
NY Constitution Article 8

NOTE: Refer also to Policies #3251 -- Use of Facilities by the Boy Scouts of America and Patriotic Youth Groups  
#3410 -- Code of Conduct  
#5640 -- Smoking, Tobacco, and Cannabis (Marijuana) Use  
#7320 -- Alcohol, Tobacco, Drugs, and Other Substances (Students)  
#7410 -- Extracurricular Activities  
*District Code of Conduct*

Adopted: 9/17/08  
Revised: 8/17/11; 1/17/17

## Community Relations

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

To the extent the District receives funds made available through the United States Department of Education and maintains a "designated open forum" or a "limited public forum," as those terms are defined in federal regulation, it will not deny any group officially affiliated with the Boy Scouts of America or any other patriotic youth group listed in Title 36 of the United States Code equal access or a fair opportunity to meet. Likewise, the District will not discriminate against any group that requests to conduct a meeting within the District's designated open forum or limited public forum, including denying 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 § 7905  
36 USC Subtitle II  
34 CFR Parts 75, 76 and 108

NOTE: Refer also to Policy #3250 -- Use of School Facilities, Materials, and Equipment

Adopted: 1/17/17

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

Adopted: 9/17/08

## Community Relations

**SUBJECT: SOLICITATION OF CHARITABLE DONATIONS****Students**

Direct solicitation of charitable donations from District students on school property during regular school hours is prohibited. It is a violation of District policy to ask District students directly to contribute money or goods for the benefit of a charity during the hours in which they are compelled to be on school grounds.

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

- a) Fundraising activities which take place off school grounds or outside of regular school hours during before-school or after-school extracurricular periods;
- b) Arms-length transactions, where the purchaser receives consideration for his or her donation. For example, the sale of goods or tickets for concerts or social events, where the proceeds go to charity;
- c) Indirect forms of charitable solicitation on school grounds that do not involve coercion, such as placing a bin or collection box in a hallway or other common area for the donation of food, clothing, other goods, or money.

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

**Personnel**

Soliciting of funds from school personnel by persons or organizations representing public or private organizations is prohibited. The Superintendent has the authority to make exceptions to this policy in cases where solicitation is considered to be in the District's best interest. The Board will be notified of these instances.

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

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

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

Adopted: 9/17/08  
Revised: 1/23/24

**SUBJECT: PUBLIC ACCESS TO RECORDS**

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

**Records Access Officer**

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

**Fulfilling FOIL Requests**

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

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

**Requests for Records via Email**

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

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

**Notification**

The District will post in a conspicuous location wherever records are kept and/or publish in a local newspaper of general circulation a notice which contains: the locations where records will be made available for inspection and copying; the name, title, business address, and business telephone number of the Records Access Officer; and the right to appeal a denial of access to records with the name and business address of the person or body to whom the appeal should be directed.

(Continued)

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

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

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

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

Adopted: 9/17/08  
Revised: 8/17/10; 2/13/24

## Community Relations

**SUBJECT: CONFIDENTIALITY OF COMPUTERIZED INFORMATION**

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

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

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

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

Adopted: 9/17/08

## Community Relations

**SUBJECT: CODE OF CONDUCT**

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

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

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

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

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

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

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

(Continued)



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

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

Education Law Article 2, 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: 9/17/08  
Revised: 8/17/10; 5/16/12; 6/27/12; 10/7/15; 5/23/23

## Community Relations

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

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

Penal Law §§ 265.01-265.06

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

Adopted: 9/17/08  
Revised: 10/7/15

## Community Relations

**SUBJECT: THREATS OF VIOLENCE IN SCHOOL**

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

Any 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 for the Maintenance of Order 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 and the school environment. Employees and students shall refrain from engaging threats or physical actions which create a safety hazard for others.

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

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

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

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

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

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

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

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

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

(Continued)

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

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

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

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

Scope and Application

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

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

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

(Continued)

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

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

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

**Definitions**

For purposes of this policy, the following definitions apply:

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

**What Constitutes Discrimination and Harassment**

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

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

(Continued)

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

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

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

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

**Civil Rights Compliance Officer**

The District will designate the CRCO(s) at their annual Re-Organization meeting. Employee contact information of the designee will be listed on the district website.

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

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

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

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

(Continued)

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

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

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

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

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

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

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

### **Supervisory Responsibilities**

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

All supervisors, building principals, and other administrators who receive a complaint or information about suspected discrimination or harassment, observe what may be discriminatory or harassing behavior, or for any reason suspect that discrimination or harassment is occurring, are required to report the suspected discrimination or harassment to the CRCO. If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO,

(Continued)



## Community Relations

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

if the District has designated another individual to serve in that capacity. If the District has not designated another CRCO, the Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

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

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

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

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

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

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

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

(Continued)

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

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

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

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

**Knowingly Makes False Accusations**

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

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

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

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

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

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

(Continued)

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

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

**Training**

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

**Notification**

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

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

**Additional Provisions**

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

8 USC Section 1324b

29 USC Section 206

42 USC Section 1981

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

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

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

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

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

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

(Continued)

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

Title IV of the Civil Rights Act of 1964, 42 USC Section 2000c et seq.  
Title VI of the Civil Rights Act of 1964, 42 USC Section 2000d et seq.  
Title VII of the Civil Rights Act of 1964, 42 USC Section 2000e et seq.  
Title IX of the Education Amendments Act of 1972, 20 USC Section 1681 et seq.  
Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 USC Section 4301 et seq.  
28 CFR Part 35  
29 CFR Chapter I – National Labor Relations Board  
29 CFR Chapter XIV – Equal Employment Opportunity Commission  
34 CFR Parts 100, 104, 106, 110, and 270  
45 CFR Part 86  
Civil Rights Law Sections 40, 40-a, 40-c, 47-a, 47-b, and 48-a  
Civil Service Law Sections 75-b and 115  
Correction Law Section 752  
Education Law Sections 10-18, 313, 313-a, 2801, 3201, and 3201-a  
Labor Law Sections 194-a, 201-d, 201-g, 203-e, 206-c, 215, and 740  
New York State Human Rights Law, Executive Law Section 290 et seq.  
Military Law Sections 242, 243, and 318  
8 NYCRR Section 100.2  
9 NYCRR Section 466 et seq.

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

Adopted: 9/17/08

Revised: 8/17/11; 11/17/15; 10/25/17; 2/13/24

## Community Relations

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

Any individual who believes that he or she has been subjected to discrimination or harassment or who is made aware of and/or witnesses any possible occurrence of discrimination or harassment will report that incident or occurrence as soon as possible after the alleged incident occurs in order to help the District effectively and promptly investigate and resolve the complaint. Victims and/or witnesses should provide as much detail as possible when making reports. Individuals may request and use the District Sample Complaint Form.

All parties will be assured that complaints will remain confidential to the extent possible, and will be disclosed only when necessary to effectively investigate the complaint and/or as required by law. A written record of the investigation and any action taken will, however, be established. Additionally, parents of students accused of, or subjected to, possible discrimination and/or harassment may be notified by the appropriate administrator of the occurrence or allegations as appropriate. The complainant, the alleged perpetrator, and any witnesses will be directed to refrain from talking about the investigation while it is pending.

If the complainant attempts to withdraw his or her complaint, the Civil Rights Compliance Officer (CRCO) will determine, with the assistance of any individual or entity designated to investigate the complaint, whether the withdrawal request was caused by retaliatory behavior, harassment, undue pressure, or fear of those actions. In the event the CRCO determines the withdrawal request was not prompted by the above factors, he or she will document the complainant's reasons for the withdrawal, ask the complainant to sign the documentation, and terminate the investigation, provided that action is not inconsistent with the District's legal obligations.

If the request to withdraw the complaint is the result of retaliatory behavior, harassment, undue pressure, or the fear of those actions, or if the investigation must be carried out to ensure compliance with relevant District obligations, the investigation will continue and interim measures will be taken to protect the alleged victim, the complainant, and witnesses, as appropriate.

**Complaint and Grievance Procedures**

All complaints of discrimination and/or harassment will be investigated in a prompt, thorough, and equitable fashion, consistent with the following procedures:

- 1) An employee or student who believes that he or she has been subjected to any type of discrimination or harassment, or has knowledge of an occurrence of discrimination or harassment, may file a complaint with his or her immediate supervisor, the building principal or other individual in charge of his or her building, or the District's CRCO. All complaints will ultimately be directed to the CRCO, who will coordinate the District's investigation into the allegations of discrimination and/or harassment. If the CRCO is the individual suspected of engaging in discrimination or harassment, the complaint will be directed to another CRCO, if the District has designated an additional individual to serve in that capacity, or to the Superintendent.

(Continued)

## Community Relations

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

The District recognizes that discrimination and harassment of students is a sensitive issue and that students may choose to inform any trusted staff member of suspected discrimination or harassment. Staff members who receive these complaints will immediately inform the CRCO. Where appropriate, the CRCO may seek the assistance of the relevant Dignity Act Coordinator in investigating, responding to, and remedying student complaints of discrimination and/or harassment.

Complaints of discrimination and/or harassment may be made verbally or in writing. Complainants will be encouraged to fill out a complaint form provided by the District. The District will, however, investigate all complaints of discrimination and/or harassment regardless of the form in which those complaints are made.

- 2) Where appropriate, the District may appoint legal counsel or other appropriate third parties to participate in the investigation of a complaint. The appointment of these individuals or entities does not relieve the CRCO from his or her obligation to coordinate the District's compliance with relevant laws and regulations.
- 3) Within three business days of receiving the complaint, the CRCO will notify the complainant, in writing, that his or her complaint has been received. The designated CRCO, or the individual or entity assigned to investigate the allegations of discrimination and/or harassment, will begin the investigation promptly.
- 4) In conducting an investigation, the CRCO, or the individual or entity assigned to investigate the allegations of discrimination and/or harassment, will, as appropriate: collect and review all relevant documents; interview the complainant, the accused, and any witnesses presented by either the complainant or the accused; review relevant files and videos; and collect and review other evidence as appropriate. Interviews of the complainant, the alleged victim, and the accused will be conducted separately.
- 5) Upon completing the investigation, the CRCO, or the individual(s) or entity assigned to investigate the allegations of discrimination and/or harassment, will promptly submit a written report detailing his or her findings to the Superintendent. While timelines for investigating complaints of discrimination and/or harassment will vary depending upon the scope and complexity of the matter, it is anticipated that most reports will be submitted no more than 60 calendar days from the receipt of the complaint.
- 6) The CRCO, or the individual or entity assigned to investigate the allegations of discrimination and/or harassment, will inform the Superintendent if extenuating circumstances require more than 60 calendar days for the investigation to be completed. Written notification will also be provided to all parties regarding the need for additional time.

(Continued)

## Community Relations

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

- 7) The complainant and the accused will be informed, in writing, of the investigator's finding as to whether or not discrimination and/or harassment occurred.

After an investigation has concluded, either party may submit to the CRCO additional information that was previously unavailable and would materially impact the investigator's findings. The District, in its sole discretion, will determine whether and to what extent this information will be considered, and whether additional action should be taken.

The Superintendent will inform the Board of the results of each investigation of discrimination and/or harassment.

These procedures do not prohibit the District from taking interim steps to prevent discrimination and/or harassment. These steps may include, but are not limited to, separating the complainant and/or the alleged victim from the accused in a way that minimizes the burden on the complainant and the alleged victim. Moreover, the filing of a complaint, and/or the rendering of a decision regarding the complaint will in no way prohibit, prevent, or limit an individual from taking appropriate legal action in accordance with state and federal law.

All investigations will be conducted in a manner consistent with state and federal law and regulation, applicable collective bargaining agreements, and the District *Code of Conduct*.

**Finding That Discrimination and/or Harassment Occurred: Corrective Action**

If the District's investigation reveals that an individual or entity was discriminated against or harassed, immediate corrective action will be taken. Should the offending individual be a school employee, appropriate remedial and/or disciplinary measures will be applied, including, but not limited to, termination of the offender's employment, in accordance with contractual and legal guidelines. Should the offending individual be a student, appropriate remedial and/or disciplinary measures will be applied, including, but not limited to, suspension, in accordance with applicable law, regulation, and the *Code of Conduct*.

Vendors or contractors and other individuals who do business with the District, who have been found to violate the terms of the District's non-discrimination and anti-harassment policy and/or its implementing regulations by engaging in prohibited conduct will be subject to appropriate sanctions up to and including loss of District business. School volunteers who are found to have violated District policy or regulation may face loss of volunteer status.

Should the offending individual be a visitor, guest, or other third party, appropriate corrective action will be taken, including, but not limited to, expulsion from District premises and/or school activities or events under the control and supervision of the District.

(Continued)

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

**Finding That Discrimination and/or Harassment Did Not Occur**

If at any level or stage of investigation of alleged discrimination and/or harassment, a determination is made that discrimination and/or harassment did not occur, the CRCO will so notify the parties involved and the Superintendent.

However, even if a determination is made that discrimination and/or harassment did not occur, the Superintendent or designee reserves the right to initiate student and staff training to help ensure the school community is committed to preventing and addressing discrimination and/or harassment.

NOTE: Refer also to Regulations #3420F -- Complaint Form  
#7550R -- Dignity for All Students  
#7550F -- Dignity Act Complaint Form  
*District Code of Conduct*



**RANDOLPH ACADEMY UNION FREE SCHOOL DISTRICT  
COMPLAINT FORM**

*In order to assist the District in providing for the prompt, thorough, and equitable resolution of discrimination and/or harassment allegations, please fill out the following form to the best of your abilities and submit it to the Civil Rights Compliance Officer (CRCO).*

*Questions regarding the completion or submission of this form can be directed to the District's CRCO or a trusted staff member with whom you feel comfortable.*

Name of complainant: \_\_\_\_\_ Date submitted: \_\_\_\_\_

Address: \_\_\_\_\_

Home phone: \_\_\_\_\_ Cell: \_\_\_\_\_ Work: \_\_\_\_\_  
(please circle the number you'd prefer us to call)

Email: \_\_\_\_\_

Name of victim (if different than complainant): \_\_\_\_\_

The victim is: (check all that apply):

- \_\_\_\_\_ An employee, holding the position of \_\_\_\_\_ at \_\_\_\_\_ (location)  
 \_\_\_\_\_ A student, grade \_\_\_\_\_ at \_\_\_\_\_ (school or location)  
 \_\_\_\_\_ A parent or community member  
 \_\_\_\_\_ Other (please specify your relationship with or association to the District) \_\_\_\_\_

Basis of this complaint/grievance:

- |  |  |                   |
|--|--|-------------------|
| _____ Race, color, creed, national origin            | _____ Sexual harassment                    | _____ Age         |
| _____ Sex, gender, sexual orientation                | _____ Marital status                       | _____ Retaliation |
| _____ Disability                                     | _____ Genetic status                       |                   |
| _____ Military/veteran status                        | _____ Religion                             |                   |
| _____ Domestic violence victim status                | _____ Criminal arrest or conviction record |                   |
| _____ Other/Not sure (Please briefly explain): _____ |  |                   |

Name and/or description of accused person(s) or offending occurrence: \_\_\_\_\_

Description of alleged incident or occurrence: \_\_\_\_\_

Date, time, and place of violation(s): \_\_\_\_\_

(Continued)

**RANDOLPH ACADEMY UNION FREE SCHOOL DISTRICT  
COMPLAINT FORM (Cont'd.)**

Witnesses, if any, or others who should be contacted with knowledge important to this investigation, including contact information for each:

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Others you may have discussed this complaint/grievance/incident with, including contact information for each:

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---

---

Has this incident or occurrence been previously reported? [ ] Y [ ] N If yes, when and to whom?

---

If the incident or occurrence has been previously reported, describe the remedy, outcome, or resolution:

---

---

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Complainant

*(This form is to be used for all complaints within the District,  
including incidents of alleged discrimination or harassment)*

**RANDOLPH ACADEMY UNION FREE SCHOOL DISTRICT  
DISTRICT RESPONSE TO COMPLAINT FORM  
(To Be Completed by Civil Rights Compliance Officer)**

Complainant: \_\_\_\_\_

Alleged victim (if different from complainant): \_\_\_\_\_

Alleged perpetrator or offending occurrence: \_\_\_\_\_

Date of complaint: \_\_\_\_\_ Individual in receipt of complaint: \_\_\_\_\_

Nature of complaint: \_\_\_\_\_

\_\_\_\_\_

Interim action taken (if any): \_\_\_\_\_

\_\_\_\_\_

Finding as to whether harassment or discrimination occurred: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Action taken (include the name and position of employee taking action): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Other comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Civil Rights Compliance Officer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Superintendent

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

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

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

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

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

**Scope and Application of Policy**

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

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

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

(Continued)

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

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

**What Constitutes Sex Discrimination Including Sexual Harassment**

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

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

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

(Continued)

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

victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction; or

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

**Title IX Coordinator**

The District will designate and authorized the a Title IX Coordinator(s) at is annual Re-Organization meeting. Contact information for the employee designated will be made available on the district website.

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

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

**Reporting Allegations of Sex Discrimination**

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

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

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

(Continued)

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

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

In addition to complying with this policy, District employees must comply with any other applicable District policy, procedure, collective bargaining agreement, or other document such as the District's *Code of Conduct*. This includes, but is not limited to, Policy #7550 -- Dignity for All Students (DASA) which requires District employees to make an oral report promptly to the Superintendent or principal, their designee, or the DAC not later than one school day after witnessing or receiving an oral or written report of harassment, bullying, and/or discrimination of a student. Two days after making the oral report, DASA further requires that the District employee file a written report with the Superintendent or principal, their designee, or the DAC.

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

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

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

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

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

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

(Continued)

## Community Relations

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

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

Definitions

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

(Continued)



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

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

**General Requirements for the Investigative and Grievance Process**

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

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

(Continued)

## Community Relations

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

temporarily delayed or extended, written notice will be provided to all complainants and respondents of the delay or extension and the reasons for the action.

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

(Continued)

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

- p) The parties are provided with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for any complainant or respondent in any meeting or grievance proceeding. However, the District may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.
- q) Written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, is provided to any party whose participation is invited or expected with sufficient time for the party to prepare to participate.
- r) The parties are provided with equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the District does not intend to rely on in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.
- s) Any document sent to a minor or legally incompetent person is also sent to the party's parent or legal guardian.
- t) Any document sent to a party is also sent to the party's advisor, if known.

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

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

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

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

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

(Continued)

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

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

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

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

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

Filing a Formal Complaint

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

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

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

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

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

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

Consolidation of Formal Complaints

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

Written Notice of Allegations

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

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

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

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

**Investigation of a Formal Complaint**

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

It is anticipated that most investigations will be completed, or at a minimum the complainant will be provided with an update, within sixty days after receiving a formal complaint.

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

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

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

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

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

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

**Dismissal of a Formal Complaint**

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

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

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

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

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

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

**Informal Resolutions**

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

(Continued)

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

It is anticipated that most informal resolutions will be completed within sixty days. If an extension is needed the Title IX Officer will notify all parties in writing.

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

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

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

**Hearings and Determination Regarding Responsibility**

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

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

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

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

- a) Submit written, relevant questions that a party wants asked of any party or witness within 10 days after the parties have received the investigative report;
- b) Provide each party with the answers given by any party or witness within 20 days of receiving the questions; and
- c) Allow for additional, limited follow-up questions and responses from each party to occur within 10 days after the parties have received responses to their initial questions.

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

The decision-maker(s) will issue a written determination regarding responsibility to the Title IX Coordinator, the Superintendent, and all parties simultaneously within sixty days after all follow-up questions have been responded to or after the hearing, if one has been provided. If an extension is needed, the decision-maker(s) will notify all parties in writing.

To reach this determination, the decision-maker(s) will use the preponderance of the evidence standard which is the standard of evidence that will be applied in all formal complaints of sexual harassment. This standard is understood to mean that the party with the burden of persuasion must prove that a proposition is more probably true than false meaning a probability of truth greater than 50 %.

The written notice of the determination regarding responsibility will include:

- a) Identification of the allegations potentially constituting sexual harassment;
- b) A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- c) Findings of fact supporting the determination;
- d) Conclusions regarding the application of any applicable District policy, procedure, collective bargaining agreement, or other document such as the District's Code of Conduct to the facts;

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

- e) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the District is imposing on the respondent, and whether remedies designed to restore or preserve equal access to the District's education program or activity will be provided by the District to the complainant; and
- f) The District's procedures and permissible bases for the complainant and respondent to appeal.

Finality of Determination Regarding Responsibility

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

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

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

Appeals

Either party may file an appeal from a determination regarding responsibility or from the District's dismissal of a formal complaint or any of its allegations. Appeals must be submitted in writing to the Title IX Coordinator within 10 days of the written notice of the determination regarding responsibility or dismissal of the formal complaint or any of its allegations.

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

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

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

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

Upon receipt of an appeal, the District will:

- a) Notify the other party in writing that an appeal has been filed and implement appeal procedures equally for both parties;
- b) Ensure that any decision-maker for the appeal:
  1. Is not the same person as any decision-maker that reached the initial determination regarding responsibility or dismissal, investigator, or Title IX Coordinator;
  2. Does not have any conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent;
- c) Give all parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome. Parties will have to submit these written statements within 10 days after the parties have been notified of the appeal;
- d) Issue a written decision describing the result of the appeal and the rationale for the result; and
- e) Provide the written decision simultaneously to the Title IX Coordinator, the Superintendent, and all parties within 30 days after receiving the parties written statements in support of, or challenging, the outcome.

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

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

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

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

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

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

**Confidentiality**

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

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

**Training**

The District will ensure that:

- a) All Title IX Coordinators, investigators, decision-makers, or persons who facilitate an informal resolution process receive training on:
  1. The definition of sexual harassment as defined in Title IX;
  2. The scope of the District's education program or activity;
  3. How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable; and
  4. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

(Continued)

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

- b) All decision-makers receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about a complainant's sexual predisposition or prior sexual behavior are not relevant.
- c) All investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.
- d) All District employees receive training on mandatory reporting obligations and any other responsibilities that they may have relative to Title IX.

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

**Notification**

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

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

**Recordkeeping**

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

- a) Records of each sexual harassment investigation including any:
  - 1. Determination regarding responsibility;
  - 2. Audio or audiovisual recording or transcript required under law or regulation;
  - 3. Disciplinary sanctions imposed on the respondent; and
  - 4. Remedies provided to the complainant designed to restore or preserve equal access to the District's education program or activity.
- b) Any appeal and its result.

(Continued)

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

- c) Any informal resolution and its result.
- d) All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.
- e) For each response to sexual harassment where the District had actual knowledge of sexual harassment in its education program or activity against a person in the United States, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the District must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the District's education program or activity. If the District does not provide a complainant with supportive measures, then the District must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the District in the future from providing additional explanations or detailing additional measures taken.

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

NOTE: Refer also to Policies #3420 -- Non-Discrimination and Anti-Harassment in the District  
#6121 -- Sexual Harassment in the Workplace  
#7550 -- Dignity for All Students  
#7551 -- Sexual Harassment of Students  
*District Code of Conduct*

Adopted: 3/19/24

**SUBJECT: DIVERSITY, EQUITY, AND INCLUSION IN THE DISTRICT****Overview**

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

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

**Defining Diversity, Equity, and Inclusion**

For purposes of this policy:

- a) "Diversity" includes, but is not limited to: race; color; ethnicity; nationality; religion; socioeconomic status; veteran status; education; marital status; language; age; gender; gender expression; gender identity; sexual orientation; mental or physical ability; genetic information; and learning style.
- b) "Equity" includes, but is not limited to, seeking the fair treatment, access, opportunity, and advancement for all while striving to identify and eliminate barriers that have prevented the full participation of all groups.
- c) "Inclusion" includes, but is not limited to, authentically bringing traditionally excluded individuals and/or groups into processes, activities, and decision/policy making in a way that shares power and ensures equal access to opportunities and resources.

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

**Governance****DEI Committee**

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

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

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

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

- a) Students;
- b) Parents and persons in parental relation;
- c) District/building administrators;
- d) Teachers, including at least one special education teacher;
- e) Guidance staff, including at least one school psychologist, social worker, or counselor;
- f) Other District staff;
- g) The Board; and
- h) Community members.

**DEI Coordinator**

The Superintendent has designated the following District employee to serve as its DEI Coordinator:

Principals  
Directors of Curriculum

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

**Teaching and Learning**

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

(Continued)



## Community Relations

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

- a) Implement a Culturally Responsive-Sustaining (CR-S) Education Framework that embeds the ideals of diversity, equity, and inclusion by creating student-centered learning environments that:
  - 1. Affirm cultural identities;
  - 2. Foster positive academic outcomes;
  - 3. Develop students' abilities to connect across lines of difference;
  - 4. Elevate historically marginalized voices;
  - 5. Empower students as agents of social change; and
  - 6. Contribute to individual student engagement, learning, growth, and achievement through the cultivation of critical thinking.
- b) Develop curricula that incorporates diverse perspectives, materials, and texts so that students are taught topics not just from one single perspective, but from multiple perspectives.
- c) Offer coherent opportunities for students to actively participate in experiences that prepare them for a lifetime of civic engagement and contributions to social justice, including, for example, completing projects that enable them to apply the learning they have acquired within and across subject areas.
- d) Encourage academic discussions about racism and bigotry.

**Family and Community Engagement**

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

- a) Encourage participation from all stakeholders in community building conversations.
- b) Reduce language barriers through various means, including, but not limited to, providing translated communications when appropriate.
- c) Leverage partners such as the county government and local community organizations in developing DEI programs and activities for the District.

(Continued)

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

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

- a) Recruit and retain a diverse workforce in all areas and at all levels, thereby reducing stereotypes and preparing students for an increasingly global society.
- b) Provide staff with opportunities for professional development on cultural proficiency.

**Diverse Schools and Learning Opportunities**

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

- a) Take creative steps to enhance the level of socioeconomic and racial diversity within District schools.
- b) Eliminate the use of terms and phrases within District schools that perpetuate negative stereotypes and minimize student opportunities.
- c) Create coursework, programs, and activities that are accessible to all students, regardless of their disability status, native language, income level, or any other basis.

**Student Supports, Discipline, and Wellness**

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

- a) Employ programs and practices that enhance all students' self-identity, self-confidence, and self-esteem.
- b) Maintain non-discriminatory discipline policies and practices.
- c) Consider and address the full range of student developmental pathways.

**Training**

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

(Continued)

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

- a) Increase awareness of the content of this policy and/or various DEI issues; and
- b) Promote a welcoming and inclusive environment for all District community members.

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

**Notification**

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

## 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.

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

Adopted: 9/17/08

## Community Relations

**SUBJECT: EMERGENCY CLOSINGS**

In the event it is necessary to close school for the day due to inclement weather or other emergency reasons, announcement will be made over local radio and television stations and the District's automated calling system as designated by the Board of Education.

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

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

The final decision to close school will rest with the Superintendent or designee.

**Randolph Academy Union Free School District** **NUMBER**

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## Administration

**SUBJECT: ADMINISTRATIVE PERSONNEL**

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

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

Education Law § 1709

Adopted: 9/17/08

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



## Administration

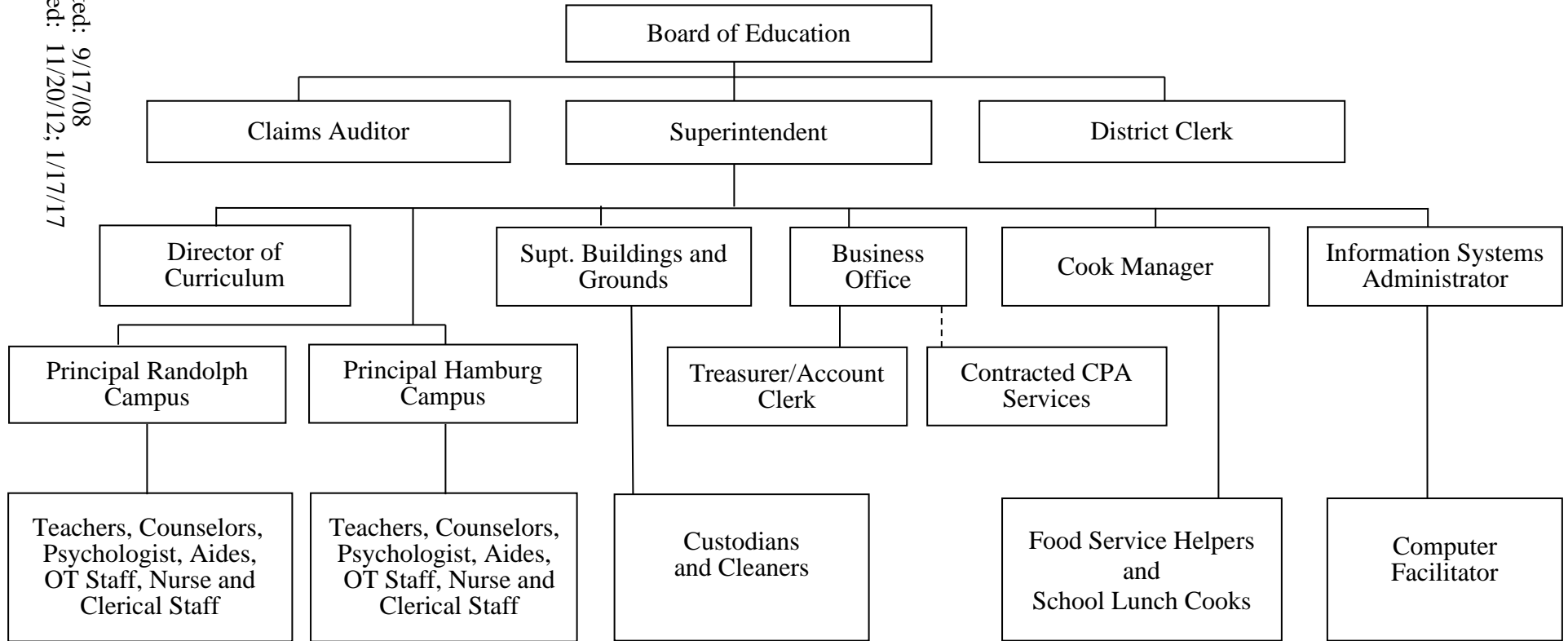
**SUBJECT: LINE RESPONSIBILITY**

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.

**RANDOLPH ACADEMY UNION FREE SCHOOL DISTRICT  
ORGANIZATIONAL CHART**

Adopted: 9/17/08  
Revised: 11/20/12; 1/17/17



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Administration

**SUBJECT: ABOLISHING AN ADMINISTRATIVE POSITION**

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

Education Law § 3013

Adopted: 9/17/08

## 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: 9/17/08

## 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: 9/17/08

## Administration

**SUBJECT: ADMINISTRATIVE 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: 9/17/08

## 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 1 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 evaluation of all administrative personnel.

The purposes of this evaluation are:

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

8 NYCRR § 100.2(o)(1)(v), (vi)  
NY Education Law § 3012-d

Adopted: 9/17/08

## 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 §§ 1711, 2508 and 3003  
8 New York Code of Rules and Regulations (NYCRR) § 100.2(m)

Adopted: 9/17/08  
Revised: 11/20/12; 10/7/15

## Administration

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

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

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

Education Law §§ 1711 and 2508

Adopted: 9/17/08

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

The Superintendent 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 Board of Education. The Board may engage a business consultant to advise the District on financial matters.

**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.

**Team Leaders**

Team Leaders are responsible for coordinating academic and behavior programming for students on the Team Roster by:

- a) Facilitating weekly team meetings;
- b) Gathering input on student school performance and forwarding it to the Joint Team Meetings;
- c) Reporting weekly force field ratings for each student on the team;
- d) Facilitating communication among team members;
- e) Guiding the team to develop individual behavior intervention plans and individual safety support plans;
- f) Implementing assemblies for the team; and
- g) Attending and participating in bi-weekly Team Leader meetings.

**Assistant Principal**

The Support Center Coordinator is responsible for supervising the operation of the Support Center by:

- a) Supervising and assigning duties to support staff assigned to the Support Center;
- b) Facilitating weekly Support Center Team meetings;
- c) Referring to the principal behavior incidents that may result in suspension;

(Continued)

## Administration

**SUBJECT: ADMINISTRATIVE STAFF (Cont'd.)**

- d) Coordinating appropriate Crisis Response for incidents;
- e) Guiding the Support Center team to develop individual safety support plans;
- f) Conducting annual staff evaluations for the members of the Support Center Team;
- g) Supervising and collaborating with the supervisor of the Critical Care/Intensive Academic Management Program (CC/IAMP) regarding student placements; and
- h) Facilitating communication with Team Leaders regarding student behavior management.

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Administration

**SUBJECT: COMPENSATION AND RELATED BENEFITS**

The salaries and related benefits of administrators shall be defined in written contracts and addends between the District and administrators and approved by the Board of Education upon the recommendation of the Superintendent.

Adopted: 9/17/08

**Randolph Academy Union Free School District** **NUMBER**

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**Randolph Academy Union Free School District**

**NUMBER**

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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 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 and related advisory groups.

Principals will develop and submit budget requests 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 shall play an active role in providing information about the District's budget, give consideration to budget requests, and review allocations for appropriateness and for their consistency with the School System's educational priorities. Each Board member shall receive a complete copy of the budget as approved by Board action.

**SUBJECT: SCHOOL DISTRICT REPORT CARDS**

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

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

School District Report Cards are also available online at the SED website.

Education Law §§ 1608(6), 1716(6), and 3602(1)(n)(2)  
8 NYCRR §§ 102.2(bb) and 102.2(m)  
20 USC §§ 6311(h)  
34 CFR §§ 200.2(b)(10), 200.7 and 200.8

Adopted: 9/17/08  
Revised: 1/17/17

**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 as per designations made at the Annual Organizational Meeting and within the parameters of the approved budget.

**SUBJECT: BUDGET ADOPTION**

The Board will review the recommended budget of the Superintendent and seek public input and feedback regarding the recommended budget including, but not limited to, holding a public budget hearing not less than seven nor more than 14 days prior to the Annual District Meeting and Election at which the budget vote is to occur. The Board may modify the recommended budget of the Superintendent prior to its submission to District voters. Final authorization of the proposed budget is dependent upon voter approval unless a contingency budget is adopted by the Board.

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

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

**Contingency Budget**

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

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

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

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

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

Adopted: 09/17/08  
Revised: 01/23/24

2008

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Non-Instructional/Business  
Operations

**SUBJECT: REVENUES**

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

Education Law §§ 1604(a) and 1723(a)

Adopted: 9/17/08

**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 Superintendent/designee 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 Superintendent/designee. 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 Superintendent/designee may invest funds in the following eligible investments:

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

(Continued)

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

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

**Implementation**

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

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

This policy shall be reviewed 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.

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Non-Instructional/Business  
Operations

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

Education Law §§ 1604-a, 1723(a) and 3652  
General Municipal Law §§ 10 and 39  
Local Finance Law § 165

Adopted: 9/17/08  
Revised: 11/17/15



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

The Board may accept gifts, grants and/or bequests of money, real or personal property, as well as other merchandise which, in view of the Board, add to the overall welfare of the School District, provided that such acceptance is in accordance with existing laws and regulations. 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 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. 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, may be sent to a donor/grantor in recognition of his/her contribution to the School District.

**Gift Giving**

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

The giving of gifts to students is not permitted unless approved by the principal.

(Continued)

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Non-Instructional/Business  
Operations

**SUBJECT: ACCEPTANCE OF GIFTS, GRANTS AND BEQUESTS TO THE SCHOOL  
DISTRICT (Cont'd.)**

Additionally, all business contacts will be informed that gifts of any value to District employees will be returned or donated to charity. The Board of Education serves the community without benefit of compensation. No gifts or compensation will be given to the Board of Education.

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

Adopted: 9/17/08

**SUBJECT: FUNDING FOR SPECIAL ACT PUBLIC SCHOOLS**

In 1980, the New York State Legislature passed the Institutional Schools Act, Chapter 563, which mandated that special act public school districts be funded through a rate setting system. Today, Special Act Public Schools receive most of their revenue through student tuition payments. Tuition rates are established annually by the State Education Department in conjunction with the Division of the Budget. The costs and tuition rate of Special Act Public Schools are not allowed to increase by more than certain fixed percentages.

Tuition is generally paid by the home school districts, Department of Social Services (DSS), Office of Mental Health (OMH), Division for Youth (DFY) or Family Court for each child placed.

If the tuition is paid by DSS, OMH, DFY or Family Court, the comptroller deducts from state aid due to a local school district an amount equal to the cost of educating the child in the local district.

Other moneys that supplement existing special act program funds include federal aid for children with handicapping conditions and state aid for building and certain transportation costs. Building aid reimburses Special Act Public School Districts for 49% of the cost of construction or repair in the year after the costs are incurred.

Although Special Act Public School Districts are organized as Union Free School Districts, they have no qualified voters. Therefore, their budgets are not subject to a vote of the public. All are governed by Boards of Education, usually appointed by the Trustees of the child care agency, and two members appointed by the Commissioner of Education.

New York State Constitution  
Education Law Articles 33 and 35

Adopted: 9/17/08

**SUBJECT: TUITION BILLING AND COLLECTIONS**

The Board of Education recognizes the importance of efficient tuition billing and collections. The District Business office will promptly prepare tuition billing on a monthly basis and will monitor accounts to ensure that payments are collected in a timely manner. For delinquent accounts, actions will be taken for collections in accordance with the procedures identified in this policy.

**Procedures**Preparing Tuition Bills

- a) Upon admission or discharge of a student, a Child Status Form is completed by the Special Education Department. This Form Includes the following information pertaining to the student: Students Name; Date of Birth; Date of Admission or Discharge; and School District, County or Agency of record. A form is also provided by the residential facility, New Directions, for students placed in residential.
- b) Collect Child Status forms, no later than weekly, from the Committee on Special Education Department.
- c) Perform weekly data entry into the billing system software to reflect admission/discharge updates.
- d) Compare the CSE's Student Listing (Enrollment Data) for the last Wednesday of every month to the data in the tuition billing software program to verify accuracy; reconcile any differences.
- e) Prepare tuition bills in accordance with the Reimbursable Cost Manual for Programs Receiving Funding under Article 81 and Article 89 of the Education Law to Educate Students with Disabilities.
- f) Print and send tuition billing at the end of every month.

Collecting Outstanding Student Billing Payments

- a) Produce an Aged Accounts Receivable Report every month.
- b) For accounts that are 60 days overdue, make copies of the billing and transmit to the appropriate school district, county or agency, requesting payment and advisement on any relevant circumstances.
- c) Weekly, place a phone call to any school district, county or agency that has not responded to the payment inquiry.
- d) Make a note of when payment is expected, keeping an updated running record.

(Continued)

**SUBJECT: TUITION BILLING AND COLLECTIONS (Cont'd.)**

- e) When payment is not received on the date the school district county or agency committed to, communicate by phone to inquire about the delay.
- f) For delinquent accounts that are refusing payment, engage the Superintendent's assistance for collections.
- g) Provide the Board of Education with a monthly Aged Accounts Receivable Report for review.
- h) Annually before June 30, identify delinquent accounts where all collections procedures have been exhausted. Report these accounts to the Board of Education for action to authorize "writing off" of the billing or authorizing legal action for collections.

NYSED Reimbursable Cost Manual for Programs Receiving Funding Under Article 81 and 89 of the Education law to Educate Students with Disabilities  
Education Law Article 81 and 89

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

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

**Disposal of District Personal Property**Equipment

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

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

Textbooks

Textbooks may lose their value to the educational program because of changes in the curriculum or they contain outdated material and/or are in poor condition. The principal or Curriculum Coordinator is designated to make a determination that textbooks are no longer useful or usable. The procedures for disposal shall adhere to the following order of preference:

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

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

Adopted: 9/17/08

**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, Superintendent/Purchasing Agent, consultant Business Manager, Cash Receipt Clerk, and the Claims Auditor be bonded prior to assuming their duties. Such bonds shall be in the amounts as determined and approved by the Board of Education.

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

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

Adopted: 9/17/08

**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 Internal Claims Auditor who shall attest to the existence of evidence of indebtedness to support the claim.

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

Arts and Cultural Affairs Law § 57.19  
Education Law § 1720  
8 NYCRR § 185

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

Adopted: 9/17/08



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

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

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

Expenses incurred on each credit card shall be paid in such a manner as to avoid interest charges. The District credit card(s) shall be locked in a secure place in the Superintendent's office. A sign in and out procedure will be implemented and documented by the District Treasurer. Credit cards issued to and bearing the name of the Superintendent, shall be kept solely under the care and custody of the Superintendent.

Any individual who makes an unauthorized purchase with a School District credit card shall be required to reimburse the School District for the purchase and any related interest charges. Disciplinary actions may be applied, as appropriate.

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

A School District-owned cell phone will be issued to a District employee when required by that employee's job duties.

These employees are: the Superintendent; Assistant Superintendent; principal; Information Systems Administrator; Superintendent of Buildings and Grounds; and Maintenance Worker. Additionally, cell phones will be provided to all school employees during the transportation of students in school owned vehicles and during field trips for school related calls only.

Employees who have been issued a cell phone may:

- a) Use the School District owned cell phone for school related business only.
- b) Elect not to receive a School District-owned cell phone.

The cell phone may not be used by anyone other than the School District 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. Lunches are only provided by the District if the cost is included in the conference registration.

**Travel Expense Advance**

To mitigate the impact of personally bearing the upfront cost for meals and incidental expenses during travel, School District officials and employees who are required to travel outside of the District to attend conferences for two or more consecutive days, may request a meal allowance to be paid in advance of travel. The advance will be paid at the per diem meal and incidental expenses rate for the geographic area. The request is subject to the approval of the Superintendent. Employees will provide a signed assurance that funds paid in advance as an allowance will be returned to the District through voluntary payroll deduction if, for any reason, they do not travel.

**Staff/Board Meetings and District Events**

However, 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. At District events such as Open House, it is permissible to have the student-operated food service program prepare and serve food to guests.

Any such expenditures must be appropriately documented with an itemized receipt and information showing the date and purpose of the meeting where food was 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 NYS Comptroller's Office per diem meal rates for the geographic area.

NOTE: Refer also to Policy #6161 -- Conference/Travel Expense Reimbursement

Adopted: 9/17/08

Revised: 3/30/15

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

(Continued)

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

- 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 §§ 162, 163 and 163-b

NOTE: Refer also to Policies #5411 -- Procurement of Goods and Services  
#5412 -- Procurement of Goods and Services Guidelines  
#5413 -- Alternative Formats for Instructional Materials

Adopted: 9/17/08  
Revised: 3/19/13; 10/7/15

**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 will contain, at a minimum, provisions which:

- a) Prescribe a process for determining whether a procurement of goods and services is subject to competitive bidding and if it is not, documenting the basis for such determination;
- b) With certain exceptions, provide that alternative proposals or quotations for goods and services 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.

Professional Services

Professional services are generally those services that require specialized skills, training, professional judgement, expertise, and creativity. Examples include, architects and engineers. The procurement of professional services falls within an exception to competitive bidding. In order to procure these services, the District will use the request for proposals (RFP) process as set forth in General Municipal Law to protect the District's interests and to avoid the appearance of impropriety. Although not necessarily bound to select the lowest bidder in response to its RFP, the District will adequately document its selection process to demonstrate its economical and practical use of public monies and to ensure fair competition. An RFP will be issued every ten years and when a project in excess of \$5,000,000 is anticipated.

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

NOTE: Refer also to Policies #5410 -- Purchasing: Competitive Bidding and Offering  
#5412 -- Procurement of Goods and Services Guidelines  
#5413 -- Alternative Formats for Instructional Materials

Adopted: 10/7/15  
Revised: 12/6/16

**SUBJECT: PROCUREMENT OF GOODS AND SERVICES****Purpose**

Goods and services which are not required by law to be procured through competitive bidding must be procured in a manner so as to assure the prudent and economical use of public funds, in the best interest of the taxpayers to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud, and corruption. To further these objectives, the District has adopted internal policies and procedures governing all procurements of goods and services which are not required to be made pursuant to the competitive bidding requirements of General Municipal Law Section 103 or any other general, special, or local law.

**Responsibilities**

The District's purchasing activities will be part of the responsibilities of the Business Office, under the general supervision of the Purchasing Agent, who has been designated by the Board.

**Guidelines for Purchasing Services, Supplies, and Equipment when Competitive Bidding is Not Required by Law**

<u>Estimated Amount of Purchase</u>	<u>Procedure/Requirements</u>	<u>Responsibility</u>
Less than \$1,000	At least two catalog or price sheet comparisons.	Obtained by the originator. The originator will indicate on the purchase requisition form the basis for the determination that the suggested vendor be used. Superintendent's approval is required.
\$1,001 - \$3,000	Three informal written quotations.	Obtained by the originator. The originator will indicate on the purchase requisition form the basis for the determination that the suggested vendor be used. Superintendent's approval is required.
\$3,001 - \$20,000	Three informal written quotations.	Obtained by the department administrator. Board of Education approval is required.

(Continued)



**SUBJECT: PROCUREMENT OF GOODS AND SERVICES (Cont'd.)****Guidelines for Public Works Projects when Competitive Bidding is Not Required by Law**

<u>Estimated Amount of Purchase</u>	<u>Procedure/Requirements</u>	<u>Responsibility</u>
Less than \$1,000	No quotation required.	Originator must substantiate the need and choice of contractor. Superintendent's approval is required.
\$1,001 - \$3,000	Three informal written quotations (internal form).	Obtained by the department administrator. Superintendent's approval is required.
\$3,001 - \$35,000	Three formal requests for proposals or quotations issued by the District.	Obtained by the department administrator. Superintendent's approval is required.

**Documentation**

The District will ensure that each purchase and/or procurement is adequately documented. This documentation will include, but not be limited to, information sufficient to demonstrate that the purchase or procurement was made in compliance with the guidelines set forth above, and the basis for the determination that competitive bidding is not required.

In the event a contract is awarded to a vendor other than the lowest responsible dollar offeror, the District will retain documentation setting forth the reasons this award furthers the purposes of this regulation.

**Sealed Proposals**

In the event they are required, sealed proposals will be received, time-stamped, recorded, and kept in a safe place until the appointed day and time when they are publicly opened and read.

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

(Continued)

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

The Purchasing Agent will be authorized to issue pre-numbered purchase orders for all goods and services where a budgetary appropriation has been made. Purchase orders will be issued after the award of the contract, will refer to the relevant specifications, and will bear the price or prices indicated by the vendor.

Blanket purchase orders issued yearly will be used where appropriate.

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

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

**Special Circumstances**State Contracts

For supplies and equipment available under state contract, which are below the state contract price, no further quotes are required provided the product is the same brand and model number and below the \$20,000 bid threshold.

Requests for Proposals

The District may use a request for proposal process for securing services, supplies, or equipment when the process is permitted by law, is not inconsistent with District policy, and is in the best interests of the District. This process will include, but not be limited to:

- 1) The development of specifications designed to ensure the successful proposer's ability to perform the proposed contract;
- 2) Appropriate advertisement or solicitation of proposals;
- 3) A review and evaluation of each proposal submitted;
- 4) Board approval of any contract or contracts awarded to one or more successful proposers;  
and

(Continued)

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

- 5) Any other requirement specified in state or federal law or regulation, or District policy or regulation.

**Independent Auditors**

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

**Apparel and Sports Equipment Purchases**

The District will not purchase any apparel or sports equipment manufactured in a sweatshop. A decision to reject a vendor's proposal may be based upon either or both of the following considerations:

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

**Environmentally Sensitive Cleaning and Maintenance Products**

The District will identify and procure environmentally sensitive cleaning and maintenance products available in the form, function, and utility generally used. The District will follow any and all applicable guidelines, specifications, and sample lists when purchasing such products for use in its facilities. The District will notify their personnel of the availability of guidelines, specifications, and sample product lists.

**Annual Review**

From time to time, comments concerning the policies and procedures will be solicited from employees of the District involved in the procurement process.

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

**Unintentional Failure to Comply**

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

**SUBJECT: PROCUREMENT OF GOODS AND SERVICES GUIDELINES****Purpose**

Goods and services which are not required by law to be procured through competitive bidding must be procured in a manner so as to assure the prudent and economical use of public funds, in the best interest of the taxpayers to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud, and corruption. To further these objectives, the District has adopted internal policies and procedures governing all procurements of goods and services which are not required to be made pursuant to the competitive bidding requirements of General Municipal Law Section 103 or any other general, special, or local law.

**Responsibilities**

The District's purchasing activities will be part of the responsibilities of the Business Office, under the general supervision of the Purchasing Agent, who has been designated by the Board.

**Guidelines for Purchasing Services, Supplies, and Equipment when Competitive Bidding is Not Required by Law**

<u>Estimated Amount of Purchase</u>	<u>Procedure/Requirements</u>	<u>Responsibility</u>
Less than \$1,000	At least two catalog or price sheet comparisons.	Obtained by the originator. The originator will indicate on the purchase requisition form the basis for the determination that the suggested vendor be used.
\$1,001 - \$3,000	Three informal written quotations (internal form).	Obtained by the originator. The originator will indicate on the purchase requisition form the basis for the determination that the suggested vendor be used.
\$3,001 - \$20,000	Three informal written quotations.	Obtained by the department administrator. Requires Board approval.

(Continued)

**SUBJECT: PROCUREMENT OF GOODS AND SERVICES GUIDELINES (Cont'd.)****Guidelines for Public Works Projects when Competitive Bidding is Not Required by Law**

<u>Estimated Amount of Purchase</u>	<u>Procedure/Requirements</u>	<u>Responsibility</u>
Less than \$2,000	No quotation required.	Originator must substantiate the need and choice of contractor.
\$2,001 - \$10,000	Three informal written quotations (internal form).	Obtained by the department administrator.
\$10,001 - \$35,000	Three formal requests for proposals or quotations issued by the District.	Obtained by the department administrator.

**Documentation**

The District will ensure that each purchase and/or procurement is adequately documented. This documentation will include, but not be limited to, information sufficient to demonstrate that the purchase or procurement was made in compliance with the guidelines set forth above, and the basis for the determination that competitive bidding is not required.

In the event a contract is awarded to a vendor other than the lowest responsible dollar offeror, the District will retain documentation setting forth the reasons this award furthers the purposes of this regulation.

**Sealed Proposals**

In the event they are required, sealed proposals will be received, time-stamped, recorded, and kept in a safe place until the appointed day and time when they are publicly opened and read.

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

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**SUBJECT: PROCUREMENT OF GOODS AND SERVICES GUIDELINES (Cont'd.)**Purchase Orders

The Purchasing Agent will be authorized to issue pre-numbered purchase orders for all goods and services where a budgetary appropriation has been made. Purchase orders will be issued after the award of the contract, will refer to the relevant specifications, and will bear the price or prices indicated by the vendor.

Blanket purchase orders issued yearly will be used where appropriate.

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

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

**Special Circumstances**State Contracts

For supplies and equipment available under state contract, which are below the state contract price, no further quotes are required provided the product is the same brand and model number and below the \$20,000 bid threshold.

Requests for Proposals

The District may use a request for proposal process for securing services, supplies, or equipment when the process is permitted by law, is not inconsistent with District policy, and is in the best interests of the District. This process will include, but not be limited to:

- 1) The development of specifications designed to ensure the successful proposer's ability to perform the proposed contract;
- 2) Appropriate advertisement or solicitation of proposals;
- 3) A review and evaluation of each proposal submitted;
- 4) Board approval of any contract or contracts awarded to one or more successful proposers;  
and

(Continued)

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

- 5) Any other requirement specified in state or federal law or regulation, or District policy or regulation.

**Independent Auditors**

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

**Annual Review**

From time to time, comments concerning the policies and procedures will be solicited from employees of the District involved in the procurement process.

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

**Unintentional Failure to Comply**

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

**SUBJECT: ALTERNATIVE FORMATS FOR INSTRUCTIONAL MATERIALS**

Preference in the purchase of instructional materials will be given to vendors who agree to provide materials in a usable alternative format (i.e., any medium or format, other than a traditional print textbook, for presentation of instructional materials that is needed as an accommodation for each student with a disability, including students requiring § 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 § 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 § 1474(e)(3)(B)

8 NYCRR §§ 200.2(b)(10), 200.2(c)(2) and 200.2(i)

Adopted: 10/7/15



**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 § 2116-a  
General Municipal Law Article 2 § 5, 5-a, 5-b, 99-b  
N.Y. UCC § 4-A-201

Adopted: 9/17/08  
Revised: 10/7/15

**SUBJECT: EXTRACLASSROOM ACTIVITY FUND**

Any organization within the District whose activities are conducted by students, and whose financial support is raised other than by taxation or through charges of the Board, is an extraclassroom activity (ECA). The moneys raised by these organizations are referred to as ECA funds. ECA fund management provides students with the opportunity to learn proper business practices and how to operate a successful business. The Board and designated District staff will protect and provide oversight of ECA funds. All ECAs will be approved by the Board.

The Board will appoint an ECA Central Treasurer, an Internal Auditor, and the Building Principal(s). Each ECA will have a faculty advisor appointed by the Building Principal(s). Additionally, each ECA will have a student activity treasurer elected by the members of the ECA.

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

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

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

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

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

**SUBJECT: EXTRACLASSROOM ACTIVITY FUND (Cont'd.)**

NOTE: Refer also to Policies #1330 -- Appointments and Designations by the Board of Education  
#1333 -- Duties of the External (Independent) Auditor  
#1335 -- Duties of the Extraclassroom Activity Fund Central  
Treasurer and Internal Claims Auditor  
#3250 -- Use of School Facilities, Materials, and Equipment  
#5220 -- District Investments  
#5530 -- Petty Cash Funds and Cash in School Buildings  
#5620 -- Fixed Asset Inventories, Accounting, and Tracking  
#7410 -- Extracurricular Activities  
#7450 -- Fund Raising by Students

**SUBJECT: EXTRACLASSROOM ACTIVITY FUND**

The District has established regulations and procedures for establishing, operating, and maintaining extraclassroom activities (ECAs), including safeguarding, accounting for, and auditing all moneys received and derived from ECAs. These internal controls will help minimize any errors or irregularities, and help detect and correct them at the earliest possible time. The following basic principles and procedures are essential to properly managing ECA funds:

**Basic Principles**

- 1) Two separate and independent sets of records of receipts and expenditures must be maintained, one by the District Treasurer and one by the ECA Student Treasurer.
- 2) The authority to expend moneys must be distinct and separate from the custody of these moneys.
- 3) At least two individuals must take part in each act of disbursing money, at a minimum, the District Treasurer and the ECA Student Treasurer.
- 4) The District Treasurer and Faculty Auditor will report to the Board or its designated representative at regular intervals.
- 5) All accounts will be audited at least annually by the independent auditor.
- 6) Procedures will be established to ensure a prompt and careful examination of each receipt and purchase/payment.
- 7) The accounting system will yield the largest possible educational return to students without sacrificing the safety of funds or exposing students to undue responsibility or unnecessary routine.

**Functions and Duties of Officers****Chief Faculty Counselor** (usually the building principal)

This officer will coordinate the financial planning of all student-organization projects in his or her building; appoint a Faculty Advisor for each activity annually; consult with Faculty Advisors; and submit to the Board all new activity organizations initiated by students for approval. He or she will investigate all problems and disputes concerning the organizations and work to resolve them.

**Faculty Advisor** (appointed by Board of Education)

The Faculty Advisor will guide and advise the student officers in planning activities and preparing financial budgets, the ECA ledger, and other documents. These advisors will guide all procedural aspects of the ECA's accounting, including timely entering information into ECA ledgers, preparing profit and loss statements, maintaining inventory control documents, reconciling final fundraising activity,

(Continued)

**SUBJECT: EXTRACLASSROOM ACTIVITY FUND (Cont'd.)**

ensuring issuance of receipts and other documentation, verifying balances, and executing documents for deposits or withdrawals. He or she will periodically compare the ECA ledger with the Central Treasurer's records. The Faculty Advisor maintains independent accounting records of ECA receipts and disbursements.

The District Treasurer will also determine which activities are subject to sales tax and will ensure that all tax information is accurately recorded. The Faculty Advisor will constantly work toward ensuring the largest educational return from the activities participated in by the students.

**ECA Student Treasurer** (student elected)

The ECA Treasurer will receive all moneys and timely deposit funds. All cash/checks will be kept in the District vault. The District Treasurer will pay all invoices, and utilize and maintain any necessary duplicate or supporting documentation.

The ECA Treasurer will also keep an independent ledger showing all receipts and expenditures, and indicate a daily running balance on a form prescribed by the Board. He or she will file all supporting data, chronologically, for all entries.

**District Treasurer** (appointed by the Board)

The District Treasurer has custody of all funds. He or she will be bonded for no less than the amount of the average cash balance of the fund. All disbursements will be by pre-numbered checks signed by the District Treasurer upon receipt of duplicate and properly supported purchase/payment orders signed by the ECA Treasurer, Faculty Advisor, and Chief Faculty Counselor. He or she will disburse funds provided that there are sufficient funds available in the account.

The Treasurer keeps independent records of receipts and disbursements for each ECA. He or she will also keep a ledger of all the receipts and disbursements of the combined student organizations. Once each month, the Treasurer will receive and verify the bank statements and prepare reports for presentation to the Board. The Faculty Advisor will receive reports which will show beginning balances, receipts for the month, disbursements for the month, and the ending balances for each organization, as well as a copy of the bank reconciliation.

**Internal Claims Auditor** (appointed by the Board)

The Internal Claims Auditor has distinct and separate duties from the other officers; he or she will approve payments/payment orders, and ensure that sufficient documents support purchase/payment orders.

(Continued)

**SUBJECT: EXTRACLASSROOM ACTIVITY FUND (Cont'd.)**

If the ECA's and District Treasurer's ledgers do not agree, both parties will reconcile by reviewing supporting evidence kept by the ECA Treasurer and the Treasurer in the form of audited receipt statements, signed deposit slips, original audited bills, signed purchase/payment orders, canceled checks, and bank statements.

**Independent Auditor** (appointed by the Board)

The Independent Auditor conducts an annual audit of all District finances, including the ECA fund. This audit should include a statement of receipts, disbursements, and balances for each activity together with a reconciliation of cash.

**General Account Procedures**

Each ECA has an account to deposit its funds. The District Treasurer is responsible for the accounts of all ECAs.

All funds, raised in any manner in the ECA's name, will be timely deposited in its respective account. Both the Faculty Advisor and ECA Student Treasurer are responsible for making an appointment with the District Treasurer to complete the necessary forms to deposit funds.

Fund expenditures from any ECA account must have prior approval from the principal. Disbursements must be itemized. The ECA Treasurer is responsible for working with the Faculty Advisor to complete the necessary forms for expending funds.

At the close of the school year, the ECA Faculty Advisor and ECA Student Treasurer must make an appointment with the District Treasurer to conduct account closing procedures. This will include a final accounting or a profit and loss statement that compares revenue to expenses over the school year. The ECA Faculty Advisor will submit a report to the Superintendent who will approve payment of the ECA Faculty Advisor stipend.

**Deposit Procedures**

- 1) The ECA Student Treasurer will count the money received and issue duplicate pre-numbered receipts to document it.
- 2) The ECA Student Treasurer will complete and sign the profit and loss statement. The Faculty Advisor will sign the profit and loss statement also.
- 3) If the deposit cannot be submitted immediately to the District Treasurer, it will be placed in the school vault until the next school day.

(Continued)

**SUBJECT: EXTRACLASSROOM ACTIVITY FUND (Cont'd.)**

- 4) The District Treasurer or designee from the Business Office will prepare the deposit slips and issue a prenumbered receipt and return it to the ECA Student Treasurer.
- 5) The District Treasurer will timely deposit all ECA receipts and document the transaction in his or her ledger.
- 6) The ECA Student Treasurer will enter the amount of the deposit in the ECA ledger, further indicating the date, source, and receipt number.
- 7) The ECA Student Treasurer will file the supporting documents, including one copy of the receipt, one profit and loss statement, the District Treasurer's receipt and profit and loss statement.

**Withdrawal/Disbursement Procedures**

- 1) Upon receiving an invoice for goods received or services rendered, the ECA Student Treasurer and the Faculty Advisor will confirm the invoice's accuracy and legitimacy.
- 2) The ECA Treasurer will prepare and sign a T and A Pre-Approval, attaching an invoice. The form will also be signed by the Faculty Advisor. The forms will be submitted to the District Treasurer for payment.
- 3) An invoice, itemized receipt, or statement to substantiate the expenditure must accompany all purchase/payment orders before the District Treasurer will issue a check. Original documentation should be submitted.
- 4) The balance in the ECA's account must be verified and indicated on the T and A Pre-Approval.
- 5) The District Treasurer will issue a check for payment. Checks are issued monthly.
- 6) The District Treasurer will return a copy of the T and A Pre-Approval with the date paid and check number indicated.
- 7) The ECA Faculty Advisor will make the necessary entry in his or her ledger indicating the payee and purpose of the payment, along with a copy of the T and A Pre-Approval.

**Monthly Reconciliation**

The ECA Student Treasurer will reconcile his or her records with those of the District Treasurer. At the end of every month, the Treasurer will send every ECA an Activity Reconciliation Report to be verified by the ECA Student Treasurer. This report will list the transactions for the month. At the bottom of the report is the statement:

The information on this report is correct and complete to the best of my knowledge.

(Continued)

**SUBJECT: EXTRACLASSROOM ACTIVITY FUND (Cont'd.)**

Signature \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_  
(ECA Student Treasurer)

The ECA Student Treasurer will return an original-signed copy of this report to the District Treasurer, and keep a copy for the ECA's records.



**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 Office and in each school building in a secure location. Payments from petty cash funds may be made for materials, supplies or services only when payment is required upon delivery. At the time of reimbursement, an itemized statement of expenditures, together with substantiating receipts, shall be submitted. Such accounts shall be authorized by Board resolution at their annual meeting. All aspects of the Purchasing Policy shall be adhered to.

Appropriate regulations shall be developed for implementation of this policy.

**Cash in Cafeteria Program**

At the end of each day, the cash drawer will be secured. At Randolph Campus, the cash drawer will be secured in the safe located in the cook manager's office. At Hamburg Campus, the cash drawer will be secured in the safe located in the school office.

Bank deposits will be made at least monthly or when cash reaches \$500.

**Cash in School Buildings**

Not more than \$500, whether District or extraclassroom funds, shall be held in the vault in the Main Office of each District school building. Under no circumstances shall cash be left in classroom areas or desks. The District will not be responsible for funds left unprotected.

All funds, whether District or extraclassroom funds, shall be deposited prior to close of school each week. Only authorized personnel designated by the building administrator shall be allowed in the Main Office vault.

Education Law §§ 1604(26) and 1709(29)  
8 NYCRR § 170.4

Adopted: 9/17/08  
Revised: 1/21/20

**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 Superintendent/designee 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 Every Student Succeeds Act (ESSA) of 2015  
34 CFR Part 200

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

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

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

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

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

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

Adopted: 9/17/08

**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 Randolph Academy Union Free School District's governance and control environment will include the following:

- a) The District's code of ethics addresses conflict of interest transactions with Board members and employees. Transactions that are less-than-arm's length are prohibited. Less-than-arm's length is a relationship between the District and employees or vendors who are related to District officials or Board members.
- b) The Board requires corrective action for issues reported in the 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 at an off-site or in a secure fireproof location.
- j) The District periodically verifies that its controls are working efficiently.
- k) The District requires all staff to take leave time during which time another staff member performs the duties of the staff on leave. Staff may also schedule transactions and other responsibilities to occur electronically before taking a leave.

**Audit Response**

Periodically, the District receives audit reports from the External (Independent) Auditor and/or the Office of the New York State Comptroller. The Board will review all audit recommendations in consultation with the Audit Committee and respond appropriately. Independent and Comptroller audit reports and the accompanying management letters will be made available for public inspection. 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 § 170.12  
General Municipal Law § 33(2)(e) and 35(1)(2)

Adopted: 9/17/08  
Revised: 11/17/15

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

All Board members and officers, District employees and third party consultants are required to abide by the District's policies, administrative regulations and procedures in the conduct of their duties. Further, all applicable federal and/or state laws and regulations must be adhered to in the course of District operations and practices. Any individual who has reason to believe that financial improprieties or wrongful conduct is occurring within the School System is to disclose such information according to the reporting procedures established by the District. The reporting procedures will follow the chain of command as established within the department or school building or as enumerated in the District's Organizational Chart. In the event that the allegations of financial improprieties/fraud and/or wrongful conduct concern the investigating official, the report shall be made to the next level of supervisory authority. If the chain of supervisory command is not sufficient to ensure impartial, independent investigation, allegations of financial improprieties/fraud and/or wrongful conduct will be reported as applicable, to the Internal Auditor (if available), or the Independent (External) Auditor, or the School Attorney, or the Board of Education. The District's prohibition of wrongful conduct, including fraud, will be publicized within the District as deemed appropriate; and written notification will be provided to all employees with fiscal accounting/oversight and/or financial duties including the handling of money.

Upon receipt of an allegation of financial improprieties/fraud and/or wrongful conduct, the Board or designated employee(s) will conduct a thorough investigation of the charges. However, even in the absence of a report of suspected wrongful conduct, if the District has knowledge of, or reason to know of, any occurrence of financial improprieties/fraud and/or wrongful conduct, the District will investigate such conduct promptly and thoroughly. To the extent possible, within legal constraints, all reports will be treated as confidentially and privately as possible. However, disclosure may be necessary to complete a thorough investigation of the charges and/or to notify law enforcement officials as warranted, and any disclosure will be provided on a "need to know" basis. Written records of the allegation, and resulting investigation and outcome will be maintained in accordance with law.

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

(Continued)

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

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

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

Any employee of the School District who has reasonable cause to believe that the fiscal practices or actions of an employee or officer of the District violates any local, state, federal law or rule and regulation relating to the financial practices of the District, and who in good faith reports such information to an official of the District, or to the Office of the State Comptroller, the Commissioner of Education, or to law enforcement authorities, shall have immunity from any civil liability that may arise from the making of such report. Further, neither the School District, nor employee or officer thereof, shall take, request, or cause a retaliatory action against any such employee who makes such a report.

The Board also prohibits any retaliatory behavior directed against any witnesses and/or any other individuals who participate in the investigation of an allegation of illegal or inappropriate fiscal practices or actions. Follow-up inquiries shall be made to ensure that no reprisals or retaliatory behavior has occurred to those involved in the investigation. Any act of retaliation is prohibited and subject to appropriate disciplinary action by the District.

**Knowingly Makes False Accusations**

Any individual who *knowingly* makes false accusations against another individual as to allegations of financial improprieties/fraud may also face appropriate disciplinary action.

**SUBJECT: AUDIT COMMITTEE**

No later than January 1, 2008, an Audit Committee shall be established by Board resolution. The Audit Committee may consist of:

- a) The Board of Education as a whole;
- b) A subcommittee of the Board of Education; or
- c) An Advisory Committee that may include, or be composed entirely of persons other than Board members if, in the opinion of the Board, such membership is advisable to provide accounting and auditing expertise.

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 shall consist of at least three members who shall serve without compensation, but shall be reimbursed for any actual and necessary expenditure incurred in relation to attendance at meetings. Employees of the District are prohibited from serving on the Audit Committee. Members of the Audit Committee shall be deemed School District Officers, but shall not be required to be residents of the School District.

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

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

(Continued)



**SUBJECT: AUDIT COMMITTEE (Cont'd.)**

The Audit Committee shall 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;
- f) Review every corrective action plan developed by the School District and assist the Board in its implementation; and
- g) Keep minutes of all meetings.

(Continued)

**SUBJECT: AUDIT COMMITTEE (Cont'd.)****Corrective Action Plan**

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

- a) The annual external audit report or management letter;
- b) A final audit report issued by the District's internal auditor;
- c) A final report issued by the State Comptroller;
- d) A final audit report issued by the State Education Department; or
- e) A final audit report issued by the United States or an office, agency or department thereof.

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

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

The Board of Education has charged the Audit Committee with the responsibility of receiving monthly reports from the Claims Auditor and making recommendations to the Board on accepting this report.

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.

(Continued)

**SUBJECT: AUDIT COMMITTEE (Cont'd.)**

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

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

NOTE: Refer also to policies #1330 -- Appointments and Designations by the Board of Education  
#1334 -- Appointment and Duties of the Claims Auditor  
#2210 -- Committees of the Board

Adopted: 9/17/08

**SUBJECT: INTERNAL AUDIT FUNCTION**

While District enrollment is below 300 students or its annual budget is less than five million dollars (\$5,000,000), the District is exempt from the requirement for an Internal Audit Function. The District may establish an Internal Audit Function. The Internal Audit Function shall include:

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

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

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

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

Adopted: 9/17/08

**SUBJECT: INSURANCE**

The objective of the Board of Education is to obtain the best possible insurance at the lowest possible cost, and to seek advice from an Insurance Appraisal Service to determine that adequate coverage is being provided regarding fire, boiler, general liability, bus and student accident insurance.

The Board shall carry insurance to protect the District's real and personal property against loss or damage. This property shall include school buildings, the contents of such buildings, school grounds and vehicles.

The Board will 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.

Insurance policies will be submitted every three years for competitive bid.

Education Law §§ 1709(8), 1709(26), 1709(34-b), 3023, 3028 and 3811

General Municipal Law §§ 6-n and 52

Public Officers Law § 18

Adopted: 9/17/08

**SUBJECT: FIXED ASSET INVENTORIES, ACCOUNTING, AND TRACKING**

The Superintendent or designee will maintain a continuous and accurate inventory of fixed assets owned by the District in accordance with applicable rules, standards, procedures, and best practices. Fixed assets are, generally, long-term, tangible resources intended to be continuously held or used, and may include land, buildings, improvements, machinery, and equipment.

All fixed assets purchased and received by the District that meet the definition as prescribed in this policy, will be checked, logged, and stored through regulation 5620R.

The Treasurer will account for assets on an annual basis according to applicable rules, standards, procedures and best practices.

A dollar threshold of \$3,000 per unit or set has been established as the basis for considering which fixed assets are to be depreciated, along with determining the assets are not expendable or are not consumed in use and have a useful life expectancy of at least five years. Standard methods and average conventions will be used in assessing, capitalizing and depreciating fixed assets.

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

- a) Date of acquisition
- b) Description;
- c) Serial number or identification number (inventory tag)
- d) Any funding source or percentage contributed by the source
- e) Vendor
- f) Cost, estimated cost or market value (for gifts only)
- g) Location and department
- h) Asset type (example vehicle, improvement, etc.)
- i) Estimated useful life
- j) Use and condition

(Continued)

**SUBJECT: FIXED ASSET INVENTORIES, ACCOUNTING, AND TRACKING (Cont'd.)****Management of Assets Acquired Under a Federal Government Grant and Subgrant**

Equipment as outlined above will include assets acquired with funds obtained through Federal grant programs. Assets purchased with grant funds will be labeled to specify the source of funds used to purchase the item.

When original or replacement equipment acquired under a Federal award is no longer needed for the original project or program or for other activities currently or previously supported by a Federal awarding agency, except as otherwise provided in Federal statutes, regulations, or Federal awarding agency disposition instructions, the non-Federal entity must request disposition instructions from the Federal awarding agency if required by the terms and conditions of the Federal award. Disposition of the equipment will be made as follows, in accordance with Federal awarding agency disposition instructions:

- a) Items of equipment with a current per unit fair market value of \$5,000 or less may be retained, sold or otherwise disposed of with no further responsibility to the Federal awarding agency.
- b) Except as provided in § 200.312(b), or if the Federal awarding agency fails to provide requested disposition instructions within 120 days, items of equipment with a current per-unit fair market value in excess of \$5,000 may be retained by the non-Federal entity or sold. The Federal awarding agency is entitled to an amount calculated by multiplying the current market value or proceeds from sale by the Federal awarding agency's percentage of participation in the cost of the original purchase. If the equipment is sold, the Federal awarding agency may permit the non-Federal entity to deduct and retain from the Federal share \$500 or ten percent of the proceeds, whichever is less, for its selling and handling expenses.
- c) The non-Federal entity may transfer title to the property to the Federal Government or to an eligible third party provided that, in such cases, the non-Federal entity must be entitled to compensation for its attributable percentage of the current fair market value of the property.
- d) In cases where a non-Federal entity fails to take appropriate disposition actions, the Federal awarding agency may direct the non-Federal entity to take disposition actions.

The District will comply with the U.S. Department of Education regulations governing the use, management and disposition of all equipment acquired through a Federal governmental grant.

**Equipment Purchased with Extraclassroom Funds**

Equipment acquired with extraclassroom activity funds will be maintained in accordance with this policy and regulation #5620R.

(Continued)

2024

5620  
3 of 3

Non-Instructional/Business  
Operations

**SUBJECT: FIXED ASSET INVENTORIES, ACCOUNTING, AND TRACKING (Cont'd.)**

**Equipment Under Capitalization Threshold Subject to Risk of Loss or Misuse**

The District will make every effort to store equipment purchased under its capitalization threshold of \$3,000 that are subject to risk of loss or misuse (i.e., headphones, cameras, etc.) in a secure location with restricted access.

Adopted: 9/14/08  
Revised: 11/15/16; 7/9/24



**SUBJECT: FACILITIES: INSPECTION, OPERATION, AND MAINTENANCE****Overview**

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

**Construction and Remodeling of School Facilities**

The District will ensure all capital projects and maintenance comply with the requirements of the New York State Uniform Fire Prevention and Building Code, the State Energy Conservation Construction Code, the Manual of Planning Standards, and the Commissioner's regulations. The New York State Education Department (NYSED) Office of Facilities Planning has provided an Instruction Guide on its official website.

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

Plans and specifications submitted to the Commissioner will bear the signature and seal of an architect or engineer licensed to practice in the State of New York. The architect or engineer who sealed the plans and specifications must also certify that the plans and specifications conform to the standards set forth in the State Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code.

For remodeling or construction projects, the District will ensure compliance with the requirements of the State Uniform Fire Prevention and Building Code, the State Energy Conservation Construction Code, and applicable law and regulation. The District will also retain the services of an architect or engineer licensed to practice in New York State as required by law or regulation, or as necessary given the scope and cost of the project.

**Carbon Monoxide Detection**

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

**Asbestos Inspections**

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

(Continued)

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

The District will triennially test potable water for lead contamination from all outlets as required by law and regulation. If an outlet exceeds the action level for lead content, the District will prohibit use of the outlet and it will remediate the lead level of the outlet before allowing its use. The District will make all required notifications and issue all mandated reports to the public, local health department, and NYSED. For ten years following creation, the District will retain all records of test results, lead remediation plans, lead-free building determinations, and waiver requests. The District may seek a waiver from testing requirements from the local health department by demonstrating prior substantial compliance with testing requirements.

**Comprehensive Long-Range Plan**

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

- a) The educational philosophy of the District, with resulting administrative organization and program requirements;
- b) Student enrollment will be considered in long-range planning, but will not exceed the district's approved census;
- c) Space use and state-rated student capacity of existing facilities;
- d) The allocation of instructional space to meet the current and future special education program and service needs, and to serve students with disabilities in settings with nondisabled peers;
- e) Priority of need of maintenance, repair, or modernization of existing facilities, including consideration of the obsolescence and retirement of certain facilities; and
- f) The provision of additional facilities.

**Comprehensive Public School Building Safety Program**

To ensure that all District facilities are properly maintained and preserved and provide suitable educational settings, the Board requires that all occupied school facilities which are owned, operated, or leased by the District comply with the provisions of the Comprehensive Public School Building Safety Program, the Uniform Code of Public School Building Inspections, and the Safety Rating and Monitoring as prescribed in Commissioner's regulations.

(Continued)

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

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

a) Building Condition Surveys

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

b) Visual Inspections

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

c) Five-Year Capital Facilities Plan

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

1. A breakdown for each of the five years of the plan of the estimated expenses for the following:
  - (a) Current or proposed new construction ranked in priority order;
  - (b) Current or proposed additions to school facilities ranked in priority order;
  - (c) Current or proposed alterations or reconstruction of school facilities ranked in priority order;
  - (d) Major repairs ranked in priority order;
  - (e) Major system replacement and repairs, and maintenance ranked in priority order; and
  - (f) Energy consumption.

(Continued)

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

2. A District-wide building inventory that includes, but is not limited to:
  - (a) The number and type of facilities owned, operated, or leased by the District;
  - (b) The age, enrollment, rated capacity, use, size, and the safety rating of the buildings as determined pursuant to Commissioner's regulations;
  - (c) The energy sources for the buildings;
  - (d) Probable useful life of each building and its major subsystems;
  - (e) Need for major system replacement and repairs, and maintenance;
  - (f) Summary of the triennial asbestos reports required pursuant to AHERA regulations; and
  - (g) Any other information which may be deemed necessary by the Commissioner to evaluate safety and health conditions in school facilities.

**d) Monitoring System**

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

1. The establishment of a health and safety committee comprised of representation from District officials, staff, bargaining units, and parents.
2. The establishment of a comprehensive maintenance plan for all major building systems to ensure the building is maintained in a state of good repair. This plan will include provisions for a least toxic approach to integrated pest management and establish maintenance procedures and guidelines which will contribute to acceptable indoor air quality. The comprehensive maintenance plan will be available for public inspection.
3. The annual review and approval by the Board of the annual building inspection reports and the five-year building condition surveys.
4. Procedures for assuring that an annual fire safety inspection of each building is conducted in accordance with all applicable laws, regulations, and/or codes.
5. Procedures for assuring that a current and valid certificate of occupancy is maintained for each building and posted in a conspicuous place.

(Continued)

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

6. Procedures for the investigation and disposition of complaints related to health and safety. These procedures will involve the health and safety committee and, at a minimum, will conform to the following requirements:
  - (a) Provide for a written response to all written complaints. The written response will describe:
    - 1) The investigations, inspections, or tests made to verify the substance of the complaint, or a statement explaining why further investigations, inspections, or tests are not necessary;
    - 2) The results of any investigations, inspections, or tests which address the complaint;
    - 3) The actions, if any, taken to solve the problem; and
    - 4) The action, if any, taken if the complaint involved a violation of law or of a contract provision.
  - (b) A copy of the response will be forwarded to the health and safety committee.
  - (c) Copies of all correspondence will be kept in a permanent project file.
  - (d) These records will be made available to the public upon request.
7. The Board will take actions to immediately remedy serious conditions affecting health and safety in school buildings, and will report the actions to the Commissioner.
8. All construction and maintenance activities will comply with the Uniform Safety Standards for School Construction and Maintenance Projects.

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

Adopted: 9/17/08  
Revised: 11/17/15; 1/17/17; 2/13/24

**SUBJECT: HAZARDOUS WASTE AND HANDLING OF TOXIC SUBSTANCES BY  
EMPLOYEES**

The Board of Education recognizes the need to protect human health and the environment from damage resulting from the improper handling of hazardous wastes.

The management of hazardous waste from its point of generation to the ultimate disposal is regulated through specific Federal and State laws.

The Board directs the Superintendent to adopt rules to ensure District implementation of applicable Federal and State laws pertaining to the identification, transportation, treatment, storage, and disposal of hazardous wastes.

Environmental Protection Agency  
40 CFR Parts 261 and 262  
6 NYCRR Part 371

Adopted: 9/17/08

**SUBJECT: GENDER NEUTRAL SINGLE-OCCUPANCY BATHROOMS**

The District is committed to creating and maintaining an inclusive educational and work-environment. The District will ensure that all single-occupancy bathroom facilities are designated as gender neutral for use by no more than one occupant at a time or for family or assisted use.

"Single-occupancy bathroom" means a bathroom intended for use by no more than one occupant at a time or for family or assisted use and which has a door for entry into and egress from the bathroom that may be locked by the occupant to ensure privacy and security.

All gender neutral bathroom facilities will be clearly designated by the posting of signage either on or near the entry door of each facility.

Education Law Section 409-m  
Public Buildings Law Section 145

NOTE: Refer also to Policy #7552 -- Student Gender Identity

Adopted: 3/19/24

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

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

Smoking and vaping are prohibited within 100 feet of the entrances, exits, or outdoor areas of any of the District's schools. However, this prohibition does not apply to smoking or vaping in a residence, or within the real property boundary lines of residential real property.

Exceptions may exist for authorized medical cannabis use.

**Definitions**

For purposes of this policy, the following definitions apply:

- a) "Electronic cigarette" (or "e-cigarette") means an electronic device delivering vapor inhaled by an individual user, and includes any refill, cartridge, and any other component of such a device.
- b) "School function" means a school-sponsored or school-authorized extracurricular event or activity regardless of where the event or activity takes place, including any event or activity that may take place virtually or in another state.
- c) "School grounds" means any building, structure, and surrounding outdoor grounds, including entrances or exits, contained within the District's preschool, nursery school, elementary, or secondary school's legally defined property boundaries as registered in the County Clerk's Office, as well as any vehicles used to transport children or school personnel.
- d) "Smoking" means the burning of a lighted cigar, cigarette, pipe, or any other matter or substance containing tobacco, cannabis, or cannabinoid hemp.
- e) "Tobacco products" means cigarettes or cigars, bidis, chewing tobacco, powdered tobacco, nicotine water, or any other tobacco products.
- f) "Vaping" means the use of an electronic cigarette.

**Notification**

The District will prominently post signs prohibiting smoking and vaping on school grounds in accordance with applicable law. Appropriate District officials will inform individuals smoking or vaping in a non-smoking area that they are in violation of law and/or District policy.

(Continued)



**SUBJECT: SMOKING, TOBACCO, AND CANNABIS (MARIJUANA) USE (Cont'd.)**

The District will communicate this policy to staff, students, parents/guardians, volunteers, visitors, contractors, and outside groups through means such as the District's *Code of Conduct*, student handbooks, newsletters, announcements, facilities use forms/agreements, and/or the prominent display of this policy in appropriate locations.

**Prohibition of Tobacco Promotional Items/Tobacco Advertising**

Tobacco promotional items (e.g., brand names, logos, and other identifiers) are prohibited:

- a) On school grounds;
- b) In any vehicles used to transport students or school personnel;
- c) At school functions;
- d) In school publications;
- e) On clothing, shoes, accessories, gear, and school supplies in accordance with the District's *Code of Conduct* and applicable collective bargaining agreements.

This prohibition of tobacco promotional items will be enforced in accordance with the District's *Code of Conduct* and applicable collective bargaining agreements.

The District will request, whenever possible, tobacco free editions of periodical publications for school libraries and classroom use.

20 USC Sections 6081-6084 and 7971-7974  
41 USC Section 8101 et seq.  
Education Law Section 409  
Penal Law Section 222.10  
Public Health Law Sections 1399-n, 1399-o, 1399-p, and 1399-aa  
8 NYCRR Sections 155.5 and 156.3

NOTE: Refer also to Policies #3250 -- Use of School Facilities, Materials, and Equipment  
#6150 -- Alcohol, Tobacco, Drugs, and Other Substances (Staff)  
#7320 -- Alcohol, Tobacco, Drugs, and Other Substances (Students)  
#8240 -- Instruction in Certain Subjects  
District *Code of Conduct*

Adopted: 9/17/08  
Revised: 3/19/13; 11/28/18; 2/13/24

**SUBJECT: ENERGY/WATER CONSERVATION AND RECYCLING OF SOLID WASTE****Energy/Water Conservation**

The Board of Education recognizes the importance of energy and water conservation and is committed to the analysis, development, and initiation of conservation measures throughout the District for the purpose of reducing energy consumption, particularly in these times of declining levels of natural energy resources and increasing cost of these resources. The Board will maintain an aggressive and responsible program to reduce consumption of energy by its facilities and to provide education on the conservation of energy.

The District will comply with the Property Maintenance Code of New York State, part of the New York State Uniform Fire Prevention and Building Code, which requires that indoor occupiable work spaces be maintained at a minimum temperature of 65 degrees from September 14 to May 31 during the period the spaces are occupied. There are exceptions for areas of vigorous physical activities such as gymnasiums as well as processing spaces such as coolers or freezers. However, by law, code or regulation there is no maximum temperature specified. Ventilation requirements only require fresh air, not cool air-conditioning.

**Recycling**

The Superintendent will develop a program for the source separation and segregation of recyclable or reusable materials in the District. This District-wide recycling plan shall include:

- a) A conservation education program to teach students about their social responsibility for preserving our resources, and involvement of all students and personnel in a comprehensive effort to reduce, reuse and recycle waste materials;
- b) A concerted effort to purchase recycled items and biodegradable rather than non-biodegradable products;
- c) Separation of waste into appropriate categories for the purpose of recycling, including mercury-added consumer products; and
- d) A cooperative effort with community recycling programs.

Environmental Conservation Law §§ 27-2101-27-2115  
General Municipal Law § 120-aa  
19 NYCRR §§ 1220-1226

Adopted: 9/17/08

**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 through social media, newsletters, and an annual family wellness event.
  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.
- c) Additional provisions
1. Parents and teachers will be provided with a list of healthy party ideas, including non-food celebration ideas.
  2. Parents will be provided with a list of classroom snacks and beverages that meet Smart Snacks nutrition standards.
  3. School personnel are strongly discouraged from using food as a reward or withholding food as punishment under any circumstance; teachers and other appropriate school staff will be provided with a list of alternative ways to reward students.
  4. District staff will be encouraged to model healthy eating, drinking, and physical activity behaviors for students.

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.

(Continued)

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

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;
  - (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.

(Continued)

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

- 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.

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.
  - 2. The District will ensure that food service directors, managers, and staff are provided with annual professional development in the areas of food and nutrition consistent with USDA Professional Standards for State and Local Nutrition Programs. District food service staff will meet with students in grades 4 through 12 twice annually to solicit feedback on the school breakfast and/or school lunch program(s).

- 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.

(Continued)

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

## 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.

## 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.

## e) Community Partnerships

The District will continue relationships with community partners in support of the implementation of this policy. Existing and new community partnerships will be evaluated to ensure they are consistent with this policy and its goals.

## f) Community Involvement, Outreach, and Communications

The District will use its official website, along with other electronic and non-electronic means, to notify parents and the public, in culturally and linguistically appropriate ways, about the content, implementation of, and updates to this policy as well as how to become involved and support this policy. The District will use these same means to inform the community about the availability of the annual and triennial reports relative to this policy.

(Continued)



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

## g) Before and After School Activities

The District will offer opportunities for students to participate in physical activity before and/or after the school day through various methods, such as physical activity clubs, intramurals, and interscholastic sports.

## h) Active Transport

The District supports active transport to and from school, i.e. walking or biking. The District will encourage this behavior by securing storage facilities for bicycles and equipment and instructing students on walking and bicycling safety.

**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.

Healthy snacks and beverages must meet the following Nutritional Standards:

- a) Fat - no more than 35% of calories;
- b) Trans Fat - 0 grams;
- c) Saturated Fat - no more than 10% of calories;
- d) Sodium - snack items must contain no more than 200 mg. Entree items must contain no more than 480mg;
- e) Sugar - no more than 35% of weight per item as packages or served;
- f) Calories - snack items must contain no more than 200 calories. Entree items must contain no more than 350 calories.

Standards for Beverages:

- a) All schools within the District may sell:
  - 1. Plain water (with or without carbonation);

(Continued)

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

2. Unflavored low fat milk;
  3. Unflavored or flavored non-fat milk or milk alternatives permitted by the National School Lunch Program and/or the School Breakfast Program;
  4. 100% fruit or vegetable juice; and
  5. 100% fruit or vegetable juice diluted with water (with or without carbonation), and no added sweeteners.
- b) Elementary schools may sell up to 8-ounce portions, while middle schools and high schools may sell up to 12-ounce portions of milk and juice. There is no portion size limit for plain water.
- c) The following may also be sold to the District's high school students:
1. No more than 20-ounce portions of calorie-free flavored water (with or without carbonation).
  2. No more than 20-ounce portions of other flavored and/or carbonated beverages labeled to contain less than 5 calories per 8 fluid ounces or less than 10 calories per 20 fluid ounces.
  3. No more than 12-ounce portions of beverages labeled to contain no more than 40 calories per 8 fluid ounces or 60 calories per 12 fluid ounces.
- d) Energy drinks or beverages with high-fructose corn syrup or caffeine - with the exception of beverages containing trace amounts of naturally occurring caffeine - will not be sold to elementary or middle school-aged students.

**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>.

(Continued)

**SUBJECT: WELLNESS (Cont'd.)**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) School-sponsored fundraisers conducted outside of the school day will be encouraged to support the goals of this policy by promoting the sale of healthy food items (fresh fruit and produce) and/or non-food items, such as water bottles, plants, etc., and by promoting events involving physical activity.
- c) 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.

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).

Foods and Beverages Sold or Served at Events Outside of the School Day

- a) All foods and beverages sold or served at school-sponsored events will be in serving sizes which are in accordance with recommended dietary guidelines and/or nutrition standards.
- b) At events where food and beverages are sold, 50% of items sold must meet the USDA Healthy, Hunger-Free Kids Act "Smart Snacks in Schools" Standards.

**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.

(Continued)

**SUBJECT: WELLNESS (Cont'd.)****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 individuals as District Wellness Coordinators to ensure that the District meets the goals and mandates of this policy: cook manager, teachers of physical education, teacher of vocational food service, school nurses, representatives of the School Board, school administrators, students, parents and interested members of the public.
- b) These designated Wellness Coordinators will also serve as liaisons 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 the Cook Manager, who can be contacted at (716) 358-6866.
- 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.

(Continued)

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

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

Adopted: 9/17/08

Revised: 5/25/16; 11/8/17

**SUBJECT: HEALTHY CELEBRATIONS****Policy Statement**

Randolph Academy sets this policy to support healthy lifestyle and well-being for students by promoting non-food rewards, encouraging physical activity and social rewards and by setting limits on the nutritional value of snacks.

**Rationale**

Healthy Celebrations sets guidelines for the types of foods and beverages parents and other caregivers can send to school for consumption during recess or snack time and at class parties or other special school events and celebrations. Healthy Celebrations may also include extra recess for a celebration where the honoree may choose his or her favorite activity.

**Definitions**

Celebrations: For the purposes of this policy, celebrations are anything extraordinary that does not usually happen on a day to day basis. Celebrations may occur as a result of a class fundraiser, holiday, good grades, community service, etc. Some examples of Healthy Celebrations are:

- a) Serving healthy food and/or beverages at a celebration;
- b) Providing extra time for recess for the celebration;
- c) Letting the honored Boy/Girl choose a game or activity to play.

Unhealthy: For the purposes of this policy, unhealthy is any item containing empty calories or an excess in calories and fat content that provides no nutritional value to the child (e.g., pastries, cookies, candy, chewing gum). Accumulating points for a party (e.g., pizza, cake, ice cream, etc.) should be considered unhealthy.

**Policy**

Healthy Celebration policies help parents and other caregivers identify healthful snack foods for children. While most parents have good intentions when it comes to choosing snack foods for their children's school celebrations, many do not realize that many items that sound healthy really only provide empty calories and few essential nutrients.

(Continued)

**SUBJECT: HEALTHY CELEBRATIONS (Cont'd.)**

There are many benefits of healthy celebration policies, including helping children gain a greater understanding of healthful eating habits, exposing children to a variety of healthful foods they may otherwise not eat, and improving children's as well as staff members' diets by including more nutrient-rich foods. Healthy Celebrations may also help increase the time spent being physically active, thus having fun and feeling special while exercising.

What Types of Foods and Beverages Can Be Counted for "Healthy Celebrations"?

Healthy snacks and beverages must meet the following Nutritional Standards:

Snacks (per serving):

- a) Fat - no more than 35% of calories;
- b) Trans Fat - 0 grams (i.e. not more than 0.5 grams) per portion as packaged or served;
- c) Saturated Fat - no more than 10% of calories;
- d) Sodium - snack items must contain no more than 200 mg. Entrée items must contain no more than 480 mg.
- e) Sugar - no more than 35% of weight per item as packaged or served;
- f) Calories - no more than 200 calories. Entrée items must contain no more than 350 calories.

Standards for Beverages:

- a) All schools within the District may sell:
  1. Plain water (with or without carbonation);
  2. Unflavored low fat milk;
  3. Unflavored or flavored non-fat milk and milk alternatives permitted by the National School Lunch Program and/or the School Breakfast Program;
  4. 100% fruit or vegetable juice; and
  5. 100% fruit or vegetable juice diluted with water (with or without carbonation), and no added sweeteners.
- b) Elementary schools may sell up to 8-ounce portions, while middle schools and high schools may sell up to 12-ounce portions of milk and juice. There is no portion size limit for plain water.

(Continued)

**SUBJECT: HEALTHY CELEBRATIONS (Cont'd.)**

- c) The following may also be sold to the District's high school students:
1. No more than 20-ounce portions of calorie-free flavored water (with or without carbonation).
  2. No more than 20-ounce portions of other flavored and/or carbonated beverages labeled to contain less than 5 calories per 8 fluid ounces or less than 10 calories per 20 fluid ounces.
  3. No more than 12-ounce portions of beverages labeled to contain no more than 40 calories per 8 fluid ounces or 60 calories per 12 fluid ounces.
- d) Energy drinks and beverages with high-fructose corn syrup or caffeine—with the exception of beverages containing trace amounts of naturally occurring caffeine—will not be sold to elementary or middle school-aged students.

**Additional Information**"It's Just a Little Treat": The Harm in Using Food to Reward Children

Schools should not only teach children how to make healthy choices and to eat to fulfill nutritional needs, but also should provide an environment that fosters healthy eating. Providing food based on performance or behavior connects food to mood. This practice can encourage children to eat treats even when they are not hungry and can instill lifetime habits of rewarding or comforting themselves with food behaviors associated with unhealthy eating or obesity. Awarding children food during class also reinforces eating outside of meal or snack times. Since few studies have been conducted on the effect of using food rewards on children's long-term eating habits, the best policy is not to use food to reward children for good behavior or academic performance. At minimum, children should not be rewarded using foods of poor nutritional quality. (Note: classroom parties are covered by this policy.)

The Value of Rewarding Children (with Non-Food Rewards)

As teachers know, classroom rewards can be an effective way to encourage positive behavior. Children, like everyone, alter their actions based on short term anticipated consequences. When trying to foster a new behavior, it is important to reward a child consistently each time he or she does the desired behavior. Once the behavior has become an established habit, rewards can be given every now and then to encourage the child to maintain the preferred behavior. The ultimate goal of rewarding children is to help them internalize positive behaviors so that they will not need a reward. Eventually, self-motivation will be sufficient to induce them to perform the desired behavior, and outside reinforcement will no longer be necessary.

(Continued)



**SUBJECT: HEALTHY CELEBRATIONS (Cont'd.)****Physical Activity and Food Should Not Be Linked to Punishment**

Punishing children by taking away recess or physical education classes reduces their already-scarce opportunities for physical activity. Another counter-productive punishment is forcing children to do physical activity such as running laps or pushups. Children often learn to dislike things that are used as punishments. Thus, penalizing children with physical activity might lead them to avoid activities that are important for maintaining wellness and a healthy body weight. In addition, food should not be withheld as a means of punishing children. The U.S. Department of Agriculture prohibits withholding meals as a punishment for any child enrolled in a school participating in the school meal programs.

**Procedures**

The Superintendent, principal, teachers, and food service providers should collaborate to make sure all teachers are following policy. These simple changes can cause a big change in the end when it comes to dealing with the obesity and inactivity epidemic going on in America today.

Teachers, faculty, staff, parents, community and outside businesses can work together to make this change an easy but important one. Kids can compete for appropriate celebrations among classmates, classrooms as a whole, or even the entire grade.

In addition to the change in food choices or extra games or recess, explanation and education of benefits should also be provided with all participating individuals including, but not limited to students, faculty, staff, parents and guardians.

**Social Rewards**

"Social rewards" which involve attention, praise, or thanks are often more highly valued by children than a toy or food. Simple gestures like pats on the shoulder, verbal praise (including in front of others), nods, or smiles can mean a lot. These types of social rewards affirm a child's worth as a person.

**Rewards for a Class**

- a) Extra recess;
- b) Eating lunch outdoors;
- c) Going to the lunchroom first;
- d) Reading outdoors;
- e) Holding class outdoors;
- f) Extra art, music, PE, or reading time;
- g) Listening to music while working;

(Continued)

**SUBJECT: HEALTHY CELEBRATIONS (Cont'd.)**

- h) Dancing to music;
- i) Playing a game or doing a puzzle together;
- j) "Free choice" time at the end of the day;
- k) A song, dance or performance by the teacher or students;
- l) A book read aloud to the class by the teacher;
- m) A field trip.

**Recognition for Special Accomplishment**

- a) Trophy, plaque, ribbon, or certificate in recognition of achievement or a sticker with an affirming message (e.g., "Great job");
- b) Recognizing a child's achievement on the School-wide morning announcements and/or the School's website;
- c) A photo recognition board in a prominent location in the School;
- d) A phone call, email or letter sent home to parents or guardians commending a child's accomplishment;
- e) A note from the teacher to the student commending his or her achievement.

**Privileges for Special Accomplishment**

- a) Going first;
- b) Choosing a class activity;
- c) Helping the teacher;
- d) Having an extra few minutes of recess with a friend;
- e) Sitting by friends or in a special seat next to or at the teacher's desk;
- f) "No homework" pass;
- g) Teaching the class;
- h) Playing an educational computer or other game;
- i) Reading to a younger class;
- j) Making deliveries to the office;
- k) Reading the School-wide morning announcements;
- l) Helping in another classroom;
- m) Eating lunch with a teacher or principal;
- n) Listening with a headset to a book on tape or CD;
- o) Going to the library to select a book to read;
- p) Working at the School store;
- q) Taking a walk with the principal or teacher;

(Continued)

**SUBJECT: HEALTHY CELEBRATIONS (Cont'd.)**

- r) Designing a class or hall bulletin board;
- s) Writing or drawing on the blackboard/whiteboard;
- t) Taking care of the class animal for a day;
- u) Choosing an extra recess activity for the class on his or her birthday.

**School Supplies for Special Accomplishment**

- a) Pencils: colored, with logos or other decorations;
- b) Pens;
- c) Eraser;
- d) Notepads/notebooks;
- e) Boxes of crayons;
- f) Stencils;
- g) Stamps;
- h) Plastic scissors;
- i) Bookmarks;
- j) Highlighters;
- k) Chalk (e.g., sidewalk chalk);
- l) Markers;
- m) Coloring books;
- n) Rulers;
- o) Glitter;
- p) Pencil sharpeners, grips or boxes;
- q) Gift certificate to the School store.

**Sports Equipment and Athletic Gear Special Accomplishment**

- a) Paddleballs;
- b) Frisbees;
- c) Water bottles;
- d) NERF balls;
- e) Hula hoop;
- f) Head and wrist sweat bands;
- g) Jump rope.

**Toys/trinkets Special Accomplishment**

- a) Stickers;
- b) Yo-yos;
- c) Rubber balls;
- d) Finger puppets;
- e) Stuffed animals;

(Continued)

**SUBJECT: HEALTHY CELEBRATIONS (Cont'd.)**

- f) Plastic or rubber figurines;
- g) Toy cars, trucks, helicopters, or airplanes;
- h) Plastic sliding puzzles or other puzzle games;
- i) Slinkies;
- j) Gliders;
- k) Magnifying glasses;
- l) Spinning tops;
- m) Marbles;
- n) Jacks;
- o) Playing cards;
- p) Stretchy animals;
- q) Silly putty;
- r) Bubble fluid with wand;
- s) Balloons;
- t) Capsules that become sponges/figures when placed in water;
- u) Inflatable toys (balls, animals);
- v) Small dolls or action figures.

**Fashion Wear Special Accomplishment**

- a) Temporary tattoos;
- b) Hair accessories (barrettes, elastics or ribbons);
- c) Bracelets, rings, necklaces;
- d) Sunglasses;
- e) Eyeglasses with nose disguise;
- f) Hat or cap;
- g) T-shirt;
- h) Sneaker bumper stickers;
- i) Shoe laces.

**Miscellaneous**

- a) Key chains;
- b) Flashlights;
- c) Cups;
- d) Magnets;
- e) Crazy straws;
- f) Backscratchers;
- g) A plant, or seeds and pot for growing a plant;
- h) Books.

(Continued)

**SUBJECT: HEALTHY CELEBRATIONS (Cont'd.)****Bigger Prizes**

At times, groups or individual children may earn ratings based upon the norms of the school that accumulate toward a bigger prize. Possible prizes include those listed above and:

- a) Gift certificate to a bookstore or sporting goods store;
- b) Movie pass or rental gift certificate;
- c) Ticket to sporting event;
- d) Puzzle;
- e) Book;
- f) Stuffed animal;
- g) Magazine subscription;
- h) Board game;
- i) Step counter (pedometer);
- j) Sports equipment, such as tennis racket, baseball glove, soccer ball, or basketball;
- k) Children can be given fake money, tokens, stars, or a chart can be used to keep track of the points they have earned. Points can be exchanged for privileges or prizes when enough are accumulated;
- l) A point system also may be used for an entire class to earn a reward;
- m) Whenever individual children have done well, points can be added to the entire class's "account." When the class has earned a target number of points, they then receive a group reward.

**SUBJECT: HEALTHY PRIZES****Policy Statement**

Healthy prizes consist of a variety of choices as a prize or way of positive reinforcement that excludes choices that are unhealthy and provide no nutritional supplement for children. Healthy prizes may consist of stickers, pencils, erasers, extra minutes of recess, etc. This policy excludes rewards such as hard candy, pizza parties, chocolate, and sweets.

**Rationale**

The purpose of this policy is to provide children with positive reinforcement that is beneficial to the child's health while rewarding him or her for doing something good.

**Definitions**

Prize: For the purposes of this policy, a prize is anything in addition to a grade that is given to a student or to the class for something positive that has been achieved.

Unhealthy: For the purposes of this policy, unhealthy is any item containing empty calories, or an excess in calories and fat content that provides no nutritional value to the child (e.g., pastries, cookies, candy, chewing gum). Accumulating points for a party (e.g., pizza, cake, ice cream, etc.) should be considered unhealthy.

Healthy: For purposes of this policy, healthy is an item that is either beneficial to the child's well-being or has no negative effect on the child's well-being. An item beneficial to the child's well-being consists of, but is not limited to, vegetables, fruits, low fat or fat free milk, minutes adding up for more time at recess, or a game day. An item having no negative effect on the child's well-being consists of, but is not limited to, pencils, pens, erasers, paper, crayons, markers, etc.

**Policy**

The Healthy Prize policy aims to reduce the unhealthy items used as positive reinforcement for a behavior or a grade. Rewarding children in the classroom need not involve candy and other foods that can undermine children's diets and health and reinforce unhealthful eating habits. A wide variety of alternative rewards can be used to provide positive reinforcement for children's behavior and academic performance.

**"It's Just a Little Treat": The Harm in Using Food to Reward Children**

Schools should not only teach children how to make healthy choices and to eat to fulfill nutritional needs, but also should provide an environment that fosters healthy eating. Providing food based on performance or behavior connects food to mood. This practice can encourage children to eat treats even when they are not hungry and can instill lifetime habits of rewarding or comforting themselves with

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**SUBJECT: HEALTHY PRIZES (Cont'd.)**

food behaviors associated with unhealthy eating or obesity. Awarding children food during class also reinforces eating outside of meal or snack times. Since few studies have been conducted on the effect of using food rewards on children's long-term eating habits, the best policy is not to use food to reward children for good behavior or academic performance. At minimum, children should not be rewarded using foods of poor nutritional quality. (Note: classroom parties are covered by this policy.)

The Value of Rewarding Children (with Non-Food Rewards)

As teachers know, classroom rewards can be an effective way to encourage positive behavior. Children, like everyone, alter their actions based on short term anticipated consequences. When trying to foster a new behavior, it is important to reward a child consistently each time he/she does the desired behavior. Once the behavior has become an established habit, rewards can be given every now and then to encourage the child to maintain the preferred behavior. The ultimate goal of rewarding children is to help them internalize positive behaviors so that they will not need a reward. Eventually, self-motivation will be sufficient to induce them to perform the desired behavior, and outside reinforcement will no longer be necessary.

Physical Activity and Food Should Not be Linked to Punishment

Punishing children by taking away recess or physical education classes reduces their already-scarce opportunities for physical activity. Another counter-productive punishment is forcing children to do physical activity such as running laps or pushups. Children often learn to dislike things that are used as punishments. Thus, penalizing children with physical activity might lead them to avoid activities that are important for maintaining wellness and a healthy body weight. In addition, food should not be withheld as a means of punishing children. The U.S. Department of Agriculture prohibits withholding meals as a punishment for any child enrolled in a school participating in the school meal programs.

**Procedures**

The Superintendent, principal, teachers, and food service providers should collaborate to make sure all teachers are following policy. These simple changes can cause a big change in the end when it comes to dealing with the obesity and inactivity epidemic going on in America today.

Teachers, faculty, staff, parents, community and outside businesses can work together to make this change an easy but important one. Kids can compete for prizes among classmates, classrooms as a whole, or even the entire grade.

In addition to the change in prize choices, explanation and education of benefits should also be provided with all participating individuals including, but not limited to students, faculty, staff, parents and guardians.

(Continued)

**SUBJECT: HEALTHY PRIZES (Cont'd.)**

**Agreement Statement**

I have read the above statement and understand the responsibilities expected of me for this policy change. I agree to participate fully and have all classroom rewards that are beneficial to the students.

\_\_\_\_\_  
Director

Participating Teachers and/or Staff:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Any other key participants:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_



**SUBJECT: HEALTHY PRIZES (Cont'd.)****Social Rewards**

"Social rewards" which involve attention, praise, or thanks are often more highly valued by children than a toy or food. Simple gestures like pats on the shoulder, verbal praise (including in front of others), nods, or smiles can mean a lot. These types of social rewards affirm a child's worth as a person.

**Recognition**

- a) Trophy, plaque, ribbon, or certificate in recognition of achievement or a sticker with an affirming message (e.g., "Great job");
- b) Recognizing a child's achievement on the School-wide morning announcements and/or the School's website;
- c) A photo recognition board in a prominent location in the School;
- d) A phone call, email or letter sent home to parents or guardians commending a child's accomplishment;
- e) A note from the teacher to the student commending his/her achievement.

**Privileges**

- a) Going first;
- b) Choosing a class activity;
- c) Helping the teacher;
- d) Having an extra few minutes of recess with a friend;
- e) Sitting by friends or in a special seat next to or at the teacher's desk;
- f) "No homework" pass;
- g) Teaching the class;
- h) Playing an educational computer or other game;
- i) Reading to a younger class;
- j) Making deliveries to the office;
- k) Reading the School-wide morning announcements;
- l) Helping in another classroom;
- m) Eating lunch with a teacher or principal;
- n) Listening with a headset to a book on tape or CD;
- o) Going to the library to select a book to read;
- p) Working at the School store;
- q) Taking a walk with the principal or teacher;
- r) Designing a class or hall bulletin board;

(Continued)

**SUBJECT: HEALTHY PRIZES (Cont'd.)**

- s) Writing or drawing on the blackboard/whiteboard;
- t) Taking care of the class animal for a day;
- u) Allowing a child to choose an extra recess activity for the class on his/her birthday.

**Rewards for a class**

- a) Extra recess;
- b) Eating lunch outdoors;
- c) Going to the lunchroom first;
- d) Reading outdoors;
- e) Holding class outdoors;
- f) Extra art, music, PE, or reading time;
- g) Listening to music while working;
- h) Dancing to music;
- i) Playing a game or doing a puzzle together;
- j) "Free choice" time at the end of the day;
- k) A song, dance, or performance by the teacher or students;
- l) A book read aloud to the class by the teacher;
- m) A field trip.

**School supplies**

- a) Pencils: colored, with logos or other decorations;
- b) Pens;
- c) Erasers;
- d) Notepads/notebooks;
- e) Boxes of crayons;
- f) Stencils;
- g) Stamps;
- h) Plastic scissors;
- i) Bookmarks;
- j) Highlighters;
- k) Chalk (e.g., sidewalk chalk);
- l) Markers;
- m) Coloring books;
- n) Rulers;
- o) Glitter;
- p) Pencil sharpeners, grips or boxes;
- q) Gift certificate to the school store.

(Continued)

**SUBJECT: HEALTHY PRIZES (Cont'd.)****Sports equipment and athletic gear**

- a) Paddleballs;
- b) Frisbees;
- c) Water bottles;
- d) NERF balls;
- e) Hula hoop;
- f) Head and wrist sweat bands;
- g) Jump rope.

**Toys/trinkets**

- a) Stickers;
- b) Yo-yos;
- c) Rubber balls;
- d) Finger puppets;
- e) Stuffed animals;
- f) Plastic or rubber figurines;
- g) Toy cars, trucks, helicopters, or airplanes;
- h) Plastic sliding puzzles or other puzzle games;
- i) Slinkies;
- j) Gliders;
- k) Magnifying glasses;
- l) Spinning tops;
- m) Marbles;
- n) Jacks;
- o) Playing cards;
- p) Stretchy animals;
- q) Silly putty;
- r) Bubble fluid with wand;
- s) Balloons;
- t) Capsules that become sponges/figures when placed in water;
- u) Inflatable toys (balls, animals);
- v) Small dolls or action figures.

**Fashion wear**

- a) Temporary tattoos;
- b) Hair accessories (barrettes, elastics or ribbons);
- c) Bracelets, rings, necklaces;
- d) Sunglasses;
- e) Eyeglasses with nose disguise;

(Continued)

**SUBJECT: HEALTHY PRIZES (Cont'd.)**

- f) Hat or cap;
- g) T-shirt;
- h) Sneaker bumper stickers;
- i) Shoe laces.

**Miscellaneous**

- a) Key chains;
- b) Flashlights;
- c) Cups;
- d) Magnets;
- e) Crazy straws;
- f) Backscratchers;
- g) A plant, or seeds and pot for growing a plant;
- h) Books.

**A token or point system**, whereby children earn points that accumulate toward a bigger prize. Possible prizes include those listed above and:

- a) Gift certificate to a bookstore or sporting goods store;
- b) Movie pass or rental gift certificate;
- c) Ticket to sporting event;
- d) Puzzle;
- e) Book;
- f) Stuffed animal;
- g) Magazine subscription;
- h) Board game;
- i) Step counter (pedometer);
- j) Sports equipment, such as tennis racket, baseball glove, soccer ball, or basketball;
- k) Children can be given fake money, tokens, stars, or a chart can be used to keep track of the points they have earned. Points can be exchanged for privileges or prizes when enough are accumulated;

(Continued)

**SUBJECT: HEALTHY PRIZES (Cont'd.)**

- l) A point system also may be used for an entire class to earn a reward;
- m) Whenever individual children have done well, points can be added to the entire class's "account." When the class has earned a target number of points, they then receive a group reward.

**SUBJECT: RECORDS MANAGEMENT**

The Superintendent will designate a Records Management Officer, subject to Board approval, to develop and coordinate the District's orderly and efficient records management program. Among other aspects, this program includes the legal disposition or destruction of obsolete records and the storage and management of inactive records. The Records Management Officer will work with other District officials to develop and maintain this program.

The District may create a Records Advisory Board to assist in establishing and supporting the records management program. Members of this board may include the District's legal counsel, the fiscal officer, and the Superintendent or designee, among others.

**Retention and Disposition of Records**

The District will retain records and dispose of them in accordance with the Retention and Disposition Schedule for New York Local Government Records (LGS-1) or as otherwise approved by the Commissioner of Education. Further, if any law specifically provides a retention period longer than that established by this schedule, the retention period established by the law will govern.

**Replacing Original Records with Microforms or Electronic Images**

The District will follow procedures prescribed by the Commissioner of Education to ensure accessibility for the life of any microform or electronic records that replace paper originals or micrographic copies.

**Retention and Preservation of Electronic Records**

The District will ensure that records retention requirements are incorporated into any program, plan, or process for design, redesign, or substantial enhancement of an information system that stores electronic records. The District will also ensure that electronic records are not rendered unusable because of changing technology before their retention and preservation requirements expire.

Arts and Cultural Affairs Law Article 57-a  
8 NYCRR Part 185

Adopted: 9/17/08  
Revised: 11/17/15; 2/13/24

**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;
  5. Taking other appropriate measures to determine the competency and integrity of the potential disposal company; or
  6. Requiring that the disposal company have a certificate of registration from the New York Department of State issued on or after October 1, 2008.
- d) For persons (as defined in accordance with the Fair Credit Reporting Act) or entities who maintain or otherwise possess consumer information through their provision of services directly to a person subject to the Disposal Rule, monitoring compliance with policies and procedures that protect against unauthorized or unintentional disposal of consumer information, and disposing of such information in accordance with examples a) and b) above.

(Continued)



**SUBJECT: DISPOSAL OF CONSUMER REPORT INFORMATION AND RECORDS  
(Cont'd.)**

**Implementation of Practices and Procedures**

The Board delegates to the Superintendent/designee(s) the authority and responsibility to review current practices regarding the disposal of consumer information; and to implement such further reasonable and appropriate procedures, including staff training as necessary, to ensure compliance with the FTC's Disposal Rule.

The Fair Credit Reporting Act 15 USC § 1681 et seq.

The Fair and Accurate Credit Transactions Act of 2003, Public Law 108-159

Federal Trade Commission Disposal of Consumer Report Information and Records, 16 CFR Part 682

General Business Law Article 39-G

Adopted: 9/17/08

**SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION**

The District values the protection of private information of individuals in accordance with applicable law and regulations. The District is required to notify affected individuals when there has been or is reasonably believed to have been a compromise of the individual's private information in compliance with the Information Security Breach and Notification Act and Board policy.

- a) "Personal information" means any information concerning a person which, because of name, number, symbol, mark, or other identifier, can be used to identify that person.
- b) "Private information" means either:
  1. Personal information consisting of any information in combination with any one or more of the following data elements, when either the data element or the combination of personal information plus the data element is not encrypted or encrypted with an encryption key that has also been accessed or acquired:
    - (a) Social security number;
    - (b) Driver's license number or non-driver identification card number;
    - (c) Account number, credit or debit card number, in combination with any required security code, access code, password, or other information which would permit access to an individual's financial account;
    - (d) Account number, or credit or debit card number, if circumstances exist where the number could be used to access an individual's financial account without additional identifying information, security code, access code, or password; or
    - (e) Biometric information, meaning data generated by electronic measurements of an individual's unique physical characteristics, such as fingerprint, voice print, retina or iris image, or other unique physical representation or digital representation which are used to authenticate or ascertain the individual's identity;
  2. A username or email address in combination with a password or security question and answer that would permit access to an online account.

Private information does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records.

(Continued)

**SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION (Cont'd.)**

- c) "Breach of the security of the system" means unauthorized acquisition or acquisition without valid authorization of computerized data which compromises the security, confidentiality, or integrity of personal information maintained by the District. Good faith acquisition of personal information by an employee or agent of the District for the purposes of the District is not a breach of the security of the system, provided that private information is not used or subject to unauthorized disclosure.

**Determining if a Breach Has Occurred**

In determining whether information has been acquired, or is reasonably believed to have been acquired, by an unauthorized person or person without valid authorization, the District may consider the following factors, among others:

- a) Indications that the information is in the physical possession or control of an unauthorized person, such as a lost or stolen computer or other device containing information;
- b) Indications that the information has been downloaded or copied;
- c) Indications that the information was used by an unauthorized person, such as fraudulent accounts opened or instances of identity theft reported; or
- d) System failures.

**Notification Requirements**

- a) For any computerized data owned or licensed by the District that includes private information, the District will disclose any breach of the security of the system following discovery or notification of the breach to any New York State resident whose private information was, or is reasonably believed to have been, accessed or acquired by a person without valid authorization. The disclosure to affected individuals will be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement, or any measures necessary to determine the scope of the breach and restore the integrity of the data system. The District will consult with the New York State Office of Information Technology Services to determine the scope of the breach and restoration measures. Within 90 days of the notice of the breach, the New York State Office of Information Technology Services will deliver a report to the District on the scope of the breach and recommendations to restore and improve the security of the system.

(Continued)

**SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION (Cont'd.)**

- b) Notice to affected persons under State Technology Law is not required if the exposure of private information was an inadvertent disclosure by persons authorized to access private information, and the District reasonably determines the exposure will not likely result in the misuse of the information, or financial or emotional harm to the affected persons. This determination must be documented in writing and maintained for at least five years. If the incident affected over 500 New York State residents, the District will provide the written determination to the New York State Attorney General within ten days after the determination.
- c) If notice of the breach of the security of the system is made to affected persons pursuant to the breach notification requirements under certain laws and regulations, the District is not required to provide additional notice to those affected persons under State Technology Law. However, the District will still provide notice to the New York State Attorney General, the New York State Department of State, the New York State Office of Information Technology Services, and to consumer reporting agencies.
- d) For any computerized data maintained by the District that includes private information which the District does not own, the District will notify the owner or licensee of the information of any breach of the security of the system immediately following discovery, if the private information was, or is reasonably believed to have been, accessed or acquired by a person without valid authorization.

The notification requirement may be delayed if a law enforcement agency determines that the notification impedes a criminal investigation. The required notification will be made after the law enforcement agency determines that the notification does not compromise the investigation.

If the District is required to provide notification of a breach, including breach of information that is not private information, to the United States Secretary of Health and Human Services pursuant to the Health Insurance Portability and Accountability Act of 1996 or the Health Information Technology for Economic and Clinical Health Act, it will provide notification to the New York State Attorney General within five business days of notifying the United States Secretary of Health and Human Services.

**Methods of Notification**

The required notice will be directly provided to the affected persons by one of the following methods:

- a) Written notice;
- b) Electronic notice, provided that the person to whom notice is required has expressly consented to receiving the notice in electronic form and a log of each notification is kept by the District when notifying affected persons in electronic form. However, in no case will the District require a person to consent to accepting the notice in electronic form as a condition of establishing any business relationship or engaging in any transaction;

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**SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION (Cont'd.)**

- c) Telephone notification, provided that a log of each notification is kept by the District when notifying affected persons by phone; or
- d) Substitute notice, if the District demonstrates to the New York State Attorney General that the cost of providing notice would exceed \$250,000, or that the affected class of subject persons to be notified exceeds 500,000, or that the District does not have sufficient contact information. Substitute notice will consist of all of the following:
  - 1. Email notice when the District has an email address for the subject persons;
  - 2. Conspicuous posting of the notice on the District's website page, if the District maintains one; and
  - 3. Notification to major statewide media.

Regardless of the method by which notice is provided, the notice will include:

- a) Contact information for the notifying District;
- b) The telephone numbers and websites of the relevant state and federal agencies that provide information regarding security breach response and identity theft prevention and protection information; and
- c) A description of the categories of information that were, or are reasonably believed to have been, accessed or acquired by a person without valid authorization, including specification of which of the elements of personal information and private information were, or are reasonably believed to have been, accessed or acquired.

In the event that any New York State residents are to be notified, the District will notify the New York State Attorney General, New York State Department of State, and New York State Office of Information Technology Services as to the timing, content, and distribution of the notices and approximate number of affected persons and provide a copy of the template of the notice sent to affected persons. This notice will be made without delaying notice to affected New York State residents.

In the event that more than 5,000 New York State residents are to be notified at one time, the District will also notify consumer reporting agencies as to the timing, content, and distribution of the notices and approximate number of affected persons. This notice will be made without delaying notice to affected New York State residents.

A list of consumer reporting agencies will be compiled by the New York State Attorney General and furnished upon request to any district required to make a notification in accordance with State Technology Law.

State Technology Law Sections 202 and 208

Adopted: 9/17/08

Revised: 2/13/24

**SUBJECT: EMPLOYEE PERSONAL IDENTIFYING INFORMATION**

In accordance with Section 203-d of the New York State Labor Law, the District shall restrict the use and access to employee personal identifying information. As enumerated in law, "personal identifying information" shall include social security number, home address or telephone number, personal electronic mail address, Internet identification name or password, parent's surname prior to marriage, or driver's license number.

The District shall not unless otherwise required by law:

- a) Publicly post or display an employee's social security number;
- b) Visibly print a social security number on any identification badge or card, including any time card;
- c) Place a social security number in files with unrestricted access; or
- d) Communicate an employee's personal identifying information to the general public.

A social security number shall not be used as an identification number for purposes of 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 § 203-d

Adopted: 11/17/15

**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/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;

(Continued)

**SUBJECT: DATA NETWORKS AND SECURITY ACCESS (Cont'd.)**

- h) Determine how, and to whom, remote access should be granted, obtain written agreements with remote access users to establish the District's needs and expectations, as appropriate, and monitor and control 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 has designated a District employee to serve as the District's Data Protection Officer. The Data Protection Officer for the District is:  
Brain Fleischmann, Information Systems Administrator

The Data Protection Officer is responsible for the implementation and oversight of this policy and any related procedures including those required by Education Law Section 2-d and its implementing regulations, as well as serving as the main point of contact for data privacy and security for the District.

The District will ensure that the Data Protection Officer has the appropriate knowledge, training, and experience to administer these functions. The Data Protection Officer may perform these functions in addition to other job responsibilities. Additionally, some aspects of this role may be outsourced to a provider such as a BOCES, to the extent available.

(Continued)

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)****District Data Privacy and Security Standards**

The District will use the National Institute for Standards and Technology Framework for Improving Critical Infrastructure Cybersecurity (Version 1.1) (Framework) as the standard for its data privacy and security program. The Framework is a risk-based approach to managing cybersecurity risk and is composed of three parts: the Framework Core, the Framework Implementation Tiers, and the Framework Profiles. The Framework provides a common taxonomy and mechanism for organizations to:

- a) Describe their current cybersecurity posture;
- b) Describe their target state for cybersecurity;
- c) Identify and prioritize opportunities for improvement within the context of a continuous and repeatable process;
- d) Assess progress toward the target state; and
- e) Communicate among internal and external stakeholders about cybersecurity risk.

The District will protect the privacy of PII by:

- a) Ensuring that every use and disclosure of PII by the District benefits students and the District by considering, among other criteria, whether the use and/or disclosure will:
  1. Improve academic achievement;
  2. Empower parents and students with information; and/or
  3. Advance efficient and effective school operations.
- b) Not including PII in public reports or other public documents.

The District affords all protections under FERPA and the Individuals with Disabilities Education Act and their implementing regulations to parents or eligible students, where applicable.

(Continued)

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND  
PRINCIPAL DATA (Cont'd.)****Third-Party Contractors**District Responsibilities

The District will ensure that whenever it enters into a contract or other written agreement with a third-party contractor under which the third-party contractor will receive student data or teacher or principal data from the District, the contract or written agreement will include provisions requiring that confidentiality of shared student data or teacher or principal data be maintained in accordance with law, regulation, and District policy.

In addition, the District will ensure that the contract or written agreement includes the third-party contractor's data privacy and security plan that has been accepted by the District.

The third-party contractor's data privacy and security plan must, at a minimum:

- a) Outline how the third-party contractor will implement all state, federal, and local data privacy and security contract requirements over the life of the contract, consistent with District policy;
- b) Specify the administrative, operational, and technical safeguards and practices the third-party contractor has in place to protect PII that it will receive under the contract;
- c) Demonstrate that the third-party contractor complies with the requirements of 8 NYCRR Section 121.3(c);
- d) Specify how officers or employees of the third-party contractor and its assignees who have access to student data or teacher or principal data receive or will receive training on the laws governing confidentiality of this data prior to receiving access;
- e) Specify if the third-party contractor will utilize subcontractors and how it will manage those relationships and contracts to ensure PII is protected;
- f) Specify how the third-party contractor will manage data privacy and security incidents that implicate PII including specifying any plans to identify breaches and unauthorized disclosures, and to promptly notify the District;
- g) Describe whether, how, and when data will be returned to the District, transitioned to a successor contractor, at the District's option and direction, deleted or destroyed by the third-party contractor when the contract is terminated or expires; and
- h) Include a signed copy of the Parents' Bill of Rights for Data Privacy and Security.

(Continued)

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND  
PRINCIPAL DATA (Cont'd.)**Third-Party Contractor Responsibilities

Each third-party contractor, that enters into a contract or other written agreement with the District under which the third-party contractor will receive student data or teacher or principal data from the District, is required to:

- a) Adopt technologies, safeguards, and practices that align with the NIST Cybersecurity Framework;
- b) Comply with District policy and Education Law Section 2-d and its implementing regulations;
- c) Limit internal access to PII to only those employees or subcontractors that have legitimate educational interests (i.e., they need access to provide the contracted services);
- d) Not use the PII for any purpose not explicitly authorized in its contract;
- e) Not disclose any PII to any other party without the prior written consent of the parent or eligible student:
  1. Except for authorized representatives of the third-party contractor such as a subcontractor or assignee to the extent they are carrying out the contract and in compliance with law, regulation, and its contract with the District; or
  2. Unless required by law or court order and the third-party contractor provides a notice of the disclosure to NYSED, the Board, or the institution that provided the information no later than the time the information is disclosed, unless providing notice of the disclosure is expressly prohibited by law or court order;
- f) Maintain reasonable administrative, technical, and physical safeguards to protect the security, confidentiality, and integrity of PII in its custody;
- g) Use encryption to protect PII in its custody while in motion or at rest; and
- h) Not sell PII nor use or disclose it for any marketing or commercial purpose or facilitate its use or disclosure by any other party for any marketing or commercial purpose or permit another party to do so.

Where a third-party contractor engages a subcontractor to perform its contractual obligations, the data protection obligations imposed on the third-party contractor by law and contract apply to the subcontractor.

(Continued)

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND  
PRINCIPAL DATA (Cont'd.)**Cooperative Educational Services through a BOCES

The District may not be required to enter into a separate contract or data sharing and confidentiality agreement with a third-party contractor that will receive student data or teacher or principal data from the District under all circumstances.

For example, the District may not need its own contract or agreement where:

- a) It has entered into a cooperative educational service agreement (CoSer) with a BOCES that includes use of a third-party contractor's product or service; and
- b) That BOCES has entered into a contract or data sharing and confidentiality agreement with the third-party contractor, pursuant to Education Law Section 2-d and its implementing regulations, that is applicable to the District's use of the product or service under that CoSer.

To meet its obligations whenever student data or teacher or principal data from the District is received by a third-party contractor pursuant to a CoSer, the District will consult with the BOCES to, among other things:

- a) Ensure there is a contract or data sharing and confidentiality agreement pursuant to Education Law Section 2-d and its implementing regulations in place that would specifically govern the District's use of a third-party contractor's product or service under a particular CoSer;
- b) Determine procedures for including supplemental information about any applicable contracts or data sharing and confidentiality agreements that a BOCES has entered into with a third-party contractor in its Parents' Bill of Rights for Data Privacy and Security;
- c) Ensure appropriate notification is provided to affected parents, eligible students, teachers, and/or principals about any breach or unauthorized release of PII that a third-party contractor has received from the District pursuant to a BOCES contract; and
- d) Coordinate reporting to the Chief Privacy Officer to avoid duplication in the event the District receives information directly from a third-party contractor about a breach or unauthorized release of PII that the third-party contractor received from the District pursuant to a BOCES contract.

Click-Wrap Agreements

Periodically, District staff may wish to use software, applications, or other technologies in which the user must "click" a button or box to agree to certain online terms of service prior to using the software, application, or other technology. These are known as "click-wrap agreements" and are considered legally binding "contracts or other written agreements" under Education Law Section 2-d and its implementing regulations.

(Continued)



**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)**

District staff are prohibited from using software, applications, or other technologies pursuant to a click-wrap agreement in which the third-party contractor receives student data or teacher or principal data from the District unless they have received prior approval from the District's Data Protection Officer or designee.

The District will develop and implement procedures requiring prior review and approval for staff use of any software, applications, or other technologies pursuant to click-wrap agreements.

**Parents' Bill of Rights for Data Privacy and Security**

The District will publish its Parents' Bill of Rights for Data Privacy and Security (Bill of Rights) on its website. Additionally, the District will include the Bill of Rights with every contract or other written agreement it enters into with a third-party contractor under which the third-party contractor will receive student data or teacher or principal data from the District.

The Bill of Rights will contain all required elements including supplemental information for each contract the District enters into with a third-party contractor where the third-party contractor receives student data or teacher or principal data from the District. The supplemental information must be developed by the District and include the following information:

- a) The exclusive purposes for which the student data or teacher or principal data will be used by the third-party contractor, as defined in the contract;
- b) How the third-party contractor will ensure that the subcontractors, or other authorized persons or entities to whom the third-party contractor will disclose the student data or teacher or principal data, if any, will abide by all applicable data protection and security requirements, including but not limited to those outlined in applicable laws and regulations (e.g., FERPA; Education Law Section 2-d);
- c) The duration of the contract, including the contract's expiration date, and a description of what will happen to the student data or teacher or principal data upon expiration of the contract or other written agreement (e.g., whether, when, and in what format it will be returned to the District, and/or whether, when, and how the data will be destroyed);
- d) If and how a parent, student, eligible student, teacher, or principal may challenge the accuracy of the student data or teacher or principal data that is collected;
- e) Where the student data or teacher or principal data will be stored, described in a manner as to protect data security, and the security protections taken to ensure the data will be protected and data privacy and security risks mitigated; and

(Continued)

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)**

- f) Address how the data will be protected using encryption while in motion and at rest.

The District will publish on its website the supplement to the Bill of Rights (i.e., the supplemental information described above) for any contract or other written agreement it has entered into with a third-party contractor that will receive PII from the District. The Bill of Rights and supplemental information may be redacted to the extent necessary to safeguard the privacy and/or security of the District's data and/or technology infrastructure.

**Right of Parents and Eligible Students to Inspect and Review Students' Education Records**

Consistent with the obligations of the District under FERPA, parents and eligible students have the right to inspect and review a student's education record by making a request directly to the District in a manner prescribed by the District.

The District will ensure that only authorized individuals are able to inspect and review student data. To that end, the District will take steps to verify the identity of parents or eligible students who submit requests to inspect and review an education record and verify the individual's authority to do so.

Requests by a parent or eligible student for access to a student's education records must be directed to the District and not to a third-party contractor. The District may require that requests to inspect and review education records be made in writing.

The District will notify parents annually of their right to request to inspect and review their child's education record including any student data stored or maintained by the District through its annual FERPA notice. A notice separate from the District's annual FERPA notice is not required.

The District will comply with a request for access to records within a reasonable period, but not more than 45 calendar days after receipt of a request.

The District may provide the records to a parent or eligible student electronically, if the parent consents. The District must transmit the PII in a way that complies with laws and regulations. Safeguards associated with industry standards and best practices, including but not limited to encryption and password protection, must be in place when education records requested by a parent or eligible student are electronically transmitted.

(Continued)

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)****Complaints of Breach or Unauthorized Release of Student Data and/or Teacher or Principal Data**

The District will inform parents, through its Parents' Bill of Rights for Data Privacy and Security, that they have the right to submit complaints about possible breaches of student data to the Chief Privacy Officer at NYSED. In addition, the District has established the following procedures for parents, eligible students, teachers, principals, and other District staff to file complaints with the District about breaches or unauthorized releases of student data and/or teacher or principal data:

- a) All complaints must be submitted to the District's Data Protection Officer in writing.
- b) Upon receipt of a complaint, the District will promptly acknowledge receipt of the complaint, commence an investigation, and take the necessary precautions to protect PII.
- c) Following the investigation of a submitted complaint, the District will provide the individual who filed the complaint with its findings. This will be completed within a reasonable period of time, but no more than 60 calendar days from the receipt of the complaint by the District.
- d) If the District requires additional time, or where the response may compromise security or impede a law enforcement investigation, the District will provide the individual who filed the complaint with a written explanation that includes the approximate date when the District anticipates that it will respond to the complaint.

These procedures will be disseminated to parents, eligible students, teachers, principals, and other District staff.

The District will maintain a record of all complaints of breaches or unauthorized releases of student data and their disposition in accordance with applicable data retention policies.

**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.

(Continued)

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)**

In the event of notification from a third-party contractor, the District will in turn notify the Chief Privacy Officer of the breach or unauthorized release of student data or teacher or principal data no more than ten calendar days after it receives the third-party contractor's notification using a form or format prescribed by NYSED.

**Investigation of Reports of Breach or Unauthorized Release by the Chief Privacy Officer**

The Chief Privacy Officer is required to investigate reports of breaches or unauthorized releases of student data or teacher or principal data by third-party contractors. As part of an investigation, the Chief Privacy Officer may require that the parties submit documentation, provide testimony, and may visit, examine, and/or inspect the third-party contractor's facilities and records.

Upon the belief that a breach or unauthorized release constitutes criminal conduct, the Chief Privacy Officer is required to report the breach and unauthorized release to law enforcement in the most expedient way possible and without unreasonable delay.

Third-party contractors are required to cooperate with the District and law enforcement to protect the integrity of investigations into the breach or unauthorized release of PII.

Upon conclusion of an investigation, if the Chief Privacy Officer determines that a third-party contractor has through its actions or omissions caused student data or teacher or principal data to be breached or released to any person or entity not authorized by law to receive this data in violation of applicable laws and regulations, District policy, and/or any binding contractual obligations, the Chief Privacy Officer is required to notify the third-party contractor of the finding and give the third-party contractor no more than 30 days to submit a written response.

If after reviewing the third-party contractor's written response, the Chief Privacy Officer determines the incident to be a violation of Education Law Section 2-d, the Chief Privacy Officer will be authorized to:

- a) Order the third-party contractor be precluded from accessing PII from the affected educational agency for a fixed period of up to five years;
- b) Order that a third-party contractor or assignee who knowingly or recklessly allowed for the breach or unauthorized release of student data or teacher or principal data be precluded from accessing student data or teacher or principal data from any educational agency in the state for a fixed period of up to five years;

(Continued)

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)**

- 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 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;

(Continued)

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)**

- 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 Section 2-d  
8 NYCRR Part 121

Adopted: 2/9/21

**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(s) will be designed to prevent or minimize the effects of violent incidents, declared state disaster emergency involving a communicable disease or local public health emergency declaration and other emergencies and to facilitate the coordination of schools and the District with local and county resources in the event of these incidents or emergencies. These plans will be reviewed and updated by the appropriate team on at least an annual basis and adopted by the Board by September 1 of each school year.

The Board will make the District-wide school safety plan available for public comment at least 30 days prior to its adoption. The District-wide school safety plan may only be adopted by the Board after at least one public hearing that provides for the participation of school personnel, parents, students, and any other interested parties. The District-wide school safety plan and any amendments must be submitted to the Commissioner, in a manner prescribed by the Commissioner, within 30 days of adoption, but no later than October 1 of each school year.

Building-level emergency response plan(s) and any amendments must be submitted to the appropriate local law enforcement agency and the state police within 30 days of adoption, but no later than October 1 of each school year. Building-level emergency response plan(s) will be kept confidential and are not subject to disclosure under the Freedom of Information Law (FOIL) or any other provision of law.

**District-Wide School Safety Plan**

District-wide school safety plan means a comprehensive, multi-hazard school safety plan that covers all school buildings of the District, addresses crisis intervention, emergency response and management, and the provision of remote instruction during an emergency school closure, at the District level, and has the contents as prescribed in Education Law and Commissioner's regulations.

The District-wide school safety plan will be developed by the District-wide school safety team appointed by the Board. The District-wide school safety team will include, but not be limited to, representatives of the Board, teacher, administrator, and parent organizations, school safety personnel, and other school personnel. The District-wide school safety team will consider, as part of their review of the comprehensive District-wide school safety plan, the installation of a panic alarm system.

The District-wide school safety plan will include, but not be limited to:

- a) Policies and procedures for responding to implied or direct threats of violence by students, teachers, other school personnel, and visitors to the school, including threats by students against themselves, which includes suicide;

(Continued)

**SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)**

- b) Policies and procedures for responding to acts of violence by students, teachers, other school personnel, and visitors to the school, including consideration of zero-tolerance policies for school violence;
- c) Appropriate prevention and intervention strategies, such as:
  - 1. Collaborative arrangements with state and local law enforcement officials, designed to ensure that school safety officers and other security personnel are adequately trained, including being trained to de-escalate potentially violent situations, and are effectively and fairly recruited;
  - 2. Nonviolent conflict resolution training programs;
  - 3. Peer mediation programs and youth courts; and
  - 4. Extended day and other school safety programs;
- d) Policies and procedures for contacting appropriate law enforcement officials in the event of a violent incident;
- e) A description of the arrangements for obtaining assistance during emergencies from emergency services organizations and local governmental agencies;
- f) Procedures for obtaining advice and assistance from local government officials, including the county or city officials responsible for implementation of Executive Law Article 2-B, State and Local Natural and Man-Made Disaster Preparedness;
- g) The identification of District resources which may be available for use during an emergency;
- h) A description of procedures to coordinate the use of District resources and manpower during emergencies, including identification of the officials authorized to make decisions and of the staff members assigned to provide assistance during emergencies;
- i) Policies and procedures for contacting parents, guardians, or persons in parental relation to District students in the event of a violent incident or an early dismissal or emergency school closure;
- j) Policies and procedures for contacting parents, guardians, or persons in parental relation to an individual District student in the event of an implied or direct threat of violence by the student against themselves, which includes suicide;

(Continued)



**SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)**

- k) Policies and procedures relating to school building security, including, where appropriate: the use of school safety officers, school security officers, and/or school resource officers; and security devices or procedures;
- l) Policies and procedures for the dissemination of informative materials regarding the early detection of potentially violent behaviors, including, but not limited to, the identification of family, community, and environmental factors to teachers, administrators, school personnel, parents and other persons in parental relation to students of the District or Board, students, and other persons deemed appropriate to receive the information;
- m) Policies and procedures for annual multi-hazard school safety training for staff and students, provided that the District must certify to the Commissioner that all staff have undergone annual training by September 15 on the building-level emergency response plan which must include components on violence prevention and mental health, provided further that new employees hired after the start of the school year will receive training within 30 days of hire or as part of the District's existing new hire training program, whichever is sooner;
- n) Procedures for the review and conduct of drills and other exercises to test components of the emergency response plan, including the use of tabletop exercises, in coordination with local and county emergency responders and preparedness officials;
- o) The identification of appropriate responses to emergencies, including protocols for responding to bomb threats, hostage-takings, intrusions, and kidnappings;
- p) Strategies for improving communication among students and between students and staff and reporting of potentially violent incidents, such as the establishment of youth-run programs, peer mediation, conflict resolution, creating a forum or designating a mentor for students concerned with bullying or violence, and establishing anonymous reporting mechanisms for school violence;
- q) A description of the duties of hall monitors and any other school safety personnel, the training required of all personnel acting in a school security capacity, and the hiring and screening process for all personnel acting in a school security capacity;
- r) A system for informing all educational agencies within the District of a disaster or emergency school closure;
- s) The designation of the Superintendent or designee, as the District Chief Emergency Officer whose duties will include, but not be limited to:
  - 1. Coordinating the communication between school staff, law enforcement, and other first responders;

(Continued)

**SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)**

2. Leading the efforts of the District-wide school safety team in the completion and yearly update of the District-wide school safety plan and the coordination of the District-wide school safety plan with the building-level emergency response plan(s);
  3. Ensuring staff understanding of the District-wide school safety plan;
  4. Ensuring the completion and yearly update of building-level emergency response plans for each school building;
  5. Assisting in the selection of security related technology and development of procedures for the use of the technology;
  6. Coordinating appropriate safety, security, and emergency training for District and school staff, including required training in the emergency response plan;
  7. Ensuring the conduct of required evacuation and lock-down drills in all District buildings as required by law; and
  8. Ensuring the completion and yearly update of building-level emergency response plan(s) by the dates designated by the Commissioner;
- t) Protocols for responding to a declared state disaster emergency involving a communicable disease that are substantially consistent with the provisions in Labor Law Section 27-c; and
- u) An emergency remote instruction plan.

**Building-Level Emergency Response Plan**

Building-level emergency response plan means a building-specific school emergency response plan that addresses crisis intervention, emergency response and management at the building level and has the contents as prescribed in Education Law and Commissioner's regulations. As part of this plan, the District will define the chain of command in a manner consistent with the National Incident Management System (NIMS)/Incident Command System (ICS).

Building-level emergency response plan(s) will be developed by the building-level emergency response 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 emergency response team will include, but not be limited to, representatives of teacher, administrator, and parent organizations, school safety personnel and other school personnel, community members, local law enforcement officials, local ambulance, fire officials, or other emergency response agencies, and any other representatives the Board deems appropriate.

(Continued)

**SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)**

Classroom door vision panels may be covered in compliance with Fire Code.

Education Law Section 2801-a  
Labor Law Section 27-c  
8 NYCRR Section 155.17

Adopted: 9/17/08  
Revised: 12/6/16; 2/13/24

**SUBJECT: CARDIAC AUTOMATED EXTERNAL DEFIBRILLATORS (AEDs) IN  
PUBLIC SCHOOL FACILITIES**

The School District shall provide and maintain on-site in each instructional school facility functional cardiac automated external defibrillator (AED) equipment as defined in Public Health Law Section 3000-b for use during emergencies. Each such facility shall have sufficient automated external defibrillator equipment available to ensure ready and appropriate access for use during emergencies in quantities and types as deemed by the Commissioner of Education, in consultation with the Commissioner of Health. Determination of the quantity and placement of AEDs must be made with consideration of at least the factors enumerated in Commissioner's regulations. An instructional school facility means a building or other facility maintained by the School District where instruction is provided to students pursuant to its curriculum.

Whenever an instructional School District facility is used for a school-sponsored or school-approved curricular or extracurricular event or activity and whenever a school-sponsored athletic contest is held at any location, the public school officials and administrators responsible for such school facility or athletic contest shall ensure that AED equipment is provided on-site and that there is present during such event, activity or contest at least one staff person who is trained in accordance with Public Health Law in the operation and use of an AED. School-sponsored or school-approved curricular or extracurricular events or activities mean events or activities of the School District that are, respectively, associated with its instructional curriculum or otherwise offered to its students. A school-sponsored athletic contest means an extraclass intramural athletic activity of instruction, practice and competition for students in grades 4 through 12 consistent with Commissioner's regulations Section 135.4.

Where a school-sponsored competitive athletic event is held at a site other than a School District facility, School District officials shall assure that AED equipment is provided on-site by the sponsoring or host district and that at least one staff person who is trained, in accordance with Public Health Law, in the operation and use of the AED is present during such athletic event. A school-sponsored competitive athletic event means an extraclass interscholastic athletic activity of instruction, practice and competition for students in grades 7 through 12 consistent with Commissioner's regulations Section 135.4.

School District facilities and District staff responsible for carrying out the duties enumerated in Education Law Section 917 are deemed a "public access defibrillation provider" as defined pursuant to Public Health Law Section 3000-b and subject to the Public Health Law requirements and limitations.

Therefore, it is the policy of our School District to provide proper training requirements for District AED users, to ensure the immediate calling of 911 and/or the community equivalent ambulance dispatch entity whenever the AED is used, to ensure ready identification of the location of the AED units as enumerated in the District's Public Access Defibrillation Collaborative Agreement.

(Continued)

**SUBJECT: CARDIAC AUTOMATED EXTERNAL DEFIBRILLATORS (AEDs) IN  
PUBLIC SCHOOL FACILITIES (Cont'd.)**

The District will provide for regular maintenance and checkout procedures of the AED unit(s) which meet or exceed manufacturer's recommendations. Appropriate documentation will be maintained in accordance with law and/or regulation. Further, the District will participate in the required Quality Improvement Program as determined by the Regional Emergency Medical Services Council.

The District shall post a sign or notice at the main entrance to the facility or building in which the AED unit(s) is stored, indicating the exact location where the unit(s) is stored or maintained on a regular basis.

Pursuant to Public Health Law Sections 3000-a and 3000-b, the School District (as a public access defibrillation provider), or any employee or other agent of the School District who, in accordance with the provisions of law, voluntarily and without expectation of monetary compensation renders emergency medical or first aid treatment using an AED to a person who is unconscious, ill or injured, shall not be liable for damages for injury or death unless caused by gross negligence.

Specifics regarding collaborative agreements, the locations of AED units, training, and emergency response procedures can be found in the District's Regulation.

Education Law § 917  
Public Health Law §§ 3000-a and 3000-b  
8 NYCRR §§ 135.4 and 136.4

Adopted: 9/17/08

**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 Threats****School Bomb Threats**

A bomb threat, even if later determined to be a hoax, is a criminal act. No bomb threat should be treated as a hoax when it is first received. Upon receiving any bomb threat, the school has an obligation and responsibility to ensure the safety and protection of the students and other occupants of the school. This obligation takes precedence over a search for a suspect object. Prudent action is dependent upon known information about the bomb threat-location, if any; time of detonation; etc. Specific procedures as to appropriate responses as a result of a bomb threat can be located in the building-level emergency response plan, as required by relevant law and regulation.

(Continued)

**SUBJECT: FIRE AND EMERGENCY DRILLS, BOMB THREATS, AND BUS  
EMERGENCY DRILLS (Cont'd.)**Police Notification and Investigation

Appropriate law enforcement agencies must be notified by the building administrator or designee of any bomb threat as soon as possible after receiving the threat. Law enforcement officials will contact, as the situation requires, fire and/or county emergency coordinators according to the county emergency plan.

Implementation

The Superintendent or designee will develop written procedures to implement the terms of this policy. Additionally, these procedures will be incorporated in the District-wide school safety plan and the building-level emergency response plan, with provisions to provide written information to all staff and students regarding emergency procedures by October 1 of each school year, an annual drill to test the emergency response procedures under each of its building-level emergency response plans; and the annual review of the District-wide and building-level emergency response plans, along with updates as necessary, by September 1, as mandated by law or regulation.

**Bus Emergency Drills**

Students will also be provided drills on school buses, or as an alternative, will be provided classroom instruction covering the content of these drills.

Each drill will include practice and instruction in the location, use, and operation of the emergency exits, fire extinguishers, first-aid equipment, and windows as a means of escape in the event of fire or accident. Similarly, students will be instructed on all topics mandated by relevant sections of the Education Law and Commissioner's regulations, including, but not limited to, the following:

- a) Safe boarding and exiting procedures with specific emphasis on when and how to approach, board, disembark, and move away from the bus after disembarking;
- b) Advancing at least 15 feet in front of the bus before crossing the highway after disembarking;
- c) Specific hazards encountered during snow, ice, rain, and other inclement weather, including, but not necessarily limited to, poor driver visibility, reduced vehicular control, and reduced hearing; and
- d) Orderly conduct as bus passengers.

The administration of the drills will be in accordance with the New York State Education Department's Bus Safety Drill Guide and Compliance Form.

(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, the District will ensure that all students who are transported on any school bus owned, leased, or contracted for by the District will receive instruction on the use of seat safety belts. This instruction will be provided at least three times each year to both public and nonpublic school students who are so transported and will include, but not be limited to:

- a) Proper fastening and release of seat safety belts;
- b) Acceptable adjustment and placement of seat safety belts on students;
- c) Times at which the seat safety belts should be fastened and released; and
- d) Acceptable placement of the seat safety belts when not in use.

Education Law Sections 807, 2801-a, 3623, and 3635-a  
Penal Law Article 240  
8 NYCRR Sections 100.2(c), 155.17, and 156.3

NOTE: Refer also to Policy #5681 -- School Safety Plans

Adopted: 9/17/08  
Revised: 10/7/15; 4/18/17; 2/13/24



**SUBJECT: USE OF SURVEILLANCE CAMERAS IN THE DISTRICT AND ON SCHOOL BUSES**

It is the Board's responsibility to ensure the safety of the District's students, staff, facilities, and property. While the Board recognizes the importance of privacy, it has authorized the use of surveillance cameras on District property including in school buildings, school facilities, as well as on school buses, when necessary. These surveillance cameras will help to assist the Board in maintaining the overall safety and welfare of the District's students, staff, property, and visitors, as well as to deter theft, violence, and other criminal activities.

Further, surveillance cameras will only be placed in public or common areas, such as stairwells, hallways, cafeterias, parking lots, or playgrounds, and not in private areas such as locker rooms, bathrooms, or other areas in which individuals have a reasonable expectation of privacy. Audio recordings will not be utilized by the District officials, however, this prohibition may not preclude the use of audio recordings by law enforcement officials in accordance with their official duties or as otherwise authorized by law.

**Disciplinary Proceedings**

Video recordings or footage from District surveillance cameras may be used in student or employee disciplinary proceedings, as appropriate.

**Signage/Notification**

The District will place signage at entrances to the school campus or at major entrances into school buildings notifying students, staff, as well as any visitors of the District's use of surveillance cameras. Students and staff will also receive additional notification, as deemed appropriate by the Superintendent, regarding the use of its surveillance cameras through means such as publication in the District calendar, employee handbook, and/or the student handbook.

**Maintenance of Video Recordings**

Any video surveillance recording in the schools, on school buses, or on school property, on tape, CD, or digitally, will be the sole property of the District and stored in a secure location to avoid tampering and also to ensure its confidentiality in accordance with relevant law and regulations.

In addition, to the extent that any video images create student or personnel records, the District will comply with all applicable state and federal laws related to record retention, record maintenance, and record disclosure, including the Family Educational Rights and Privacy Act ("FERPA").

(Continued)

**SUBJECT: USE OF SURVEILLANCE CAMERAS IN THE DISTRICT AND ON SCHOOL BUSES (Cont'd.)****Viewing Video Recordings & Live Camera Footage**

Any request to review security camera footage must be made in writing to the Superintendent or designee, and will be granted only to the extent permitted by law. Under no circumstances will a District security camera recording be duplicated and/or removed from the District's premises except by operation of duly authorized legal process or parental consent pursuant to the FERPA.

**SUBJECT: EXPOSURE CONTROL PROGRAM**

The District shall establish an exposure control program designed to prevent and control exposure to blood borne pathogens. According to the New York State Department of Labor's Division of Safety and Health and Occupational Safety and Health Administration (OSHA) standards, the program shall consist of:

- a) Guidelines for maintaining a safe, healthy school environment to be followed by staff and students alike.
- b) Written standard operating procedures for blood/body fluid clean-up.
- c) Appropriate staff education/training.
- d) Evaluation of training objectives.
- e) Documentation of training and any incident of exposure to blood/body fluids.
- f) A program of medical management to prevent or reduce the risk of pathogens, specifically hepatitis B and HIV.
- g) Written procedures for the disposal of medical waste.
- h) Provision of protective materials and equipment for all employees who perform job-related tasks involving exposure or potential exposure to blood, body fluids or tissues.

29 CFR 1910.1030

Adopted: 9/17/08

**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 § 906  
8 NYCRR §§ 136.3(h) and 136.3(i)

Adopted: 9/17/08

**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

**SUBJECT: HUMAN IMMUNODEFICIENCY VIRUS (HIV) RELATED ILLNESSES:  
EMPLOYEES****Confidentiality**Definitions (Public Health Law, Section 2780)

- 1) "Confidential HIV related information" means any information, obtained from individuals who provide health or social services or through a written authorization for disclosure of this information, concerning whether an individual has been the subject of an HIV related test, or has HIV infection, HIV related illness, or AIDS, or information which identifies or reasonably could identify an individual as having one or more of these conditions.
- 2) "Capacity to consent" means an individual's ability, determined without regard to the individual's age, to understand and appreciate the nature and consequences of a proposed health care service treatment or procedure, and to make an informed decision concerning the service, treatment, or procedure.
- 3) "Release of confidential HIV related information" means a written authorization for disclosure of confidential HIV related information which is signed by an individual who is the subject of an HIV related test or who has been diagnosed as having HIV infection, AIDS, or an HIV related illness or a person authorized by law to consent to health care for that individual. Disclosure must be on a form approved by the New York State Department of Health (DOH).

Release of Information

In accordance with New York State law, school officials and employees are required to keep HIV-related information confidential. The information cannot be disclosed to any person except under the following circumstances:

- 1) The protected individual or a person with the capacity to consent has completed and signed the DOH "HIPAA Compliant Authorization for Release of Medical Information and Confidential HIV Related Information" form;
- 2) A court order has been issued; or
- 3) The person to whom the information has been furnished is authorized under the state law to receive the information without a release form (e.g., physicians providing care to the individual, agencies monitoring care, insurance companies for reimbursement purposes).

**Employment**

No disciplinary action or other adverse personnel action will be taken against an employee solely because he or she has AIDS or HIV infection. The District will make reasonable accommodations to enable the employee to perform employment duties as may be required by federal or state law.

(Continued)

Non-Instructional/Business  
Operations

**SUBJECT: HUMAN IMMUNODEFICIENCY VIRUS (HIV) RELATED ILLNESSES:  
EMPLOYEES (Cont'd.)**

**Testing**

No HIV-related testing of any employee will be conducted without the receipt of a written "informed consent" document signed by the subject of the test, if he or she has the capacity to consent or a person authorized in accordance with law to consent to health care for the individual.

**NOTE:** For New York State Department of Health HIPAA Compliant Authorization for Release of Medical Information and Confidential HIV Related Information" form, see the official DOH website.

**SUBJECT: HUMAN IMMUNODEFICIENCY VIRUS (HIV) RELATED ILLNESSES:  
STUDENTS****Admission and Enrollment**

Every effort will be made not to exclude Human Immunodeficiency Virus (HIV) infected students, or place those students in a restricted environment. On occasion, where the unique circumstances of the student's condition, apart from the mere existence of HIV infection or AIDS virus, warrant programmatic modifications for the benefit of the student, a referral will be made to the Committee on Special Education (CSE) for evaluation and recommendation. The CSE will then determine whether the student should be classified as a student with a disability.

**Confidentiality**Definitions (Public Health Law, Section 2780)

- 1) "Confidential HIV related information" means any information, obtained from individuals who provide health or social services or through a written authorization for disclosure of this information, concerning whether an individual has been the subject of an HIV related test, or has HIV infection, HIV related illness, or AIDS, or information which identifies or reasonably could identify an individual as having one or more of these conditions.
- 2) "Capacity to consent" means an individual's ability, determined without regard to the individual's age, to understand and appreciate the nature and consequences of a proposed health care service treatment or procedure, and to make an informed decision concerning the service, treatment, or procedure.
- 3) "Release of confidential HIV related information" means a written authorization for disclosure of confidential HIV related information which is signed by a student who has been determined as having the capacity to consent who is the subject of an HIV related test or who has been diagnosed as having HIV infection, AIDS or an HIV related illness or a person authorized by law to consent to health care for that individual. Disclosure must be on a form approved by the New York State Department of Health (DOH).

Release of Information

In accordance with New York State Law, except for certain people, school officials and employees must maintain strict confidentiality of HIV related information concerning a student in the District and that information may not be disclosed to anyone unless the protected student, or the parent or guardian, if student lacks capacity to consent, completes and signs a written authorization form from the DOH. The form must be dated and specify to whom disclosure is authorized, the purpose for the disclosure, and the time period during which the release is effective.

(Continued)



**SUBJECT: HUMAN IMMUNODEFICIENCY VIRUS (HIV) RELATED ILLNESSES:  
STUDENTS (Cont'd.)**

**Testing**

No HIV related testing will be performed by the District.

**Penalties**

Any school official or employee who discloses confidential HIV related information to unauthorized persons may be subject to criminal or civil penalties.

**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 §§ 3602(7) and 3635 et seq.

Adopted: 9/17/08

2008

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 §§ 3620-3628, 3635 and 3636

Adopted: 9/17/08

**SUBJECT: TRANSPORTATION OF STUDENTS**Student Information

Any mode of transportation used on a regular basis to transport students with a disability on a regularly scheduled route will, 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:

- a) Student's name;
- b) Nature of the student's disability;
- c) Name of the student's parent, guardian or person in parental relation and one or more telephone numbers where such person can be reached in an emergency; and/or
- d) Name and telephone number of any other person designated by the parent, guardian or person in parental relation who can be contacted in an emergency.

This information will be used solely for the purpose of contacting the student's parent, guardian, person in parental relation, or designee in the event of an emergency involving the student, will be kept in a manner which retains the privacy of the student, and will not be accessible to any person other than the driver or a teacher acting in a supervisory capacity. In the event that the driver or teacher is incapacitated, this information may be accessed by any emergency service provider.

This information will be updated as needed, but at least once each school year and will be destroyed if parental consent is revoked, the student no longer attends the school, or the disability no longer exists.

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 will be equipped with an engine fire suppression 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 and used to transport these students will be equipped with an engine fire suppression system.

School buses will also be equipped with at least one hand fire extinguisher in the event of an emergency.

(Continued)

**SUBJECT: TRANSPORTATION OF STUDENTS (Cont'd.)****Transportation to School-Sponsored Events**

Where the District has provided transportation to students enrolled in the District to a school-sponsored field trip, extracurricular activity or any other similar event, it will also provide transportation back to either the point of departure or to the appropriate school in the District unless a student's parent or legal guardian has provided the District with written notice, consistent with District policy, authorizing an alternative form of return transportation for the student. In cases where intervening circumstances make transportation of a student back to the point of departure or to the appropriate school in the District impractical, and the parent has not authorized alternative return transportation, a representative of the School District will remain with the student until the student's parent or legal guardian has been contacted and informed of the intervening circumstances and the student has been delivered to his or her parent.

**Transportation in Personal Vehicles**

Personal cars of teachers and staff will not be used to transport students except in the event of extenuating circumstances and authorized by the administration.

Education Law §§ 1604, 1709, 1804, 1807, 1903, 1950, 2503, 2554, 2590-e, 3242, 3602-c, 3621(15),  
3623-a(2c), 3635, 4401-a, 4401(4), 4402, 4404, 4405, and 4410-6  
Vehicle and Traffic Law § 375(20)(1) and 375(21-i)

**SUBJECT: IDLING SCHOOL BUSES ON SCHOOL GROUNDS**

The Board recognizes the need to promote the health and safety of District students and staff and to protect the environment from harmful emissions found in bus and vehicle exhaust. The District will ensure that each driver of a school bus or other vehicle owned, leased, or contracted for by the District turn off the engine of the bus or vehicle while waiting for passengers to load or off load on school grounds, or while the vehicle is parked or standing on school grounds or in front of or adjacent to any school.

**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 District and a private vendor will include a provision requiring the vendor's compliance with the provisions of reducing idling in accordance with Commissioner's regulations Section 156.3(h).

Randolph Academy officials will communicate with transporters who transport students to and from District campuses, as appropriate, to assure adherence to the Board's policies.

Education Law § 3637  
Vehicle and Traffic Law § 142  
8 NYCRR § 156.3(h)

Adopted: 4/18/17

**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.

**Use of Portable Electronic Devices Prohibited**

For purposes of this policy, and in accordance with applicable law, the terms below will be defined as follows:

- a) "Portable electronic device" means any mobile telephone (hand held or "hands free"), personal digital assistant (PDA), portable device with mobile data access, laptop computer, pager, two-way messaging device, electronic game, or portable computing device.
- b) "Using" means 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" means that the bus engine is running, whether in motion or not.

The use of portable electronic devices by a school bus driver at times the vehicle is in operation on the roadway poses a potential safety risk. All school bus drivers are prohibited from using portable electronic devices while the bus is in operation.

All school bus drivers' personal portable electronic devices are to be placed in the "off" position when in the possession of the school bus driver while the bus is in operation. Portable electronic devices, including cell phones, may be used in case of emergency.

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.

**Bus Maintenance and Replacement**

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.

The Board recognizes the importance of long-range planning in the area of transportation. The Board further commits itself to establishing a bus replacement plan that will allow the District to project anticipated needs, yet be flexible enough to adapt if student enrollment changes. The Board will annually review the bus replacement plan.

(Continued)

**SUBJECT: SCHOOL BUS SAFETY PROGRAM (Cont'd.)****Bus Accidents**

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 § 3623

Vehicle and Traffic Law §§ 509-a(7), 509-1(1-b), 1174(a) and 1174(b)

8 NYCRR § 156.3

NOTE: Refer also to Policies #5683 -- Fire and Emergency Drills, Bomb Threats, and Bus Emergency Drills  
#5751 -- Drug and Alcohol Testing for School Bus Drivers and Other Safety-Sensitive Employees

Adopted: 9/17/08

Revised: 4/18/17



**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 Sections 509-c and 509-cc and any other provisions of Article 19-A of the Vehicle and Traffic Law;
- e) Has on file at least three 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 controlled 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/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.)**

- a) Investigate the person's employment record during the preceding three years;
- b) Require such person to submit to the mandated fingerprinting procedures;
- c) Request the Department of Motor Vehicles to initiate a driving record abstract check; and
- d) Require that newly hired bus drivers take and pass the physical performance test, as mandated by Commissioner's regulations, before they transport students.

Omnibus Transportation Employee Testing Act of 1991, (Public Law 102-143)

49 USC § 521(b)

49 CFR Parts 40, 382, 391, 392 and 395

Education Law § 3624

Vehicle and Traffic Law §§ 509-c, 509-cc and Article 19-A

8 NYCRR § 156.3

15 NYCRR Part 6

NOTE: Refer also to Policy #5751 -- Drug and Alcohol Testing For School Bus Drivers and Other Safety-Sensitive Employees

**SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES**

In accordance with federal regulations, employees in safety-sensitive positions as defined in regulations who are required to have and use a commercial driver's license (CDL), are subject to random testing for alcohol, marijuana, cocaine, amphetamines, opioids, 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 and other employees, 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.

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:

(Continued)

**SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES (Cont'd.)**

- a) Reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration of 0.04 or greater. If testing shows an alcohol concentration of 0.02 or greater but less than 0.04, the employee must be removed from performing safety-sensitive activities for 24 hours, but no punitive action will be taken by the employer.
- b) Being on duty or operating a commercial motor vehicle (CMV) while the driver possesses alcohol, unless the alcohol is manifested and transported as part of a shipment. This includes the possession of medicines containing alcohol (prescription or over-the-counter), unless the packaging seal is unbroken.
- c) Using alcohol while performing safety-sensitive functions.
- d) New York State law prohibits use six hours or less before duty.
- 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.
- 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.

(Continued)

**SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND  
OTHER SAFETY-SENSITIVE EMPLOYEES (Cont'd.)**

- 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 or 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 unit shall be notified of the availability of this information.

The Superintendent or his or 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 and/or District 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.

Omnibus Transportation Employee Testing Act of 1991 (Public Law 102-143)  
49 USC §§ 31136 and 31306  
49 CFR Parts 40, 172, 382, 383, 391, 392 and 395

Adopted: 9/17/08  
Revised: 10/7/15; 11/28/18

Personnel

**Randolph Academy Union Free School District** **NUMBER**

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**SUBJECT: CODE OF ETHICS FOR BOARD MEMBERS AND ALL DISTRICT  
PERSONNEL**

**General Provisions**

Officers and employees of the District hold their positions to serve and benefit the public, and not to obtain unwarranted personal or private gain in the exercise of their official powers and duties. The Board recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. This policy establishes those standards.

The provisions of this policy are intended to supplement Article 18 of General Municipal Law and any other law relating to ethical conduct of District officers and employees, and should not be construed to conflict with those authorities.

**Standards of Conduct**

Every Board member or employee of the Randolph Academy Union Free School District will be subject to and abide by the following standards of conduct:

Gifts

No person may, 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 or her in the performance of official duties or was intended as a reward for any official action on his or her part.

Confidential Information

No person may disclose confidential information acquired by him or her in the course of his or her official duties or use such information to further his or her personal interest.

Conflicts of Interest

Except as permitted by law, no person may have an interest in any contract with the District when he or she, individually, or as a member of the Board, has the power or duty to: negotiate, prepare, authorize, or approve the contract or authorize or approve payment under the contract; audit bills or claims under the contract; or appoint an officer or employee who has any of these powers or duties.

Likewise, unless permitted by law, no chief fiscal officer, treasurer, or his or her deputy or employee, may have an interest in a bank or trust company designated as a depository, paying agent, registration agent, or for investment of funds of the District.

(Continued)



## Personnel

**SUBJECT: CODE OF ETHICS FOR BOARD MEMBERS AND ALL DISTRICT PERSONNEL (Cont'd.)**

No employee, officer, or agent will participate in selecting, awarding, or administering a contract supported by a federal award if he or she has a real or apparent conflict of interest. These conflicts could arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization that employs or is about to employ any of these parties has a financial or other interest in or a tangible personal interest benefit from a firm considered for a contract. The employees, officers, and agents must neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. The District may, however, set standards for situations where the financial interest is not substantial or the gift is an unsolicited item of nominal value.

"Interest," as used in this policy, means a direct or indirect pecuniary or material benefit accruing to a District officer or employee as the result of a contract with the District. A District officer or employee will be considered to have an interest in the contract of: his or her spouse, minor children and dependents, except a contract of employment with the District; a firm, partnership or association of which he or she is a member or employee; a corporation of which he or she is an officer, director or employee; and a corporation any stock of which is owned or controlled directly or indirectly by him or her.

The provisions of the preceding four paragraphs should not be construed to preclude the payment of lawful compensation and necessary expenses of any District officer or employee in one or more positions of public employment, the holding of which is not prohibited by law.

Representation Before One's Own Agency

No person may receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before the District. Likewise, no one may receive, or enter into any agreement, express or implied, for compensation for services rendered in relation to any matter before the District, where the individual's compensation is contingent upon any action by the District with respect to the matter.

Representation Before Any Agency for a Contingent Fee

No person may receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before the District, whereby his or her compensation is to be dependent or contingent upon any action by such agency with respect to the matter.

Disclosure of Interest in Contracts and Resolutions

Any District officer or employee who has, will have, or later acquires an interest in or whose spouse has, will have or later acquires an interest in any actual or proposed contract, purchase agreement, lease agreement, or other agreement, including oral agreements, with the District must publicly disclose the nature and extent of that interest in writing. The disclosure must be made when the officer or

(Continued)

## Personnel

**SUBJECT: CODE OF ETHICS FOR BOARD MEMBERS AND ALL DISTRICT  
PERSONNEL (Cont'd.)**

employee first acquires knowledge of the actual or prospective interest, and must be filed with the person's immediate supervisor and the Board. Any written disclosure will be made part of and included in the official minutes of the relevant Board meeting.

Investments in Conflict with Official Duties

No person may invest or hold any investment directly or indirectly in any financial, business, commercial, or other private transaction, that creates a conflict with his or her official duties or that would otherwise impair his or her independence of judgment in the exercise or performance of his or her official powers or duties.

Private Employment

No person may engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his or her official duties.

Future Employment

No person may, after the termination of service or employment with the School District, appear before the Randolph Academy Union Free School District on behalf of his or her employer in relation to any case, proceeding, or application in which he or she personally participated during the period of his or her service or employment with the District or which was under his or her active consideration while he or she was with the District.

Personal Responsibility

All employees are held personally responsible for exhibiting behaviors and conducting their assigned duties in a manner that is consistent with the school's mission, values, norms and code of ethics. All employees must maintain records which accurately reflect the services provided, and adhere to record-keeping practice standards consistent with current governmental regulations, contractual agreements, and records management policies. Employees will be subject to progressive discipline for the following:

- a) Failure to report conduct by an employee or other agent that a reasonable person should know violates the law, regulation or District policy, and that a reasonable person could be expected to detect;
- b) Willfully providing false information to the District and/or third party;
- c) Providing information to the District or a third party that the employee should have known was incorrect;

(Continued)

**SUBJECT: CODE OF ETHICS FOR BOARD MEMBERS AND ALL DISTRICT PERSONNEL (Cont'd.)**

- d) Intentionally reporting a false violation.

**Records and Regulatory Reporting**

Under no circumstances will records be falsified, backdated, intentionally destroyed or otherwise tampered with to gain real or perceived advantage for the District. Unnecessary or outdated documents may be purged in accordance with the District records management policy.

All District records and reports will be prepared and maintained accurately and honestly. This includes reporting time worked, business expenses incurred, revenues and costs, and all other business, student or service related activities.

**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 will 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 Randolph Academy Union Free School District, or any agency thereof on behalf of himself or herself or any member of his or 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 Randolph Academy Union Free School District shall cause a copy of this code of ethics to be distributed to every Board member and employee of the School District within 30 days after the effective date of this resolution. Each Board member and employee elected or appointed thereafter will be furnished a copy before entering upon the duties of his or her office or employment. The Superintendent will also cause a copy of Article 18 of the General Municipal Law to be kept posted in each building in the District in a place conspicuous to its Board members and employees. Failure to distribute any such copy of this code of ethics or failure of any Board member or employee to receive such copy, as well as failure to post any such copy of General Municipal Law, Article 18, will have no effect on the duty of compliance with such code or Article 18, nor with the enforcement of provisions thereof.

(Continued)

**SUBJECT: CODE OF ETHICS FOR BOARD MEMBERS AND ALL DISTRICT  
PERSONNEL (Cont'd.)**

**Penalties**

Any person who knowingly or intentionally violates any of the provisions of this policy may be fined, suspended or removed from office or employment, or subject to additional or other penalties as provided by law.

Education Law § 410  
General Municipal Law Article 18 and §§ 800-809  
2 CFR § 200.318(c)(1)

Adopted: 9/17/08  
Revised: 12/6/16

## 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 § 102.4

Adopted: 11/17/15

**SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY****Overview**

The District is committed to creating and maintaining an environment which is free from discrimination and harassment. This policy addresses employment discrimination. It is just one component of the District's overall commitment to maintaining a discrimination and harassment-free educational and work environment.

Consistent with this commitment and in accordance with law and regulation, the District is an equal opportunity employer that does not discriminate against any employee or applicant for employment in its programs and activities on the basis of any legally protected class or category including, but not limited to: age; race; creed; religion; color; national origin; sexual orientation; gender identity or expression; military status; sex; disability; predisposing genetic characteristics; familial status; marital status; status as a victim of domestic violence; and criminal arrest or conviction record.

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

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

**Reporting Allegations of Employment Discrimination**

Any person may report employment discrimination regardless of whether they are the alleged victim or not. Reports of employment discrimination may be made orally or in writing to the District's CRCO or any other District employee including, but not limited to, a supervisor or building principal.

All District employees who witness or receive an oral or written report of employment discrimination must immediately inform the CRCO. Failure to immediately inform the CRCO may subject the employee to discipline up to and including termination. If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity. If the District has not designated another CRCO, the Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

Additionally, District employees must comply with reporting requirements in any other applicable District policy or document. Applicable policies or documents may include: Policy #3420 -- Non-Discrimination and Anti-Harassment in the District.

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**SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY (Cont'd.)****Grievance Process for Complaints of Employment Discrimination**

The District will act to promptly, thoroughly, and equitably investigate all complaints, whether oral or written, of employment discrimination and will promptly take appropriate action to protect individuals from further discrimination.

Various District policies and documents address employment discrimination. These policies and documents may include: Policy #3420 -- Non-Discrimination and Anti-Harassment in the District. All complaints will be handled in accordance with the applicable District policies and/or documents.

The determination as to which District policies and/or documents are applicable is fact specific, and the CRCO may work with other District staff to determine which District policies and/or documents are applicable to the specific facts of the complaint.

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

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

The District prohibits retaliation against any individual because the individual made a report or complaint, testified, assisted, or participated or refused to participate in an investigation, proceeding, or hearing related to a complaint of employment discrimination.

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

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

8 USC Section 1324b

29 USC Section 206

42 USC Section 1981

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

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

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

(Continued)

**SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY (Cont'd.)**

National Labor Relations Act (NLRA), 29 USC Section 151 et seq.  
Section 504 of the Rehabilitation Act of 1973, 29 USC Section 790 et seq.  
Title VI of the Civil Rights Act of 1964, 42 USC Section 2000d et seq.  
Title VII of the Civil Rights Act of 1964, 42 USC Section 2000e et seq.  
Title IX of the Education Amendments Act of 1972, 20 USC Section 1681 et seq.  
Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 USC Section 4301 et seq.  
28 CFR Part 35  
29 CFR Chapter I – National Labor Relations Board  
29 CFR Chapter XIV – Equal Employment Opportunity Commission  
34 CFR Parts 100, 104, and 106  
45 CFR Part 86  
Civil Rights Law Sections 40, 40-a, 40-c, 47-a, 47-b, and 48-a  
Civil Service Law Sections 75-b and 115  
Correction Law Section 752  
Labor Law Sections 194-a, 201-d, 201-g, 203-e, 206-c, and 215  
New York State Human Rights Law, Executive Law Section 290 et seq.  
Military Law Sections 242, 243, and 318  
9 NYCRR Section 466 et seq.

NOTE: Refer also to Policies #3420 -- Non-Discrimination and Anti-Harassment in the District  
#3421 -- Title IX and Sex Discrimination  
#6121 -- Sexual Harassment in the Workplace  
#6122 -- Employee Grievances

Adopted: 9/17/08  
Revised: 12/15/15; 10/25/17; 2/13/24



**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE****Overview**

The District is committed to creating and maintaining an environment which is free from harassment and discrimination. This policy addresses sexual harassment and gender discrimination in the workplace. It is intended to inform covered individuals of: their right to work in an environment that is free from sexual harassment and discrimination; what sexual harassment and discrimination look like; how they can prevent and report sexual harassment and discrimination; how they are protected from retaliation after taking action; and the general process for investigating a claim of sexual harassment and discrimination that falls under this policy. This policy is just one component of the District's overall commitment to maintaining a harassment and discrimination-free educational and work environment.

Under New York State Human Rights Law (NYSHRL), it is illegal for an employer to discriminate based on age, race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, marital status, status as a victim of domestic violence, or criminal history. These different identities impact an individual's perception and understanding of the world. For example, an individual's race, ability, or immigration status may impact their experience with gender discrimination in the workplace. While this policy is focused on sexual harassment and gender discrimination, the process for reporting and investigating discrimination based on other protected classes is generally the same. However, the exact process may vary depending on a number of factors including, but not limited to, who is involved. Other District policies and documents such as regulations, procedures, collective bargaining agreements, and the District's *Code of Conduct* detail the specific process for reporting and investigating discrimination based on other protected identities.

Sexual harassment is a form of workplace discrimination that subjects individuals to inferior conditions of employment due to their gender, gender identity, gender expression (perceived or actual), and/or sexual orientation. Sexual harassment is often viewed simply as a form of gender-based discrimination, but the District recognizes that discrimination can be related to or affected by other identities beyond gender.

Discrimination of any kind, including sexual harassment, is unlawful, a violation of District policy, and may subject the District to liability for the harm experienced by targets of discrimination. All individuals are required to work in a manner designed to prevent sexual harassment and discrimination in the workplace.

Harassers may also be individually subject to liability and supervisors who fail to report or act on harassment may be liable for aiding and abetting sexual harassment and discrimination. Employees at every level who engage in harassment or discrimination, including supervisory personnel who engage in harassment or discrimination or who allow such behavior to continue, will be subject to remedial and/or disciplinary action by the District.

(Continued)

## Personnel

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

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

Inquiries about this policy may be directed to the District's Civil Rights Compliance Officer(s) (CRCO(s)) and/or Title IX Coordinator(s).

Scope and Application

This policy applies to all instances of sexual harassment and gender discrimination perpetrated against a "covered individual" by anyone in the workplace, including a co-worker, supervisor, or third-party such as a non-employee, paid or unpaid intern, vendor, building security, visitor, volunteer, parent, or student. For purposes of this policy, a "covered individual" includes:

- a) Employees;
- b) Applicants for employment;
- c) Paid or unpaid interns; and
- d) Non-employees, which include anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or other person providing services pursuant to a contract in the workplace. These non-employees include persons commonly referred to as independent contractors, gig workers, and temporary workers. Also included are non-employees providing equipment repair, cleaning services, or any other service through a contract with the District.

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

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

(Continued)

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)****What Constitutes Sexual Harassment**

Sexual harassment is a form of gender-based discrimination that is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender. Sexual harassment is not limited to sexual contact, touching, or expressions of a sexually suggestive nature. Sexual harassment includes all forms of gender discrimination including gender role stereotyping and treating individuals differently because of their gender.

Understanding gender diversity is essential to recognizing sexual harassment because discrimination based on sex stereotypes, gender expression, and perceived identity are all forms of sexual harassment. The gender spectrum is nuanced, but the three most common ways people identify are cisgender, transgender, and non-binary. A cisgender person is someone whose gender aligns with the sex they were assigned at birth. Generally, this gender will align with the binary of male or female. A transgender person is someone whose gender is different than the sex they were assigned at birth. A non-binary person does not identify exclusively as a man or a woman. They might identify as both, somewhere in between, or completely outside the gender binary. Some may identify as transgender, but not all do. Respecting an individual's gender identity is a necessary first step in establishing a safe workplace.

Under NYSHRL, sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment. Harassment does not need to be severe or pervasive to be illegal. It can be any harassing behavior that rises above petty slights or trivial inconveniences. Every instance of harassment is unique to those experiencing it, and there is no single boundary between petty slights and harassing behavior. However, NYSHRL specifies that whether harassing conduct is considered petty or trivial is to be viewed from the standpoint of a reasonable victim of discrimination with the same protected characteristics. Generally, any behavior in which a covered individual is treated worse because of their gender (perceived or actual), sexual orientation, or gender expression is considered a violation of District policy. The intent of the behavior, for example, making a joke, does not neutralize a harassment claim. Not intending to harass is not a defense. The impact of the behavior on a person is what counts.

Sexual harassment includes any unwelcome conduct which is either directed at an individual because of that individual's gender identity or expression (perceived or actual), or is of a sexual nature when:

- a) The purpose or effect of this behavior unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment. The impacted individual does not need to be the intended target of the sexual harassment;
- b) Employment depends implicitly or explicitly on accepting such unwelcome behavior; or

(Continued)

## Personnel

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

- c) Decisions regarding an individual's employment are based on an individual's acceptance to or rejection of the behavior. These decisions can include what shifts and how many hours an employee might work, project assignments, as well as salary and promotion decisions.

There are two main types of sexual harassment:

- a) Hostile work environment which includes, but is not limited to, words, signs, jokes, pranks, intimidation, or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex, gender identity, or gender expression. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory, or discriminatory statements which an employee finds offensive or objectionable, causes an employee discomfort or humiliation, or interferes with the employee's job performance.
- b) Quid pro quo harassment which occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions, or privileges of employment.

Any covered individual who feels harassed is encouraged to report the behavior so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be discrimination and is covered by this policy.

Examples of Sexual Harassment

The following describes some actions that may constitute unlawful sexual harassment and that are strictly prohibited. This list is just a sample of behaviors and should not be considered exhaustive. Any covered individual who believes they have experienced sexual harassment, even if it does not appear on this list, should feel encouraged to report it:

- a) Physical acts of a sexual nature, such as:
  - 1. Touching, pinching, patting, kissing, hugging, grabbing, brushing against another individual's body, or poking another individual's body; or
  - 2. Rape, sexual battery, molestation, or attempts to commit these assaults, which may be considered criminal conduct outside the scope of this policy.
- b) Unwanted sexual comments, advances, or propositions, such as:
  - 1. Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion, or other job benefits;

(Continued)

## Personnel

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

2. Subtle or obvious pressure for unwelcome sexual activities; or
  3. Repeated requests for dates or romantic gestures, including gift-giving.
- c) Sexually oriented gestures, noises, remarks or jokes, or questions and comments about a person's sexuality, sexual experience, or romantic history which create a hostile work environment. This is not limited to interactions in person. Remarks made over virtual platforms and in messaging apps when employees are working remotely can create a similarly hostile work environment.
- d) Sex stereotyping, which occurs when someone's conduct or personality traits are judged based on other people's ideas or perceptions about how individuals of a particular sex should act or look:
1. Remarks regarding an employee's gender expression, such as wearing a garment typically associated with a different gender identity; or
  2. Asking employees to take on traditionally gendered roles, such as asking a woman to serve meeting refreshments when it is not part of, or appropriate to, her job duties.
- e) Sexual or discriminatory displays or publications anywhere in the workplace, such as:
1. Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace;
  2. This also extends to the virtual or remote workspace and can include having such materials visible in the background of one's home during a virtual meeting.
- f) Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, or gender expression, such as:
1. Interfering with, destroying, or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
  2. Sabotaging an individual's work;
  3. Bullying, yelling, or name-calling;
  4. Intentional misuse of an individual's preferred pronouns; or

(Continued)

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

5. Creating different expectations for individuals based on their perceived identities:
  - (a) Dress codes that place more emphasis on women's attire;
  - (b) Leaving parents/caregivers out of meetings.

**Who Can be a Target of Sexual Harassment?**

Sexual harassment can occur between any individuals, regardless of their sex or gender. Harassment does not have to be between members of the opposite sex or gender. This policy applies to all instances of sexual harassment perpetrated against a "covered individual" by anyone in the workplace, including a co-worker, supervisor, or third-party such as a non-employee, paid or unpaid intern, vendor, building security, visitor, volunteer, parent, or student.

Sexual harassment does not happen in a vacuum and discrimination experienced by an individual can be impacted by biases and identities beyond an individual's gender. For example:

- a) Placing different demands or expectations on black women employees than white women employees can be both racial and gender discrimination;
- b) An individual's immigration status may lead to perceptions of vulnerability and increased concerns around illegal retaliation for reporting sexual harassment; or
- c) Past experiences as a survivor of domestic or sexual violence may lead an individual to feel re-traumatized by someone's behaviors in the workplace.

Individuals bring personal history with them to the workplace that might impact how they interact with certain behavior. It is especially important for all employees to be aware of how words or actions might impact someone with a different experience than their own in the interest of creating a safe and equitable workplace.

**Where Can Sexual Harassment Occur?**

Unlawful sexual harassment is not limited to the physical workplace itself. Sexual harassment can occur on school property and at school functions which, for purposes of this policy, means a school-sponsored or school-authorized extracurricular event or activity regardless of where the event or activity takes place, including any event or activity that may take place virtually or in another state. It can occur while covered individuals are traveling for District business or at District or industry-sponsored events or parties. Calls, texts, emails, and social media usage by covered individuals can constitute unlawful workplace harassment, even if they occur away from school property, on personal devices, or during non-work hours. Accordingly, conduct or incidents of sexual harassment that create or foreseeably create a disruption within the District may be subject to this policy in certain circumstances.

(Continued)

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

Sexual harassment can occur when covered individuals are working remotely. Any behaviors outlined above that leave a covered individual feeling uncomfortable, humiliated, or unable to meet their job requirements constitute harassment even if the covered individual is working remotely when the harassment occurs. Harassment can happen on virtual meeting platforms, in messaging apps, and after working hours between personal cell phones.

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

Retaliation is unlawful and is any action by an employer or supervisor that punishes an individual upon learning of a harassment claim, that seeks to discourage a covered individual from making a formal complaint or supporting a sexual harassment or discrimination claim, or that punishes those who have come forward. Adverse actions need not be job-related or occur in the workplace to constitute unlawful retaliation. For example, threats of physical violence outside of work hours or disparaging someone on social media would be covered as retaliation under this policy.

Examples of retaliation may include, but are not limited to:

- a) Demotion, termination, denying accommodations, reduced hours, or the assignment of less desirable shifts;
- b) Publicly releasing personnel files;
- c) Refusing to provide a reference or providing an unwarranted negative reference;
- d) Labeling an employee as "difficult" and excluding them from projects to avoid "drama";
- e) Undermining an individual's immigration status; or
- f) Reducing work responsibilities, passing over for a promotion, or moving an individual's desk to a less desirable office location.

Retaliation is unlawful under federal, state, and (where applicable) local law. The NYSHRL protects any individual who has engaged in "protected activity." Protected activity occurs when a person has:

- a) Made a complaint of sexual harassment or discrimination, either internally or with any government agency;
- b) Testified or assisted in a proceeding involving sexual harassment or discrimination under the NYSHRL or any other anti-discrimination law;

(Continued)

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

- c) Opposed sexual harassment or discrimination by making a verbal or informal complaint, or by simply informing a supervisor, building principal, other administrator, or the CRCO of suspected harassment;
- d) Reported that a covered individual has been sexually harassed or discriminated against; or
- e) Encouraged a covered individual to report harassment.

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

Any District employee who retaliates against anyone involved in a sexual harassment or discrimination investigation will face disciplinary action, up to and including termination. All covered individuals who believe they have been subject to retaliation should inform a supervisor, building principal, other administrator, or the CRCO.

All employees and covered individuals who believe they have been a target of retaliation may also seek relief from government agencies, as explained in this policy.

**Reporting Allegations of Sexual Harassment**

Anyone who experiences, witnesses, or becomes aware of potential instances of sexual harassment is encouraged to report the behavior to a supervisor, building principal, other administrator, or the CRCO. Covered individuals should not feel discouraged from reporting harassment because they do not believe it is bad enough or conversely because they do not want to see someone fired over less severe behavior. Just as harassment can happen in different degrees, potential discipline for engaging in sexual harassment will depend on the degree of harassment and could include education counseling, suspension, or termination.

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

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**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

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

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

District employees must comply with reporting requirements in any other applicable District policy or document.

Covered individuals who believe they have been a target of sexual harassment may at any time seek assistance in additional available forums, as explained in this policy.

**Supervisory Responsibilities**

Everyone must work toward preventing sexual harassment, but leadership matters. Supervisors, building principals, other administrators, and the CRCOs have a special responsibility to make sure employees feel safe at work and that workplaces are free from harassment and discrimination. All supervisors, building principals, and other administrators who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing or discriminatory behavior, or for any reason suspect that sexual harassment or discrimination is occurring, are required to report the suspected sexual harassment to the CRCO. If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity. If the District has not designated another CRCO, the Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

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

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

While supervisors, building principals, and other administrators have a responsibility to report harassment and discrimination, they must be mindful of the impact that harassment and a subsequent investigation has on victims. Being identified as a possible victim of harassment and questioned about

(Continued)

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

harassment and discrimination can be intimidating, uncomfortable and re-traumatizing for individuals. Supervisors, building principals, and other administrators must accommodate the needs of individuals who have experienced harassment to ensure the workplace is safe, supportive, and free from retaliation for them during and after any investigation.

**Bystander Intervention**

Any individual witnessing harassment as a bystander is encouraged to report it. A supervisor, building principal, or other administrator that is a bystander to harassment is **required** to report it. There are five standard methods of bystander intervention that can be used when anyone witnesses harassment or discrimination and wants to help.

- a) A bystander can interrupt the harassment by engaging with the individual being harassed and distracting them from the harassing behavior;
- b) A bystander who feels unsafe interrupting on their own can ask a third-party to help intervene in the harassment;
- c) A bystander can record or take notes on the harassment incident to benefit a future investigation;
- d) A bystander might check in with the person who has been harassed after the incident, see how they are feeling and let them know the behavior was not ok; and
- e) If a bystander feels safe, they can confront the harassers and name the behavior as inappropriate. When confronting harassment, physically assaulting an individual is never an appropriate response.

Though not exhaustive, and dependent on the circumstances, the guidelines above can serve as a brief guide of how to react when witnessing harassment in the workplace.

**Grievance Process for Complaints of Sexual Harassment in the Workplace**

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

(Continued)

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

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

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

While the process may vary from case to case, investigations will be done in accordance with the following steps. Upon receipt of a complaint, the CRCO:

- a) Will conduct a prompt review of the allegations, assess the appropriate scope of the investigation, and take any interim actions (for example, instructing the individual(s) about whom the complaint was made to refrain from communications with the individual(s) who reported the harassment), as appropriate.

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

- b) Will investigate all complaints of sexual harassment regardless of how those complaints are reported and treat all complaints with equal priority. For verbal complaints, the individual will be encouraged to complete, in writing, the complaint form. If the individual reporting prefers not to fill out the complaint form, a complaint form or equivalent documentation based on the verbal reporting will be prepared. The individual reporting the harassment will be provided a copy of the completed complaint form.
- c) Will take steps to obtain, review, and preserve documents sufficient to assess the allegations, including documents, emails, or phone records that may be relevant to the investigation. The CRCO will consider and implement appropriate document request, review, and preservation measures, including for electronic communications.
- d) Will seek to interview all parties involved, including any relevant witnesses. If a student is involved, the District will follow all applicable District policies and procedures regarding questioning students.
- e) Will create written documentation of the investigation (such as a letter, memo, or email), which contains the following:

(Continued)

## Personnel

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

1. A list of all documents reviewed, along with a detailed summary of relevant documents;
  2. A list of names of those interviewed, along with a detailed summary of their statements;
  3. A timeline of events;
  4. A summary of any prior relevant incidents disclosed in the investigation, reported or unreported; and
  5. The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- f) Will keep the written documentation and associated documents in a secure and confidential location.
- g) Will promptly notify the individual(s) who reported the harassment and the individual(s) about whom the complaint was made that the investigation has been completed and implement any corrective actions identified in the written document. Any corrective action taken will be in accordance with applicable law and regulation, as well as any applicable District policy, regulation, procedure, collective bargaining agreement, third-party contract, or other document such as the District's *Code of Conduct*.
- h) Will inform the individual(s) who reported the harassment of the right to file a complaint or charge externally as outlined in this policy.

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

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

**Annual Training**

The District will provide a sexual harassment prevention training program to all employees on an annual basis. The training will be interactive and will include:

- a) An explanation of sexual harassment consistent with guidance issued by the Department of Labor in consultation with the Division of Human Rights;
- b) Examples of conduct that would constitute unlawful sexual harassment;

(Continued)

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

- c) Information concerning the federal and state statutory provisions concerning sexual harassment and remedies available to victims of sexual harassment;
- d) Information concerning employees' rights of redress and all available forums for adjudicating complaints; and
- e) Information addressing conduct by supervisors and any additional responsibilities for such supervisors.

**Notification**

The District will provide this policy to all employees in-person or digitally through email upon hiring and will be posted prominently in all work locations. In addition to sending the policy through email, this policy will also be available on the District's website.

At the time of hiring and at every annual sexual harassment prevention training program, the District will provide each employee a notice containing this policy and the information presented at the District's sexual harassment prevention training program.

This notice will be provided in English and in the language identified by the employee as their primary language, provided that the New York State Department of Labor Commissioner has published a template of the model materials in that language.

The notice will be delivered in writing, either in print or digitally. The notice will either link to or include, as an attachment or printed copy, the policy and training materials.

**Legal Protections and External Remedies**

Sexual harassment is not only prohibited by the District, but it is also prohibited by state, federal, and, where applicable, local law.

The District's internal process outlined in the policy above is one way for covered individuals to report sexual harassment. Covered individuals may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, covered individuals may also seek the legal advice of an attorney.

In addition to those outlined below, individuals may have other legal protections.

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**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**New York State Division of Human Rights (NYSDHR)

The NYSHRL, NY Executive Law, Art. 15, Section 290 et seq., applies to all employers in New York State and protects covered individuals, regardless of immigration status. A complaint alleging violation of the NYSHRL may be filed either with the NYSDHR or in New York State Supreme Court.

Complaints of sexual harassment filed with NYSDHR may be submitted any time **within three years** of the harassment. If an individual does not file a complaint with NYSDHR, they can bring a lawsuit directly in state court under the NYSHRL, **within three years** of the alleged sexual harassment. An individual may not file with NYSDHR if they have already filed a NYSHRL complaint in state court.

Complaining internally to the District does not extend the time to file with NYSDHR or in court. The three years are counted from the date of the most recent incident of harassment.

Individuals do not need an attorney to file a complaint with NYSDHR, and there is no cost to file with NYSDHR.

NYSDHR will investigate the complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases receive a public hearing before an administrative law judge. If sexual harassment is found at the hearing, NYSDHR has the power to award relief. Relief varies, but it may include requiring the employer to take action to stop the harassment, or repair the damage caused by the harassment, including paying of monetary damages, punitive damages, attorney's fees, and civil fines.

NYSDHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. Individuals may call (718) 741-8400 or visit: [www.dhr.ny.gov](http://www.dhr.ny.gov).

Go to [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint with NYSDHR. The website has a digital complaint process that can be completed on a computer or mobile device from start to finish. The website has a complaint form that can be downloaded, filled out, and mailed to NYSDHR. The website also contains contact information for NYSDHR's regional offices across New York State.

Call the NYSDHR sexual harassment hotline at **1-800-HARASS-3 (1-800-427-2773)** for more information about filing a sexual harassment complaint. This hotline can also provide a referral to a volunteer attorney experienced in sexual harassment matters who can provide limited free assistance and counsel over the phone.

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**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**The United States Equal Employment Opportunity Commission

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act, 42 USC Section 2000e et seq. An individual can file a complaint with the EEOC anytime within 300 calendar days from the most recent incident of harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred. If the EEOC determines that the law may have been violated, the EEOC will try to reach a voluntary settlement with the employer. If the EEOC cannot reach a settlement, the EEOC (or the Department of Justice in certain cases) will decide whether to file a lawsuit. The EEOC will issue a Notice of Right to Sue permitting workers to file a lawsuit in federal court if the EEOC closes the charge, is unable to determine if federal employment discrimination laws may have been violated, or believes that unlawful discrimination occurred but does not file a lawsuit.

Individuals may obtain relief in mediation, settlement, or conciliation. In addition, federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An individual alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at [www.eeoc.gov](http://www.eeoc.gov), or via email at [info@eeoc.gov](mailto:info@eeoc.gov). To file a complaint with the United States Equal Employment Opportunity Commission, please visit <https://www.eeoc.gov/filing-charge-discrimination>.

If an individual filed an administrative complaint with the NYSDHR, then NYSDHR will automatically file the complaint with the EEOC to preserve the right to proceed in federal court.

Title IX

Title IX of the Education Amendments Act of 1972 prohibits discrimination on the basis of sex in education programs and activities that receive federal financial assistance. The United States Department of Education's Office for Civil Rights (OCR) enforces Title IX of the Education Amendments Act of 1972.

For more information about how to file a complaint, contact OCR at 800-421-3481 (TDD 800-877-8339) or visit: <https://www2.ed.gov/about/offices/list/ocr/docs/howto.html>. The website contains information about filing the complaint online, by mail, or by email.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city, or town in which they live to find out if a law exists.

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**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement, or coerced sex acts, the conduct may constitute a crime. Those wishing to pursue criminal charges are encouraged to contact their local police department.

Title VII of the Civil Rights Act of 1964, 42 USC Section 2000e et seq.  
Title IX of the Education Amendments Act of 1972, 20 USC Section 1681 et seq.  
29 CFR Section 1604.11(a)  
34 CFR Subtitle B, Chapter I  
Civil Service Law Section 75-b  
New York State Human Rights Law, Executive Law Section 290 et seq.  
Labor Law Sections 201-g and 740

NOTE: Refer also to Policies #3420 -- Non-Discrimination and Anti-Harassment in the District  
#3421 -- Title IX and Sex Discrimination  
#6122 -- Employee Grievances  
#7551 -- Sexual Harassment of Students

Adopted: 9/17/08

Revised: 12/15/15; 10/25/17; 10/17/18; 1/21/20; 11/21/23



## 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 §§ 681-685

Adopted: 9/17/08  
Revised: 12/15/15

## Personnel

**SUBJECT: EVALUATION OF PERSONNEL****All Staff Members**

The administration will undertake a continuous program of supervision and evaluation of all personnel, including support staff, in the District. The primary purposes of the evaluations will be to encourage and promote improved performance and to make decisions about the occupancy of positions.

**Teachers and Administrators**

The District is committed to supporting the development of effective teachers and administrators. To this end, the District will provide procedures for the evaluation of all professional staff. The District will develop an Annual Professional Performance Review (APPR) plan/educator evaluation plan in accordance with applicable laws and regulations.

The primary purposes of these evaluations are:

- a) To encourage and promote improved performance;
- b) To guide professional development efforts; and
- c) To provide a basis for evaluative judgments by applicable school officials.

**Disclosure of APPR/Educator Evaluation Ratings**

The Commissioner is required to disclose professional performance review/evaluation data for teachers and building principals on the New York State Education Department website and in any other manner to make this data widely available to the public. The District will provide notice to parents or legal guardians of their right to obtain this information and the methods by which the data can be obtained.

Education Law Sections 3012-c and 3012-d  
Public Officers Law Article 6  
8 NYCRR Subpart 30-3  
8 NYCRR Sections 80-1.1 and 100.2(o)

Adopted: 9/17/08  
Revised: 2/13/24

**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**

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 within the four weeks 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).

**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.

(Continued)

**SUBJECT: EMPLOYEE MEDICAL EXAMINATIONS (Cont'd.)**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 §§ 913 and 3624  
8 NYCRR § 156.3(2)  
10 NYCRR Part 14  
15 NYCRR Part 6

## Personnel

**SUBJECT: ALCOHOL, TOBACCO, DRUGS, AND OTHER SUBSTANCES (STAFF)****Prohibited Conduct**

The District, recognizing that students are often influenced by teachers and other members of a school's staff, impresses upon staff the importance of maintaining a high level of professionalism appropriate to their position, which, in turn, will set a positive example for students.

Accordingly, when in the workplace or when the effects of these actions may impair job performance, staff are prohibited from consuming, sharing, selling, using, and/or possessing:

- a) Illegal drugs;
- b) Cannabis (marijuana) or any other controlled substance in schedules I through V of the Controlled Substances Act;
- c) Counterfeit and designer drugs;
- d) Drug paraphernalia; or
- e) Alcohol.

Exceptions may exist for authorized medical cannabis use.

Additionally, the misuse and/or unprescribed use of prescription and over-the-counter drugs is prohibited in the workplace or when the effects of these actions may impair job performance.

Further, all staff are bound by the conduct prohibitions contained in District policy #5640 -- Smoking, Tobacco, and Cannabis (Marijuana) Use.

**Disciplinary Measures**

Staff will be informed of the range of penalties or consequences, up to and including termination of employment, that may be imposed for engaging in prohibited conduct. Penalties and consequences will be in accordance with any applicable law, District policy, collective bargaining agreement, and/or other similar document.

**Information on Substance Use Related Services**

The Superintendent has designated Counselors, Social Workers, and Mental Health Therapists to provide information regarding where and how to find available substance use related services to students, parents, and staff.

(Continued)



## Personnel

**SUBJECT: ALCOHOL, TOBACCO, DRUGS, AND OTHER SUBSTANCES (STAFF)  
(Cont'd.)**

Any information provided by a student, parent, or staff member to the designated individual(s) will not be used in any school disciplinary proceeding and will, in addition to any other applicable privilege, be considered confidential in accordance with law.

20 USC Sections 6083(a), 7118, and 7973(a)  
41 USC Section 8101 et seq.  
Cannabis Law Section 127  
Civil Service Law Section 75  
Education Law Sections 409, 2801, 3020-a, and 3038  
Labor Law Section 201-d  
Penal Law Section 222.10  
Public Health Law Sections 1399-n and 1399-o

NOTE: Refer also to Policies #3410 -- Code of Conduct  
#5640 -- Smoking, Tobacco, and Cannabis (Marijuana) Use  
#7320 -- Alcohol, Tobacco, Drugs, and Other Substances (Students)  
District *Code of Conduct*

Adopted: 9/17/08  
Revised: 2/13/24

## 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. Non-prescription drugs are secured and in properly labeled containers at all times.

"Workplace" is defined as a school building or other school premises; any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities; off school property during any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the School District.

The Board of Education directs the administration to develop regulations to comply with this policy, and further supports such actions and activities of the administration as shall be required to maintain a drug-free workplace.

Drug-Free Workplace Act  
20 USC § 7101 et seq.  
21 USC § 812  
21 Code of Federal Regulations (CFR) 1308.11-1308.15  
34 Code of Federal Regulations (CFR) Part 85

NOTE: Refer also to Policies #3410 -- Code of Conduct  
#6150 -- Alcohol, Tobacco, Drugs, and Other Substances (Staff)  
#6560 -- Employee Assistance Program (EAP)  
#7320 -- Alcohol, Tobacco, Drugs, and Other Substances (Students)  
*District Code of Conduct on School Property*

Adopted: 9/17/08  
Revised: 11/28/18



## Personnel

**SUBJECT: PROFESSIONAL GROWTH/STAFF DEVELOPMENT**

The District will work to provide staff with professional learning opportunities. These opportunities will be designed to foster the professional growth of staff, help staff remain current with their profession, and meet the learning needs of students. Opportunities that may be provided for, include, but are not limited to:

- a) Planned in-service programs, courses, seminars, and workshops offered both within and outside the District.
- b) Videoconferences, prerecorded videos, and/or online discussion boards.
- c) Visits to other classrooms and schools, as well as attendance at professional meetings, for the purpose of improving instruction and/or educational services.
- d) Orientation or re-orientation of staff members to program and/or organizational changes, as well as District expectations.

Attendance at professional learning programs must be directly related to the duties and responsibilities of the staff member. Consequently, staff members are encouraged to participate in the planning of staff development programs designed to meet their specific needs.

Staff members are also encouraged to continue their formal education, as well as to attend work-related workshops, conferences, and meetings.

Funds for participating in conferences, conventions, and other similar professional learning programs will be budgeted for by the Board on an annual basis. Reimbursement to staff members for all actual and necessary registration fees, expenses of travel, meals and lodging, as well as all necessary tuition fees incurred in connection with attendance at conferences, will be in accordance with District documents which address conference attendance and expense reimbursement.

**Professional Learning Plans**

By September 1 of each school year, the District will adopt or, in the case of multi-year plans, readopt a professional learning plan that meets the content requirements specified in the Commissioner's regulations. The professional learning plan will be structured in a format consistent with the Commissioner's guidelines and will include, among other things, a description of:

- a) The professional learning activities provided to all professional staff and supplementary school personnel who work with students with exceptional learning needs, particularly students with disabilities, English language learners, students who are gifted and talented, and students with low literacy levels, to enable them to identify these students and provide instruction based on the needs of these students.

(Continued)

**SUBJECT: PROFESSIONAL GROWTH/STAFF DEVELOPMENT (Cont'd.)**

- b) How professional learning related to educator practice and curriculum development are culturally responsive and reflect the needs of the community that the District serves.
- c) Expected participation in continuing teacher and leader education (CTLE), as well as other professional learning opportunities provided by the District.

The professional learning plan will be developed through collaboration with a professional learning team. The Board will appoint the members of this team in accordance with the Commissioner's regulations.

**Mentoring Program**

The District's professional learning plan will include a provision for a mentoring program. The purpose of the mentoring program is to provide guidance and support for educators who hold an initial certificate in the classroom teaching service or as a school building leader to ease the transition from teacher and school building leader preparation to practice in order to increase retention of teachers and school building leaders. Additionally, the mentoring program is intended to increase the skills of new teachers and school building leaders in order to improve student achievement.

The mentoring program will be developed and implemented consistent with any collective bargaining agreement.

Education Law Sections 1604, 1608, 1716, 1950, 2118, and 2601-a  
General Municipal Law Sections 77-b and 77-c  
8 NYCRR Section 100.2(dd)

NOTE: Refer also to Policies #6161 -- Conference/Travel Expense Reimbursement  
#6218 -- Registration and Professional Learning

Adopted: 9/17/08  
Revised: 2/13/24

## Personnel

**SUBJECT: CONFERENCE/TRAVEL EXPENSE REIMBURSEMENT**

All conference travel must have a completed Conference Request Form on file which has been approved by the principal and Superintendent. The Superintendent or designee approves those Conference Requests which have reimbursable employee expenses. Conference Request Forms are only to be used by District employees.

All conference reimbursement requests must be submitted using a Reimbursement Form.

Reimbursable expenses are hotel, travel, breakfast and dinner. Non-reimbursable expenses include: alcohol, lunches, in-room movies or incidentals, theatre tickets, other entertainment or greens fees.

Expenses for overnight-approved travel will be reimbursed when accompanied by original receipts for lodging and other reimbursable expenses. Meal expenses for overnight travel will only be reimbursed based on the Board approved per diem rates which are modeled after the United States General Services Administration per diem rates.

New York State sales taxes cannot generally be reimbursed. Sales tax may, however, be reimbursed when such costs constitute an actual and necessary expense. A Sales Tax-Exempt Form can be obtained prior to travel for hotel accommodations. Original receipts are required when submitting for parking and tolls, however "EZ Pass" statements may be substituted with the appropriate charges highlighted.

**Travel Expense Advance**

To mitigate the impact of personally bearing the upfront cost for meals and incidental expenses during travel, School District officials and employees who are required to travel outside of the District to attend conferences for two or more consecutive days, may request a meal allowance to be paid in advance of travel. The advance will be paid at the per diem meal and incidental expenses rate for the geographic area. The request is subject to the approval of the Superintendent. Employees will provide a signed assurance that funds paid in advance as an allowance will be returned to the District through voluntary payroll deduction if, for any reason, they do not travel.

All conference attendees are required to share materials and information obtained at the event with staff and the Board of Education.

NOTE: Refer also to Policy #5323 -- Reimbursement for Meals/Refreshments

Adopted: 9/17/08

Revised: 3/30/15; 4/18/17

**SUBJECT: FINGERPRINTING CLEARANCE OF NEW HIRES**

Unless otherwise authorized, the District will not employ or utilize a prospective school employee unless the prospective school employee has been granted "full" clearance for employment by the State Education Department (SED). The School District will require a prospective school employee who is not in the SED criminal history file database to undergo a fingerprint supported criminal history record background check. Criminal history record means a record of all criminal convictions and any pending criminal charges maintained on an individual by the Division of Criminal Justice Services (DCJS) and the Federal Bureau of Investigation (FBI). The District will obtain the applicant's consent to the criminal history records search.

The SED joined the Statewide Vendor Management System (SVMS) operated by MorphoTrust in conjunction with DCJS for the capture and transmission of the fingerprint application, fee, and digital fingerprint images. The District will use the SVMS as directed by SED. The District will still request clearance for employment, view information regarding an applicant's status, and enter hire or termination dates through SED's Web-based application known as TEACH.

**Safety of Students**

The District will 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. These 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: 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.

**Fingerprinting Fees**

Employees hired as instructional and non-instructional substitutes will pay the fingerprinting fee to SED. After subbing for the District ten times, the District will reimburse the substitute for the fingerprinting fee. The District will pay the fingerprinting fee for employees appointed to probationary positions as teacher aides and non-instructional support staff.

Employees appointed as probationary teachers, counselors and other professional staff will pay the fingerprinting fee without reimbursement from the District.

(Continued)

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Personnel

**SUBJECT: FINGERPRINTING CLEARANCE OF NEW HIRES (Cont'd.)**

Correction Law Article 23-A

Education Law §§ 305(30), 305(33), 1604, 1709, 1804, 1950, 2503, 2554, 2590-h, 2854, 3004-b, 3004-c and 3035

Executive Law § 296(16)

Social Services Law Article 5, Title 9-B

8 New York Code of Rules and Regulations (NYCRR) §§ 80-1.11 and Part 87

Adopted: 10/15/08

Revised: 11/20/12; 12/15/15; 12/6/16

## 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 will 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, email, instant messaging, text messaging or through social networking websites.)

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 or 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, must report the incident to any staff member or either the employee's supervisor, the student's principal or the District's designated Compliance Officer. In all events these reports will be forwarded to the designated Compliance Officer for further investigation. Anonymous complaints of inappropriate fraternization of staff members with students will also be investigated by the District. Investigations of allegations of inappropriate staff-student relations will follow the procedures utilized for complaints of harassment within the School District. Allegations of inappropriate staff-student behavior will be promptly investigated and will be treated as confidential and private to the extent possible within legal constraints.

(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 these allegations. This 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 will document the incident and report it to his or her building principal or supervisor immediately, or as soon as is practicable.

The District will promptly investigate all complaints of inappropriate staff-student relations, and take prompt corrective action to stop such conduct if it occurs.

**Prohibition of Retaliation (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 inappropriate staff-student relations. Follow-up inquiries and/or appropriate monitoring will be made to ensure that the alleged conduct has not resumed and that all those involved in the investigation have not suffered retaliation. Any act of retaliation is subject to appropriate disciplinary action by the District.

**District Responsibility/Training**

The principal of each school and/or program supervisor will be responsible for informing students, staff and volunteers of the requirements of this policy, including the duty to report and the procedures established for investigation and resolution of complaints. Further, staff training will be provided to facilitate staff identification of possible behavior that may constitute inappropriate staff-student relationships. Students will be provided such training in an age appropriate manner.

The District's policy (or a summary thereof) will be disseminated as appropriate to staff, students and parents. Further, this topic will be addressed in the District *Code of Conduct*.

**Disciplinary Sanctions**

Any staff member who engages in inappropriate conduct with a student will be subject to appropriate disciplinary measures up to and including termination of employment in accordance with legal guidelines, District policy and regulation, and any applicable collective bargaining agreement. A violation of this policy may also subject the employee to criminal and/or civil sanctions as well as disciplinary action by the 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 § 1681 et seq.

Education Law Article 23-B

Social Services Law §§ 411-428

8 NYCRR Part 83

Adopted: 9/17/08

Revised: 5/26/10; 10/25/17



**SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT****Overview**

The District is committed to the safety and security of its employees. Workplace violence presents a serious occupational safety hazard. The goal of this policy is to promote the safety and well-being of all people in the workplace.

Acts of violence against any employee where any work-related duty is performed will be thoroughly investigated and appropriate action will be taken, including involving law enforcement authorities when warranted. All employees are responsible for: helping to create an environment of mutual respect for each other, as well as students, parents, and other visitors; following all applicable documents; and for assisting in maintaining a safe and secure work environment.

This policy was developed in consultation with the authorized employee representative(s) and is designed to meet the requirements of New York State Labor Law.

**Definitions**

For purposes of this policy, the following definitions apply:

- a) "Authorized employee representative" means an employee authorized by the employees or the designated representative of an employee organization recognized or certified to represent the employees pursuant to Article 14 of the Civil Service Law, the Public Employees' Fair Employment Act.
- b) "Imminent danger" means any conditions or practices in any place of employment which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of the danger can be eliminated through the enforcement procedures.
- c) "Retaliatory action" means the discharge, suspension, demotion, penalization, or discrimination against any employee, or other adverse employment action taken against an employee in the terms and conditions of employment.
- d) "Serious physical harm" means physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health, or protracted loss or impairment of the function of any bodily organ or a sexual offense as defined in Penal Law.
- e) "Serious violation" means a serious violation of the public employer workplace violence prevention program is the failure to:
  1. Develop and implement a program;

(Continued)

**SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT (Cont'd.)**

2. Address situations which could result in serious physical harm.
  - f) "Supervisor" means any person within the District who has the authority to direct and control the work performance of an employee or who has the authority to take corrective action regarding the violation of a law, rule, or regulation to which an employee submits written notice.
  - g) "Workplace" means any location away from an employee's domicile, permanent or temporary, where an employee performs any work-related duty in the course of their employment by the District.

**What is Workplace Violence**

Workplace violence is any physical assault or acts of aggressive behavior occurring where an employee performs any work-related duty in the course of their employment including, but not limited to:

- a) An attempt or threat, whether verbal or physical, to inflict physical injury upon an employee;
- b) Any intentional display of force which would give an employee reason to fear or expect bodily harm;
- c) Intentional and wrongful physical contact with an employee without their consent that entails some injury;
- d) Stalking an employee with the intent of causing fear of material harm to the physical safety and health of the employee when the stalking has arisen through and in the course of employment.

Workplace violence may be committed by:

- a) Other employees;
- b) Former employees;
- c) Students;
- d) Parents;
- e) Visitors;
- f) Individuals who have no connection to the workplace, but enter to commit a robbery or other crime; or

(Continued)

**SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT (Cont'd.)**

- g) An individual who has a personal relationship with an employee.

**Prohibited Conduct**

The District prohibits workplace violence and will not tolerate violence, threats of violence, or intimidating conduct in the workplace.

**Workplace Violence Prevention Advisory Committee**

The District will establish a Workplace Violence Prevention Advisory Committee that will meet periodically throughout the year. The purpose of the Workplace Violence Prevention Advisory Committee is to assist the District in coordinating its efforts to comply with its responsibilities related to workplace violence prevention, including overseeing the development and maintenance of the District's Workplace Violence Prevention Program (WVPP).

The Workplace Violence Prevention Advisory Committee will include:

- a) The Workplace Violence Prevention Coordinator;
- b) All authorized employee representatives;
- c) The Chief Emergency Officer.

It may also include one or more representatives from the following groups:

- a) District-wide school safety team;
- b) The building level emergency response team(s);
- c) District/building administrators;
- d) Teachers, including at least one special education teacher; and
- e) Other District staff.

**Workplace Violence Prevention Coordinator**

The District will designate a staff member to be the Workplace Violence Prevention Coordinator at the Annual Reorganization Meeting.

(Continued)

**SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT (Cont'd.)**

The Workplace Violence Prevention Coordinator convenes and coordinates the activities and plans of the Workplace Violence Prevention Advisory Committee. The Workplace Violence Prevention Coordinator is also responsible for answering employee questions about this policy and related materials, as well as receiving workplace violence incident reports.

**Authorized Employee Representatives**

Authorized employee representatives will participate on the Workplace Violence Prevention Advisory Committee. Other responsibilities of the authorized employee representatives include, but are not limited to:

- a) Participating in the development and implementation of this policy.
- b) Evaluating the physical environment.
- c) Developing the WVPP.
- d) Reviewing workplace violence incident reports at least annually to identify trends in the types of incidents reported, if any.
- e) Reviewing the effectiveness of the mitigating actions taken.
- f) Reporting violations of the District's WVPP.

**Reporting Workplace Violence**

The District has established and implemented a reporting system for incidents of workplace violence. If there is a developing pattern of workplace violence incidents which may involve criminal conduct or a serious injury, the District will attempt to develop a protocol with the District Attorney or police to ensure that violent crimes committed against employees in the workplace are promptly investigated and appropriately prosecuted. The District will provide information on these protocols and contact information to employees who wish to file a criminal complaint after a workplace violence incident.

All employees and authorized employee representatives are responsible for providing written notice to a supervisor or Workplace Violence Prevention Coordinator of any violent incidents, threatening behavior, including threats they have witnessed, received, or have been told that another person has witnessed or received. Reports of workplace violence must be made in writing. All reports must be immediately forwarded to the Workplace Violence Prevention Coordinator.

(Continued)

**SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT (Cont'd.)**

Written notice is not required where imminent danger exists to the safety of a specific employee and the employee reasonably believes in good faith that reporting to a supervisor or the Workplace Violence Prevention Coordinator would not result in corrective action.

After the District receives notice, the District will be afforded a reasonable opportunity to correct the activity, policy, or practice. The District will immediately respond to all reported incidents of violence or threatening behavior upon notification.

In addition to complying with the reporting requirements in this policy, District employees must comply with all other applicable reporting requirements contained in any District policy, regulation, procedure, collective bargaining agreement, or other document such as the District's *Code of Conduct*.

**Inspections by the Commissioner of Labor**At the Request of an Employee or Authorized Employee Representative

If the District has been given notice and opportunity to resolve the activity, policy, or practice and the employee or authorized employee representative still believes that a serious violation of the WVPP remains, or that an imminent danger exists, the employee or authorized employee representative may request an inspection by notifying the Commissioner of Labor of the alleged violation or danger. The notice and request will be in writing, describing with reasonable particularity the grounds for the notice, and be signed by the employee or authorized employee representative. A copy of the written notice will be provided by the Commissioner of Labor to the District or the person in charge no later than the time of inspection, except that on the request of the person giving the notice, the person's name and the names of individual employees or authorized employee representative will be withheld.

A District representative and an authorized employee representative will be given the opportunity to accompany the Commissioner of Labor during an inspection for the purpose of aiding the inspection. Where there is no authorized employee representative, the Commissioner of Labor will consult with a reasonable number of employees concerning matters of safety in the workplace.

The authority of the Commissioner of Labor to inspect a premises pursuant to an employee complaint will not be limited to the alleged violation contained in the complaint. The Commissioner of Labor may inspect any other area of the premises in which they have reason to believe that a serious violation of the workplace violence prevention law exists.

Initiated by the Commissioner of Labor

The Commissioner of Labor may inspect any premises occupied by the District if they have reason to believe that a violation of the workplace violence prevention law has occurred. The current Public Employee Safety and Health (PESH) administrative plan will be used for the enforcement of the workplace violence prevention law, including a general schedule of inspection, which provides a rational administrative basis for the inspection.

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**SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT (Cont'd.)****Workplace Risk Evaluation and Developing a Workplace Violence Prevention Program (WVPP)**

The District will engage in a process of workplace evaluation designed to identify the risks of workplace violence to which employees could be exposed.

The District will then develop and implement a written WVPP to prevent, minimize, and respond to any workplace violence. The Workplace Violence Advisory Committee, which includes all authorized employee representatives, will oversee and participate in the development of the WVPP. During the development process, the authorized employee representative(s) will provide input on those situations in the workplace that pose a threat of workplace violence.

The WVPP will include the following:

- a) A list of the risk factors identified in the workplace evaluation.
- b) The methods the District will use to prevent incidents of workplace violence. Examples include, but are not limited to:
  1. Making high-risk areas more visible to more people;
  2. Installing good external lighting;
  3. Using drop safes or other methods to minimize cash on hand;
  4. Posting signs stating that limited cash is on hand;
  5. Providing training in conflict resolution and nonviolent self-defense responses; and
  6. Establishing and implementing reporting systems for incidents of aggressive behavior.
- c) A hierarchy of controls to which the program will adhere as follows: engineering controls, work practice controls, and personal protective equipment (PPE).
- d) The methods and means by which the District will address each specific hazard identified in the workplace evaluation.
- e) A system designed and implemented by the District to report any workplace violence incidents that occur in the workplace. The reports must be in writing and maintained for the annual program review.
- f) A written outline or lesson plan for employee program training.

(Continued)

**SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT (Cont'd.)**

- g) A plan for program review and update on at least an annual basis. This review and update will detail any mitigating steps taken in response to any incident of workplace violence.

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

The District will not take retaliatory action against any employee because the employee exercises any right accorded to them under this policy.

**Training**

At the time of hire and annually thereafter, all employees will participate in the District's workplace violence prevention training program.

**Notification**

This policy will be posted where notices to employees are typically posted. The District will make its WVPP available to employees, authorizes employee representatives, and the Commissioner of Labor upon request and in the work area.

Whenever significant changes are made to the WVPP, the District will provide relevant information to affected employees.

Labor Law Section 27-b  
12 NYCRR Section 800.6

NOTE: Refer also to Policies #3410 -- Code of Conduct  
#3411 -- Prohibition of Weapons on School Grounds  
#3412 -- Threats of Violence in School  
#3420 -- Non-Discrimination and Anti-Harassment in the District  
#3421 -- Title IX and Sex Discrimination  
#5681 -- School Safety Plans  
#5684 -- Use of Surveillance Cameras in the District and on School Buses  
#5690 -- Exposure Control Program  
#6121 -- Sexual Harassment in the Workplace  
#6122 -- Employee Grievances  
#7350 -- Timeout and Physical Restraint  
#7360 -- Weapons in School and the Gun-Free Schools Act

Adopted: 2/13/24

## Personnel

**SUBJECT: IDENTIFICATION BADGES**

The Randolph Academy Union Free School District is committed to providing a safe and secure environment for our students and employees. The District will issue Identification (ID) Badges to all full-time and part-time employees and School Board members as readily identifying School District employees and other authorized personnel. In addition, the identification badges will provide measured protection against unauthorized personnel and intruders from entering District buildings.

**Employees and Temporary Staff**

Identification Badges will be issued by the Principal's Office in each building to all existing and new employees. The badges will include the employee's name and photo, and District information. Badges shall be worn during the school day and when advising or chaperoning school-sponsored activities.

Long-term substitute teachers and student teachers, who are assigned to District buildings for an extended period of time, may be issued a regular ID badge by the Principal's Office. Short-term substitute teachers, other temporary employees and contract staff will be required to sign in each time they enter a District building. A non-picture ID badge (visitor or other temporary badge) will be issued to staff members in this category and it will be their responsibility to return the badge upon leaving the building each day.

The ID badge is the property of the School District and may only be used by the individual to whom it was issued. Employees may not loan their ID badge to anyone for any reason. Upon separation from employment, employees are required to return the ID badge.

**Visitors**

Visitors, including approved volunteers and vendors, will wear a "Visitor" identification badge after signing in and gaining permission to be on the premises during school hours. The badge must be worn in a highly visible manner while in District buildings and shall be surrendered when exiting the building.

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

NOTE: Refer also to Policy #3210 -- Visitors to the School

Adopted: 10/2/12



**SUBJECT: RECRUITMENT AND SELECTION****Purpose**

The District will attempt to employ the best qualified personnel who reflect the mission, norms and culture of Randolph Academy Union Free School District for any position.

**Policy**

Professional personnel shall be recruited and selected by, or at the direction of, the Superintendent of Schools, who shall recommend appointment to the Board of Education.

The District shall provide equal opportunity in employment for all qualified persons in accordance with federal and state legislation.

**Procedure****Posting of vacancies or anticipated vacancies:**

Internal postings will occur in accordance with the terms of collective bargaining agreements.

Civil Service postings will occur in accordance with Civil Service regulations.

Advertisement will occur through appropriate channels including, but not limited to, print ads, Internet postings, and public bulletin postings.

**Privacy**

Throughout the selection process, the District will safeguard private information of applicants, e.g., social security numbers, driver's license number, cell phone number.

**Application**

All candidates will complete the Randolph Academy Employment Application.

Where required, candidates will also complete the Civil Service Application.

In addition to the application, candidates applying for professional positions will submit a resume, three letters of reference and copies of certification/licensure.

**Screening**

Application materials will be received at the District office and reviewed by the Superintendent or designee, who will select candidates to interview.

(Continued)

**SUBJECT: RECRUITMENT AND SELECTION (Cont'd.)****Interviews**Professional staff

- a) Initial interviews will be conducted using a uniform list of questions by a team designated by the Superintendent, composed of administrators and other appropriate personnel.
- b) A second round interview for teachers will include teaching a lesson with students, to be observed by member(s) of the Board of Education, whenever possible.
- c) Employment offers will be made in writing by the Superintendent, to candidates selected for employment. A signed acceptance will be submitted to the District Office. Employment offers are contingent upon appointment by the Board of Education and successful background clearance.
- d) The Superintendent's recommendation is made to the Board of Education in the form of a motion placed on the agenda.
- e) Board of Education appointments are subject to vote by at least a quorum of the Board during any public meeting.

Support staff

- a) Initial interviews will be conducted using a uniform list of questions by the Superintendent's designee, in most cases the immediate supervisor.
- b) A second round interview will be conducted, if deemed appropriate.
- c) The Superintendent's recommendation is made to the Board of Education in the form of a motion placed on the agenda.
- d) Board of Education appointments are subject to vote by at least a quorum of the Board during a public meeting.

**Background checks**Pre-employment:

- a) References; personal and/or professional
- b) Internet search conducted by school IT personnel, as deemed appropriate

(Continued)

**SUBJECT: RECRUITMENT AND SELECTION (Cont'd.)**

- c) Justice Center Staff Exclusion List (SEL)
- d) Fingerprint clearance

Upon employment:

State Central Registry

## Personnel

**SUBJECT: CERTIFICATION AND QUALIFICATIONS**

The following provisions will govern certification and qualifications of District personnel:

- a) Each employee whose employment requires certification or other licensure must inform the Superintendent immediately of any change in his or her certification or licensure status. The changes may include the granting, revocation, upgrading, expiration, conversion, and/or extension of documents as to their periods of validity or their titles.
- b) Online verification of an employment applicant's certification status will be used in lieu of printed certificates for current and potential employees. The District will also check the TEACH database to ensure that any permanent or professional certificates for new hires remain valid.
- c) It is the responsibility of the employee to ensure that he or she maintains the appropriate certification and/or licensure required for his or her assignment.

**Parent Notification**

At the beginning of each school year, the District will notify parents that they may request information about the professional qualifications of their student's classroom teachers. The District will provide in a timely manner upon request the following information to parents:

- a) Whether the student's teacher has met New York State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction;
- b) Whether the student's teacher is teaching under emergency or other provisional status through which the New York State qualification or licensing criteria have been waived;
- c) Whether the student's teacher is teaching in the field of discipline of certification of the teacher; and
- d) Whether the student is provided services by any instructional aides or similar paraprofessionals and, if so, their qualifications.

In addition, the District will provide to parents timely notice that their student has been assigned or has been taught for four or more consecutive weeks by a teacher who does not meet applicable New York State certification or licensure requirements at the grade level and subject area in which the teacher has been assigned.

20 USC Section 6312  
34 CFR Section 200.61  
8 NYCRR Section 80-6.7

Adopted: 9/17/08  
Revised: 4/18/17; 11/28/18; 2/13/24

**SUBJECT: REGISTRATION AND PROFESSIONAL LEARNING****Registration**

All employees who are certificate holders must register with the State Education Department (SED) every five years through the TEACH system. An employee is a certificate holder if they hold a permanent or professional certificate in the classroom teaching service, a permanent or professional certificate in the educational leadership service (i.e., school building leader, school district leader, or school district business leader), or a Level III Teaching Assistant certificate. Only registered employees may teach or supervise in the District.

Employees who were certificate holders prior to July 1, 2016 had to apply for initial registration during the 2016-2017 school year and each subsequent five-year period thereafter.

Any individual who is issued a new certificate is automatically registered with SED. These certificate holders must renew their registration every five years during their birth month.

Any certificate holder who fails to register by the beginning of the appropriate registration period may be subject to late filing penalties.

Certificate holders must notify SED of any change of name or mailing address within 30 days of such change through the TEACH system. Any certificate holder who willfully fails to inform SED of changes to their name and/or address within 180 days of such change may be subject to moral character review.

**Continuing Teacher and Leader Education (CTLE) Credit Hours**

All continuing teacher and leader education certificate holders (CTLE certificate holders) must successfully complete a minimum of 100 hours of acceptable CTLE hours during each five-year registration period to maintain a valid certificate. An employee is a CTLE certificate holder if they hold a professional certificate in the classroom teaching service, a professional certificate in educational leadership service, or a Level III Teaching Assistant certificate. This requirement may be completed at any time over the course of a five-year period. Credit hours cannot carry over to subsequent registration periods.

SED sets high standards for courses, programs, and activities that qualify for CTLE credit, and it must approve all CTLE sponsors. Generally, acceptable CTLE will be in the content area of any certificate title held by an individual or in pedagogy.

(Continued)

**SUBJECT: REGISTRATION AND PROFESSIONAL LEARNING (Cont'd.)**

The District will describe opportunities for teachers and administrators to engage in CTLE in its professional learning plan. The District will annually certify, in a format and on a timetable prescribed by the Commissioner of Education, that the requirements to have a professional learning plan for the succeeding school year have been met and that it has complied with the professional learning plan for the current school year.

The District will provide CTLE opportunities that are designed to improve the teacher or leader's pedagogical and/or leadership skills and are targeted at improving student performance, among other things. A peer-review teacher or principal acting as an independent trained evaluator who conducts a classroom observation as part of a teacher evaluation under relevant sections of the Education Law may apply the observation time to fulfilling CTLE requirements. Time spent mentoring may also be counted toward required CTLE credit hours.

**Language Acquisition CTLE and Exemption**

Employees holding an English to speakers of other languages (all grades) certificate or a bilingual extension are required to complete a minimum of 50% of the required CTLE hours in language acquisition aligned with the core content area of instruction taught, including a focus on best practices for co-teaching strategies, and integrating language and content instruction for English Language Learner (ELL) students. All other certificate holders must complete a minimum of 15% of the required CTLE hours dedicated to language acquisition addressing the needs of ELLs, including a focus on best practices for co-teaching strategies and integrating language and content instruction for ELLs. A minimum of 15% of the required CTLE hours for employees holding a Level III Teaching Assistant certificate will be dedicated to language acquisition addressing the needs of ELLs and integrating language and content instruction for ELLs.

Employees holding school district business leader certificates are exempt from the language acquisition CTLE requirements for each year that they are employed in the District. Instead, they must complete a minimum of 15% of the required CTLE hours dedicated to the needs of ELLs and federal, state, and local mandates for ELLs.

Employees may be eligible for a waiver of language acquisition CTLE requirements. Each school year when there are fewer than 30 ELLs enrolled in the District or ELLs make up less than 5% of the total student population, the District may obtain an exemption. If the District obtains this exemption, employees would be exempt from the language acquisition CTLE requirement for each year that they are employed in the District.

**CTLE Adjustments**

The Commissioner may adjust an employee's number of CTLE hours and/or time to complete them due to poor health, as certified by a health-care provider; extended active duty in the Armed Forces; or other acceptable good cause.

(Continued)

**SUBJECT: REGISTRATION AND PROFESSIONAL LEARNING (Cont'd.)**

Any employee holding a certificate in the classroom teaching service who obtains certification from the National Board for Professional Teaching Standards will be considered CTLE-compliant for the registration period in which they obtain this certification. However, the employee must still meet any language acquisition requirements.

**Recordkeeping and Reporting Requirements**

Employees must maintain a record of completed CTLE hours for at least three years from the end of the applicable registration period. The record must include the title of the program, the total number of hours completed, the number of hours completed in language acquisition addressing the need of ELLs, the sponsor's name, any identifying number, attendance verification, and the date and location of the program.

The District will maintain a record of any professional learning it conducts or provides for educators for at least seven years from the date of completion. These records will be available for review by SED.

Education Law Sections 3006, 3006-a, and 3012-d  
8 NYCRR Subpart 80-6  
8 NYCRR Sections 100.2(dd) and 154-2.3(k)

NOTE: Refer also to Policy #6160 -- Professional Growth/Staff Development

Adopted: 9/17/08  
Revised: 4/18/17; 1/23/24

**SUBJECT: PROBATION AND TENURE**

The Board will comply with all applicable laws and regulations regarding probation and tenure. Any updates to applicable laws and regulations, whether temporary or permanent, will supersede any conflicting language in this policy. As a result, different probationary and tenure rules may apply for teachers or building principals in certain circumstances.

**Probation**

Generally, teachers, all other members of the teaching staff, principals, administrators, supervisors, and all other members of the supervising staff will be appointed by the Board upon the recommendation of the Superintendent for a probationary period of four years.

The probationary period will not exceed three years for teachers previously appointed to tenure in any district or BOCES within the state, provided that the teacher was not dismissed from that district or BOCES as a result of charges brought pursuant to Education Law Section 3020-a or 3020-b and met the required annual professional performance review (APPR) rating in their final year of service there.

Additionally, up to two years of service as a regular substitute teacher may be applied toward probationary service. (This is sometimes referred to as Jarema Credit.)

The probationary period will not exceed three years for principals, administrators, supervisors, or other members of the supervising staff appointed on or after June 1, 2020 who were previously appointed to tenure as an administrator within an authorized administrative tenure area in any district or BOCES within the state provided that the individual was not dismissed from that district or BOCES as a result of charges brought pursuant to Education Law Section 3020-a or 3020-b.

During the probationary period, a staff member will be given assistance in adjusting to the new position, but the essential qualifications for acceptable performance will be assumed because the staff member attained the required certification or license.

A staff member's appointment may be discontinued at any time during their probationary period upon the recommendation of the Superintendent and by majority vote of the Board.

Any staff member not recommended for tenure appointment will be notified in writing by the Superintendent no later than 60 days before their probationary period expires.

**Tenure**

At the expiration of the probationary period or within six months prior, the Superintendent will make a written report to the Board recommending for appointment to tenure those who have been found competent, efficient, and satisfactory and, in the case of teachers and building principals, those who have received APPR ratings of effective or highly effective in at least three of the preceding four years, exclusive of any breaks in service.

(Continued)



## Personnel

**SUBJECT: PROBATION AND TENURE (Cont'd.)**

If a teacher or building principal receives an APPR rating of ineffective in their final probationary year after receiving APPR ratings of effective or highly effective in the preceding probationary years, they will not be eligible for tenure. However, the Board may extend that teacher's or building principal's probationary time by an additional year. The teacher or building principal may be eligible for immediate tenure if they successfully appeal the ineffective rating.

The Board may then—by a majority vote—appoint to tenure any or all of the persons recommended by the Superintendent.

A teacher or building principal will remain on probationary status until the end of the school year in which they have received APPR ratings of effective or highly effective for at least three of the four preceding school years, exclusive of any breaks in service. During this time, the Board may grant tenure contingent upon a teacher's or building principal's receipt of a minimum APPR rating in the final year of their probationary period. If the contingency is not met after all appeals are exhausted, the grant of tenure will be void and unenforceable and the teacher's or building principal's probationary period may be extended for an additional year in accordance with law.

**Resolutions Making Appointments**

Each Board resolution making a probationary appointment or an appointment on tenure will specify:

- a) The name of the appointee;
- b) The tenure area or areas in which the professional will devote a substantial portion of their time;
- c) The date probationary service or service on tenure commences in each area;
- d) The expiration date of the appointment, if made on a probationary basis. For appointments of classroom teachers and building principals, the resolution must state that:
  1. To receive tenure, the individual must receive composite or overall APPR ratings of effective or highly effective in at least three of the four preceding years; and
  2. If the teacher or building principal receives an ineffective composite or overall APPR rating in their final year of probation, they will not be eligible for tenure at that time; and
- e) The certification status of the appointee in reference to the position to which the individual is appointed.

(Continued)

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Personnel

**SUBJECT: PROBATION AND TENURE (Cont'd.)**

Education Law Sections 2509, 2573, 3012, 3012-d, 3014, and 3031  
8 NYCRR Section 30-1.3

NOTE: Refer also to Policy #6216 -- Professional Staff: Separation

Adopted: 9/17/08  
Revised: 12/15/15; 4/18/17; 2/13/24

## Personnel

**SUBJECT: DISCIPLINING OF A TENURED TEACHER OR CERTIFIED PERSONNEL**

The District may discipline tenured teachers and certain certified personnel in accordance with applicable law, including, without limitation, Education Law Sections 3012, 3020-a, and 3020-b; Commissioner's regulations; or applicable contract provisions.

**Ineffective Personnel**

The District or Board may bring incompetence charges against a teacher or building principal who receives two or more consecutive ineffective ratings under the APPR; the District or Board must bring incompetence charges against anyone who receives three consecutive ineffective APPR ratings. A single hearing officer from the American Arbitration Association's labor arbitration panel will govern the competency hearing. The hearing may be public or private, at the employee's discretion. The employee will have a reasonable opportunity to defend himself/herself, but will not be required to testify. Each party has the right to be represented by counsel, to subpoena witnesses, to cross-examine witnesses, and to make motions or applications. There will be a full and fair disclosure of witnesses and evidence to be offered by both the District and the employee. A record of the proceeding will be kept.

**Allegations of Abuse**

The Board may suspend, without pay, an employee charged with physically or sexually abusing a student pending an expedited probable-cause hearing. A single hearing officer will conduct the probable-cause hearing.

**Child Witnesses**

A child under 14 may be allowed to testify through live, two-way, closed-circuit television if the hearing officer determines by clear and convincing evidence that the child would suffer serious mental or emotional harm that would substantially impair his/her ability to communicate if required to testify live, and that using closed-circuit television would diminish the likelihood or extent of the child suffering serious mental or emotional harm. In making this decision, the hearing officer will consider applicable factors listed in Criminal Procedure Law Section 65.20, including: whether the offense was particularly heinous, the child's age and vulnerability, the child's susceptibility to psychological harm due to an underlying physical or mental condition, whether the accused occupied a position of authority over the child, if the offense charged was part of an ongoing course of conduct committed by the accused against the child over an extended period of time, use of a dangerous or deadly weapon, whether the child suffered serious physical injury, threats made against the child, the accused's access to the child, and expert testimony that the child would be particularly susceptible to psychological harm if required to testify in open court or to be in the physical presence of the accused.

(Continued)

**SUBJECT: DISCIPLINING OF A TENURED TEACHER OR CERTIFIED PERSONNEL  
(Cont'd.)**

**Automatic Revocation of Teacher and Administrative Certificates by the Commissioner of Education**

The Commissioner will revoke and annul the certificate of a teacher, teaching assistant, pupil personnel services professional, school administrator or supervisor, or superintendent convicted of:

- a) A sex offense for which registration as a sex offender is required under the Sex Offender Registration Act; or
- b) Any other violent felony offense committed against a child when the child was the intended victim of the offense.

These offenses include, but are not limited to, sexual misconduct, sexual abuse, rape, statutory rape, assault, various other criminal sexual acts, and certain kidnapping offenses. Annulment and revocation will be conducted in accordance with Education Law Section 305(7-a).

In addition, the Commissioner will revoke and annul the certificate of a school district administrator, school administrator or supervisor, or school business administrator convicted of fraud under Penal Law Section 195.20 which makes it a Class E felony to obtain government property, services, or other resources in excess of \$1,000:

- a) Through a systemic ongoing course of conduct with the intent to defraud; or
- b) By false or fraudulent pretenses, representations, or promises; or
- c) To make use of the property, services, or other resources for private business or other compensable nongovernment purposes.

Annulment and revocation will be conducted in accordance with Education Law Section 305(7-b).

Criminal Procedure Law §§ 65.00, 65.20, 65.30, and 380.95  
Education Law §§ 305(7-a), 305(7-b), 2573(8), 2590-j(7), 3012 3020-a, and 3020-b  
Penal Law § 195.20  
8 NYCRR Subpart 82-3  
Correction Law Article 6-C

Adopted: 9/17/08  
Revised: 12/15/15

## 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 §§ 3012, 3019-a and 3031

Adopted: 9/17/08

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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 (2/3) of the members of the Board of Education to be determined at a Board meeting and to be entered upon the proceedings of the Board.

The Board shall take the same stance in the hiring of professional staff other than teachers.

Education Law § 3016

General Municipal Law §§ 800-809

Adopted: 9/17/08

**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 § 80-5.3

Adopted: 9/17/08



## Personnel

**SUBJECT: TEMPORARY PERSONNEL**

Randolph Academy Union Free School District may need to utilize temporary appointments. The terms of these appointments will be defined by the Board on a case-by-case basis.

**Student Teachers**

Randolph Academy Union Free School District will cooperate with teacher training institutions in the placement of student teachers to provide beginning teachers with the best possible student teaching experience.

Schools are required to allow student teachers to videotape themselves providing instruction in a classroom to meet part of their performance assessment requirements for teaching certification. The video must remain confidential, is a confidential record of the New York State Education Department (NYSED), and is not subject to viewing or disclosure to an individual or entity other than the student teacher applicant and relevant NYSED personnel.

Student teachers will 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 is employed in the place of a regularly appointed teacher who is absent, but is expected to return. The Superintendent will employ appropriately qualified substitute teachers. It is recognized that fully certified persons will not always be available for employment as substitute teachers. The District will employ substitute teachers in accordance with law and regulation.

The Board will annually establish the rate for per diem substitute teachers.

8 NYCRR Sections 80-1.5 and 80-5.4

Adopted: 9/17/08

Revised: 7/12/17; 11/28/18; 3/19/24

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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 § 63

Adopted: 9/17/08

**SUBJECT: SUPPLEMENTARY SCHOOL PERSONNEL****Teacher Aides**

In accordance with the regulations of the Commissioner, the Board of Education may employ teacher aides to assist in the daily operation of the school through **non-teaching duties**.

The duties and responsibilities to be assumed by teacher aides shall be outlined by the Superintendent in accordance with Civil Service guidelines. Teacher aides shall be responsible to the building principal/designee. The teacher to whom the aide is assigned is responsible for directing specific tasks and general supervision.

A teacher aide may be assigned to assist teachers in such non-teaching duties as:

- a) Managing records, materials and equipment;
- b) Attending to the physical needs of children; and
- c) Supervising students and performing such other services as support teaching duties when such services are determined and supervised by a teacher.

**Teaching Assistants**

In accordance with the regulations of the Commissioner, the Board of Education may employ teaching assistants to provide, under the general supervision of a licensed or certified teacher, **direct instructional service** to students.

Teaching assistants assist teachers by performing duties such as:

- a) Working with individual students or groups of students on special instructional projects;
- b) Providing the teacher with information about students that will assist the teacher in the development of appropriate learning aspects;
- c) Assisting students in the use of available instructional resources and assisting in the development of instructional materials;
- d) Utilizing their own special skills and abilities by assisting in instructional programs in such areas as foreign language, arts, crafts, music, and similar subjects; and
- e) Assisting in related instructional work as required.

(Continued)

## Personnel

**SUBJECT: SUPPLEMENTARY SCHOOL PERSONNEL (Cont'd.)**

Teaching assistants who hold a pre-professional teaching assistant certificate shall have the same scope of duties as enumerated above for other teaching assistants. Within that scope of duties, teaching assistants holding a pre-professional teaching assistant certificate may, at the discretion of the District, and while under the general supervision of a teacher, perform such duties as:

- a) Working with small groups of students so that the teacher can work with a large group or individual students;
- b) Helping a teacher to construct a lesson plan;
- c) Presenting segments of lesson plans, as directed by the teacher;
- d) Communicating with parents of students at a school site or as otherwise directed by a teacher;  
and
- e) Helping a teacher to train other teaching assistants.

Licensure and certification requirements shall be as mandated pursuant to Commissioner's regulations.

8 NYCRR § 80-5.6

Adopted: 9/17/08

## 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; property rented or leased by the District; 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 § 2801(1)

Adopted: 9/17/08

## 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 School District. To ensure the individual's privacy, directory or confidential information should not be shared with a third party except in the following situations, but not limited to:

- a) When members of the Board of Education need information from the employee's personnel record to aid them in performing their legal responsibilities in such matters as appointments, assignments, promotions, demotions, remuneration, discipline, dismissal or to aid in the development and implementation of personnel policies.
- b) When the employee grants permission.

Procedures for obtaining consent for release of records to third parties shall be developed by the administration.

**Release of Information Concerning Former Employees**

The District shall not release information concerning the employment records, personnel file or past performance of a former employee, unless such information is required to be disclosed by law. Only the initial and final dates of employment and the position held shall be provided through a written response to a written request. The former employee may authorize the release of any additional information.

Public Officers Law § 87  
8 NYCRR Part 84

Adopted: 9/17/08  
Revised: 1/5/16

## Personnel

**SUBJECT: EMPLOYEE ACTIVITIES****Political Activities**

The Board of Education recognizes the right of its employees, as citizens, to engage in political activities and to exercise their constitutionally-protected rights to address matters of public concern.

However, a District employee's constitutional rights to raise matters of public concern are limited when the speech or action occurs on school grounds and/or during school times. When such speech or action occurs on school grounds and/or during school time, the Board of Education can impose reasonable restrictions on the time, place and manner of the speech or action, and can further regulate the content of such speech when it materially imperils the efficient operation of the school.

Teachers may not use their classrooms or school surroundings as a means to promote their personal political views and beliefs. However, teachers are encouraged to address issues of current events for their instructional and informational value to students, to invite public and/or political figures to visit the classroom as a community resource, and to motivate students to participate in the political process.

**Consulting Activities**

A professional staff member who wishes to utilize "school time" to act as an outside consultant, hearing officer, workshop presenter, etc. is required to request vacation and/or personal leave time for such purpose in accordance with the terms of his/her collective bargaining agreement with the District.

If any professional staff member engages in such consulting activities, use of the District's resources including, but not limited to, school buildings, school-owned equipment and supplies, is prohibited. As much as possible, in accordance with the terms of his/her collective bargaining agreement, the Superintendent must ascertain that the consulting activity does not constitute a conflict of interest in violation of law and/or the District's Code of Ethics.

While the District does not require that all outside employment of its professional staff have prior approval of the Board of Education, staff members are expected to fulfill their job duties and responsibilities with the District in accordance with law, the applicable collective bargaining agreement and the Code of Ethics.

The Superintendent or his/her designee may exercise his/her discretion to determine that a particular activity is related to the employee's school responsibilities and is, therefore, not subject to the terms of this policy.

**Solicitations by Staff**

Staff members shall not be engaged in advertising or commercial solicitations on school time, except as authorized by the Superintendent and/or designee.

General Municipal Law, Article 18

NOTE: Refer also to Policy #5550 -- Use of Federal Funds for Political Expenditures

Adopted: 9/17/08

## Personnel

**SUBJECT: VOLUNTEER FIREFIGHTERS AND AMBULANCE CORPS PERSONNEL**

The Board of Education recognizes that voluntary firefighters and voluntary ambulance squad personnel service as the only resource for the community to save lives in the case of accidents and to preserve personal property and lives in cases of fire.

This policy covers members of the Randolph and East Randolph firefighters and ambulance squads.

Since some staff members are volunteer firefighters and/or ambulance corps personnel, the Board believes that in some situations which are life threatening and/or working structure fires or second alarm calls, such appropriate personnel should be released from their teaching/work assignments as soon as possible to assist in said emergencies. It is understood that such individuals will return to their teaching/work assignments as soon as the emergency condition is relieved as determined by the volunteer's officer-in-charge.

Personal business days and sick days shall not be charged against said volunteer staff members. Should the emergency situation occur during such a time (i.e., all night fire) that said personnel determine that they are unable to return to work or even to go to work, the individual may use his/her accumulated sick day(s) for recuperation purposes.

**Notification Steps**During normal work day

- a) Request permission from the building principal to leave the building for an emergency. The employee cannot leave until coverage for their duties is provided or the principal grants consent.
- b) Notify building principal's office upon return to work.

Outside normal work day

- a) Notify or cause to have the building principal's office contacted regarding absence from work and approximate time employee will return to work.
- b) Volunteers who wish to use a sick day for "recuperation" purposes must furnish the District with documentation of being (Out of service 210) at a time outside the normal work day.
- c) Employees who are performing volunteer duties before and during, during, or during and after their normal work day will not be charged sick time for their absence.

(Continued)



**SUBJECT: VOLUNTEER FIREFIGHTERS AND AMBULANCE CORPS PERSONNEL  
(Cont'd.)**

- d) The volunteer organization must notify the Superintendent's office annually (July 1 for 12-month employees, September 1 for 10-month employees) of their membership with volunteer firefighting and rescue activities during the school year. An employee can only volunteer for one organization at any one time.

Guidelines will be established by the Superintendent and distributed to the appropriate personnel.

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**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.

Penal Law § 165.15

Adopted: 9/17/08

**SUBJECT: STAFF USE OF COMPUTERIZED INFORMATION RESOURCES****Statement of the Board of Education of the Randolph Academy Union Free School District**

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, wireless networks/access 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, and/or to access the DCS from their personal devices. All use of the DCS and the wireless network, including independent use off school premises and use on personal devices, 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.

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**SUBJECT: STAFF USE OF COMPUTERIZED INFORMATION RESOURCES (Cont'd.)****Confidentiality, Private Information and Privacy Rights**

Confidential and/or private data, including but not limited to, protected student records, employee personal identifying information, and District assessment data, shall only be loaded, stored or transferred to District-owned devices which have encryption and/or password protection. This restriction, designed to ensure data security, encompasses all computers and devices within the DCS, any mobile devices, including flash or key drives, and any devices that access the DCS from remote locations. Staff will not use email to transmit confidential files in order to work at home or another location. Staff will not use cloud-based storage services (such as Dropbox, GoogleDrive, SkyDrive, etc.) for confidential files.

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.

**Administration of the Randolph Academy Union Free School District Acceptable Use Policy**

The Superintendent or his/her designee will:

- a) Serve as coordinator to oversee the District's computer systems and networks.
- b) Coordinate the maintenance of the District's computer systems and networks and monitor all activities to ensure appropriate use.
- c) Disseminate and interpret District policy and regulations regarding the District's computer systems and networks to all users.
- d) Provide opportunities to all users for training in the appropriate use of the District's computer systems and networks.
- e) Ensure that all users complete and sign an agreement to abide by District policies and regulations to be filed with the Superintendent or his/her designee.

(Continued)

**SUBJECT: STAFF USE OF COMPUTERIZED INFORMATION RESOURCES (Cont'd.)**

- f) Meet with any user who violates this policy and determine consequences on an individual basis. These may include limiting, suspending, or terminating an individual's access to District computer systems and networks, as well as determining the restitution in the event of physical damage.

**Acceptable Use Policy of Randolph Academy Union Free School District**Privacy

- a) All users will respect the privacy of other users. Users will not seek information from, obtain copies of, modify, or delete the files of other users without that user's prior permission.
- b) The administration reserves the right to review communications and files stored on District computers and networks and monitor user activity to insure system integrity and responsible use.

Individual Use

- a) Users will not, at any time, use District equipment for commercial, monetary, or business gain.
- b) During school hours, District equipment will only be utilized for school-related activities, which include classroom management, coursework, or faculty-authorized/supervised activities in appropriate settings that are consistent with the District's mission and outcomes.
- c) After school hours, users will restrict themselves to appropriate research.
- d) Users shall not use District equipment to engage in illegal acts.
- e) Users shall not disrupt or attempt to damage any computer system, system performance, or data.
- f) Users will not disrupt other's use of the Internet.
- g) Users are responsible for backing up the data on the hard drive of any computer assigned to them.

Email/Instant Messaging

- a) Communications are not private.
- b) Each user is responsible for the communication originating from their user name.
- c) Forgery or attempted forgery is prohibited.

(Continued)

**SUBJECT: STAFF USE OF COMPUTERIZED INFORMATION RESOURCES (Cont'd.)**

- d) Attempts to read, delete, copy, or modify the email of other users is prohibited as is interfering with the ability of other users to send or receive email.
- e) Email or instant messaging will not be used for harassment, spamming, threatening, forwarding of chain letters or pranks.
- f) Only District approved email addresses will be accepted on school computers.

Security

- a) Users will be granted access after basic computer and network training.
- b) All users will respect the confidentiality of network information and will not divulge their password or seek the password of another user to gain unauthorized access to files.
- c) All users will logoff or lockdown their workstation when their activities are completed.
- d) Users with access to student records will not use, release, or share these records except as authorized by Federal and State law.
- e) Users will not alter computer system settings.
- f) Users will immediately notify the network administrator of any security problems.

Inappropriate activities

- a) Users will not develop or use programs on District equipment to harass other users, or to send vulgar, inappropriate, or distasteful messages.
- b) Users will refrain from creating defamatory, abusive, offensive, illegal or adult oriented material on District equipment.
- c) District equipment will not be used to obtain, view, download, or otherwise gain access to materials that are unlawful, obscene, pornographic, abusive, or otherwise objectionable, potentially damaging, dangerous, or disruptive. This applies to both computer software and Internet use.
- d) Users will not solicit personal information with the intent of causing emotional or physical harm.
- e) Accidental inappropriate access should be reported to the Computer Facilitator immediately for your protection.

(Continued)

**SUBJECT: STAFF USE OF COMPUTERIZED INFORMATION RESOURCES (Cont'd.)**Property Use

Individuals will be responsible for performing virus scans on any portable storage devices which have been used outside the Randolph Academy System.

Licensing and Copyright Infringement

- a) Only software purchased and owned by the Randolph Academy Union Free School District may be loaded on the District hardware.
- b) No personal software may be loaded onto the District hardware or networks.
- c) The works of others may not be plagiarized. Copyrighted material may not be placed on the District's computer systems and networks without the author's permission.
- d) Users will not make copies of school software for the purpose of installing it on a home computer system.
- e) Downloads are to be cleared with the Computer Facilitator and then done after school hours.

Student Supervision

- a) All student computer activity will be visually supervised. All staff should be familiar with the terms of the Student Acceptable Use Policy and know each student's Internet access rights as determined by their parent or guardian.
- b) Student Internet activity is limited to an assigned school task. Searches should be guided to familiar appropriate websites.
- c) While there will be a student filter in place, student Internet activity must still be visually monitored.
- d) Users will not engage in computer use while students are in the room unless the activity is a computer demonstrated class activity. Engaging in computer use interferes with appropriate classroom instruction and management.

**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)

## Personnel

**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, video sites 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, Vine, Instagram, SnapChat, 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 prohibited. In addition, employees are encouraged to maintain the highest levels of professionalism when communicating, whether using District devices or their own personal devices, in their professional capacity as educators. They have a responsibility to address inappropriate behavior or activity on these networks, including requirements for mandated reporting and compliance with all applicable District Policies and Regulations.

NOTE: Refer also to Policies #5672 -- Information Security Breach and Notification  
#6471 -- Use of Email in the School District  
#7244 -- Student Data Breaches  
#7318 -- Student Use of Personal Technology  
#8271 -- Internet Safety/Internet Content Filtering

(Continued)



**SUBJECT: STAFF USE OF COMPUTERIZED INFORMATION RESOURCES (Cont'd.)****User Agreement for Use of the Computer System of the  
Randolph Academy Union Free School District**

I have received and read a copy of the Randolph Academy's acceptable use policy regarding District computer systems and networks. I understand and agree to abide by the regulations contained within this policy and any related policies that are stated in the staff handbook. I understand my responsibility to report violations of the District's policy to the Superintendent or his/her designee.

I understand that my failure to comply with this policy may result in a loss of my computer privileges on the District's computer systems and networks. I also understand that the Randolph Academy reserves the right to pursue progressive disciplinary measures including legal action and/or restitution if I willfully misuse, destroy or damage District property.

I understand that 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.

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Staff Member

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Date

**SUBJECT: USE OF EMAIL IN THE SCHOOL DISTRICT**

Electronic mail or email is a valuable business communication tool, however, users must use this tool in a responsible and lawful manner. Every employee and authorized user has a responsibility to be knowledgeable about the inherent risks associated with email usage and to avoid placing the District at risk. The same laws and business records requirements apply to email as to other forms of written communication. District employees, board members and authorized users shall use the District's designated email system and instant messaging, for all business-related email, including emails in which students or student issues are involved. Personal email accounts shall not be used to conduct official business.

**Employee Acknowledgement**

All employees and authorized users will be required to review a copy of the District's policies on staff use of computerized information resources and the regulations established in connection with those policies. Each user must annually acknowledge this employee and authorized user agreement before establishing an account or continuing in his/her use of email.

**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 transmitted 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 emails with comments or statements about the District that may negatively impact it; or
- f) Send or forward email that contains confidential information subject to Health Insurance Portability and Accountability Act (HIPAA), Family Educational Rights and Privacy Act (FERPA), and other applicable laws.

(Continued)

**SUBJECT: USE OF EMAIL IN THE SCHOOL DISTRICT (Cont'd.)****Personal Use**

Employees, board members, and authorized users may not use the District's email system for personal use. However, employees and authorized users have no expectation of privacy in email use. Employees and authorized users shall not access any other email account or system (Yahoo, Hotmail, AOL, etc.) via the District's network or use the District's email programs to 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 also shall not be used for personal gain or profit.

**Receiving Unacceptable Mail**

Employees and authorized users who receive offensive, unpleasant, harassing, or intimidating messages via District email or instant messaging should inform their principal/supervisor immediately.

**Records Management and Retention**

Email shall be maintained and archived in accordance with the NYS Records Retention and Disposition Schedule ED-1 and as outlined in the Records Management Policy. Email records may consequently be deleted, purged, or destroyed after they have been retained for the requisite time period established in the ED-1 schedule.

**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 regarding 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; and
- d) No expectation of privacy: email use on District property is NOT to be construed as private.

**Sanctions**

The Information System Administrator may report inappropriate use of email by an employee/authorized user to the employee/authorized user's principal/supervisor who may take appropriate disciplinary action. Violations may result in appropriate disciplinary action. When applicable, law enforcement agencies may be contacted.

(Continued)

**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 District  
#5670 -- Records Management  
#6470 -- Staff Use of Computerized Information Resources  
#8271 -- Internet Safety/Internet Content Filtering

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Personnel

**SUBJECT: SCHOOL RELATED BUSINESS TRAVEL**

Transportation for school related business shall be by school vehicle when available, with a District credit card provided for gasoline. The cost for tolls, parking, etc. will be reimbursed by the District following submission of receipts. If a school vehicle cannot be provided, the District will pay for mileage at the rate approved by the Board of Education with prior approval of the Superintendent.

In the event that an individual chooses to drive his/her own vehicle, prior approval of the Superintendent is needed. The cost for mileage, tolls, parking, etc. will be reimbursed by the District following submission of receipts.

Adopted: 9/17/08

**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 enactment 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 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.

Paul D. Coverell Teacher Protection Act of 2001, as reauthorized by the Every Student Succeeds Act (ESSA) of 2015  
Education Law §§ 1604(25), 1604(31-b), 1709(26), 1709(34-b), 3023, 3028 and 3811  
General Municipal Law §§ 6-n and 52  
Public Officers Law § 18

Adopted: 9/17/08

**SUBJECT: LEAVES OF ABSENCE**

In general, leaves of absence will be administered by the Superintendent. The Board reserves the right to grant leaves of absence for purposes or under conditions not contemplated or considered in the policy statement. Where a leave of absence is falsely requested or improperly used, the Board may undertake appropriate disciplinary action. The purpose or conditions of a leave of absence may not be altered except by permission of the Superintendent, as expressed in writing.

**Leaves of Absence, Contractual, Et Al.**

- a) Employees who are members of a negotiating unit:

Authorization is granted to approve requests for leaves of absence submitted in accordance with provisions of contracts in effect between the District and each bargaining unit.

- b) Employees who are not members of a negotiating unit:

Authorization is granted to approve requests for leaves of absence submitted by these employees where the requests are consistent with provisions of contracts in effect between the District and the bargaining unit most compatible with the employment status of the employee.

- c) Employees who are under contract to the District:

Authorization is granted to implement provisions for leaves of absence contained in each contract.

**Leaves of Absence, Unpaid, Not Covered Above**

- a) Subject to limitations enumerated in this policy statement, authorization is granted for the following unpaid leaves of absence:

1. For a period of time not to exceed one school year for approved graduate study, this leave to include any required internship experience.
2. At the expiration of a paid sick leave of absence, this leave may be extended for a period of time not longer than the end of the school year after the school year in which the paid leave of absence began.

- b) Unpaid leaves of absence cannot be used to extend vacation periods, to take vacations, to engage in other occupations, or to provide additional personal leaves, except that the Superintendent will have discretion, where circumstances warrant, to approve leaves of absence for those purposes.

- c) Unpaid leaves of absence will not be granted unless the services of a substitute employee, satisfactory in the discretion of the Superintendent, can be secured.

(Continued)



**SUBJECT: LEAVES OF ABSENCE (Cont'd.)**

- d) Except where it interferes with an employee's legal or contractual rights, the timing of unpaid leaves of absence will be granted at the convenience of the District.

**Other Leaves of Absence**

Other leaves of absence include, but are not limited to, the following:

- a) Emergency Service Volunteer Leave

Upon presentation of a written request from the American Red Cross and with the approval of the Superintendent, employees certified by the American Red Cross as disaster volunteers will be granted leave from work with pay for up to 20 days in any calendar year to participate in specialized disaster relief operations. This leave will be provided without loss of seniority, compensation, sick leave, vacation leave, or other overtime compensation to which the volunteer is otherwise entitled.

- b) Screenings for Cancer

Employees will be granted up to four hours of paid leave on an annual basis to undertake a screening for cancer. This leave will be excused leave and will not be charged against any other leave to which the employee is entitled.

- c) Blood Donation

The District must either, at its option:

1. Grant three hours of unpaid leave of absence in any 12-month period to an employee who seeks to donate blood off-premises. The leave may not exceed three hours unless agreed to by the Superintendent or designee; or
2. Allow its employees without use of accumulated leave time to donate blood during work hours at least two times per year at a convenient time and place set by the Superintendent or designee, including allowing an employee to participate in a blood drive at the District.

Leave taken by employees at a District-designated donation alternative (such as a District-sponsored blood drive at the workplace) must be paid leave that is provided without requiring the employee to use accumulated vacation, personal, sick, or other leave time.

The District will not retaliate against an employee for requesting or obtaining a leave of absence under this section. Additional leaves for the purpose of blood donation under any other provision of law will not be prevented.

(Continued)

## Personnel

**SUBJECT: LEAVES OF ABSENCE (Cont'd.)**

## d) Bone Marrow Donation

Employees seeking to undergo a medical procedure to donate bone marrow will be granted leaves to do so, the combined length of the leaves to be determined by the physician, but may not exceed 24 work hours unless agreed to by the Superintendent or designee. The District will require verification for the purpose and length of each leave requested by the employee for this purpose.

The District will not retaliate against an employee for requesting or obtaining a leave of absence under this section. Additional leaves for the purpose of bone marrow donation under any other provision of law will not be prevented.

## e) Nursing Mothers (Breastfeeding/Lactation)

The District will provide reasonable unpaid break time or permit the use of paid break time or meal time to allow an employee to express breast milk for their nursing child each time the employee has reasonable need to express breast milk for up to three years following childbirth.

Upon employee request, the District will designate a room or other location to be used by the employee to express breast milk which will be in close proximity to the work area, well lit, shielded from view, and free from workplace or public intrusion. The location will, at a minimum, contain a chair, a working surface, nearby access to clean running water, and an electrical outlet. The location will not be a restroom or toilet stall. The District will provide access to refrigeration for the purposes of storing expressed milk.

If the sole purpose of the location is not dedicated for use by employees to express breast milk, the location will be made available to employees when needed and will not be used for any other purpose while in use. The District will provide notice to all employees as soon as practicable when the location has been designated for use by employees to express breast milk.

At the employee's option, the District will allow the employee to work before or after their normal shift to make up the amount of time used during the unpaid break time(s) so long as the additional time requested falls within the District's normal work hours.

The District will provide a written notification regarding the rights of nursing employees to express breast milk in the workplace to each employee upon hire, annually thereafter, and to employees returning to work following the birth of a child. This notice will be based on a written policy developed by the Commissioner of Labor and will at a minimum:

1. Inform employees of their rights pursuant to law;

(Continued)

## Personnel

**SUBJECT: LEAVES OF ABSENCE (Cont'd.)**

2. Specify how a request may be submitted to the District for a room or other location for use by an employee to express breast milk;
3. Require the District to respond to requests within a reasonable time frame that is not to exceed five business days.

The District will not discriminate or retaliate against an employee who chooses to express breast milk in the workplace.

f) Witnesses or Victims of Crimes

The District will grant an unpaid leave of absence to an employee, who is a victim of or a witness to a criminal offense, that is required or chooses to appear as a witness, consult with the district attorney, or exercise their rights as provided in the Criminal Procedure Law, the Family Court Act, and the Executive Law.

To use this leave, the employee must provide notice of the need for leave at any time prior to the actual day of leave. The District is permitted to ask the party who sought the attendance or testimony of the employee to provide verification of the employee's service. Employees will not be penalized or discharged for absences by reason of a required appearance as a witness in a criminal proceeding, or consultation with the district attorney, or exercising their rights as provided under the law.

g) Victims of Domestic Violence

Unless the absence would cause an undue hardship to the District, the District will provide reasonable accommodations to employees who are victims of domestic violence who must be absent from work for a reasonable time in accordance with law.

An employee availing themselves of this leave must provide the District with reasonable advance notice, unless providing this notice is not feasible. An employee unable to provide reasonable advance notice must, within a reasonable time after the absence, provide a certification to the District when requested.

To the extent allowed by law, the District will maintain the confidentiality of any information related to an employee's status as a victim of domestic violence.

h) Military Leave

The District will comply with state and federal laws regarding military leave and re-employment.

(Continued)

**SUBJECT: LEAVES OF ABSENCE (Cont'd.)**

## i) Jury Duty

As provided by law, any employee who is summoned to serve as a juror and who notifies the District to that effect prior to their term of service will not, on account of absence by reason of jury service, be subject to discharge or penalty. The District will ensure that all absences for this purpose are granted in accordance with law and the terms of any applicable collective bargaining agreement.

## j) Voting

Employees who are registered voters and have four consecutive hours either between the opening of the polls and the beginning of their working shift, or between the end of their working shift and the closing of the polls, will be deemed to have sufficient time to vote and will therefore not be eligible for paid leave to vote in any election.

Employees who are registered voters, and do not have sufficient time outside of their working hours to vote in any election, may without loss of pay for up to two hours, take so much time off as will, when added to their voting time outside of their working hours, enable them to vote. The employee will be allowed time off for voting only at the beginning or the end of their working shift, as the District may designate, unless otherwise mutually agreed.

Employees requiring working time off to vote must notify the District not more than ten or less than two working days before the day of the election.

The District must post a notice informing employees of their right to leave in order to vote not less than ten working days before an election and until polls close on election day. This notice will be conspicuously posted in a place where it can be seen by employees as they come and go to their place of work.

29 USC Section 218d

Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 USC Sections 4301-4333

Civil Service Law Sections 71-73 and 159-b

Education Law Sections 1709(16), 2509(6), 2573(12), 3005, 3005-a and 3005-b

Election Law Section 3-110

Executive Law Section 296(22)

General Municipal Law Sections 92, 92-c, and 92-d

Judiciary Law Sections 519 and 521

Labor Law Sections 202-a, 202-i, 202-j, 202-l, and 206-c

Military Law Sections 242 and 243

Penal Law Section 215.14

Adopted: 9/17/08

Revised: 2/9/16; 11/28/18; 1/23/24

**SUBJECT: FAMILY AND MEDICAL LEAVE ACT (FMLA)**

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. Employees must use paid leave concurrently with period of FMLA leave.

The District uses a "rolling" 12-month period measured backward from the date of any FMLA leave usage 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)

## Personnel

**SUBJECT: FAMILY AND MEDICAL LEAVE ACT (FMLA) (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 Entitlements**Military 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 (FMLA) (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 on 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 (FMLA) (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 (FMLA) (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

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 Section 101(a)(13)  
29 USC Sections 1630.1 and 2611-2654

(Continued)

**SUBJECT: FAMILY AND MEDICAL LEAVE ACT (FMLA) (Cont'd.)**

29 CFR Part 825 and Part 1630

42 USC Section 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: 9/17/08

Revised: 2/9/16; 11/14/23

## 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)

**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, 2008, as the result of Non-Contributory Military Service Credit legislation signed as Chapter 326 of the Laws of 2005.

(Continued)

**SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)/MILITARY LEAVES OF ABSENCE (Cont'd.)**

Time during which an employee is absent on military duty shall not constitute an interruption of continuous employment, but such time shall not be counted or included in determining the length of total service in the pension or retirement system unless the employee contributes to the pension or retirement system the amount he/she would have been required to contribute if the employee had been continuously employed during the period of military duty.

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.

In accordance with law, an employee means a person who performs services for hire for the District for an average of 20 or more hours per week, and includes all individuals employed at any District site having 20 or more District employees, but shall not include independent contractors.

An employer shall not retaliate against an employee for requesting or obtaining a leave of absence as provided above. The provisions of this section shall not affect or prevent an employer from providing leave for military spouses in addition to leave allowed under any other provision of law. The provisions of this section shall not affect an employee's rights with respect to any other employee benefit provided by law.

**Reemployment/Restoration Rights ("Escalator Principle")**

Per USERRA, as a general rule, the employee is entitled to reemployment in the job position that he/she would have attained with reasonable certainty if not for the absence due to military service. The position to which the returning service member should be restored has become known as the "escalator principle." 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.

(Continued)

**SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)/MILITARY LEAVES OF ABSENCE (Cont'd.)**

The employee must be qualified for the reemployment position. The District shall make reasonable efforts to help the employee become qualified to perform the duties of this position. The District is not required to reemploy the employee on his/her return from military service if the employee cannot, after reasonable efforts by the District, qualify for the appropriate reemployment position.

Per State law, an employee restored to his/her position after the termination of military duty shall be entitled to the rate of compensation he/she would have received had the employee remained in his/her position continuously during the period of military duty; and the employee shall be deemed to have rendered satisfactory and efficient service in the job position during the period of military leave of absence. Further, the employee shall not be subjected directly or indirectly to any loss of time service, increment, or any other right or privilege; nor shall an employee be prejudiced in any way with reference to promotion, transfer, reinstatement or continuance in employment.

All other rights, benefits, and responsibilities of a District employee serving in the military shall be in accordance with law, regulations, and/or the applicable contract/collective bargaining agreement.

**Probationary Service**

Public Employees in General

If a public employee (with the exception of the probationary service of "teachers" as described below) enters military duty before the expiration of the probationary period in any position to which he/she may have been appointed, or to which he/she may thereafter be appointed or promoted, the time such employee is absent on military duty shall be credited as satisfactory service during this probationary period.

Teachers/Supervisory Staff

In any case where a "teacher" (*as defined in State Education Law Section 3101, the term "teacher" encompasses a broad category of full-time members of the teaching and supervisory staff of the District, and is not limited to "instructional" employees*) enters military duty before the expiration of the probationary period to which he/she may have been appointed, the time the "teacher" is absent on military duty shall be credited as satisfactory service during this probationary period. If the end of such probationary service occurs while the "teacher" is on military duty or within one year following the termination of military duty, the period of the probationary service may be extended by the Board of Education for a period not to exceed one year from the date of termination of military duty. However, in no event shall the period of probationary service in the actual performance of teaching services extend beyond that required by the School District at the time of the "teacher's" entry into military service.

(Continued)

**SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)/MILITARY LEAVES OF ABSENCE (Cont'd.)**

**Collective Bargaining Agreements/Contracts/Plans/Practices**

In accordance with USERRA, any State or local law, contract, agreement, policy, plan, or practice that establishes an employment right or benefit that is more beneficial than, or is in addition to, a right or benefit under USERRA, such greater employment right or benefit will supersede this Federal Law.

**Notice of Rights and Duties**

The District shall provide a notice of the rights, benefits and obligations of employees and the District under USERRA. The District may provide the notice by posting it where employee notices are customarily placed. The District may also provide such notice to its employees in other ways that will minimize costs while ensuring that the full text of the notice is provided (e.g., by handing or mailing out the notice, or distributing the notice via electronic mail).

The U.S. Department of Labor has developed and made available on its website (<http://www.dol.gov/vets/programs/userra/poster.htm>) a poster for use by private and State employers (including school districts) that can be posted in order to comply with the notification mandate.

The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), Public Law 108-454  
38 USC §§ 4301-4333  
20 CFR Part 1002  
Education Law § 3101  
Military Law §§ 242 and 243

Adopted: 9/17/08

## 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, tobacco abuse 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 review and monitoring of the effect of the EAP services.

NOTE: Refer also to Policies #3410 -- Code of Conduct  
#6150 -- Alcohol, Tobacco, Drugs, and Other Substances (Staff)  
#6151 -- Drug-Free Workplace



**SUBJECT: DETERMINATION OF EMPLOYMENT STATUS: EMPLOYEE OR INDEPENDENT CONTRACTOR**

The District has the primary responsibility for determining whether an individual is rendering services as an employee or as an independent contractor. When making this determination, the District must consider the factors set forth in state regulations.

A certification of the determination that an individual is an employee is required when the District initially reports to the New York State and Local Retirement System (NYSLRS) certain covered professionals, including those persons providing services as an attorney, physician, engineer, architect, accountant, or auditor.

**Definitions**

"Employee" means an individual performing services for the District for which the District has the right to control the means and methods of what work will be done and how the work will be done.

"Independent contractor" means a consultant or other individual engaged to achieve a certain result for the District, but who is not subject to the direction of the District as to the means and methods of accomplishing the result. The District will not enter into agreements with independent contractors for instructional services except under the limited circumstance permitted by the New York State Education Department (NYSED).

**Employees to be Reported to NYSLRS**

All persons employed by the District will be included in the reporting requirements. The District will provide the information deemed necessary by the retirement system for all employees except those who actively participate in another public retirement system or program. In the case of employees who are in the process of being registered to membership, all service, salary, and deduction data and mandatory contributions will be accumulated by the District and the accumulation will be included with the first monthly report which is due after the employee's registration or identification number has been assigned.

An individual serving the District as an independent contractor or consultant is not an employee and should not be reported to the retirement system.

**Employer Reporting of Certain Professions**

In the case of an individual whose service has been engaged by the District in the capacity of attorney, physician, engineer, architect, accountant, or auditor and the District has determined that the individual is rendering service as an employee and, therefore, may be eligible for credit with a retirement system, the District will submit to the retirement system, in a form prescribed by the Comptroller and certified by the Chief Fiscal Officer of the District, an explanation of the factors that led to the conclusion that the individual is an employee and not an independent contractor or consultant.

(Continued)

**SUBJECT: DETERMINATION OF EMPLOYMENT STATUS: EMPLOYEE OR INDEPENDENT CONTRACTOR (Cont'd.)**

When making a determination as to an individual's status as an employee or independent contractor, no single factor will be considered to be conclusive of the issue. All factors will be considered in making an assessment of an individual's status when engaged to perform services.

The District will also complete, as necessary, a Certification Form for Individuals Engaged in Certain Professions (Form RS 2414) as promulgated by the Office of the New York State Comptroller.

**Legal Services**Charging for Legal Services

An attorney will not simultaneously be an independent contractor and an employee of the District for the purpose of providing legal services to the District.

An attorney who is not an employee of the District will not seek to be or be considered, treated or otherwise reported by the District as an employee for purposes of compensation, remuneration, health insurance, pension, and all associated employment-related benefits and emoluments.

Reports Regarding Attorneys

The District will, on or before the 45th day after the commencement of its fiscal year, file with NYSED, the State Comptroller, and the Attorney General a report specifying:

- a) All attorneys who provide legal services to the District or Board;
- b) Whether the District or Board hired those attorneys as employees; and
- c) All remuneration and compensation paid for legal services.

Protection Against Fraud

Any person who knowingly makes any false statement, or falsifies or permits to be falsified any record or records of the retirement system in any attempt to defraud the system, or who receives certain benefits or payments in excess of statutory limits, as a result of those acts, will be guilty of criminal conduct, and will be punished under the laws of New York State.

Education Law Sections 525, 2050-2054  
Retirement and Social Security Law Sections 11, 34, 311, and 334  
2 NYCRR Sections 315.2 and 315.3

NOTE: Refer also to Policy #1336 -- Duties of the School Attorney

Adopted: 1/15/16  
Revised: 3/19/24

**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 stated in the Comptroller's regulations. 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 will not simultaneously be an independent contractor and an employee of the District for the purpose of providing legal services to the District.

A lawyer who is not an employee of the District will not seek to be or be considered, treated or otherwise reported by the District as an employee thereof for purposes of compensation, remuneration, health insurance, pension, and all associated employment-related benefits and emoluments.

**Enforcement**

Any person who knowingly:

- a) Violates the provisions of Education Law Section 2051(2);
- b) Makes a false statement of material fact; or
- c) Falsifies or permits to be falsified any record or records of the retirement system in an attempt to defraud the retirement system, as a result of such act for the purpose of obtaining a credit towards pension benefits, or a benefit or payment in excess of \$1000 from such retirement system for a professional services provider to which such professional services provider would not be entitled, will be guilty of a Class E felony.

**Reports Regarding Lawyers**

The District will, on or before the 45th day after the commencement of its fiscal year, file with the State Education Department, the State Comptroller, and the Attorney General a report specifying:

- a) All lawyers who provide legal services to the District or Board;
- b) Whether the District or Board hired those lawyers as employees; and
- c) All remuneration and compensation paid for legal services.

(Continued)

**SUBJECT: PROFESSIONAL SERVICES PROVIDERS (Cont'd.)****Protection Against Fraud**

Any person who knowingly makes any false statement, or falsifies or permits to be falsified any record or records of the retirement system in any attempt to defraud the system as a result of such act, will be guilty of a misdemeanor, and will be punished under the laws of New York State.

Any violation of Education Law Section 525(1) that results in a member or beneficiary of the retirement system receiving a benefit or payment in excess of \$1000 more than he/she would have been entitled to will be a class E felony. Any violation of applicable law that results in a member or beneficiary of the retirement system receiving a benefit or payment in excess of \$3000 more than he/she would have been entitled to will be a class D felony.

Education Law §§ 525, 2050-2054  
Retirement and Social Security Law § 111  
2 NYCRR §§ 315.2 and 315.3

NOTE: Refer also to Policy #6570 -- Determination of Employment Status: Employee or Independent Contractor

Adopted: 1/5/16

## Personnel

**SUBJECT: EMPLOYMENT OF RETIRED PERSONS**

A retired person may be employed and earn compensation in a position in the District, without any effect on his or her status as retired and without suspension or diminution of his or her retirement allowance subject to the conditions enumerated in Retirement and Social Security Law Section 211(1). However, there will be no earning limitations on or after the calendar year in which a retired person attains age 65.

No retired person may be employed in the District except upon approval of the Civil Service Commission or the Commissioner of Education unless otherwise authorized in accordance with law.

Two sections of the Retirement and Social Security Law (Sections 211 and 212) affect a retiree's return to public employment in New York State. If a retiree returns to public employment, he or she may still be able to collect his or her pension depending upon:

- a) How much is earned after returning to work; and
- b) The retiree's age.

If a retiree is under age 65, he or she can return to public employment without approval or reduction in retirement benefits as long as his or her calendar year earnings do not exceed the Section 212 limit. If a retiree's earnings will be more than the Section 212 limit, the employer must request and receive prior approval from the appropriate agency to hire the retiree under Section 211.

Section 211 waivers are provided for "unclassified service" positions. Retired police officers employed by a school district as a School Resource Officer (SRO) fall under the "classified service" but may have the earnings limitation waived at the discretion of the Commissioner of Education, as long as all of the requirements for waivers in the unclassified service are fulfilled.

There is generally no restriction on a retiree's earnings beginning in the calendar year he or she turns 65, unless returning to public office.

**Section 211 Approval Process**

Approval for post-retirement employment of a person under the age of 65 or a retired police officer employed as a SRO whose calendar year earnings exceed the Section 212 limit may be granted only on the written request of the District giving detailed reasons related to the standards set forth in Section 211; and on a finding of satisfactory evidence by the Civil Service Commission or the Commissioner of Education that the retired person is duly qualified, competent, and physically fit for the performance of the duties of the position in which he or she is to be employed and is properly certified where certification is required.

(Continued)

**SUBJECT: EMPLOYMENT OF RETIRED PERSONS (Cont'd.)**

The District will prepare a detailed recruitment plan to fill the vacancy on a permanent basis when the need arises and will undertake extensive recruitment efforts to fill the vacancy prior to making a determination that there are no available non-retired persons qualified to perform the duties of that position.

Approvals to hire retired individuals may be granted for periods not exceeding two years each, provided that a person may not return to work in the same or similar position for a period of one year following retirement. However, in accordance with Section 212, a retiree may return to work in the same or similar position within the same year following retirement if his or her earnings are under the Section 212 limit or if he or she receives a Section 212 waiver, or other conditions exist set forth in law.

**Reporting Requirements and Disclosure**

- a) The District will report all money earned by a retired person in its employ in excess of the earnings limitation outlined in Section 212 to the retirement system administered by the state or any of its political subdivisions from which the retired person is collecting his or her retirement allowance.
- b) The District, when employing a retired person who is eligible to collect or is already collecting a retirement allowance from a retirement system administered by the state or any of its political subdivisions, will report on an annual basis to the retirement system paying the retirement allowance and to the State Comptroller. This report will consist of the re-employed retiree's name, date of birth, place of employment, current position, and all earnings.

**Public Record**

Any request for approval of the employment of a retired person, including the reasons stated, and the findings and determination of the request will be a public record open for inspection in the Office of the Civil Service Commission, the Commissioner of Education, or the Board making the findings and determination as specified in Section 211.

Education Law Sections 525 and 3101  
Retirement and Social Security Law Sections 111, 211, 212, 217, and 411  
8 NYCRR Section 80-5.5(b)

Adopted: 1/5/16  
Revised: 3/19/24

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**Randolph Academy Union Free School District**

**NUMBER**

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**SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY****Mission Statement**

All students have the right to educational opportunities that will enable them to develop their fullest potential. Attendance policies are based on the idea that regular school attendance is a major component of academic success. Attendance policies that identify problems and provide strategies to solve those problems are likely to positively impact student attendance. Successful implementation of any attendance policy requires cooperation among all members of the education community, including parents or guardians, students, teachers, administrators, support staff, community agencies, home school districts, and residential care staff.

**Policy Statement**

The New York State Compulsory Education Law is designed to require school attendance and ensure that no child is denied the opportunity to receive an education. All students enrolled in Randolph Academy, whether residents of the Randolph Children's Home or day students, must comply with the New York State Compulsory Education Law.

**Attendance Regulations**

Parents will be given a copy of this policy at the child's intake meeting.

The attendance policy begins the first day of formal enrollment in each class.

All registered students are expected to attend all classes as scheduled.

Parents or guardians or persons in parental relation have the obligation to inform Randolph Academy when a child will be absent or is absent from classes. They may do so by calling the school nurse.

The parent or guardian of any student who has one or more unexplained absences will be contacted by the school counselor on a continuing basis. Written notification will be sent by the counselor to parents or guardians after 10 and again after 20 days accumulated absences. See Appendix 2.

Any unexplained absence of a full day of school may be investigated by the school counselor and will require a written or verbal explanation from a parent or guardian.

**Excused Absences**

- a) Illness with written/verbal excuse from parent or guardian for up to 10 days missed per half year.
- b) Illness with note from physician for more than 10 days per half year. Also, if a student misses 5 or more consecutive days, a written explanation from a physician will be required.

(Continued)

**SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)**

- c) Scheduled court dates.
- d) School-related/treatment program activities.
- e) Doctor/dentist/etc. appointment with written or verbal notification from doctor or parent or guardian. Excessive or consecutive appointments over a certain period may require further explanation, either written or verbal, from the specific doctor, physician, etc.
- f) Family death or family emergency situations, with written or verbal explanation from parent or guardian.
- g) Hospitalization.

Unexcused Absences

- a) Illness without written or verbal notification from parent or guardian for first 10 days missed per half year.
- b) Illness beyond 10 days in any half year without doctor's excuse.
- c) Any absence without written or verbal notification from parent, guardian, social worker, or physician.

Excused Tardiness

All reasons for being tardy must be explained by note or verbally by a parent, guardian, caregiver, social worker, or transporter.

Unexcused Tardiness

Any tardiness without written or verbal explanation by a parent, guardian, caregiver, social worker, or transporter. All students must be signed in by a responsible adult.

Excused Early Departures

- a) Illness (at discretion of school or unit nurse).
- b) Doctor/dentist/etc. appointment (with prior notification).
- c) School-related functions.
- d) Family emergency.

(Continued)

**SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)**

- e) Court.
- f) Annual/Program Reviews.

All students must be signed out by a responsible adult.

**Unexcused Early Departures**

Any departures not meeting the criteria listed above, or others not deemed appropriate by Randolph Academy administration.

**Attendance Procedures**

- a) Attendance will be taken at the beginning of each day and will be documented by the school nurse. See Appendix 1. Attendance will be also documented at the beginning of each period and at the end of each day. This will be accomplished manually or electronically.
- b) Students in attendance at the beginning of the school day, but not in attendance at the beginning of any subsequent class, will be reported by the classroom teacher or aide to the nursing staff. The nursing staff will page the student to report to the office. If a student is found absent, all teachers will be instructed to do an attendance check. If a student is still unaccounted for, the school will refer to the missing person/AWOL policy. If the student is a resident, the Randolph Children's Home will be notified immediately. For day students, parents or guardians will be notified.
- c) The assigned school counselor will attempt to call the home of any day student who is not in attendance to determine the reason for the student's absence and when he or she will be back in school.
- d) Student counselors and/or the school nurse will communicate with parent or guardian and/or home school district truant officers, home school coordinators, probation officers, intensive case managers or parent advocates in an attempt to retrieve the student or understand the reason for the student's absence.
- e) If a residential student is not in attendance, the nurse will communicate with Randolph Children's Home staff to determine the reason for any absence.

**Intervention Strategies**

The Randolph Academy is subdivided into five educational teams. The Team Leader is designated to oversee any intervention strategy designed to improve pupil attendance. The assigned school counselor(s) will meet with the student, parent or guardian and other involved individuals to determine

(Continued)

**SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)**

the cause of the student's absence. A collaborative problem-solving approach will be utilized in order to develop specific intervention strategies. This process includes: 1) problem identification, 2) problem analysis, 3) plan development, 4) plan implementation, 5) plan monitoring, and 6) plan evaluation. A verbal and/or written agreement will be made and agreed to by all parties. The collaborative development of intervention strategies designed to improve pupil attendance is subject to review by District administrators.

Some of the intervention strategies that may be employed are:

- a) Counseling the student toward taking responsibility for his or her absences.
- b) Enlisting help from parents, guardians, caregivers, or individuals in a parenting role.
- c) Filing a PINS petition.
- d) Offering incentives for improved attendance.
- e) Utilizing extracurricular activities as incentives for student participation.

**Pupil's Ability to Receive Course Credit**

A student who falls below an 85% attendance level may not be eligible to receive course credit. Before the denial of course credit due to insufficient attendance, the School District will employ intervention strategies as outlined in this plan.

When an excused absence occurs, the student may be given the opportunity to make up any missed work.

When an unexcused absence occurs, the student may be allowed to complete missed work to receive a grade, but a penalty will be reflected in the grade.

(Continued)

**SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)****Appendix 1**Table Listing for Absence Codes

ABC	Absent - Court - Written Excuse
ABD	Absent - Death in the Family
ABJ	Absent - Jail - Counselor Notification
ABM	Absent - Medical Appointment - Parent Phone Call
ABW	Absent - Ill - Written Excuse
AHV	Absent - Home Visit - Counselor Notification
AHW	Absent - Hospital - Written Excuse
AIN	Absent - Injury - Written Excuse
APW	Absent - Counseling Appointment - Written Excuse
AWO	Absent - AWOL
B12	Tardy - Behavior - 12 p.m.
B13	Tardy - Behavior - 11:30 a.m.
BE1	Tardy - Behavior - 11 a.m.
BE2	Tardy - Behavior - 2 p.m.
BEH	Absent - Behavior/Aggression Per Parent Call
BEO	Tardy - Behavior - 1 p.m.
BET	Tardy - Behavior - 12:30 p.m.
BOT	Tardy - Behavior - :30
BUS	Absent - Bus/Weather
CAM	Absent - Summer Camp

(Continued)

**SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)**

COU	Absent - Counseling - Parent Phone Call
COW	Absent - Counseling - Parent Phone Call
CRT	Absent - Court - Counselor Notification
FT	Field Trip
FVA	Absent - Family Vacation
HID	Home Instruction - Disciplinary Reasons
HIM	Home Instruction - Medical Reasons
HOS	Absent - Hospital - Counselor Notification
HPP	Absent - Hospital - Parent Phone Call
INJ	Absent - Injured - Parent Phone Call
IPC	Ill - Counselor Notification
IPP	Absent - Ill - Parent Phone Call
JAI	Jail - Per Student Counselor
JPP	Jail - Phone Call Parent
LEG	Legal Matters - Parent Note
LRE	Absent - Religious Reasons
M10	Tardy - Medical - 10 a.m.
M11	Tardy - Medical - 11 a.m.
M12	Tardy - Medical - 12 p.m.
M20	Tardy - Medical - 2 p.m.
M83	Tardy - Medical - 8:30 a.m.
M90	Tardy - Medical - 9 a.m.

(Continued)

**SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)**

M93	Tardy - Medical - 9:30 a.m.
MBC	Absent - Missed Bus - Counselor Notification
MBU	Absent - Missed Bus - Parent Phone Call
MET	Tardy - Medical - 11:30 a.m.
MOM	Phone Call - Unsure if Student Ill
MON	Tardy - Medical - 1 p.m.
MOT	Tardy - Medical - 1:30 p.m.
MOV	Helping Family Move
MTT	Tardy - Medical - 1:30 p.m.
MTW	Tardy - Medical - 12:30 p.m.
NOE	No Excuse Submitted
NSC	Home School Not in Session
OUT	Out of Town - Written Excuse
OVS	Overslept
PAB	Possible Abduction
PAR	Parent Ill/Injured
PED	Pediculosis
PLA	Placed in Residential - Per Counselor
PRA	Probation Appointment - Written Excuse
PRO	Probation Appointment - Per Counselor
R	Truant
REF	Refusing to Attend

(Continued)



**SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)**

S	Suspension
SUR	Absent - Surgery - Written Excuse
T10	Tardy - 10 a.m.
T11	Tardy - 11 a.m.
T12	Tardy - 12 p.m.
T13	Tardy - 10:30 a.m.
T83	Tardy - 8:30 a.m.
T90	Tardy - 9:30 a.m.
TB1	Tardy - Behavior - 10 a.m.
TB8	Tardy - Behavior - 8:30 a.m.
TB9	Tardy - Behavior - 9 a.m.
TBE	Tardy - Behavior - 9:30 a.m.
TBT	Tardy - Behavior - 10:30 a.m.
TET	Tardy - Behavior - 11:30 a.m.
TMB	Tardy - Missed Bus
TOE	Tardy - 1:30 a.m.
TOS	Tardy - Overslept
TTT	Tardy - 12:30 p.m.
TTW	Tardy - 2 p.m.

(Continued)

**SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)**

**Appendix 2**

**Randolph Academy  
Union Free School District  
336 Main Street  
Randolph, New York 14772**

**(716) 358-6866 Fax (716) 358-2130**

Superintendent

Principal

Dear Parent or Guardian:

This notice is to inform you that your child \_\_\_\_\_  
has missed school at the Randolph Academy on the following days: \_\_\_\_\_  
\_\_\_\_\_.

These are considered to be illegal absences, as we have received no written excuse for them at this time.

Should you have any questions, please feel free to contact me at 358-6866. Thank you.

Sincerely,

School Counselor

2008

7111

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 § 109.2

Adopted: 9/17/08

2008

7120

Students

**SUBJECT: AGE OF ENTRANCE**

Admission of children 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 §§ 1712, 3202 and 3212

Adopted: 9/17/08

## Students

**SUBJECT: DIAGNOSTIC SCREENING OF STUDENTS**

The District has developed a plan for the diagnostic screening of all new entrants and students with low test scores to determine whether such students have or are suspected of having a disability, are possibly gifted, or are possibly English Language Learners (ELLs). The results of the diagnostic screening will be contained in a written report that will be shared with the parent.

A new entrant means a student entering the New York State public school system, prekindergarten through grade 12, for the first time, or re-entering a New York State public school with no available record of a prior screening.

Students with low test scores are students who score below level two on either the third grade English language arts or mathematics assessment for New York State elementary schools.

The diagnostic screening will be conducted:

- a) By persons appropriately trained or qualified;
- b) By persons appropriately trained or qualified in the student's home language if the language of the home is other than English;
- c) In the case of new entrants, prior to the school year, if possible, but no later than December 1 of the school year of entry or within 15 days of transfer of a student into a New York State public school should the entry take place after December 1 of the school year;
- d) In the case of students with low test scores, within 30 days of the availability of the test scores.

No screening examination for vision, hearing, or scoliosis condition is required where a student, parent, or person in parental relation objects on the grounds that the examination conflicts with their genuine and sincere religious beliefs.

**Results and Reports**

The results of the diagnostic screening will be reviewed and a written report of each student screened will be prepared by appropriately qualified District staff. If the screening indicates a possible disability, a possibly gifted child, or a child identified as possibly being an ELL, the District will refer the child for the appropriate programs or services.

Parents/guardians of children to be screened will receive information in advance regarding the purpose of screening, the areas to be screened and the referral process. The information will be communicated either orally or in writing in a language that the parent/guardian can understand.

(Continued)

Students

**SUBJECT: DIAGNOSTIC SCREENING OF STUDENTS (Cont'd.)**

Upon request, the District will provide parents/guardians with the written results of their child's performance on screenings. The results of all mandated screening examinations will be provided to the child's parent/guardian and to any teacher of the child within the school while the child is enrolled. A letter will be sent to the parent/guardian of any child who fails a screening.

**Confidentiality of Information**

All information collected about a child through the screening program will be kept confidential.

Family Educational Rights and Privacy Act of 1974, 20 USC § 1232(g)  
Education Law §§ 901, 903, 904, 905, 914, and 3208(5)  
Public Health Law § 2164  
8 NYCRR Parts 117, 136, 142.2, and 154

NOTE: Refer also to Policies #7130 -- Education of Students in Temporary Housing  
#7512 -- Student Physicals  
#8240 -- Instruction in Certain Subjects

Adopted: 9/17/08  
Revised: 2/9/16

## Students

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING**

The Board recognizes the unique challenges that face students in temporary housing (i.e., homeless children and youth) and will provide these students with access to the same free and appropriate public education, including public preschool education, as other students, as well as access to educational and other services necessary to be successful in school. The District will ensure that these students are not separated from the mainstream school environment. The Board is also committed to eliminating barriers to the identification, enrollment, attendance, and success of students in temporary housing.

**Identification of Students in Temporary Housing**

All districts are obligated to affirmatively identify all students in temporary housing. Therefore, the District will determine whether there are students in temporary housing within the District by using a housing questionnaire to determine the nighttime residence of all newly enrolled students and all students whose address changes during the school year. Not all students in temporary housing can be identified through social service agencies or shelters, as children may be sharing the housing of other persons, such as family or friends, due to loss of housing, economic hardship, or other similar reason. For this reason, the District uses a housing questionnaire that asks for a description of the current living arrangements of the child or youth to determine whether the child or youth meets the definition of a homeless child.

In addition to using the housing questionnaire, the District will also contact the local department of social services (LDSS) (i.e., the social services district) to identify students in temporary housing, as well as the local runaway and homeless youth shelter, and any other shelters located within District boundaries to ensure all students in temporary housing are properly identified and served.

**Definitions**

- a) "Feeder school" means:
1. A preschool whose students are entitled to attend a specified elementary school or group of elementary schools upon completion of that preschool;
  2. A school whose students are entitled to attend a specified elementary, middle, intermediate, or high school or group of specified elementary, middle, intermediate, or high schools upon completion of the terminal grade of such school; or
  3. A school that sends its students to a receiving school in a neighboring school district.
- b) "Homeless child" means:
1. A child or youth who lacks a fixed, regular, and adequate nighttime residence, including a child or youth who is:

(Continued)

## Students

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

- (a) Sharing the housing of other persons due to a loss of housing, economic hardship, or a similar reason (sometimes referred to as "doubled-up");
  - (b) Living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;
  - (c) Abandoned in hospitals;
  - (d) A migratory child who qualifies as homeless under (a), (b), or (c) of this subparagraph or item 2) below; or
  - (e) An unaccompanied youth; or
2. A child or youth who has a primary nighttime location that is:
- (a) A supervised, publicly, or privately operated shelter designed to provide temporary living accommodations, including, but not limited to, shelters operated or approved by the state or LDSS, and residential programs for runaway and homeless youth established in accordance with applicable law; or
  - (b) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings, including a child or youth who is living in a car, park, public space, abandoned building, substandard housing, bus or train station, or similar setting.
- c) "Migratory child" means a child or youth who made a qualifying move in the preceding 36 months:
- 1. As a migratory agricultural worker or a migratory fisher; or
  - 2. With, or to join, a parent or spouse who is a migratory agricultural worker or a migratory fisher.
- d) "Preschool" means a publicly funded prekindergarten program or a Head Start program administered by the District and/or services under the Individuals with Disabilities Act administered by the District.
- e) "Receiving school" means:
- 1. A school that enrolls students from a specified or group of preschools, elementary schools, middle schools, intermediate schools, or high schools; or
  - 2. A school that enrolls students from a feeder school in a neighboring local educational agency.

(Continued)



## Students

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

- f) "Regional placement plan" means a comprehensive regional approach to the provision of educational placements for homeless children that has been approved by the Commissioner of Education.
- g) "School district of current location" means the public school district within New York State in which the hotel, motel, shelter or other temporary housing arrangement of a homeless child, or the residential program for runaway and homeless youth, is located, which is different from the school district of origin.
- h) "School district of origin" means the school district within New York State in which:
1. The homeless child was attending a public school or preschool on a tuition-free basis or was entitled to attend when circumstances arose that caused the child to become homeless, which is different from the school district of current location;
  2. The child was residing when circumstances arose that caused the child to become homeless if the child was eligible to apply, register, or enroll in public preschool or kindergarten at the time the child became homeless; or
  3. The homeless child has a sibling who attends a school in the school district in which the child was residing when circumstances arose that caused the child to become homeless.
- i) "School of origin" means:
1. The public school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled, including a preschool or a charter school;
  2. The designated receiving school at the next grade level for all feeder schools for a student in temporary housing who completes the final grade level served by the school of origin; and
  3. The public school or preschool in which the child would have been entitled or eligible to attend based on the child's last residence before the circumstances arose which caused the child to become homeless if the child becomes homeless after the child is eligible to apply, register, or enroll in the public preschool or kindergarten or if the child is living with a school-age sibling who attends school in the school district of origin.
- j) "Unaccompanied youth" means a homeless child or youth who is not in the physical custody of a parent or legal guardian.

(Continued)

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)****The McKinney-Vento Liaison for Students in Temporary Housing**

The District will designate an appropriate staff person, who may also be a coordinator for other federal programs, as the District liaison for students in temporary housing (otherwise referred to as the McKinney-Vento liaison). The District's McKinney-Vento liaison serves as one of the primary contacts between families experiencing homelessness and school staff, District personnel, shelter workers, and other service providers. The McKinney-Vento liaison coordinates services to ensure that homeless children and youth enroll in school and have the opportunity to succeed.

The District's McKinney-Vento liaison must ensure that:

- a) Students in temporary housing are identified by school personnel and through coordination activities with other entities and agencies;
- b) Students in temporary housing enroll in, and have full and equal opportunity to succeed in, the District's schools;
- c) Students in temporary housing and their families receive educational services for which they are eligible, including Head Start programs administered by a local educational agency, Early Head Start, early intervention services under part C of the Individuals with Disabilities Education Act, and other preschool programs administered by the District;
- d) Students and parents in temporary housing receive referrals to health care services, dental services, mental health and substance abuse services, housing services and other appropriate services;
- e) Parents or guardians of students in temporary housing are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;
- f) Parents and guardians of students in temporary housing, and unaccompanied youth, are fully informed of all transportation services, including transportation to and from the school district of origin and are assisted in accessing transportation services;
- g) Disputes regarding eligibility, school selection, enrollment and/or transportation are mediated in accordance with applicable laws and regulations;
- h) Assistance in commencing an appeal, in accordance with applicable law, of a final determination regarding eligibility, enrollment, school selection, and/or transportation is provided to the student in temporary housing's parent or guardian or the unaccompanied youth;

(Continued)

## Students

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

- i) A record is maintained of all appeals of enrollment, school selection, and transportation;
- j) Public notice of the educational rights of students in temporary housing is posted in locations where these students receive services, such as schools, shelters, public libraries, and soup kitchens, in a manner and form understandable to the parents and guardians of students in temporary housing, and unaccompanied youth;
- k) School personnel providing services to students in temporary housing receive professional learning and other support;
- l) Unaccompanied youths:
  - 1. Are enrolled in school;
  - 2. Have opportunities to meet the same challenging state academic standards as the state establishes for other children and youth, including receiving credit for full or partial coursework earned in a prior school pursuant to Commissioner's regulations; and
  - 3. Are informed of their status as independent students under Section 480 of the Higher Education Act of 1965 and that the youths may obtain assistance from the McKinney-Vento liaison to receive verification of this status for purposes of the Free Application for Federal Student Aid (FAFSA);
- m) School personnel, service providers, advocates working with students in temporary housing, parents and guardians of students in temporary housing, and students in temporary housing are informed of the duties of the McKinney-Vento liaison; and
- n) Assistance with obtaining any necessary immunizations or screenings, or immunization or other required health records is provided to the parents or guardians of the students in temporary housing.

**School District and School Designations**

A designator will make the initial decision about which school district and school a student in temporary housing will attend. A designator is:

- a) The parent or person in parental relation (guardian) to a student in temporary housing;
- b) The student in temporary housing, together with the McKinney-Vento liaison, in the case of an unaccompanied youth; or
- c) The director of a residential program for runaway and homeless youth, in consultation with the student in temporary housing, where the student is living in that program.

(Continued)

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

The District will ask the designator to designate one of the following as the school district of attendance for the student in temporary housing:

- a) The school district of current location;
- b) The school district of origin; or
- c) A school district participating in a regional placement plan.

The District will also ask the designator to designate one of the following as the school where a student in temporary housing seeks to attend:

- a) The school of origin; or
- b) Any school that permanent housed children and youth who live in the attendance area in which the child or youth is actually living are eligible to attend, including a preschool.

A student in temporary housing is entitled to attend the schools of the school district of origin without the payment of tuition for the duration of their homelessness and through the remainder of the school year in which the student becomes permanently housed and for one additional year if that year constitutes the student's terminal year in that school building, subject to a best interest determination.

**Designation/STAC 202 Form**

The District will identify all students in temporary housing, and a designation form will be completed by the designator for all these students and any other student who claims homelessness. Designations must be made on the STAC 202 form provided by the Commissioner.

The appropriate designator must complete the designation form. The District makes designation forms available to a student in temporary housing who seeks admission to school or to the parent or person in parental relation who seeks to enroll the child in school.

The District will provide completed designation forms to the McKinney-Vento liaison immediately, but no later than two business days from the earlier date on which the child or youth either:

- a) Sought enrollment in school; or
- b) Was placed in a temporary housing facility or residential facility for runaway and homeless youth.

(Continued)

## Students

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

Where a parent or person in parental relation or a child who is neither placed in a temporary housing facility by the LDSS nor housed in a residential program for runaway homeless youth, designates the District as the school district of current location, the District will forward to the State Education Department a completed designation form and a statement of the basis for its determination that the child is a homeless child entitled to attend the District's schools.

**Immediate Enrollment and Best Interest Determinations**

Upon identification of a child who is in temporary housing and/or receipt of a completed designation/STAC 202 form, the District will:

- a) Immediately review the designation form to ensure that it has been completed and admit the student in temporary housing even if the child or youth is unable to produce records normally required for enrollment, such as previous academic records, medical records, immunization records, proof of residency or other documentation and even if the child or youth has missed application deadlines;
- b) Determine whether the designation made by the designator is consistent with the best interests of the student in temporary housing. In making best interests decisions the District will:
  1. Presume that keeping the child in the school of origin is in the child's best interest, except when doing so is contrary to the wishes of the parent or guardian (or youth in the case of an unaccompanied youth); and
  2. Consider student-centered factors such as the effect of mobility on student achievement, education, health, and safety of the child, giving priority to the wishes of the child's parent or guardian (or the youth, if a homeless unaccompanied youth). If the District determines that it is in the best interest of the student in temporary housing to attend a school other than the school of origin or the designated school, the District will provide the parent or guardian (or youth, if an unaccompanied youth) with a written explanation of its determination, including information about the right to appeal.
- c) Provide the child with access to all of the District's programs, activities and services to the same extent as they are provided to resident students;
- d) Immediately contact the school district where the child's records are located in order to obtain a copy of these records and coordinate the transmittal of records for students with disabilities pursuant to applicable laws and regulations;

(Continued)

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

- e) Immediately refer the parent or guardian of the student in temporary housing to the McKinney-Vento liaison who must assist in obtaining necessary immunizations or immunization or medical records if the child or youth needs to obtain immunizations or immunization or medical records;
- f) Forward the STAC 202 form to the Commissioner and the school district of origin, where applicable. In all cases, the District will give a copy of the completed STAC 202 form to the designator and keep a copy of the STAC 202 form for the District's records;
- g) Arrange for transportation in accordance with applicable laws and regulations; and
- h) Arrange for the child to receive free school meals.

**Request for Records**

Within five days of receipt of a request for school records from a new school, the District will forward, in a manner consistent with state and federal law, a complete copy of the student in temporary housing's records, including, but not limited to, proof of age, academic records, evaluations, immunization records, and guardianship papers, if applicable.

In addition, the District is eligible for reimbursement for the direct costs of educational services, including transportation costs for students who continue enrollment in the District schools after finding permanent housing midyear in a different school district within New York State. In these cases, the District will directly bill the new district where the student permanently resides for all direct costs of educational services, including transportation, that are not otherwise reimbursed under special federal programs.

**Transportation Responsibilities**

The LDSS is responsible for providing transportation to students in temporary housing, including preschool students and students with disabilities who are eligible for benefits under Social Services Law Section 350-j and placed in temporary housing arrangements outside their designated districts. Where the LDSS requests that the District provide or arrange for transportation for a student in temporary housing in the circumstances above, the District will provide or arrange for the transportation and directly bill the LDSS so that the District will be fully and promptly reimbursed for the cost of the transportation.

If the District is the designated school district of attendance, the District will provide for the transportation of each student in temporary housing who is living in a residential program for runaway and homeless youth, including if the temporary housing is located outside the school district. The costs for transportation for each student in temporary housing who lives in a residential program for runaway youth and homeless youth located outside of the designated school district will be reimbursed by the

(Continued)

## Students

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

State Education Department, to the extent funds are provided for the purpose, with the submission of a Runaway and Homeless Youth Act Transportation Program Form. Where the District provides transportation for a student living in a Runaway and Homeless Youth facility, the District will promptly request reimbursement using the Runaway and Homeless Youth Act Transportation Form.

The District will transport any student in temporary housing to their school of origin, including preschools and charter schools, where it is the designated district of attendance and the student in temporary housing is not entitled to receive transportation from the Department of Social Services.

When the District is designated as the school district of current location for a student in temporary housing and the student does not attend the school of origin, the District will provide transportation on the same basis as it is provided to resident students, unless the local transportation policy represents a barrier to the student's attendance in school.

If the student in temporary housing designates the District as the school district of attendance, transportation will not exceed 50 miles each way, unless the Commissioner determines that it is in the best interest of the child.

Where the District is designated as the school district of attendance and it has recommended the student in temporary housing attend a summer educational program, the district of attendance will provide transportation services to students in temporary housing for summer educational programs if the lack of transportation poses a barrier to the student's participation in the program.

Where the District is designated as the school district of attendance, it will provide transportation services to students in temporary housing for extracurricular or academic activities when:

- a) The student participates in or would like to participate in an extracurricular or academic activity, including an after-school activity, at the school;
- b) The student meets the eligibility criteria for the activity; and
- c) The lack of transportation poses a barrier to the student's participation in the activity.

Where the District is designated as the school district of attendance, it will provide transportation as described above for the duration of homelessness, unless the LDSS is responsible for providing transportation. After the student becomes permanently housed, the District will provide transportation to the school of origin until the end of the school year and for one additional year if that year constitutes the child's terminal year in the school building.

(Continued)

## Students

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

Where a student in temporary housing must cross state-lines to attend a school of origin, the District will coordinate with the district in the neighboring state to provide transportation services when:

- a) The student is temporarily living in New York State and continues to attend school in a neighboring state; or
- b) The student is temporarily living in a neighboring state and continues to attend school in New York State.

**Dispute Resolution Process**

The District has established the following procedures for the prompt resolution of disputes regarding school selection or enrollment of a homeless child or youth:

- a) The District will provide a written explanation, including a statement regarding the right to appeal, to the parent or guardian of a student in temporary housing, or to an unaccompanied youth, if the District determines that the District is not required to either enroll and/or transport the child or youth to the school of origin or a school requested by the parent or guardian or unaccompanied youth, or if there is a disagreement about a child's or youth's status as a homeless child or unaccompanied youth. The written explanation will be in a manner and form understandable to the parent, guardian, or unaccompanied youth and will include a statement regarding the McKinney-Vento liaison's availability to help the parent, guardian, or unaccompanied youth with any appeal and the contact information for the liaison.
- b) The District will immediately enroll the student in the school in which enrollment is sought by the parent or guardian or unaccompanied youth, provide transportation to the school, and will delay for 30 days the implementation of a final determination to decline to either enroll in and/or transport the student in temporary housing to the school of origin or a school requested by the parent or guardian or unaccompanied youth.
- c) If the parent or guardian of a student in temporary housing or unaccompanied youth commences an appeal to the Commissioner within 30 days of such final determination, the student will be permitted to continue to attend the school they are enrolled in at the time of the appeal and/or receive transportation to that school pending the resolution of all available appeals.

**The McKinney-Vento Liaison's Dispute Resolution Responsibilities**

The District's McKinney-Vento liaison must assist the student in temporary housing's parent or guardian or unaccompanied youth in bringing an appeal to the Commissioner of a final school district decision regarding enrollment, school selection and/or transportation. In the event of a dispute regarding eligibility, enrollment, school selection, and/or transportation, the District's McKinney-Vento liaison will:

(Continued)



## Students

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

- a) Provide the parent or guardian or unaccompanied youth with a copy of the form petition;
- b) Assist the parent or guardian or unaccompanied youth in completing the form petition;
- c) Arrange for the copying of the form petition and supporting documents for the parent or guardian or unaccompanied youth, without cost to the parent or guardian or unaccompanied youth;
- d) Accept service of the form petition and supporting papers on behalf of any District employee or officer named as a party, or the District if it is named as a party, or arrange for service by mail by mailing the form petition and supporting documents to any District employee or officer named as a party, and, if the District is named as a party, to a person in the office of the Superintendent who has been designated by the Board to accept service on behalf of the District;
- e) Provide the parent or guardian or unaccompanied youth with a signed and dated acknowledgment verifying that they have received the form petition and supporting documents, and will either accept service of these documents on behalf of the District employee or officer or District, or effect service by mail by mailing the form petition and supporting documents to any District employee or officer named as a party, and, if the District is named as a party, to a person in the office of the Superintendent who has been designated by the Board to accept service on behalf of the District;
- f) Transmit on behalf of the parent or guardian or unaccompanied youth, within five days after the service of, the form petition or any pleading or paper to the Office of Counsel, New York State Education Department, State Education Building, Albany, New York 12234;
- g) Provide the parent or guardian or unaccompanied youth with a signed and dated acknowledgement verifying that they have received the form petition and supporting documents and will transmit these documents on behalf of the parent, guardian or unaccompanied youth to the Office of Counsel, New York State Education Department, State Education Building, Albany, New York 12234;
- h) Accept service of any subsequent pleadings or papers, including any correspondence related to the appeal, if the parent or guardian or unaccompanied youth so elects. They will also make this correspondence available to the parent or guardian or unaccompanied youth; and
- i) Maintain a record of all appeals of enrollment, school selection, and transportation determinations.

(Continued)

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)****Coordination**

The District will coordinate the provision of services described in this policy with local social services agencies, housing providers and other agencies or programs providing services to students in temporary housing and their families, including services and programs funded under the Runaway and Homeless Youth Act.

The District will coordinate with other school districts on inter-district issues, such as transportation or transfer of school records.

The District will coordinate implementation of the above provision of services with the requirements of the Individuals with Disabilities Education Act (IDEA) for students with disabilities.

**Coordination with Title I**

The District acknowledges that students in temporary housing are eligible for services under Title I, Part A whether or not they live in a Title I school attendance area or meet the academic requirements required of other children. The District will ensure that:

- a) Title I, Part A funds are set aside as are necessary to provide students in temporary housing, who may have unique needs that differ from their permanently housed peers, with educationally related support services;
- b) Its local plan includes a description of how the plan is coordinated with McKinney-Vento;
- c) Its local plan describes the services provided to students in temporary housing;
- d) Its local plan describes the efforts it made to identify students in temporary housing, including unaccompanied youth, if the District reports that there are no students in temporary housing enrolled in the District. These efforts will include contacting the LDSS or Office of Children and Family Services (OCFS) to verify that there are no students in temporary housing in the District; and
- e) Its housing questionnaire asks about the living arrangements of the child or unaccompanied youth, including asking if they are living in a shelter; with relatives or others due to loss of housing or economic hardship; in an abandoned apartment/building; in a motel/hotel, camping ground, car, train/bus station or other similar situation due to the lack of alternative, adequate housing. Documentation of the District's efforts to identify students in temporary housing will be maintained on file and a copy of the housing questionnaire will also be kept on file.

(Continued)

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)****Reporting Requirements**

The District will collect and transmit to the Commissioner of Education, at the time and in the manner as the Commissioner may require, a report containing information as the Commissioner determines is necessary, including the numbers of homeless students, their grade, and their nighttime residence.

**Access to Free Meals**

The District will provide free meals to all children identified as homeless. They do not have to complete a free or reduced-price meal application. When the McKinney-Vento liaison or a shelter director provides a child's name to the District's school food service office, free school meals will commence immediately.

**Removal of Barriers**

The District will review and revise its policies that may act as barriers to the identification of students in temporary housing and their enrollment and retention in school, including barriers to enrollment and retention due to outstanding fees or fines, or absences.

**Comparable Services**

The District will provide services to students in temporary housing comparable to those offered to other students in the District, including: transportation services; educational services for which the child or youth meets the relevant criteria, such as services provided under Title I or similar state or local programs; educational programs for students with disabilities; educational programs for English learners; programs in career and technical education; programs for gifted and talented students; and school nutrition programs.

**Student Privacy**

Information about a student in temporary housing's living situation will be treated as a student education record and will not be deemed to be directory information under the Family Educational Rights and Privacy Act (FERPA). A parent or guardian or unaccompanied youth may consent to the release of a student's address information in the same way they would for other student education records under FERPA.

**Training**

All necessary school enrollment staff, secretaries, school counselors, school social workers, and principals will be trained on the requirements for enrollment of students in temporary housing. Other necessary staff members including school nutrition staff, school registered professional nurses, teachers, and bus drivers will receive training on homelessness that is specific to their field.

(Continued)

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

McKinney-Vento Homeless Assistance Act, as amended by the Every Student Succeeds Act (ESSA) of 2015,  
42 USC Section 11431 et seq.  
Education Law Section 3209  
Executive Law Article 19-H  
8 NYCRR Section 100.2(x)

## Students

**SUBJECT: EDUCATION OF STUDENTS IN FOSTER CARE**

The District recognizes the importance of educational stability for students in foster care and will collaborate, as appropriate, with the State Education Department (SED) and the local Department of Social Services (LDSS) to ensure that students in foster care have the opportunity to achieve at the same high-levels as their peers. For purposes of this policy, LDSS also refers to the local Social Services District or the local child welfare agency.

**Definitions**

- a) **Child or youth in foster care** ("student in foster care") means a child who is in the care and custody or custody and guardianship of a local Commissioner of Social Services or the Commissioner of the Office of Children and Family Services.
- b) **Feeder school** means:
  - 1. A preschool whose students are entitled to attend a specified elementary school or group of elementary schools upon completion of that preschool;
  - 2. A school whose students are entitled to attend a specified elementary, middle, intermediate, or high school or group of specified elementary, middle, intermediate, or high schools upon completion of the terminal grade of such school; or
  - 3. A school that sends its students to a receiving school in a neighboring school district pursuant to applicable laws and regulations.
- c) **Foster care** means 24-hour substitute care for children placed away from their parents or guardians and for whom the state or tribal child welfare agency has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes. A child is in foster care regardless of whether the foster care facility is licensed and payments are made by the state, tribal or local agency for the care of the child, whether adoption subsidy payments are being made prior to the finalization of an adoption, or whether there is federal matching of any payments that are made.
- d) **Preschool** means a publicly funded prekindergarten program administered by SED or a local educational agency or a Head Start program administered by a local educational agency and/or services under the Individuals with Disabilities Education Act (IDEA) administered by a local educational agency.
- e) **Receiving school** means:
  - 1. A school that enrolls students from a specified or group of preschools, elementary schools, middle schools, intermediate schools, or high schools; or

(Continued)

## Students

**SUBJECT: EDUCATION OF STUDENTS IN FOSTER CARE (Cont'd.)**

2. A school that enrolls students from a feeder school in a neighboring local educational agency pursuant to applicable laws and regulations.
- f) **School district of origin** means the school district within New York State in which the child or youth in foster care was attending a public school or preschool on a tuition-free basis or was entitled to attend at the time of placement into foster care when the Social Services District or the Office of Children and Family Services assumed care and custody or custody and guardianship of such child or youth, which is different from the school district of residence.
- g) **School district of residence** means the public school district within New York State in which the foster care placement is located, which is different from the school district of origin.
- h) **School of origin** means a public school that a child or youth attended at the time of placement into foster care, or the school in which the child or youth was last enrolled, including a preschool or a charter school. For a child or youth in foster care who completes the final grade level served by the school of origin, the term school of origin will include the designated receiving school at the next grade level for all feeder schools. Where the child is eligible to attend school in the school district of origin because the child was placed in foster care after such child is eligible to apply, register, or enroll in the public preschool or kindergarten or the child is living with a school-age sibling who attends school in the school district of origin, the school of origin will include any public school or preschool in which such child would have been entitled or eligible to attend based on such child's last residence before the circumstances arose which caused such child to be placed in foster care.

**District Foster Care Liaison**

The District will designate an appropriate staff person to act as the District's point of contact for students in foster care (i.e., the "Foster Care Liaison"). The Foster Care Liaison will not be the same staff person as the McKinney-Vento Liaison unless the McKinney-Vento Liaison has sufficient ability to carry out the responsibilities of both roles.

The Foster Care Liaison will work collaboratively with representatives from the LDSS.

The District will ensure that the name and contact information for the Foster Care Liaison are:

- a) Submitted to SED;
- b) Provided, in writing, to the point of contact for any LDSS known by the District to have students in its custody; and
- c) Posted on the District website.

(Continued)

**SUBJECT: EDUCATION OF STUDENTS IN FOSTER CARE (Cont'd.)****Designation of School District and School**

The LDSS, in consultation with the appropriate local educational agency or agencies, will determine whether placement in the school district of origin or the school district of residence is in the best interest of a student in foster care. Provided that the District is an appropriate local educational agency, the District will work with the LDSS to make the best interest determination as quickly as possible in order to prevent educational discontinuity for the student. If the student has an Individualized Education Program (IEP), a Section 504 plan, or is an English language learner, relevant school staff may be consulted during the best interest determination process.

To the extent feasible and appropriate, the student should remain in his or her school of origin while the best interest determination is being made.

Subject to a best interest determination, a student in foster care is entitled to attend the school of origin or any school that children and youth who live in the attendance area in which the foster care placement is located are eligible to attend, including a preschool, for the duration of the student's placement in foster care and until the end of the school year in which he or she is no longer in foster care, and for one additional year if that year constitutes the student's terminal year in that building.

Where the school district of origin or school of origin that a student was attending on a tuition-free basis, or was entitled to attend when the student entered foster care is located, in New York State and the student's foster care placement is located in a contiguous state, the student is entitled to attend his or her school of origin or any school that children and youth who live in the attendance area in which the foster care placement is located are eligible to attend, including a preschool, subject to a best interest determination, for the duration of the student's placement in foster care and until the end of the school year in which he or she is no longer in foster care, and for one additional year if that year constitutes the student's terminal year in such building.

**Responsibilities When Designated as the School District of Attendance**

If the District is designated as the school district of attendance for a student in foster care, the District will immediately:

- a) Enroll the student in foster care, even if the student is unable to produce records which are normally required for enrollment, such as previous academic records, records of immunization and/or other required health records, proof of residency or other documentation and/or even if the student has missed application or enrollment deadlines during any period of placement in foster care, if applicable;
- b) Treat the student in foster care as a resident for all purposes; and

(Continued)

**SUBJECT: EDUCATION OF STUDENTS IN FOSTER CARE (Cont'd.)**

- c) Make a written request to the school district where the student's records are located in order to obtain a copy of the student's records and coordinate the transmittal of these records in accordance with applicable laws and regulations.

**Request for Records**

Within five days of receipt of a request for school records from a new school, the District will forward, in a manner consistent with federal and state law, a complete copy of the records of the student in foster care, including, but not limited to: proof of age; academic records; evaluations; immunization records; and guardianship papers (if applicable).

**Tuition Reimbursement**

Except as otherwise provided in law or regulation, the cost of instruction of a student in foster care will be borne by the school district of origin. Where a district other than the school district of origin is designated as the school district of attendance, the cost of instruction will be borne by the school district of origin and the tuition paid to the designated school district of attendance will be computed in accordance with applicable laws and regulations.

**Transportation Responsibilities**

Any student in foster care who requires transportation in order to attend his or her school of origin, is entitled to receive that transportation.

As appropriate, the District will coordinate and collaborate with the LDSS to make an appropriate transportation plan that supports the student's school stability plan and is fair to the District's taxpayers, consistent with the District's obligations under federal and state law.

When the District is the designated school district of attendance, and the student requires transportation to attend his or her school of origin, the District will provide transportation to and from the student's foster care placement location and the school of origin. The costs for transportation may be aidable pursuant to applicable laws and regulations.

When the District is the school district of residence and the designated school district of attendance, and the student does not attend his or her school of origin, the District will provide transportation on the same basis as provided to resident students. The costs for transportation may be aidable pursuant to applicable laws and regulations.

When transporting students in foster care, the District may incur excess transportation costs, as defined by law. The District and the LDSS may enter into a written agreement relating to how excess transportation costs should be funded, consistent with applicable laws and regulations. Absent such an

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**SUBJECT: EDUCATION OF STUDENTS IN FOSTER CARE (Cont'd.)**

agreement, excess transportation costs incurred by the District will be shared equally between the LDSS responsible for the foster care costs of the student and the designated school district of attendance. The District and the LDSS will consider and utilize all allowable funding sources, including any available federal funds, to cover excess transportation costs.

Where a student in foster care has been placed in foster care in a contiguous state, and the District is the designated district of attendance, the District will collaborate with the LDSS to arrange for transportation.

**Where the School of Origin is a Charter School**

Where the school of origin is a charter school, the school district designated as the school district of attendance for a student in foster care will be deemed to be the school district of residence for the student for purposes of fiscal and programmatic responsibility and will be responsible for transportation of the student in foster care. If the designated school district of attendance is not the school district of origin, the designated school district of attendance may seek reimbursement from the school district of origin in accordance with applicable laws and regulations.

**Dispute Resolution Process**

To the extent feasible and appropriate, the District will ensure that a student in foster care remains in his or her school of origin while any dispute is being resolved in order to minimize disruptions and reduce the number of moves between schools.

**Coordination with Other Agencies**

The District will coordinate the provision of services described in this policy, as appropriate, with agencies or programs providing services to students in foster care.

The District will coordinate with other school districts on inter-district issues, such as transportation or transfer of school records.

The District will coordinate implementation of the above provision of services with the requirements of IDEA for students with disabilities.

**Comparable Services**

Each student in foster care will be provided services comparable to other students in the school of attendance, including: transportation services; educational services for which the student meets eligibility criteria; educational programs for students with disabilities; educational programs for English learners; programs in career and technical education; programs for gifted and talented students; and school nutrition programs.

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**SUBJECT: EDUCATION OF STUDENTS IN FOSTER CARE (Cont'd.)****Student Privacy**

As appropriate, the District will collaborate with SED and/or the LDSS to determine what documentation related to a student in foster care should be shared among involved parties. In all cases, the District will comply with all statutory requirements to protect student privacy, including the Family Educational Rights and Privacy Act (FERPA) and any other applicable privacy requirements under federal, state, or local laws.

45 USC § 6312

45 CFR § 1355.20(a)

US DOE, Non-Regulatory Guidance: Ensuring Stability for Children in Foster Care (June 23, 2016)

Education Law §§ 3202 and 3244

Memorandum from NY St. Educ. Department on Educational Stability and Transportation Provisions for Students in Foster Care Memo (December 2, 2016)

NOTE: Refer also to Policy #7240 -- Student Records: Access and Challenge

**SUBJECT: REMOTE INSTRUCTION****Overview**

The District may offer remote or distance instruction to students at certain times including, but not limited to, independent study, enrichment courses, and in the event of an emergency condition, including, but not limited to, extraordinary adverse weather conditions, impairment of heating facilities, insufficiency of water supply, shortage of fuel, destruction of a school building, or a communicable disease outbreak.

In the event the District remains in session and provides remote instruction when it would otherwise close due to an emergency condition, the remote instruction provided by the District will be consistent with the District's emergency remote instruction plan, located in the District-wide school safety plan.

When making decisions about remote instruction, the District will consult with students, parents, teachers, administrators, community members, and other stakeholders as appropriate. When implementing remote instruction, the District will ensure that it is complying with applicable teaching and learning requirements.

**Definitions**

- a) "Asynchronous instruction" means instruction where students engage in learning without the direct presence (remote or in-person) of a teacher.
- b) "Non-digital and/or audio-based instruction" means instruction accessed synchronously and/or asynchronously through paper-based materials where the student to teacher interaction occurs via telephone or other audio platforms.
- c) "Remote instruction" means instruction provided by an appropriately certified teacher who is not in the same in-person physical location as the student(s) receiving the instruction, where there is regular and substantive daily interaction between the student and teacher.
  1. Remote instruction will encompass synchronous instruction provided through digital video-based technology and may also include asynchronous instruction intended to complement synchronous instruction. Digital video-based technology includes online technology and videoconferencing technology.
  2. Remote instruction may encompass non-digital and audio-based asynchronous and/or synchronous instruction where this instruction is more appropriate for a student's educational needs.

(Continued)

**SUBJECT: REMOTE INSTRUCTION (Cont'd.)**

- d) "Synchronous instruction" means instruction where students engage in learning in the direct presence (remote or in-person) of a teacher in real time.

**Formats and Methods of Remote Instruction**

Remote instruction may be delivered through a variety of formats and methods. Determinations about how to best deliver remote instruction will take into account a variety of factors including, but not limited to, the number of students involved, the subject matter, the students' grade levels, and technological resources of both the District and students. Consideration will also be given to whether accommodations need to be made for students with disabilities or English language learners.

**Remote Instruction During an Emergency Condition**Emergency Remote Instruction Plan

The District-wide school safety plan will include plans for the provision of remote instruction during any emergency school closure. The emergency remote instruction plan will include:

- a) Policies and procedures to ensure computing devices will be made available to students or other means by which students will participate in synchronous instruction and policies and procedures to ensure students receiving remote instruction under emergency conditions will access Internet connectivity. The Superintendent will survey students and parents and persons in parental relation to obtain information on student access to computing devices and access to Internet connectivity to inform the emergency remote instruction plan;
- b) Expectations for school staff as to the proportion of time spent in synchronous and asynchronous instruction of students on days of remote instruction under emergency conditions with an expectation that asynchronous instruction is supplementary to synchronous instruction;
- c) A description of how instruction will occur for those students for whom remote instruction by digital technology is not available or appropriate;
- d) A description of how special education and related services will be provided to students with disabilities and preschool students with disabilities in accordance with their individualized education programs to ensure the continued provision of a free appropriate public education; and
- e) If the District receives foundation aid, the estimated number of instructional hours the District intends to claim for state aid purposes for each day spent in remote instruction due to emergency conditions.

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**SUBJECT: REMOTE INSTRUCTION (Cont'd.)****Reporting of Computer and Connectivity Survey Results**

No later than June 30 of each school year, the Superintendent will report to the Commissioner of Education the results of the survey on student access to computing devices and access to Internet connectivity on a form and format prescribed by the Commissioner.

**Minimum Instructional Hours**

Remote instruction provided on days when the District would have otherwise closed due to an emergency condition may be counted toward the annual hourly requirement for the purpose of state aid. The Superintendent will certify to the New York State Education Department, on a form prescribed by the Commissioner, that an emergency condition existed on a previously scheduled school day and that the District was in session and provided remote instruction on that day and indicate how many instructional hours were provided on that day and certify that remote instruction was provided in accordance with the District's emergency remote instruction plan.

**Remote Instruction Support**

As necessary, the District will provide instruction on using remote instruction technology and IT support for students, teachers, and families. The District will also work to ensure that teachers and administrators are provided with professional development opportunities related to designing an effective remote instruction experience.

**Compliance with District Policies, Procedures, and the Code of Conduct**

Teachers and students are required to comply with any and all applicable District policies, procedures, and other related documents as they normally would for in-person instruction. Examples include, but are not limited to, the District's policies and procedures on non-discrimination and anti-harassment, acceptable use, and copyright. Students will also be required to abide by the rules contained within the *Code of Conduct* at all times while engaged in remote instruction. Violations of the *Code of Conduct* and/or engaging in prohibited conduct may result in disciplinary action as warranted.

**Privacy and Security of Student and Teacher Data**

The District will take measures to protect the personally identifiable information of students and teachers from unauthorized disclosure or access when using remote instruction technologies in compliance with law, regulation, and District policy. Examples of these measures include, but are not limited to, minimizing the amount of data shared to only that which is necessary, deidentifying data, and using encryption or an equivalent technical control that renders personally identifiable information unusable, unreadable, or indecipherable to unauthorized persons when transmitted electronically.

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Students

**SUBJECT: REMOTE INSTRUCTION (Cont'd.)**

8 NYCRR Sections 100.1, 100.5, 155.17, and 175.5

NOTE: Refer also to Policies #5681 -- School Safety Plans  
#7220 -- Graduation Options/Early Graduation/Accelerated Programs

Adopted: 4/16/24

Students

**SUBJECT: STUDENT EVALUATION, PROMOTION AND PLACEMENT****Grade Promotion and Placement**

Placement within the system, with respect to building, teacher, and grade or special class, shall be at the discretion of the school administration and shall be subject to review and change at any time. In making such decisions, the administrator will be guided by performance in class, past records, parent/guardian and teacher recommendations, standardized test scores, and any other appropriate sources of information, but the final decision shall rest with the school administration.

**Testing Program**

The Randolph Academy Union Free School District utilizes various ability, achievement, diagnostic, readiness, interest and guidance tests for the purpose of complying with state and federal law and/or aiding the implementation of quality educational services. The District will not make any student promotion or placement decisions based solely or primarily on student performance on the state administered English language arts and mathematics assessments for grades 3 through 8. The District may, however, consider student performance on such state assessments in making student promotion and placement decisions provided that multiple measures be used in addition to such assessments and that such assessments do not constitute the major factor in such determinations.

**Alternative Testing Procedures**

The use of alternative testing procedures shall be limited to:

- a) Students identified by the Committee on Special Education and/or Section 504 Team as having a disability. Alternative testing procedures shall be specified in a student's Individualized Education Program or Section 504 Accommodation Plan; and
- b) Students whose native language is other than English (i.e., English language learners) in accordance with State Education Department Guidelines.

The alternative testing procedures employed shall be based upon a student's individual needs and the type of test administered.

The District shall report the use of alternative testing procedures to the State Education Department on a form and at a time prescribed by the Commissioner.

**Reporting to Parents and Persons in Parental Relation to Students**

Parents and/or persons in parental relation to District students will receive an appropriate report of student progress at regular intervals.

(Continued)

**SUBJECT: STUDENT EVALUATION, PROMOTION AND PLACEMENT (Cont'd.)**

The District will not place or include on a student's official transcript or maintain in a student's permanent record any individual student score on a state administered standardized English language arts or mathematics assessment for grades 3 through 8. However, the District will comply with state and federal requirements regarding the maintenance and transfer of student test scores. Any test results on a state administered standardized English language arts or mathematics assessment for grades 3 through 8 sent to parents or persons in parental relation to a student shall include a clear and conspicuous notice that such results will not be included on the student's official transcript or in the student's permanent record and are being provided to the student and parents for diagnostic purposes.

Report cards shall be used as a standard vehicle for the periodic reporting of student progress and appropriate school related data. Report cards, however, are not intended to exclude other means of reporting progress, such as interim reports, conferences, phone conversations, etc.

When necessary, attempts will be made to provide interpreters for non-English speaking parents/guardians.

§ 504 of the Rehabilitation Act of 1973, 29 USC § 794 et seq.  
8 NYCRR §§ 100.2(g), 117 and 154  
Education Law § 1709(3)



## Students

**SUBJECT: PROVISION OF INTERPRETER SERVICES TO PARENTS WHO ARE HEARING IMPAIRED**

The Board of Education assures parents or persons in parental relation who are hearing impaired the right to meaningful access to school initiated meetings or activities pertaining to the academic and/or disciplinary aspects of their children's education. School initiated meetings or activities are defined to include, but are not limited to, parent-teacher conferences, child study or building-level team meetings, planning meetings with school counselors regarding educational progress and career planning, suspension hearings or any conferences with school officials relating to disciplinary actions. The term "hearing impaired" shall include any hearing impairment, whether permanent or fluctuating, which prevents meaningful participation in School District meetings or activities.

Parents or persons in parental relation shall be notified of the availability of interpreter services to be provided at no charge, provided that a written request is made to the School District within 14 days of the scheduled event. Exceptions to the time frame request may be made for unanticipated circumstances as determined by the principal/designee. The District shall also notify appropriate school personnel as to the terms and implementation of this policy.

If interpreter services are requested, the District shall appoint an interpreter for the hearing impaired to interpret during the meeting or activity. The District will arrange for interpreters through a District-created list or through an interpreter referral service. The District shall also develop interagency agreements, as appropriate, to ensure that sign language interpreters are provided for eligible parents or persons in parental relation when District students attend out-of-District schools or programs.

In the event that an interpreter is unavailable, the School District shall make other reasonable accommodations which are satisfactory to the parents or persons in parental relation. Examples of what constitutes reasonable accommodations in the event an interpreter cannot be located may include, but are not limited to, the use of:

- a) Written communications, transcripts, note takers, etc., and
- b) Technology, such as: a decoder or telecommunication device for the deaf, assistive listening devices, and closed or open captioning.

Education Law § 3230  
8 NYCRR § 100.2(aa)

Adopted: 9/17/08

**SUBJECT: GRADUATION OPTIONS/EARLY GRADUATION/ACCELERATED PROGRAMS**

To graduate from the District, a student must meet or exceed the requirements set forth in Part 100 of the Commissioner's regulations. The Board may establish graduation requirements that exceed the minimum standards set by the Board of Regents. The District will award the appropriate diploma, credential, or both to students.

**Pathways to Graduation**

Students must pass the required number of Regents examinations or approved alternative exams and meet any further graduation requirements; these requirements may include passing an approved pathways assessment, other assessment, or an additional exam that measure an equivalent level of knowledge and skill. Students who fail certain Regents examinations may appeal the result in accordance with Commissioner's regulations.

**Early Graduation**

A student may be eligible for early graduation (fewer than eight semesters) if the student completes all requirements for graduation, excluding physical education. The District will consult with appropriate personnel, the student, and persons in parental relation, and consider factors such as the student's grades, performance in school, future plans, and benefits to graduation early in making its decision.

**Accelerated Programs**Eighth Grade Acceleration for Diploma Credits

Eighth grade students may take appropriate high school courses. The Superintendent or designee will determine whether an eighth grade student is eligible to take high school courses using criteria that examines each student's readiness. By the end of seventh grade, accelerated students must receive instruction designed to facilitate their attainment of the state intermediate learning standards in each subject area in which they are accelerated.

Advanced Placement (AP)

Advanced Placement examinations afford students the opportunity to earn credit or advanced standing in many colleges and universities. The College Board administers a variety of AP examinations in May of each year. The District will determine a student's readiness for enrollment in any AP class.

(Continued)

**SUBJECT: GRADUATION OPTIONS/EARLY GRADUATION/ACCELERATED PROGRAMS (Cont'd.)****Dual Credit for College Courses**

Students who have demonstrated intellectual and social maturity may choose to matriculate at any one of the colleges that have a cooperative agreement with the District. Students who wish to enroll in college-level coursework must meet all academic, grade level, and coursework requirements. These opportunities may include early admission to college, collegiate-level work offered in the high school, or other means of providing advanced work. The administration will review and approve any college courses before they are taken during the school day. The Board will not pay tuition and other related costs for those high school students enrolled in college courses.

**Online Coursework**

The District may offer students the ability to complete general education and diploma requirements for a specific subject through online instruction or blended coursework that combines online and classroom-based instruction.

To receive credit for online coursework, students must successfully complete an online or blended course and demonstrate mastery of the learning outcomes for the subject by passing the Regents exam or other assessment in the subject area.

8 NYCRR §§ 100.1(i), 100.2(f), 100.4(d), 100.5, 100.6, and 200.5

NOTE: Refer also to Policies #7221 -- Participation in Graduation Ceremonies and Activities  
#7222 -- Diploma or Credential Options for Students with Disabilities

Adopted: 9/17/08  
Revised: 11/15/16

## Students

**SUBJECT: PARTICIPATION IN GRADUATION CEREMONIES AND ACTIVITIES**

Any student who has satisfactorily completed all graduation requirements will be permitted to participate in the graduation ceremony and all related graduation activities of his or her graduating class subject to certain exceptions. Students may be prohibited from participating in the graduation ceremony or related graduation activities as a consequence of violating the District's *Code of Conduct*.

The District permits any student to participate in the graduation ceremony and all related graduation activities of his or her high school graduating class, if the student has been awarded a Skills and Achievement Commencement Credential or a Career Development and Occupational Studies (CDOS) Commencement Credential, but has not otherwise qualified to receive a Regents or local diploma. While permitted to participate, these students are not required to participate in the graduation ceremony or related graduation activities of his or her high school graduating class. For purposes of this policy, a student's high school graduating class is the twelfth grade class with which he or she entered into ninth grade.

The District will provide annual written notice of this policy and any related procedures to all students and their parents or guardians.

Education Law Section 3204(4-b)  
8 NYCRR Section 100.2(oo)

Adopted: 2/27/19  
Revised: 3/19/24

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 Sections 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: 9/17/08

Revised: 3/19/13; 2/9/16; 7/12/17; 12/13/17; 3/19/24

## Students

**SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE**

The School District will comply with the provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA). Under its provisions, parents or guardians and noncustodial 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 School District.

**Education Records**

The term "education records" is defined as all records, files, documents and other materials containing information directly related to a student; and maintained by the education agency or institution, or by a person acting for such agency or institution (34 Code of Federal Regulations (CFR) Section 99.3). This includes all records regardless of medium, including, but not limited to, handwriting, videotape or audiotape, electronic or computer files, film, print, microfilm, and microfiche.

In addition, for students who attend a public school district, all records pertaining to services provided under the Individuals with Disabilities Education Act (IDEA) are considered "education records" under FERPA. As such, they are subject to the confidentiality provisions of both Acts.

Personal notes made by teachers or other staff, on the other hand, are not considered education records if they are:

- a) Kept in the sole possession of the maker;
- b) Not accessible or revealed to any other person except a temporary substitute; and
- c) Used only as a memory aid.

Additionally, FERPA does not prohibit a school official from disclosing information about a student if the information is obtained through the school official's personal knowledge or observation and not from the student's education records.

Records created and maintained by a law enforcement unit for law enforcement purposes are also excluded.

**Access to Student Records**

The Board directs that administrative regulations and procedures be formulated to comply with the provisions of federal law relating to the availability of student records. The purpose of those regulations and procedures is to make available to the parents or guardians of students and noncustodial 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 such records with respect to third parties.

(Continued)

## Students

**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, a 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, 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 post-secondary institution at which the student seeks or intends to enroll, or after the student has enrolled or transferred, so long as the disclosure

(Continued)

## Students

**SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)**

is for purposes related to the student's enrollment or transfer. Parental consent is not required for transferring education records if the school's annual FERPA notification indicates that these disclosures may be made. In the absence of information about disclosures in the annual FERPA notification, school officials must make a reasonable attempt to notify the parent about the disclosure, unless the parent initiated the disclosure. Additionally, upon request, schools must provide a copy of the information disclosed and an opportunity for a hearing.

d) For Health and Safety Emergency Reasons

The District must balance the need to protect students' personally identifiable information with the need to address issues of school safety and emergency preparedness. Under FERPA, if an educational agency or institution determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records, without consent, to any person whose knowledge of the information is necessary to protect the health and safety of the student or other individuals during the period of the health or safety emergency. The District may release information from records to appropriate parties including, but not limited to, parents, law enforcement officials and medical personnel. The District's determination that there is an articulable and significant threat to the health or safety of a student or other individuals will be based upon a totality of the circumstances, including the information available, at the time the determination is made. The District must record the articulable and significant threat that formed the basis for the disclosure and maintain this record for as long as the student's education records are maintained.

e) To Juvenile Justice Systems

Information may be disclosed to state and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a state statute that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released. In these cases the official or authority must certify in writing that the information will not be disclosed to any other party except as provided under law without prior written consent.

f) To Foster Care Agencies

The District may release records to an agency caseworker or other representative of a state or local child welfare agency, who has the right to access a student's case plan, when the agency or organization is legally responsible, for the care and protection of the student. This does not give a child welfare agency the right to look into any non-foster care student's records, without parental consent, when there has been a mere allegation of abuse or maltreatment, absent an order or subpoena.

(Continued)



**SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)**g) Pursuant to a Subpoena or Court Order

When a district receives a subpoena or court order for the release of records the District must make a reasonable effort to notify the parent or guardian or eligible student of the order or subpoena in advance of compliance. This allows the parent or guardian or eligible student to seek protective action against the subpoena or order before the release of the records.

The District may disclose a student's records without first notifying parents or guardians or eligible students if the disclosure is:

1. Based on a subpoena in which the court orders, for good cause shown, not to reveal to any person the existence or contents of the subpoena or any information furnished pursuant to the subpoena;
2. Pursuant to a judicial order in cases where the parents are a party to a court proceeding involving child abuse or maltreatment or dependency matters, and the order is issued in the context of that proceeding; or
3. Made to a court (with or without an order or subpoena) when the District is involved in a legal action against a parent or student and the records are relevant to the matter.

h) For Financial Aid Purposes

Pertinent information may be released in connection with the determination of eligibility, amount, conditions and enforcement of terms of a student's financial aid.

i) To Accrediting Organizations

Disclosure of a student's records may be made to an organization in which that student seeks accreditation, in order to carry out their accrediting function.

j) To Parents of a Dependent Student

Even when a student turns 18 years of age or older the District may disclose education records to that student's parents, without the student's consent, if the student is claimed as a dependent for federal income tax purposes by either parent.

k) For Audit/Evaluation Purposes

The audit or evaluation exception allows for the disclosure of PII from education records without consent to authorized representatives of the Comptroller General of the U.S., the Attorney General, the Secretary of Education, federal, state or local educational authorities

(Continued)

Students

**SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)**

("FERPA permitted" entities). Under this exception, PII from education records must be used to audit or evaluate a federal or state supported education program, or to enforce or comply with federal legal requirements that relate to those education programs (audit, evaluation, or enforcement or compliance activity).

The District may, from time to time, disclose PII from education records without consent to authorized representatives of the entities listed above. The District may also 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 post-secondary 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 post-secondary 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, from time to time, disclose PII from education records that the District has previously shared with that entity, to organizations conducting studies on behalf of the District. For example, a State Education Agency (SEA) may disclose PII from education records provided by the District without consent to an organization for the purpose of conducting a study that compares program outcomes across school districts to further assess the effectiveness of 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.

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**SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)****Challenge to Student Records**

Parents or guardians of a student under the age of 18, or a student who is 18 years of age or older or who is attending an institution of post-secondary education, will have an opportunity for a hearing to challenge the content of the school records, to ensure that the records are not inaccurate, misleading, or otherwise in violation of the privacy of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained.

**Release of Information to the Noncustodial Parent**

The District may presume that the noncustodial 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 noncustodial 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 said information.

**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 § 2d

NOTE: Refer also to Policies #7242 -- Student Directory Information  
#7243 -- Military Recruiters and Institutions of Higher Education  
#7643 -- Transfer Students with Disabilities

Adopted: 9/17/08  
Revised: 11/15/16; 12/13/17

Students

**SUBJECT: STUDENT DIRECTORY INFORMATION****The District Does Not Release Student Directory Information.**

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. The District will notify parents that by law it routinely releases this information to Military Recruiters upon request subject to a parents' or eligible students' request not to disclose this information with written parental verification of the request.

Family Educational Rights and Privacy Act of 1974, 20 USC 1232(g)  
34 CFR Part 99

NOTE: Refer also to Policy #7243 -- Military Recruiters and Institutions of Higher Education

Adopted: 9/17/08  
Revised: 10/25/17

**SUBJECT: MILITARY RECRUITERS AND INSTITUTIONS OF HIGHER EDUCATION****Requests for Information**

The District will comply with requests from military recruiters and institutions of higher education (IHEs) for access to the name, address and telephone listing of each secondary school student, except for any student whose parent (or the student, if he or she is at least 18 years of age) has submitted a written request to opt-out of this disclosure, in which case the information will not be released without the parent's (or student's, if he or she is at least 18 years of age) prior written consent.

**Annual Notification and Opt Out Opportunity**

The District will annually notify parents of a secondary student (or the student, if he or she is at least 18 years of age) of the opportunity to submit a written request to opt-out of disclosure of the student's name, address, and telephone listing to military recruiters and IHEs. If a written opt-out request is submitted, the District will not disclose the student's information to military recruiters or IHEs without the parent's (or student's, if he or she is at least 18 years of age) prior written consent.

**Military Recruiter Access**

The District will provide military recruiters the same access to secondary school students as is provided generally to IHEs or prospective employers of those students.

Elementary and Secondary Education Act of 1965, 20 USC § 7908 as amended by the Every Student Succeeds Act (ESSA) of 2015  
10 USC § 503  
Education Law § 2-a

Adopted: 9/17/08  
Revised: 10/25/17; 1/16/19

## 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.

The Districts has 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 §§ 202 and 208

NOTE: Refer also to Policies #5672 -- Information Security Breach and Notification  
#7240 -- Student Records: Access and Challenge

Adopted: 2/9/16

Students

**SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS**

The Protection of Pupil Rights Amendment (PPRA) governs the administration to students of a survey, analysis, or evaluation that concerns one or more of the following **eight protected areas**:

- a) Political affiliations or beliefs of the student or the student's parent/guardian;
- b) Mental or psychological problems of the student or the student's family;
- c) Sex behavior or attitudes;
- d) Illegal, anti-social, self-incriminating, or demeaning behavior;
- e) Critical appraisals of other individuals with whom respondents have close family relationships;
- f) Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
- g) Religious practices, affiliations, or beliefs of the student or student's parent/guardian; or
- h) Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

PPRA also concerns marketing surveys and other areas of student privacy, parental access to information, and the administration of certain physical examinations to minors.

**General Provisions**

The requirements of PPRA do not apply to a survey administered to a student in accordance with the Individuals with Disabilities Education Act (IDEA). Further, PPRA does not supersede any of the requirements of 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.

(Continued)

Students

**SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS (Cont'd.)**

**Annual Parental Notification of Policies/"Opt Out" Provisions**

The School District shall provide for reasonable notice of the adoption or continued use of this policy directly to the parents/guardians of 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 opt their child out of participation in the following activities:

- a) The administration of **any survey** containing one or more of the **eight protected areas**.
  1. **U.S. Department of Education-Funded Surveys: Prior written consent from parents must be obtained** before students are required to submit to the survey.
  2. **Surveys funded by sources other than U.S. Department of Education:** Notification may indicate the specific or approximate dates during the school year when surveys will be administered and provide an opportunity for the parent to opt his/her child out of participating upon receipt of the notification.
- b) Activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose).
- c) Any non-emergency, invasive physical examination or screening that is required as a condition of attendance; administered by the school and scheduled by the school in advance; and not necessary to protect the immediate health and safety of the student, or of other students. The term "*invasive physical examination*" means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but *does not include a hearing, vision or scoliosis screening*.

**Specific Notification**

In the event that the District does not identify the specific or approximate dates of the activities or surveys to be administered in the general annual notification, it shall "directly" notify, such as through U.S. Mail or 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 opt his/her child out of participation.

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Students

**SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS (Cont'd.)**

**U.S. Department of Education-Funded Surveys**

In compliance with the Protection of Pupil Rights Amendment (PPRA), the School District is committed to protecting the rights and privacy interests of parents/guardians and students with regard to surveys funded in whole or part by any program administered by the U.S. Department of Education (DOE).

The District shall make instructional materials available for inspection by parents/guardians if those materials will be used in connection with a DOE-funded survey, analysis, or evaluation in which their children participate. In addition, the School District **shall obtain prior written parental/guardian consent** before minor students are required to participate in any DOE-funded survey, analysis, or evaluation that reveals information concerning any of the **eight protected areas**.

**Surveys Funded by Sources Other than U.S. Department of Education**

The School District has developed and adopted this Board policy, in consultation with parents/guardians, regarding the following:

- a) The right of the parent/person in parental relation to inspect, upon request, a survey created by a third party (i.e., by a party other than the DOE) before the survey is administered or distributed by the school to a student. Requests by parents/guardians to inspect such surveys are to be submitted, in writing, to the building principal 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 **eight protected areas**, including the right of the parent/guardian of the student to inspect, upon request, any survey containing one or more of the **eight protected areas**. Such requests must be submitted by the parent/guardian, in writing, to the building principal at least 10 days prior to the administration or distribution of any survey.
- c) Parents/guardians shall be granted, upon request, reasonable access and the right to inspect instructional materials used as part of the educational curriculum for the student within a reasonable period of time, defined by the School District for the purposes of this policy 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

(Continued)

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.

This law is not intended to preempt applicable provisions of State law that require parental/guardian notification.

These requirements **do not apply** to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:

- a) College or other postsecondary education recruitment, or *\*military recruitment*;

*\*Military recruiter access to student information is governed by the Family Educational Rights and Privacy Act of 1974 (FERPA) and the National Defense Authorization Act for Fiscal Year 2002.*

(Continued)

Students

**SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS (Cont'd.)**

- b) Book clubs, magazines, and programs providing access to low-cost literary products;
- c) Curriculum and instructional materials used by elementary schools and secondary schools;
- d) Tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments;
- e) The sale by students of products or services to raise funds for school-related or education-related activities;
- f) Student recognition programs.

Family Educational Rights and Privacy Act of 1974, 20 USC § 1232(g), as amended by the Every Student Succeeds Act of 2015  
Protection of Pupil Rights Amendment (PPRA), 20 USC 1232(h)  
34 CFR Part 98  
34 CFR Part 99

NOTE: Refer also to Policies #7121 -- Diagnostic Screening of Students  
#7243 -- Military Recruiters and Institutions of Higher Education  
#7511 -- Immunization of Students  
#7512 -- Student Physicals  
#7513 -- Medication and Personal Care Items

Adopted: 9/17/08

**SUBJECT: DESIGNATION OF PERSON IN PARENTAL RELATION**

A parent of a minor or incapacitated person may designate another person as a person in parental relation to that minor or incapacitated person for certain health care and educational decisions for a period not exceeding 12 months. However, this parental designation is conditioned upon there being no prior order of any court in any jurisdiction currently in effect that would prohibit the parent from exercising the same or similar authority; and provided further that, in the case where a court has ordered that both parents must agree on education or health decisions regarding the child, a designation in accordance with this law will not be valid unless both parents have given their consent.

The designation of a person in parental relation must be in writing in the form prescribed by law, and must include specified information as set forth in law for designations of 30 days or less, as well as additional information required for designations of more than 30 days. The designation of a person in parental relation may be presented to any school that requires the designation by either the parent or designee. The designation may specify a period of time less than 12 months for which the designation will be valid unless earlier revoked by the parent in accordance with law. However, a designation specifying a period of more than 30 days must be notarized.

If no time period is specified in the designation, it will be valid until the earlier of:

- a) Revocation; or
- b) The expiration of 30 days from the date of signature if the designation does not meet the requirements for designations of more than 30 days; or
- c) Twelve months from the date of commencement specified in the designation if the designation meets the requirements for designations of more than 30 days.

**Scope of Designation**

A designation made in accordance with this law may specify:

- a) The treatment, diagnosis, or activities for which consent is authorized;
- b) Any treatment, diagnosis, or activity for which consent is not authorized; or
- c) Any other limitation on the duties and responsibilities conveyed by the designation.

**Form of Designation**Designations in General

A designation of a person in parental relation in accordance with this law must be in writing and include:

- a) The name of the parent;
- b) The name of the designee;

(Continued)

**SUBJECT: DESIGNATION OF PERSON IN PARENTAL RELATION (Cont'd.)**

- c) The name of each minor or incapacitated person with respect to whom the designation is made;
- d) The parent's signature; and
- e) The date of the signature.

The designation may specify a period of time less than 12 months for which the designation will be valid unless earlier revoked by the parent in accordance with Section 5-1554 of General Obligations Law. However, any designation specifying a period of more than 30 days must also conform to the following provisions as set forth in law.

**Designations for More Than 30 Days**

A designation specifying a period of more than 30 days must also include:

- a) An address and telephone number where the parent can be reached;
- b) An address and telephone number where the designee can be reached;
- c) The date of birth of each minor or incapacitated person with respect to whom the designation is made;
- d) The date or contingent event on which the designation commences;
- e) The written consent of the designee to the designation; and
- f) A statement that there is no prior order of any court in any jurisdiction currently in effect prohibiting the parent from making the designation.

A designation specifying a period of more than 30 days must be notarized.

**Revocation of Designation**

A parent may revoke a designation by notifying, either orally or in writing, the designee or the school to which the designation has been presented, or by any other act evidencing a specific intent to revoke the designation. A designation will also be revoked upon the execution by the parent of a subsequent designation. Revocation by one parent authorized to execute a designation will be deemed effective and complete revocation of a designation in accordance with law.

A designee who receives notification from a parent of any revocation must immediately notify any school to which a designation has been presented. A parent may directly notify the school of the revocation. The failure of the designee to notify the school of the revocation will not make the revocation ineffective.

(Continued)

**SUBJECT: DESIGNATION OF PERSON IN PARENTAL RELATION (Cont'd.)****Effect of Designation**

- a) A designee will possess all the powers and duties of a person in parental relation unless otherwise specified in the designation.
- b) A designation will not impose upon a designee a duty to support the child.
- c) A designation will not cause a change in the school district of residence of the child for purposes of the Education Law, and during the period of validity of the designation, the child will be presumed to be a resident of the school district in which the parent resided at the time the designation was made.
- d) A designation will terminate and be revoked upon the death or incapacity of the parent who signed the designation.
- e) The decision of a designee will be superseded by a contravening decision of a parent.

A person who acts based upon the consent of a designee reasonably, and in the good faith belief that the parent has authorized the designee to provide the consent, will not be deemed to have acted negligently, unreasonably, or improperly in accepting the designation and acting upon the consent. However, this person may be deemed to have acted negligently, unreasonably, or improperly if he or she has knowledge of facts indicating that the designation was never given, or did not extend to an act or acts in question, or was revoked.

No provision of General Obligations Law Title 15-A will be construed to require designation of a person in parental relation where the designation is not otherwise required by law, rule, or regulation.

Education Law Sections 2 and 3212  
Family Court Act Section 413  
General Obligations Law Title 15-A  
Public Health Law Sections 2164 and 2504

Adopted: 9/17/08  
Revised: 7/12/17; 3/19/24

## Students

**SUBJECT: RIGHTS OF NON-CUSTODIAL PARENTS**

The Board is mindful that various arrangements exist for the care and custody of children enrolled in the District. The District attempts to maintain current family information to help ensure student safety, proper communication with parents, and appropriate educational programming. Parents who are divorced, legally separated, or otherwise live apart should supply the District with relevant information and documentation, including custody orders, regarding who is responsible for the custody and care of their child, and who is permitted to make educational decisions for that child.

A non-custodial parent's participation in his or her child's education will be governed by the terms of any custody order. As a general matter, however, the District encourages non-custodial parents to participate in their child's education. Unless prohibited from doing so by a court order, non-custodial parents may request information about their child, inspect and review their child's records in accordance with the Family Educational Rights and Privacy Act (FERPA) and District policy, and otherwise remain interested in their child's education.

The District will not release students to a non-custodial parent without the custodial parent's consent. It is the parent's responsibility to inform the District if and when the child may be released to individuals other than the custodial parent in a form acceptable to the District.

NOTE: Refer also to Policy #7240 -- Student Records: Access and Challenge

## Students

**SUBJECT: LOSS OR DESTRUCTION OF DISTRICT PROPERTY OR RESOURCES**

The District is authorized to seek restitution, through civil action when necessary, from the parent or guardian of an unemancipated student over the age of ten 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, prior to the entering of a judgment in the sum total of \$500 or more, a court may consider the parent's or guardian's financial inability to pay any portion or all of the amount of damages which are in excess of \$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, the County District Attorney and defense counsel an affidavit stating that the funds reasonably expended for which restitution is being sought have not been and will not be recovered from any other source or in any other civil or criminal proceeding, except as provided for pursuant to General Obligations Law Section 3-112.

General Obligations Law § 3-112  
Penal Law §§ 60.27, 240.50, 240.55, 240.60 and 240.61

Adopted: 9/17/08



Students

**SUBJECT: STUDENT DRESS CODE**

Student dress and appearance must be in accordance with the District *Code of Conduct*. The administration is authorized to take action in instances where individual dress does not meet these stated requirements.

While the school administration may require students participating in physical education classes to wear certain types of clothing such as sneakers, socks, shorts, and tee shirts, they may not prescribe a specific brand which students must wear.

This policy does not mean that student, faculty, or parent groups may not recommend appropriate dress for school or special occasions. It means that a student shall not be prevented from attending school or a school function, or otherwise be discriminated against, so long as his/her dress and appearance meet the above requirements. A school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state.

**Student Dress Code Requirements**

The following guidelines must be adhered to regarding clothing worn while attending Randolph Academy:

- a) Clothing must be consistent with the particular season and weather conditions (e.g., shorts and t-shirts are not considered appropriate during winter months);
- b) No clothing is allowed that is too revealing. Girls are not to wear extremely short skirts or low-cut tops. Decisions in these matters are at the discretion of the administration at the school;
- c) Coats are not to worn while in school unless class is being held in the school's barn or a particular class is going outside for an activity. All coats are to be kept in the student's locker or classroom for elementary students. Students who tend to feel chilled during the school day should wear sweatshirts or sweaters. Any light sweat jacket will be judged on a case-by-case basis as to whether or not it constitutes an actual coat and thus should be kept in the respective student's locker or classroom;
- d) No hats, hoods, or headwear of any kind are allowed to be worn during the school day unless authorized by school administration (e.g., during "Hat Days" scheduled throughout the year);
- e) Sunglasses are not to be worn in school;
- f) No clothing with inappropriate wording, logos, phrases, pictures, or sayings are allowed;

(Continued)

**SUBJECT: STUDENT DRESS CODE (Cont'd.)**

- g) Clothing is to be clean and presentable, not soiled;
- h) Clothing that is torn or ripped is not appropriate;
- i) Any boots worn to school must be left in lockers or classrooms (elementary) and gym shoes or soft-style shoes are to be worn during the school day. Steel toe boots are prohibited;
- j) Purses and book bags are prohibited. All bags brought into school will be searched and are to be left at the front foyer prior to walking through the school's metal detector. Items brought to school must be in clear, grocery-type bags that can be carried through the metal detector with the student;
- k) Jewelry worn by females and males must not be too large or dangly, such as with earrings and necklaces. Earrings must not be long and dangling and are to only be small stud or hoop-type earrings. This includes nose rings or piercing of any other body parts. Necklaces must not be heavy chain-type and must be worn inside clothing.

Randolph Academy reserves the right to update and alter the above guidelines as situations warrant. All decisions made by Randolph Academy administration with regard to dress guidelines are final and must be adhered to. Failure to adhere to these guidelines after being addressed on these situations may result in consequences being issued to the student in question.

Education Law § 2801(1) -- definition of school function

NOTE: Refer also to *District Code of Conduct on School Property*

Adopted: 9/17/08

**SUBJECT: SUSPENSION OF STUDENTS**

The Superintendent and/or the principal may suspend the following students from required attendance upon instruction:

- a) A student who is insubordinate or disorderly; or
- b) A student who is violent or disruptive; or
- c) A student whose conduct otherwise endangers the safety, morals, health or welfare of others.

**Suspension**Five 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.

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 parents/persons 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 parents/persons 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 parents/persons in parental relation shall be authorized to present the student's version of the event and to ask questions of the complaining witnesses.

(Continued)

## 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 (Superintendent's Hearing)

In situations where the Superintendent determines that a suspension in excess of five school days may be warranted, the student and parents/persons in parental *relation*, upon reasonable notice, shall have had an opportunity for a fair hearing. At the hearing, the student shall have the right of representation by counsel, with the right to question witnesses against him/her, and the right to present witnesses and other evidence on his/her behalf.

Where the basis for the suspension is, in whole or in part, the possession on school grounds or school property by the student of any firearm, rifle, shotgun, dagger, dangerous knife, dirk, razor, stiletto or any of the weapons, instruments or appliances specified in Penal Law Section 265.01, the hearing officer or Superintendent shall not be barred from considering the admissibility of such weapon, instrument or appliance as evidence, notwithstanding a determination by a court in a criminal or juvenile delinquency proceeding that the recovery of such weapon, instrument or appliance was the result of an unlawful search or seizure.

Minimum Periods of Suspension

Pursuant to law, Commissioner's regulations and the District's *Code of Conduct*, minimum periods of suspension shall be provided for the following prohibited conduct, subject to the requirements of federal and state law and regulations:

- a) Consistent with the federal Gun-Free Schools Act, any student who is determined to have brought a weapon to school or possessed a weapon on school premises shall be suspended for a period of not less than one 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 10 school days in a school year that do not constitute a disciplinary change in placement, students with disabilities must be provided with alternative instruction or services on the same basis as non-disabled students of the same age.

If suspension or removal from the current educational placement constitutes a disciplinary change in placement because it is for more than ten 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)

Students

**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 parents/persons 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)

## Students

**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. They must also receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications designed to address the behavior violation so it does not recur:

- a) 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.

(Continued)

**SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)**

Additionally, an Impartial Hearing Officer in an expedited due process hearing may order a change in placement of a student with a disability to an appropriate IAES for up to 45 school days if the Hearing Officer determines that maintaining the current placement is substantially likely to result in injury to the students or others.

There are three specific instances when a student with a disability may be placed in an IAES for up to 45 school days without regard to a manifestation determination:

- a) Where the student carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of the District; or
- b) Where a student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of the District; or
- c) Where a student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the District. Serious bodily harm has been defined in law to refer to one of the following:
  1. Substantial risk of death;
  2. Extreme physical pain; or
  3. Protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

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

School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a student with a disability who violates a code of student conduct.

In all cases, the student placed in an IAES shall:

- a) Continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress towards the goals set out in the student's IEP, and

(Continued)



Students

**SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)**

- b) Receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

The period of suspension or removal may not exceed the amount of time a non-disabled student would be suspended for the same behavior.

**Intensive Behavior Classroom Program**

The Intensive Behavior Classroom Program (#7317) will be used 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.

**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.

18 USC § 921

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

Gun Free Schools Act, 20 USC § 7151, as amended by the Every Student Succeeds Act (ESSA) of 2015

34 CFR Part 300

Education Law §§ 2801(1), 3214 and 4402

Penal Law § 265.01

8 NYCRR §§ 100.2(1)(2), 200.4(d)(3)(i), 200.22 and Part 201

Adopted: 9/17/08

Revised: 4/21/15; 2/9/16

## 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.

**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 Act (IDEA)  
20 USC § 1400 et seq.  
34 CFR Part 300  
8 NYCRR § 201.5

NOTE: Refer also to Policy #7313 -- Suspension of Students

Adopted: 9/17/08

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.

One purpose of this policy is to provide notice to students and parents/guardians that, unlike most traditional instructional or library media materials, the DCS will allow student access to external computer networks not controlled by the School District where it is impossible for the District to screen or review all of the available materials. Some of the available materials may be deemed unsuitable by parents/guardians for student use or access. This policy is intended to establish general guidelines for acceptable student use. However, despite the existence of such District policy and accompanying guidelines and regulations, it will not be possible to completely prevent access to computerized information that is inappropriate for students. Furthermore, students may have the ability to access such information from their home or other locations off school premises. Parents/guardians of students must be willing to set and convey standards for appropriate and acceptable use to their children when using the DCS or any other electronic media or communications.

**Standards of Acceptable Use**

Generally, the same standards of acceptable student conduct which apply to any school activity shall apply to use of the DCS. This policy does not attempt to articulate all required and/or acceptable uses of the DCS; nor is it the intention of this policy to define all inappropriate usage. Administrative regulations will further define general guidelines of appropriate student conduct and use as well as proscribed behavior.

District students shall also adhere to the laws, policies and rules governing computers including, but not limited to, copyright laws, rights of software publishers, license agreements, and student rights of privacy created by federal and state law.

Students who engage in unacceptable use may lose access to the DCS in accordance with applicable due process procedures, and may be subject to further discipline under the District's school conduct and discipline policy and the District *Code of Conduct*. The District reserves the right to pursue legal action against a student who willfully, maliciously or unlawfully damages or destroys property of the District. Further, the District may bring suit in civil court against the parents/guardians of any student who willfully, maliciously or unlawfully damages or destroys District property pursuant to General Obligations Law § 3-112.

(Continued)

Students

**SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES  
(ACCEPTABLE USE POLICY) (Cont'd.)**

Student data files and other electronic storage areas will be treated like school lockers. This means that such areas shall be considered to be School District property subject to control and inspection. The Computer Coordinator may access all such files and communications without prior notice to ensure system integrity and that users are complying with the requirements of this policy and accompanying regulations. Students should **NOT** expect that information stored on the DCS will be private.

**Notification/Authorization**

The District's Acceptable Use Policy and Regulations will be disseminated to parents and students in order to provide notice of the school's requirements, expectations, and students' obligations when accessing the DCS.

The District requires "Affirmative Consent". Student use of the DCS is conditioned upon written agreement by all students and their parents/guardians that student use of the DCS will conform to the requirements of this policy and any regulations adopted to ensure acceptable use of the DCS. All such agreements shall be kept on file in the District Office.

Regulations will be established as necessary to implement the terms of this policy.

**Acceptable Use Policy Regarding the Computer Systems of the Randolph Academy Union Free School District Include the following:**Privacy

- a) All users will respect the privacy of other users.
- b) Students will not seek information from, obtain copies of, modify, or delete the files of other users.
- c) Student data files and other electronic storage areas will be treated like school lockers. This means that such areas shall be considered to be School District property subject to control and inspection. The Computer Coordinator may access all such files and communications without prior notice to ensure system integrity and that users are complying with the requirements of this policy and accompanying regulations. Students should **NOT** expect that information stored on the District Computer System will be private.

Inappropriate Activities

- a) Students will not develop or use programs on District equipment to harass other users or to send vulgar, inappropriate, or distasteful messages.

(Continued)

Students

**SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES  
(ACCEPTABLE USE POLICY) (Cont'd.)**

- b) Students will not create defamatory, abusive, offensive, illegal or adult-oriented material on District equipment.
- c) Students will not obtain, view, download, or otherwise gain access to materials that are unlawful, obscene, pornographic, abusive, or otherwise objectionable. This applies to both computer software and Internet use.

Property

- a) Students will respect the integrity of computer hardware and software by not physically abusing the equipment.
- b) Students will submit for virus scanning any disks that have been used outside the Randolph Academy System.

Plagiarisms and Copyright

- a) Only software purchased and owned by the Randolph Academy Union Free School District may be loaded on the District hardware.
- b) Students will not make copies of school software for the purpose of installing it on a home computer system.
- c) Students will give credit when using copyrighted materials.

Security

- a) Students will work only in the program or project assigned.
- b) Students will not enter control panels or operating system folders and change settings since this may cause some programs to stop running or the system to crash.

Email

Students are not permitted to send or receive email.

Internet Use

- a) Students will not share personal information about themselves or others over the Internet.
- b) Filtering software will monitor student access to the Internet.

(Continued)

Students

**SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES  
(ACCEPTABLE USE POLICY) (Cont'd.)**

- c) Student created web pages, whether created at home or school, affecting either school discipline or the safety and welfare of staff or students are prohibited.

Student violators will meet with the Acceptable Use Policy (AUP) Committee and will be assessed consequences as follows:

First violation will result in a loss of computer privileges for 10 school days. The student will meet with a member of the AUP Committee to review this policy, discuss the violation, and direct the appropriate behavior to correct the violation.

Second violation will result in a loss of computer privileges for 15 school days. The student will meet with a member of the AUP Committee and his/her counselor to review this policy, discuss the violation, and direct the appropriate behavior to correct the violation.

Third violation will result in a complete loss of computer privileges. The student will meet with a member of the AUP Committee, his/her counselor, and the principal for possible further consequences.

Any damage to the hardware or software of the District's computer systems by a student will result in the consequences for "damage to school property" as outlined in the District's Student Behavior Policy. Such action may result in suspension, to be determined by the principal, the AUP Committee, and the Behavior Management Facilitator.

NOTE: Refer also to Policy #8271 -- [Internet Safety/Internet Content Filtering](#)

(Continued)

**SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES  
(ACCEPTABLE USE POLICY) (Cont'd.)**

Student Name: \_\_\_\_\_

STUDENT-TEACHER AGREEMENT FOR USE OF THE COMPUTER SYSTEM OF THE  
RANDOLPH ACADEMY UNION FREE SCHOOL DISTRICT

Please read each guideline and initial each one.

1. I will respect the privacy of others' work and I will not read, make changes to or delete others' work. \_\_\_\_\_
2. I will not use the computer to harass other users, or create vulgar inappropriate material, or view or download inappropriate materials from the Internet. \_\_\_\_\_
3. I will not physically damage computer equipment, disks, or CD-ROMs. I will have my disks checked for viruses every time they leave the building. \_\_\_\_\_
4. I will respect the software licensing agreements of the Randolph Academy and I will not bring in personal software and I will not copy software to take home. \_\_\_\_\_
5. I will only work in the program assigned by the teacher and not explore other programs without permission. I will not alter system settings at any time as this may cause a program to stop running or a computer to freeze or crash. On the Internet, I will work only on the school assigned task and I understand that there is filtering software in place. \_\_\_\_\_
6. I will not send or receive email using District computer systems. \_\_\_\_\_
7. I will not share personal information about others or myself when using the school Internet connection or create materials affecting school discipline or staff and student welfare. \_\_\_\_\_
8. I understand that use of computers in school is a privilege and not a right and that improper use may result in a loss of my computer privileges. \_\_\_\_\_
9. I understand that data files and other electronic storage areas are considered School District property subject to control and inspection. The District may access all files and communications without prior notice. All information stored on the District Computer System is **NOT** private.

Student signature \_\_\_\_\_

Teacher Signature \_\_\_\_\_

Date \_\_\_\_\_

Adopted: 9/17/08

Revised: 5/26/10



**SUBJECT: BEHAVIOR INTERVENTION****Purpose:**

The District offers intensive behavioral intervention programming to support positive behavioral growth in students and as a preferred alternative to out of school suspension. This program is known as the **Intensive Behavior Classroom (IBC)** program and its primary purpose is to re-teach the basic norms after an incident where the student has broken the norms of respect, responsibility, safety, goal-direction and the classroom is sacred.

This policy defines the criteria for enrollment in the IBC program, the referral process, when the program services will occur, the strategies that will be utilized, the length of placement and how a student's progress will be assessed.

**Policy:**

Students who endanger the safety of others or cause substantial disruption to the classroom and who meet the established criteria are eligible for enrollment. The IBC is an intervention that is intended to be temporary, not a permanent change of placement. The Board of Education will ensure that the IBC program is adequately staffed and occurs in an appropriate classroom space. The program will maintain an academic focus. Students will continue to receive all Individual Education Plan (IEP) services as prescribed by their IEP, with the exception that staff ratio may be more intensive than what is mandated on the IEP.

**Procedure:**Criteria:

- a) Behavioral, social, emotional and/or academic difficulties that are interfering with classroom performance, precluding the student's availability to instruction, as well as interfering with the instruction of other students.
- b) A progressive disciplinary response to frequent or persistently unsafe behaviors will be utilized.

Referral:

Team leaders may make referrals to the principal. A documented deterioration in behavioral, social, emotional and/or academic performance accompanies the referral.

Notice:

- a) Written notice will be sent to parents/person in parental relation, school counselor, and Committee on Special Education (CSE) chair. Additionally, enrollment will be entered into the student management database.

(Continued)

**SUBJECT: BEHAVIOR INTERVENTION (Cont'd.)**

- b) Informal phone communication with parents will be ongoing during the intervention, to report progress.

Availability:

The program will be available in a classroom setting, within the main school building. The hours of operation will coincide with the schedule of the regular school day. The capacity for the program will not exceed the ratio of three students to every staff member.

Staffing:

A certified teacher will be assigned to the IBC for the full day. Paraprofessional staff, which may include teacher aides, behavior management aides or teacher assistants, will also be assigned to the classroom for the full day.

Length of placement:

- a) Typically, placement will be from one to five days, to be determined on an individual basis. A daily review will be recorded in the student management software.
- b) IBC may be utilized for long term placements such as an Interim Alternative Education Placement (IAEP) in response to weapon or drug offenses and/or in lieu of a long term out of school suspension as determined by a Superintendent's hearing. In such cases, daily and weekly reviews will be conducted by the principal with input from the student's school counselor and parent/person in parental relationship. Such review shall be recorded in the student management software.

Strategies:

- a) The student will receive academic instruction from all classes, with increased individualized support.
- b) Other strategies will be selected as individually appropriate to address areas such as: social skills, impulse control, decision making, problem solving, and anger management.
- c) The Five Step Corrective Action Plan will be utilized to guide the process that will lead the student to take full accountability for the behavior incident that led to the referral, and to make restitution and recommitments to the norms.
- d) A re-entry process will be structured to increase the number of regularly scheduled class periods that the student attends, with adjustments being made based upon the student's demonstrated success.

(Continued)

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3 of 3

Students

**SUBJECT: BEHAVIOR INTERVENTION (Cont'd.)**

Assessing student progress:

Student progress will be assessed by daily reviews conducted by the IBC staff, and weekly reviews conducted by the principal with input from the parent, student, IBC staff and the school counselor. The criteria to be evaluated will include attainment of the student's daily goals, daily ratings, completion of the Five Step Corrective Action Plan and completion of all academic work that is due.

Adopted: 12/16/09

Revised: 11/15/11; 7/11/12; 4/1/14

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Students

**SUBJECT: STUDENT USE OF PERSONAL TECHNOLOGY**

The District provides students with technology for instructional use. No personal technology devices are to be used by students in the schools.

Students who bring personal technology devices to school will surrender the devices at the entry point into school. The surrendered devices will be kept in a secure location during the school day. Personal technology devices will be returned to students at dismissal.

Adopted: 3/1/16

**SUBJECT: ALCOHOL, TOBACCO, DRUGS, AND OTHER SUBSTANCES (STUDENTS)****Prohibited Conduct**

The Board recognizes that the misuse of alcohol, tobacco, electronic cigarettes (e-cigarettes), cannabis (marijuana), drugs, counterfeit and designer drugs, over-the-counter drugs, prescription drugs, vitamins, supplements, herbs, and other similar substances is a serious problem with legal, physical, emotional, and social implications for our students, as well as the entire community. Therefore, the consumption, sharing, selling, use, and/or possession of these and similar substances, as well as tobacco products and drug paraphernalia are prohibited in accordance with law and regulation, District policy, the District *Code of Conduct*, and/or other similar documents.

Students are not permitted to be under the influence of alcohol, cannabis (marijuana), drugs, or other prohibited substances on school grounds or at school functions. "School function" means a school-sponsored or school-authorized extracurricular event or activity regardless of where the event or activity takes place, including any event or activity that may take place virtually or in another state.

Exceptions may exist for authorized medical cannabis use.

**Disciplinary Measures**

Students will be disciplined in accordance with District policy, the District *Code of Conduct*, and/or other similar documents for the consumption, sharing, selling, use, and/or possession of alcohol, tobacco, e-cigarettes, cannabis (marijuana), drugs, counterfeit and designer drugs, over-the-counter drugs, prescription drugs, vitamins, supplements, herbs, and other similar substances, as well as tobacco products and drug paraphernalia.

**Information on Substance Use Related Services**

The Superintendent has designated Counselors, Social Workers, and Mental Health Therapists to provide information regarding where and how to find available substance use related services to students, parents, and staff.

Any information provided by a student, parent, or staff member to the designated individual(s) will not be used in any school disciplinary proceeding and will, in addition to any other applicable privilege, be considered confidential in accordance with law.

20 USC Sections 6083(a), 7118, and 7973(a)  
Cannabis Law Section 127  
Education Law Sections 409, 2801, and 3038  
Penal Law Section 222.10  
Public Health Law Sections 1399-n and 1399-o

(Continued)

Students

**SUBJECT: ALCOHOL, TOBACCO, DRUGS, AND OTHER SUBSTANCES (STUDENTS)  
(Cont'd.)**

NOTE: Refer also to Policies #3250 -- Use of School Facilities, Materials, and Equipment  
#3410 -- Code of Conduct  
#5640 -- Smoking, Tobacco, and Cannabis (Marijuana) Use  
#6150 -- Alcohol, Tobacco, Drugs, and Other Substances (Staff)  
#8240 -- Instruction in Certain Subjects  
District *Code of Conduct*

Adopted: 9/17/08  
Revised: 2/9/16; 1/16/19; 3/19/24

## Students

**SUBJECT: SEARCHES AND INTERROGATIONS OF STUDENTS**

A student may be searched and prohibited items seized on school grounds or in a school building by an authorized District official only when he or she has reasonable suspicion to believe the student has engaged in or is engaging in activity which is in violation of the law and/or the rules of the school (i.e., the District *Code of Conduct*). The reasonableness of any search involves a twofold inquiry: 1) School officials must first determine whether the action was justified at its inception, and 2) determine whether the search, as actually conducted, was reasonably related in scope to the circumstances which justified the interference in the first place.

Factors to be considered in determining whether reasonable suspicion exists to search a student include:

- a) The age of the student;
- b) The student's school record and past history;
- c) The predominance and seriousness of the problem in the school where the search is directed;
- d) The probative value and reliability of the information used as a justification for the search;
- e) The school official's prior knowledge of and experience with the student; and
- f) The urgency to conduct the search without delay.

If reasonable suspicion exists to believe that a student has violated or is violating the law and/or school rules, it is permissible for an authorized school official to search that student's outer clothing, pockets, or property. The search may include, but is not limited to, the student's outer clothing such as a jacket or coat, pockets, backpack, and/or purse. Whenever possible, searches will be conducted by a staff member of the same sex as the student and another staff member will be present as a witness.

Searches will be conducted as prescribed by the *Code of Conduct*.

**Parent Notification**

The student's parent or guardian will be notified if any illegal, prohibited, or dangerous articles or materials are found in the student's locker, vehicle, or other property or possessions, or on the student's person, as a result of a search conducted in accordance with this policy.

**Documentation of Searches**

The designated school official conducting the search will be responsible for the custody, control and disposition of any illegal, prohibited or dangerous items taken from the student. The school official or his or her designee must clearly label each item taken from the student and retain control of the item(s) until the item(s) is turned over to the police or secured by alternate means.

(Continued)

## Students

**SUBJECT: SEARCHES AND INTERROGATIONS OF STUDENTS (Cont'd.)**

This school official will also be responsible for promptly documenting information about the search including, but not limited to, the reasons for the search, the purpose of the search, the type and scope of the search, and the results of the search.

**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 or guardians, or other individuals as may be appropriate and, when necessary, determining disciplinary action in accordance with applicable due process rights.

Should the questioning of students by school officials focus on the actions of one particular student, the student will be questioned, if possible, in private outside the presence of other students, by the appropriate school administrator(s). The student's parent or guardian may be contacted; the degree, if any, of parental or guardian involvement will vary depending upon the nature and the reason for questioning, and the necessity for further action which may occur as a result.

The questioning of students by school officials does not preclude subsequent questioning/interrogations by police authorities as otherwise permitted by law. Similarly, the questioning of students by school officials does not negate the right or responsibility of school officials to contact appropriate law enforcement agencies, as may be necessary, with regard to statements given by students to school officials.

School officials acting alone and on their own authority, without the involvement of or on behalf of law enforcement officials are not required to give the so-called "Miranda warnings" (i.e., advising a person, prior to any custodial interrogations as defined in law, of the right to remain silent; that any statement made by the individual may be used as evidence against him or her; and that the individual has the right to the presence of an attorney, either retained or appointed) prior to the questioning of students.

**Law Enforcement Officials**

A cooperative effort will be maintained between the school administration and law enforcement agencies. Law enforcement officials may be summoned in order to conduct an investigation of alleged criminal conduct on school premises or during a school-sponsored activity, or to maintain the educational environment. They may also be summoned for the purpose of maintaining or restoring order when the presence of officers is necessary to prevent injury to persons or property.

Administrators have the responsibility and the authority to determine when the assistance of law enforcement officers is necessary within their respective jurisdictions.

(Continued)



**SUBJECT: SEARCHES AND INTERROGATIONS OF STUDENTS (Cont'd.)****Dissemination of Information**

Copies of this Regulation will be distributed to students when they enroll in school, and will be included in the District *Code of Conduct* available to students and parents at the beginning of each school year.

**Interrogation of Students by Law Enforcement Officials**

Generally, police authorities may only interview students on school premises without the permission of the parent or guardian in situations where a warrant has been issued for the student's arrest (or removal). Police authorities may also question students for general investigations or general questions regarding crimes committed on school property. In all other situations, unless an immediate health or safety risk exists, if the police wish to speak to a student without a warrant they should take the matter up directly with the student's parent or guardian.

Whenever police wish to question a student on school premises, administration will attempt to notify the student's parent or guardian.

If possible, questioning of a student by police should take place in a private area outside the presence of other students but in the presence of the building principal or designee.

**Child Protective Services' Investigations**

Occasionally, Child Protective Services (CPS) may desire to conduct interviews of students on school property. These interviews generally pertain to allegations of suspected child abuse or neglect. The Board encourages cooperation with CPS with respect of access to records and access to any child named as a victim, any of the victim's siblings, or any other child residing in the same home as the named victim, in accordance with applicable law.

Education Law §§ 1604(9), 1604(30), 1709(2), 1709(33), and 2801  
Family Court Act § 1024  
Social Services Law §§ 411-428  
8 NYCRR § 100.2(l)

Adopted: 9/17/08  
Revised: 6/28/17

## Students

**SUBJECT: BUS RULES AND REGULATIONS**

The Randolph Academy Union Free School District furnishes transportation to those students whose disability or distance from the school make the service essential. Except as otherwise mandated in a student's Individualized Education Program (IEP), riding these buses is a privilege and may be withdrawn if the student does not comply with the rules and regulations set forth in this District.

Bus drivers shall be held responsible for reasonable and acceptable behavior of students while riding the school bus. Students riding school buses are expected to conform to the rules of conduct in order to permit the bus driver to transport his/her passengers safely.

The Board of Education, the Superintendent and/or his/her designee has the authority to suspend the transportation privileges of children who are disorderly and insubordinate on buses. Generally, parent(s)/guardian(s) will be required to make alternative transportation arrangements for their children who have been suspended from riding the bus. However, the effect of a suspension from transportation on the student's ability to attend school will be considered. If a suspension from transportation effectively results in a suspension from attendance because of the distance between the home and the school and the absence of alternative public or private means of transportation, the District shall make appropriate arrangements to provide for the student's education.

If a student with a disability who receives transportation as a related service as part of his/her Individualized Education Program is being considered for suspension from transportation, and that suspension would effectively result in a change in placement, the student shall be referred to the Committee on Special Education.

The Board directs the administration to establish rules and regulations for student conduct on buses, including applicable due process rights to be afforded students suspended from transportation privileges. These rules and regulations shall be promulgated to all concerned, including the nonpublic schools to which students are transported.

Individuals with Disabilities Education Act (IDEA) 20 United States Code (USC) §§ 1400-1485  
8 NYCRR § 156

Adopted: 9/17/08

**SUBJECT: TIMEOUT AND PHYSICAL RESTRAINT****Overview**

The District prohibits the use of corporal punishment, aversive interventions, and seclusion. The District authorizes the limited use of timeout and physical restraint in schools to address student behaviors subject to conditions in law, regulation, and this policy.

**Definitions**

For purposes of this policy, the following definitions apply:

- a) "Aversive intervention" means an intervention that is intended to induce pain or discomfort for the purpose of eliminating or reducing student behavior, including interventions such as:
  - 1. Contingent application of noxious, painful, intrusive stimuli or activities;
  - 2. Strangling, shoving, deep muscle squeezes, or other similar stimuli;
  - 3. Any form of noxious, painful, or intrusive spray, inhalant, or tastes;
  - 4. Contingent food programs that include the denial or delay of the provision of meals or intentionally altering staple food or drink in order to make it distasteful;
  - 5. Movement limitation used as a punishment, including, but not limited to, helmets and mechanical restraints; or
  - 6. Other stimuli or actions similar to the interventions described in this definition.

Aversive intervention does not include interventions such as: voice control, limited to loud, firm commands; time-limited ignoring of a specific behavior; token fines as part of a token economy system; brief physical prompts to interrupt or prevent a specific behavior; interventions medically necessary for the treatment or protection of the student; or other similar interventions.

- b) "Corporal punishment" means any act of physical force upon a student for the purpose of punishing that student. The term does not include the use of physical restraints to protect the student, another student, teacher, or any other person from physical injury when alternative procedures and methods not involving the use physical restraint cannot reasonably be employed to achieve these purposes.
- c) "De-escalation" means the use of a behavior management technique that helps a student increase control over their emotions and behavior and results in a reduction of a present or potential level of danger to the student or others.

(Continued)

**SUBJECT: TIMEOUT AND PHYSICAL RESTRAINT (Cont'd.)**

- d) "Mechanical restraint" means the use of any device or equipment to restrict a student's freedom of movement. Mechanical restraint does not include devices implemented by trained school personnel, or utilized by a student, that have been prescribed by an appropriate medical or related services professional and are used for the specific and approved purposes for which such devices were designed, such as:
1. Adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports;
  2. Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle;
  3. Restraints for medical immobilization; or
  4. Orthopedically prescribed devices that permit a student to participate in activities without risk of harm.
- e) "Multi-tiered system of supports" means a proactive and preventative framework that utilizes data to inform instruction and the allocation of services to maximize achievement for all students and support students' social, emotional, and behavioral needs from a culturally responsive and strength-based perspective.
- f) "Physical escort" means a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is acting out to walk to a safe location.
- g) "Physical restraint" means a personal restriction that immobilizes or reduces the ability of a student to move their arms, legs, body, or head freely. Physical restraint does not include a physical escort or brief physical contact and/or redirection to promote student safety, calm or comfort a student, prompt or guide a student when teaching a skill or assisting a student in completing a task, or for other similar purposes.
- h) "Prone restraint" means physical or mechanical restraint while the student is in the face down position.
- i) "Seclusion" means the involuntary confinement of a student alone in a room or space that they are physically prevented from leaving or they may perceive that they cannot leave at will. Seclusion does not include timeout.

(Continued)

**SUBJECT: TIMEOUT AND PHYSICAL RESTRAINT (Cont'd.)**

- j) "Timeout" means a behavior management technique that involves the monitored separation of a student in a non-locked setting and is implemented for the purpose of de-escalating, regaining control, and preparing the student to meet expectations to return to their education program. Timeout does not include:
1. A student-initiated or student-requested break to utilize coping skills, sensory input, or self-regulation strategies;
  2. Use of a room or space containing coping tools or activities to assist a student to calm and self-regulate, or the use of such intervention strategies consistent with a student with a disability's behavioral intervention plan;
  3. A teacher removal, in-school suspension, or any other appropriate disciplinary action.

**Prohibition of the Use of Corporal Punishment, Aversive Interventions, and Seclusion**

No teacher, administrator, officer, employee, or agent of the District will use the following against a student:

- a) Corporal punishment;
- b) Aversive interventions; or
- c) Seclusion.

Agent includes, but is not limited to, school resource officers, except when a student is under arrest and handcuffs are necessary for the safety of the student and others.

**Authorized Limited Use of Timeout and Physical Restraint**

Positive, proactive, evidence-based, and research-based strategies through a multi-tiered system of supports will be used to reduce the occurrence of challenging behaviors, eliminate the need for the use of timeout and physical restraint, and improve school climate and the safety of all students.

Timeout and physical restraint may be used only when:

- a) Other less restrictive and intrusive interventions and de-escalation techniques would not prevent imminent danger of serious physical harm to the student or others;
- b) There is no known medical contraindication to its use on the student; and
- c) Staff using the interventions have been trained in its safe and appropriate application.

(Continued)

**SUBJECT: TIMEOUT AND PHYSICAL RESTRAINT (Cont'd.)**

Timeout and physical restraints will not be used as discipline or punishment, retaliation, or as a substitute for positive, proactive intervention strategies that are designed to change, replace, modify, or eliminate a targeted behavior.

Timeout

The following rules apply to the use of timeout in the District:

- a) Timeout will only be used in the following situations:
  1. A situation that poses an immediate concern for the physical safety of the student or others; or
  2. In conjunction with a behavioral intervention plan that is designed to teach and reinforce alternative appropriate behaviors.
- b) A room or physical space used for timeout may be located either within or outside of a classroom. The room or physical space will:
  1. Be unlocked, and any door must be able to be opened from the inside. The use of locked rooms or physical spaces is prohibited.
  2. Provide a means for continuous visual and auditory monitoring of the student. The use of a room where the student cannot be continuously observed and supervised is prohibited.
  3. Be of adequate width, length, and height to allow the student to move about and recline comfortably.
  4. Be clean and free of objects and fixtures that could be potentially dangerous to a student.
  5. Meet all local fire and safety codes.
  6. Have wall and floor coverings that, to the extent practicable, are designed to prevent injury to the student.
  7. Have adequate lighting and ventilation.
  8. Have a temperature that is within the normal comfort range and consistent with the rest of the building.

(Continued)

**SUBJECT: TIMEOUT AND PHYSICAL RESTRAINT (Cont'd.)**

- c) When a student is in a timeout room or space, staff will continuously monitor the student.
- d) Any staff functioning as timeout monitors will be trained in accordance with law and regulation.
- e) Staff will return the student to their educational program as soon as the student has safely deescalated, regained control, and is prepared to meet expectations.

Factors which may precipitate the use of timeout will be determined by the Committee on Special Education. The use of timeout will adhere to the following developmentally appropriate time limitations will be determined by the Committee on Special Education.

The following additional rules apply to the use of timeout in conjunction with a behavioral intervention plan:

- a) The District will ensure that timeout is used consistent with the rules for the use of timeout listed above.
- b) The student's individualized education program (IEP) will specify when a behavioral intervention plan includes the use of timeout, including the maximum amount of time a student will need to be in timeout as a behavioral consequence as determined on an individual basis in consideration of the student's age and individual needs.
- c) Prior to the initiation of a behavioral intervention plan that will incorporate the use of timeout, the District will inform the student's parents or persons in parental relation and give them the opportunity to see the room or physical space that will be used.
- d) Prior to the initiation of a behavioral intervention plan that will incorporate the use of timeout, the District will give the student's parents or persons in parental relation a copy of this policy.

**Physical Restraint**

Physical restraint will only be used in a situation in which immediate intervention involving the use of reasonable physical force is necessary to prevent imminent danger of serious physical harm to the student or others.

The following rules apply to the use of physical restraint in the District:

- a) The type of physical restraint used will be the least restrictive technique necessary and be discontinued as soon as the imminent danger of serious physical harm has resolved.

(Continued)

Students

**SUBJECT: TIMEOUT AND PHYSICAL RESTRAINT (Cont'd.)**

- b) Physical restraint will never be used in a manner that restricts the student's ability to breathe or communicate or harms the student.
- c) The use of prone restraint is prohibited.
- d) Physical restraint will not be used as a planned intervention on a student's individualized education program, Section 504 accommodation plan, behavioral intervention plan, or other plan developed for a student by the District.
- e) Physical restraint will not be used to prevent property damage except in situations where there is imminent danger of serious physical harm to the student or others and the student has not responded to positive, proactive intervention strategies.
- f) Physical restraints will be administered only by staff who have received the legally required training.
- g) Following a physical restraint, if an injury has been sustained or believed to have been sustained, the school nurse or other medical personnel (i.e., physician, physician assistant, or a nurse practitioner) will evaluate the student to determine and document if any injuries were sustained during the incident.

Factors which may precipitate the use of physical restraint will be determined by the Therapeutic Crisis Intervention for Schools (TCIS) protocol. The use of physical restraints will adhere to developmentally appropriate time limitations as determined by TCIS protocol.

**Notification Following the Use of Timeout, Physical Restraint, and/or Mechanical Restraint**

Parent(s) or person(s) in parental relation to the student will be notified on the same day when timeout, physical restraint, and/or mechanical restraint is used, including timeout used in conjunction with a student's behavioral intervention plan. When the student's parent or person in parental relation cannot be contacted, after reasonable attempts are made, the building principal or administrator will record the attempts. For students with disabilities, the building principal or administrator will report the attempts to the student's committee on preschool special education or committee on special education. The notification will offer the parent or person in parental relation the opportunity to meet regarding the incident.

Additionally, the District will provide the parent or person in parental relation with:

- a) A copy of this policy; and
- b) A copy of the documentation of the incident within three school days of the use of timeout and/or physical restraint.

(Continued)



**SUBJECT: TIMEOUT AND PHYSICAL RESTRAINT (Cont'd.)****Debriefing**

As soon as practicable, after every incident in which timeout and/or a physical restraint is used on a student, a building administrator or designee will:

- a) Meet with the staff who participated in the use of timeout and/or physical restraint to discuss:
  1. The circumstances leading to the use of timeout and/or physical restraint;
  2. The positive, proactive intervention strategies that were utilized prior to the use of timeout and/or physical restraint; and
  3. Planning for the prevention and reduction of the future need for timeout and/or physical restraint with the student including, if applicable, whether a referral should be made for special education programs and/or other support services or, for a student with a disability, whether a referral for review of the student's individualized education program and/or behavioral intervention plan is needed; and
- b) Direct a school staff member to debrief the incident with the student in a manner appropriate to the student's age and developmental ability and to discuss the behavior(s), if any, that precipitated the use of timeout and/or physical restraint.

**Training**

All staff will receive annual training on the District's policies and procedures related to the use of timeout and physical restraint; evidence-based positive, proactive strategies; crisis intervention and prevention procedures and de-escalation techniques. Additionally, any staff who may be called upon to implement timeout or physical restraint, will receive annual, evidence-based training in safe and effective developmentally appropriate timeout and physical restraint procedures.

**Notification**

This policy will be made publicly available for review at the District's administrative offices and each school building. It will also be posted on the District's website.

**Reporting**

The District will submit an annual report on the use of physical restraint and timeout and substantiated and unsubstantiated allegations of use of corporal punishment, mechanical restraint, and other aversive interventions, prone physical restraint, and seclusion to the New York State Education Department, on a form and at a time prescribed by the Commissioner of Education in accordance with law and regulation. Additionally, the District will report this data for students for whom they are the district of residence and who are otherwise not reported.

(Continued)

**SUBJECT: TIMEOUT AND PHYSICAL RESTRAINT (Cont'd.)****Recordkeeping**

The District will maintain documentation on the use of timeout and/or physical restraint, including timeout used in conjunction with a student's behavioral intervention plan, for each student. This documentation will include:

- a) The name and date of birth of the student;
- b) The setting and location of the incident;
- c) The name of the staff who participated in the implementation, monitoring, and supervision of the use of timeout and/or physical restraint and any other persons involved;
- d) A description of the incident including duration, and, for physical restraint, the type of restraint used;
- e) Whether the student has an individualized education program, Section 504 accommodation plan, behavioral intervention plan, or other plan developed for the student by the District;
- f) A list of all positive, proactive intervention strategies utilized prior to the use of timeout and/or physical restraint and, for students with disabilities, whether those strategies were consistent with a student's behavioral intervention plan, if applicable;
- g) The details of any injuries sustained by the student or staff during the incident and whether the student was evaluated by the school nurse or other medical personnel;
- h) The date and method of notification to the parent or person in parental relation and whether a meeting was held; and
- i) The date of the debriefing held.

Documentation of the incident will be reviewed by supervisory personnel and, as necessary, the school nurse or other medical personnel.

Documentation of each incident will be maintained by the school and made available for review by the New York State Education Department upon request.

A record should be created for each instance of physical restraint or timeout, and for allegations concerning prohibited intervention types. Multiple event records during a day for a student would be created only:

- a) If a new situation occurs involving the student after the prior event had de-escalated and student had returned to the learning environment; or

(Continued)

**SUBJECT: TIMEOUT AND PHYSICAL RESTRAINT (Cont'd.)**

- b) When a new restraint or intervention response type is employed during the event. For example, during an event, a staff person employed a physical restraint on a student, and the situation escalated to the point where a timeout was used. The addition of the timeout would constitute an additional event record beginning with that application.

The District will use this data collection to monitor patterns of use of timeout and physical restraint.

**Review**

The building administrator or designee will regularly review documentation on the use of timeout and physical restraint to ensure compliance with the District's policy and procedures. When there are multiple incidents within the same classroom or involving the same staff, the building administrator or designee shall take appropriate steps to address the frequency and pattern of use of timeout or physical restraint.

Education Law Section 4402  
8 NYCRR Sections 19.5, 100.2(1)(3), and 200.22

Adopted: 9/17/08  
Revised: 1/23/24

**SUBJECT: SAFETY INTERVENTION AND SUPPORT POLICY****Purpose**

A primary concern of Randolph Academy is the safety of staff and students and maintaining a therapeutic environment. The outcome of a crisis is most greatly influenced by the skill and competence of the adult that manages the crisis. To achieve outcomes that are in the best interests of a student who is experiencing a crisis, the Board of Education has adopted Therapeutic Crisis Intervention, a protocol that is effective, focuses on prevention, is approved by the State of New York, includes prevention, de-escalation, physical intervention, and follow-up, and prescribes only the minimum amount of physical force needed to de-escalate and resolve the crisis. The staff of Randolph Academy will be trained, evaluated, certified, and retrained periodically in Therapeutic Crisis Intervention in accordance with their job duties.

**Model**

Therapeutic Crisis Intervention (TCI) was originally developed by Cornell University under the National Center on Child Abuse and Neglect in the early 1980's as a crisis prevention model for residential child caring agencies. Therapeutic Crisis Intervention is a crisis prevention and intervention model for schools. It assists schools in preventing high-risk and disruptive crisis behaviors from occurring, de-escalating potential crises, managing acute physical behaviors, reducing potential and actual injury to students and staff, teaching students positive coping skills, and helping to create learning organizations. It provides schools with a model for eliminating the need for physical interventions by putting in place a system to promote learning and reflective practice.

In all phases of this process from prevention and de-escalation to crisis management, the TCI model is oriented toward giving school personnel the tools they need to help students learn developmentally appropriate and constructive ways to deal with feelings of frustration, failure, anger and pain. Skills, knowledge, and professional judgment are critical in helping students learn constructive and adaptive ways to deal with frustration, failure anger, rejection, hurt, and depression.

**Main Competencies Taught in TCI Training**

- a) Competency 1: Prevent and de-escalate potential crises with students.
- b) Competency 2: Safely and therapeutically manage crisis situations.
- c) Competency 3: Be able to process with students to help improve their coping strategies.

**Training Protocol**

All employees have a responsibility for utilizing the principles of TCI in their interaction with students and will receive in-depth training upon employment and annual refresher training which will focus on de-escalation strategies and physical holds.

(Continued)

**SUBJECT: SAFETY INTERVENTION AND SUPPORT POLICY (Cont'd.)**

Employees are prohibited from performing physical holds on a student until they have been trained in TCI.

**Preventing the need for a physical hold**De-escalation:

Active listening skills are to be used to de-escalate an upset student by focusing on what the student is feeling to discover underlying causes of behavior. It is how students receive help to regulate their emotions and is utilized throughout the day while interacting with students.

Non-verbal techniques such as silence, nods, facial expression and eye contact are also important means of communication.

Behavior support techniques that are nonintrusive are to be used when students exhibit early signs of agitation to stop the escalation process. Such techniques include:

- a) Managing the environment
- b) Prompting
- c) Caring gesture
- d) Hurdle help
- e) Redirection/Distraction
- f) Proximity
- g) Directive Statements
- h) Time away

**Individual Safety Support Plan (ISSP)**

Counseling services play an important role in preventing and monitoring a young person's aggressive and inappropriate responses to crisis situations. This preventive and monitoring role is formalized through individual safety support plans (ISSP). These plans include a functional analysis of a young person's crisis response and behavior; an outline of individual, specific, developmentally appropriate and medically safe intervention strategies. The ISSP includes risk and safety screening;

(Continued)

Students

**SUBJECT: SAFETY INTERVENTION AND SUPPORT POLICY (Cont'd.)**

history of sexual abuse or trauma; and pre-existing medical, psychological, and emotional conditions; potential triggers to crises, and de-escalation strategies. The functional analysis of behavior and the safety screening help determine specific behavioral and safety interventions necessary to ensure safety and learning for the young person.

**Functional Behavior Intervention and Behavior Intervention Plan:** (See BOE Policy #7640)

**Removal**

In the event that a student becomes seriously disruptive in class and it is deemed necessary for the student to leave the classroom, he/she will be directed to leave voluntarily and proceed to an identified location outside the classroom. If the student refuses to leave the classroom, the teacher will direct the other students in the class to temporarily relocate to an area outside the classroom in order to address the disruptive student. If relocating the students is not possible, staff will request additional support, while continuing to maintain a safe environment, up to and including the continued assessment of the need to utilize a physical intervention.

**Approved Holds:**

- a) Team Standing Hold
- b) Small Child
- c) Team Supine

**Incident Documentation:**

The staff member who initiates a physical hold will complete page 1 and the life space interview (LSI) of the physical intervention information form within 24 hours of the incident. The nurse, school counselor and principal will review and make entries to complete the form within five school days.

**Self-Protection:**

In the event that a staff member is attacked by a student, they may experience physical and emotional responses. Staff members have a right to self-protection. An attack is a serious situation, but student needs must remain paramount. Staff will be trained to release oneself from a student's grasp in a way that does not cause pain or injury to the student.

**Monitoring:**

The use of physical holds will be monitored on an ongoing basis. Actions to minimize the use of physical holds will include:

(Continued)

**SUBJECT: SAFETY INTERVENTION AND SUPPORT POLICY (Cont'd.)**

- a) The principal will review the completed Physical intervention Information Form and make written recommendations. Post incident analysis and debriefing will occur at weekly team meetings.
- b) After every incident involving a physical hold, the school counselor will review the Individual Safety Support Plan with input from the student and make revisions if appropriate. The school counselor will review the ISSP with the team.
- c) Trend patterns for the use of physical holds will be monitored. The Building Principal will present any patterns to the student's educational team and determine if a referral should be made for a more in-depth FBA/BIP intervention in accordance with Policy #7640.
- d) Each building principal will provide the Board of Education a monthly report that includes the number of physical interventions that were used in the prior month.

**Justice Center Reporting:**

In accordance with law and Policy #7530 -- Child Abuse.

Adopted: 11/18/14

Revised: 10/18/22; 12/13/22; 07/09/24

## 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 amended by the Every Student Succeeds Act (ESSA) of 2015, 18 USC §§ 921(a) and 930(g)(2)  
Criminal Procedure Law § 1.20(42)  
Education Law §§ 809-a and 3214

NOTE: Refer also to Policies #3411 -- Prohibition of Weapons on School Grounds  
#7313 -- Suspension of Students  
*District Code of Conduct*

Adopted: 9/17/08  
Revised: 3/1/16



## Students

**SUBJECT: ENGAGEMENT OF STUDENTS WITH THE CRIMINAL SYSTEM****Purpose**

This policy establishes guidelines when criminal charges are being contemplated against a student for behaviors that occur in the course of Randolph Academy programming.

**Policy**

Placing criminal charges against a student for behavior that occurs during the student's placement requires full consideration of the context in which the behavior occurs. Charging a student for behavior that is clearly illegal may be an entirely appropriate response if the student was aware of the seriousness of his/her behavior and capable of judging the results of the behavior. The District recognizes the primacy of the interest of the entity responsible for the child's placement or of the child's legal custodian.

Conversely, legal charges may affect the student's placement, emotional condition, legal status or family situation in ways that do not provide for the best interests of the student and may therefore be an inappropriate response.

The District is committed to the Safety Norm and to a work environment that is safe and violence-free; however, employees are expected to acknowledge and understand the inherent risks of working with at-risk children, the duty of controlling unsafe behaviors with therapeutic crisis management techniques, and the expectation that the use of the criminal justice system will be used conservatively and only after the full consideration demanded by our obligations to our children and families.

Behaviors for which the District will consider pursuing criminal charges include but are not limited to:

- a) Intentional injury to another person.
- b) Unlawful possession of a controlled substance or illegal drug.
- c) Possession of a weapon.
- d) Use of a weapon in the assault of a person.
- e) Threats of harming another person with the means, the demonstrated intention or a high probability of carrying out the threat.
- f) Vandalism or intentional destruction of property in excess of \$250.
- g) Theft of a motor vehicle.
- h) Making a bomb threat.

(Continued)

Students

**SUBJECT: ENGAGEMENT OF STUDENTS WITH THE CRIMINAL SYSTEM (Cont'd.)**

- i) Forcing sexual contact on another person.
- j) Fire Setting.

Mitigating factors which may contraindicate District pursuit of criminal charges:

- a) Manifestation of Disability - Did the unlawful behavior result from the student's diagnosed disability?
- b) Age - Is the student 13 years of age or younger?
- c) Mental Status - Does the student have active psychosis, psychotic episodes or a spectrum communicative disorder?
- d) Cognitive Ability - Is the student of limited intellectual capacity?
- e) Severity of Injury - Is the severity of the injury insufficient to warrant legal charges?
- f) Credibility of Witnesses/Evidence - Is there a reasonable degree of doubt that the behavior in question occurred as described?
- g) Organizational Responsibility - Did the behavior result from the Academy's failure to implement the student's Behavioral Intervention Plan (BIP) or Individual Safety and Support Plan (ISSP)?

**Procedure****Charges initiated by the Administration:**

When the administration of the Academy becomes aware of an incident for which it is appropriate to consider placing charges against a student as defined by the above-described criteria, the administration will review the incident and all related factors to determine if criminal charges will be placed against the student.

The review process will include a timely thorough analysis of all the circumstances from the perspective of the complainant, as well as the clinical and/or supervisory staff with knowledge and training required to assess the student's emotional and mental status, the relationship between the student's disability and the behavior in question, and the clinical, social, emotional, and legal impact of the process upon the student. The review will also solicit input from the social worker or counselor with primary casework responsibility for the student's service planning. Input from the counselor with primary responsibility for the student's educational planning will be considered as well.

(Continued)

## Students

**SUBJECT: ENGAGEMENT OF STUDENTS WITH THE CRIMINAL SYSTEM (Cont'd.)**Charges initiated by an employee:

Prior to an employee filing criminal charges against a student during working hours, the Academy requires that the employee/complainant take the following steps:

- a) Immediately notify his/her immediate supervisor in writing of the incident under question and the possibility of placing criminal charges against the student.
- b) Write a full and accurate report of the incident on the Academy's incident report form. Additionally, the staff may voluntarily provide a victim impact statement to be shared with the student during follow up procedures.
- c) Request in writing that the Academy review the incident to determine if filing a complaint with criminal authorities is appropriate.
- d) The review process will include a thorough analysis of all the circumstances from the perspective of the complainant, as well as the clinical and/or supervisory staff with knowledge and training required to assess the student's emotional and mental status, the relationship between the student's disability and the behavior in question, and the clinical, social, emotional, and legal impact of the process upon the student. The review will also solicit input from the social worker or counselor with primary casework responsibility for the student's service planning. Input from the counselor with primary responsibility for the student's educational planning will be considered as well.
- e) Possible outcomes:
  1. If the Academy supports filing a complaint with criminal authorities, the employee/complainant will be provided support, the opportunity and facilities for making the report, including release from regular job responsibilities for the purpose of completing the report and following the process through to its conclusion. Parents will be notified immediately.
  2. If the Academy does not support filing charges, the employee/complainant will be encouraged and supported in achieving an alternative resolution to the incident involving the student and the staff. Parents will be notified immediately.
  3. If the employee/complainant insists on pursuing charges notwithstanding the District's finding and recommendation, or if the employee/complainant circumvents the described procedure, he/she will be responsible for making the report and for following the process through to conclusion on his/her own time, including use of accrued personal leave, to provide statements or appear in court to support the charges, and respond to and defend against any counterclaim against the complainant arising from the incident in question.

(Continued)

**SUBJECT: ENGAGEMENT OF STUDENTS WITH THE CRIMINAL SYSTEM (Cont'd.)**Follow-Up

In all cases, the District's determination, along with the rationale for the determination, will be documented for the student's record. The determination will also be made available to any victims of the student's behavior to the extent permitted by law.

The counselor with primary responsibility for the student's educational planning will guide the student in achieving an appropriate resolution of the behavior by participating in the endorsed 5-Step Plan for understanding the results of the behavior, including the tangible effect of the behavior upon the victim, apologizing, asking forgiveness, making reparations and committing to safe, respectful, responsible behavior.

The counselor with primary casework responsibility for the student's educational planning will also educate the student to the extent possible and appropriate about the legal and logical consequences of the student's behavior in a community setting including arrest, conviction, criminal record, fines, imprisonment, community service sentencing, alternative sentencing, civil liability, court costs, and legal fees.

A developmentally appropriate curriculum of education will be developed and implemented in collaboration with local law enforcement to educate students on the legal implications of their behavior.

**SUBJECT: EXTRACURRICULAR ACTIVITIES**

Any organization within the District whose activities are conducted by students, and whose financial support is raised other than by taxation or through charges of the Board, is an extraclassroom activity (ECA). All ECAs must be approved by the Board. The Superintendent or designee will maintain an up-to-date register of all ECAs that are approved or discontinued. The District will develop detailed procedures for the establishment of ECAs.

The Board may adopt rules and regulations to abolish and/or prohibit any fraternity, sorority, or other secret society in any secondary school in the District provided that the Board has found that the fraternity, sorority, or secret society has, by virtue of its activities, caused or created a disruption of or interference with the academic process of any secondary school within the District or caused or created a disruption of the academic process of any individual student or students in any secondary school within the District.

**Eligibility for Attendance**

Student participation in extracurricular activities is a privilege. Students must abide by the academic standards and standards of conduct for participation in extracurricular activities as established by the Board and outlined in the District's *Code of Conduct* and/or any other applicable document.

**Censorship of School-Sponsored Student Publications and Activities**

The District may exercise editorial control over the style and content of student speech in school-sponsored publications and activities that are part of the educational curriculum.

**Limited Open Forum**

The District maintains a limited open forum where one or more noncurricular related secondary student groups meet on District premises during noninstructional time. The District will not deny equal access or a fair opportunity to, or discriminate against these groups on the basis of the religious, political, philosophical, or other content of the speech at those meetings.

To provide a fair opportunity to students who wish to conduct a meeting, the District will ensure that:

- a) The meeting is voluntary and student-initiated;
- b) There is no sponsorship of the meeting by the District, the government, or its agents or employees;
- c) Employees or agents of the District or government are present at religious meetings only in a nonparticipatory capacity;

(Continued)

**SUBJECT: EXTRACURRICULAR ACTIVITIES (Cont'd.)**

- d) The meeting does not materially and substantially interfere with the orderly conduct of educational activities within the District; and
- e) Non-District persons may not direct, conduct, control, or regularly attend activities of student groups.

However, the District, its agents, and its employees, retain the authority to:

- a) Ban unlawful groups;
- b) Maintain order and discipline on District premises;
- c) Protect the well-being of students and employees;
- d) Assure that attendance of students at meetings is voluntary; and
- e) Restrict groups that materially and substantially interfere with the orderly conduct of educational activities.

20 USC Sections 4071-4074

Education Law Sections 1709-a, 2503-a, and 2554-a

8 NYCRR Part 172

NYSED Finance Pamphlet, The Safeguarding, Accounting, and Auditing of Extraclassroom Activity Funds,  
Revised 2019

Adopted: 9/17/08

Revised: 3/19/24

2008

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Students

**SUBJECT: CENSORSHIP OF SCHOOL SPONSORED STUDENT PUBLICATIONS AND ACTIVITIES**

The District may exercise editorial control over the style and content of student speech in school-sponsored publications and activities that are part of the educational curriculum.

Adopted: 9/17/08

**SUBJECT: SPORTS AND THE ATHLETIC PROGRAM****General Principles and Eligibility**

Athletics are an integral part of a well-balanced educational program. The District's interscholastic athletic program will conform with the Commissioner's regulations, as well as the established rules of the New York State Public High School Athletic Association (NYSPHSAA) and the New York State Education Department (NYSED).

Athletic eligibility requires that the student:

- a) Provide written parental or guardian consent. The consent form must contain information regarding mild traumatic brain injuries (concussions) and sudden cardiac arrests as specified in the Commissioner's regulations.
- b) Have a current health examination and, if the health examination was not completed within 30 days of the start of the season, a completed and signed interval health history form.
- c) Obtain medical clearance from the District's Medical Director.
- d) Meet the requirements for interscholastic competition as set forth by the Commissioner's regulations and NYSPHSAA.
- e) Comply with all District rules, codes, and standards applicable to athletic participation.

**Title IX Compliance**

The Board supports equal athletic opportunities for all students through interscholastic and intramural activities. To ensure equal athletic opportunities for its students, the District will consider, among other factors:

- a) Whether the selection of sports and levels of competition effectively accommodate all students' interests and abilities;
- b) The provision of equipment and supplies;
- c) Scheduling of games and practice time;
- d) Travel costs and opportunities for travel;
- e) Assignment and compensation of coaches;
- f) The provision of locker rooms, practice facilities, and competitive facilities;

(Continued)



Students

**SUBJECT: SPORTS AND THE ATHLETIC PROGRAM (Cont'd.)**

- g) Available medical and training facilities and services; and
- h) The nature and extent of support, publicity, and promotion.

The District may consider other pertinent factors as well. Each of the factors will be assessed by comparing availability, quality, type of benefits, kind of opportunities, and form of treatment. Identical benefits, opportunities, or treatment are not required.

The District's Title IX Coordinator(s) will coordinate the District's efforts to comply with its responsibilities under Title IX. The Title IX Coordinator(s) will be appropriately trained and possess comprehensive knowledge about applicable federal and state laws, regulations, and policies. To the extent possible, the District will not designate an employee whose other job duties may create a conflict of interest, such as the Athletic Director.

**Booster Clubs**

The District has a responsibility under Title IX to ensure that boys' and girls' programs are provided with equivalent benefits, treatment, services, and opportunities regardless of their source. When determining equivalency, benefits, services, and opportunities attained through private funds—including donations, fundraising, and booster clubs—must be considered in combination with all benefits, services, and opportunities.

**Athletic Placement Process for Interscholastic Athletic Programs (APP)**

The APP is a method for evaluating students who want to participate in sports at higher or lower levels, consistent with their physical and emotional maturity, size, fitness level, and skills. The Board approves the use of the APP for students in grades no lower than seventh grade to compete on interscholastic athletic teams organized for senior high school students, and for senior high school students to compete on interscholastic athletic teams organized for students in the seventh and eighth grades. The Superintendent will implement procedures for the APP, and will direct the Athletic Director to maintain records of students who have successfully completed the APP.

**Student Athletic Injuries**

The coach should ensure that any player injured while under their care receives prompt and appropriate medical attention, and that all of the medical professional's treatment instructions are followed. The injured student has an obligation to promptly inform their coach of all injuries, even if it happens outside of school. No student will be allowed to practice or compete if there is a question whether they are in adequate physical condition. A physician's certification may be required before an athlete is permitted to return to practice or competition.

(Continued)

**SUBJECT: SPORTS AND THE ATHLETIC PROGRAM (Cont'd.)****Athletic Program Safety**

The District will take reasonable steps to minimize physical risks posed to students participating in the interscholastic athletic program by:

- a) Requiring timely medical examinations of participants;
- b) Employing certified or licensed staff to coach all varsity, junior varsity, and modified practices and games;
- c) Providing or requiring certified or licensed officials to officiate all competitions;
- d) Ensuring that its players' equipment is safe and operates within the applicable manufacturers' guidelines;
- e) Ensuring that all home fields, courts, pools, tracks, and other areas where athletes practice, warm-up, or compete are safe and appropriate for use; and
- f) Providing professional development and training opportunities for all coaching staff.

**Sudden Cardiac Arrest**

For purposes of this policy, the following definition applies:

- a) "Athletic activities" means participation in sessions for instruction and practice in skills, attitudes, and knowledge through participation in individual, group, and team activities organized on an intramural, extramural, interschool athletic, or inclusive athletic basis to supplement regular physical education class instruction, otherwise known as extraclass periods in physical education or extraclass activities.

The District promotes safe athletic activities and strives to prevent incidents of sudden cardiac arrest in students by:

- a) Including information developed by the Commissioner of Health on the definition of sudden cardiac arrest and signs and symptoms of pending or increased risk of sudden cardiac arrest in any document that may be required from a parent or person in parental relation for a student's participation in interscholastic sports, including a permission or consent form;
- b) Immediately removing from athletic activities any student who displays signs or symptoms of pending or increased risk of sudden cardiac arrest;

(Continued)

**SUBJECT: SPORTS AND THE ATHLETIC PROGRAM (Cont'd.)**

- c) Prohibiting any student from resuming athletic activities until the student has been evaluated by and received written and signed authorization from a licensed physician and until the student has been evaluated and received clearance from the District's Medical Director to resume athletic activities;
- d) Requiring the licensed physician's written and signed authorization to be kept on file in the student's permanent health record;
- e) Abiding by any limitations or restrictions concerning school attendance and athletic activities issued by the student's treating physician;
- f) Requiring coaches of extra periods in physical education to hold a valid certification in first aid knowledge and skills including instruction in recognizing signs and symptoms of cardiac arrest and sudden cardiac arrest; and
- g) Either posting on the District website information developed by the Commissioner of Health on the definition of sudden cardiac arrest and signs and symptoms of pending or increased risk of sudden cardiac arrest or providing a reference for how to obtain this information from the webpages of NYSED and the New York State Department of Health.

Title IX of the Education Amendments Act of 1972, 20 USC Section 1681 et seq.  
34 CFR Sections 106.8, 106.41, and 106.45  
45 CFR Section 86.41  
Education Law Sections 305, 923, and 3208-a  
8 NYCRR Sections 135.4, 135.5, 136.3, 136.5, and 136.9

NOTE: Refer also to Policies #3420 -- Non-Discrimination and Anti-Harassment in the District  
#3421 -- Title IX and Sex Discrimination  
#7520 -- Accidents and Medical Emergencies  
#7522 -- Concussion Management  
#8240 -- Instruction in Certain Subjects

Adopted: 9/17/08  
Revised: 3/19/24

## 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 Randolph Academy Union Free School District and shall apply the same and/or their interest and proceeds according to the instruction of the donors and according to the procedures established by the administration.

Education Law §§ 1604(30) and 1709(12-a)

Adopted: 9/17/08

## Students

**SUBJECT: MUSICAL INSTRUMENTS**

- a) All instrumental music students shall be expected to own or rent their instrument - particularly the common and less expensive instruments (flute, clarinet, trumpet, saxophone, etc.).
- b) Students will not be required to own or rent the less common and more expensive instruments. Instruments in this category are as follows: oboe, bassoon, tuba, French horn, trombone, baritone horn, tenor and baritone saxophones, bass trombone and percussion instruments. School-owned instruments in this classification will be disbursed upon decisions by the instrumental music staff. Decisions will be dependent upon the individual student's talent and merit and the need for a balanced instrumentation at each grade level.
- c) Students and parents/guardians will assume responsibility for proper care of school-owned instruments and will pay for damages to same.
- d) The District will only transport in its vehicles those instruments meeting certain safety standards as indicated in the New York State Department of Transportation Regulations.

17 NYCRR § 720.22

Adopted: 9/17/08

## 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 fundraising projects undertaken by any organization using the Randolph Academy Union Free School District name shall require previous approval of the Board of Education. Profits shall be used to enhance school programs by providing money for expenditures not normally funded by the District.

All participation shall be voluntary, with written parent/legal guardian consent for children in grades K through 8.

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

NOTE: Refer also to Policy #3271 -- Solicitation of Charitable Donations

Adopted: 9/17/08

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Students

**SUBJECT: 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 would occur in a school store that might be established in any building is not in conflict with this policy.

No candy shall be sold in any school building until after lunch hours.

Adopted: 9/17/08

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.

United States Constitution, First Amendment  
Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESSA)  
of 2015  
Equal Access Act, 20 USC §§ 4071-4074

NOTE: Refer also to Policy #8360 -- Religious Expression in the Instructional Program

Adopted: 9/17/08  
Revised: 3/1/16



## Students

**SUBJECT: STUDENT VOTER REGISTRATION AND PRE-REGISTRATION**

The District recognizes the importance of voting and civic engagement. As such, the District seeks to encourage student voter registration and pre-registration. A person who is at least sixteen years of age and who is otherwise qualified to register to vote may pre-register to vote, and will then be automatically registered to vote upon reaching the age of eligibility as provided by law.

The District promotes student voter registration and pre-registration through the following means:

- a) Collaborating with county boards of elections to conduct voter registration and pre-registration in the District's high school(s); and
- b) Encouraging voter registration and pre-registration through the senior year Participation in Government course.

The completion and submission of voter registration or pre-registration forms will not be a course requirement or graded assignment for District students.

Election Law § 5-507

Adopted: 12/17/19

## 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 aspects of the school;
- 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 or proof of immunity by serology (blood test) if applicable unless a New York State licensed physician certifies that the immunization may be detrimental to the child's health. The requirement for that immunization is waived until the immunization is no longer detrimental to the child's health. Medical exemptions must be reissued annually.

Except for a valid medical exemption, the District will not permit a child lacking acceptable evidence of required immunizations to remain in school for more than 14 days or more than 30 days for an out-of-state or out-of-country transferee who can show a good faith effort to get the necessary certification or other evidence of immunization.

Whenever a child has been refused admission to or continued attendance at a District school for lack of acceptable evidence of immunization, immunity, or exemption, the principal of the school will:

- a) Notify the person in parental relation to the child of his or her responsibility to have the child immunized and of the public resources available for doing so;
- b) Notify the local health authority of the name and address of the excluded child and of the immunization or immunizations which the child lacks; and
- c) Provide, with the cooperation of the local health authority, for a time and place at which the required immunization or immunizations may be administered.

For homeless children, the enrolling school must immediately refer the person in parental relation to the child to the District's homeless liaison, who must assist them in obtaining the necessary immunizations or medical records.

The District will provide an annual summary of compliance with immunization requirements to the Commissioner of Health.

All schools will also post educational information on influenza and the benefits of influenza immunization which will be in plain view and available to persons in parental relation.

Education Law Sections 310 and 914  
Public Health Law Sections 613 and 2164  
8 NYCRR Sections 100.2 and 136.3  
10 NYCRR Subpart 66-1

NOTE: Refer also to Policy #7130 -- Education of Students in Temporary Housing

Adopted: 9/17/08

Revised: 3/1/16; 7/12/17; 9/24/19; 3/19/24

**SUBJECT: STUDENT PHYSICALS****Health Examination**

Each student enrolled in a District school must have a satisfactory health examination conducted by a duly licensed physician, physician assistant, or nurse practitioner within 12 months prior to the commencement of the school year of the student's entrance into:

- a) A District school at any grade level;
- b) Prekindergarten or kindergarten; and
- c) 1st, 3rd, 5th, 7th, 9th, and 11th grades.

The District may also require an examination and health history of a student when it is determined by the District that it would promote the educational interests of the student.

The District will also provide health examinations before participation in strenuous physical activity and periodically throughout the season as necessary, as well as for the issuance of employment certificates, vacation work permits, newspaper carrier certificates, and street trades badges.

**Health Certificate**

Each student must submit a health certificate attesting to the health examination within 30 calendar days after their entrance into:

- a) A District school at any grade level;
- b) Prekindergarten or kindergarten; and
- c) 1st, 3rd, 5th, 7th, 9th, and 11th grades.

If a student does not submit the required health certificate within 30 calendar days after their entrance, the building principal or designee will send a notice to the student's parent or person in parental relation stating that if the required health certificate is not submitted within 30 calendar days from the date of the notice, the Director of School Health Services will conduct an examination by health appraisal of the student.

The health certificate will be filed in the student's cumulative record. The health certificate must:

- a) Be on a form prescribed by the Commissioner;

(Continued)

Students

**SUBJECT: STUDENT PHYSICALS (Cont'd.)**

- b) Describe the condition of the student when the examination was given, provided that such examination was not given more than 12 months prior to the commencement of the school year in which the examination is required;
- c) State the results of any test conducted on the student for sickle cell anemia;
- d) State whether the student is in a fit condition of health to permit their attendance at a District school and, where applicable, whether the student has impaired sight or hearing, has received a scoliosis screening, or has any other physical disability which may tend to prevent the student from receiving the full benefit of school work or from receiving the best educational results, or which may require a modification of work to prevent injury to the student;
- e) State the student's body mass index (BMI) and weight status category; and
- f) Be signed by a duly licensed physician, physician assistant, or nurse practitioner, who is:
  - 1. Authorized by law to practice in New York State consistent with any applicable written practice agreement; or
  - 2. Authorized to practice in the jurisdiction in which the examination was given, provided that the Commissioner has determined that the jurisdiction has standards of licensure and practice comparable to those of New York State.

A licensed health professional with appropriate training may conduct a scoliosis screening.

**Dental Health Certificate**

The District will request a dental health certificate from each student at the same time that health certificates are required.

The District may also request an assessment and dental health history of a student when it is determined by the District that it would promote the educational interests of the student.

A notice of request for a dental health certificate will be distributed at the same time that the parent or person in parental relation is notified of health examination requirements. The notice of request for a dental health certificate will list dental practices, dentists, and registered dental hygienists to which students may be referred for dental services on a free or reduced cost basis upon request of the student's school.

The dental health certificate will be filed in the student's cumulative record. The dental health certificate must:

(Continued)

Students

**SUBJECT: STUDENT PHYSICALS (Cont'd.)**

- a) Describe the dental health condition of the student when the assessment was given, provided that the assessment was not given more than 12 months prior to the commencement of the school year in which the assessment is requested; and
- b) State whether the student is in fit condition of dental health to permit their attendance at a District school; and
- c) Be signed by a duly licensed dentist, or a registered dental hygienist, who is:
  1. Authorized by law to practice in New York State, and consistent with any applicable written practice agreement; or
  2. Authorized to practice in the jurisdiction in which the assessment was performed, provided that the Commissioner has determined that the jurisdiction has standards of licensure and practice comparable to New York State.

**Examination by Health Appraisal**

The building principal or designee will report to the Director of School Health Services the names of all students who are required to and have not submitted the required health certificate or who are students with disabilities. The Director of School Health Services will separately and carefully examine and test students who are required to and have not submitted the required health certificate and students with disabilities to determine whether any student has impaired sight or hearing, or any other physical disability which may prevent the student from receiving the full benefit of school work or from receiving the best educational results, or which may require a modification of work to prevent injury to the student.

Each examination will also include a calculation of the student's BMI and weight status category. Further, the physician, physician assistant, or nurse practitioner administering the examination will determine whether a one-time test for sickle cell anemia is necessary or desirable and, if so determined, will conduct the test and include the results in the health certificate.

Unless prohibited by law, if it is determined that a student has impaired sight or hearing, or other physical disability or other condition, including sickle cell anemia, the building principal or designee will notify, in writing, the student's parent or person in parental relation as to the existence of the disability. If the parent or person in parental relation is unable or unwilling to provide the necessary relief and treatment for the student, it will be reported by the building principal or designee to the Director of School Health Services, who then has the duty to provide relief for the student.

(Continued)

Students

**SUBJECT: STUDENT PHYSICALS (Cont'd.)****District Reporting of BMI and Weight Status Category**

Each school year, the New York State Department of Health randomly selects a certain number of districts across New York State to report, in the aggregate, students' BMI and weight status categories. Selected districts must report this information online. A student's parent or person in parental relation may refuse to have the student's BMI and weight status category included in this survey.

**Lead Screenings**

Prior to or within three months after initial enrollment of a student under six years old, the District will obtain from the student's parent or person in parental relation evidence that the student has been screened for lead. If the District does not receive evidence that the student has been screened for lead, the District will provide the student's parent or person in parental relation with information on lead poisoning in children and lead poisoning prevention, as well as refer the parent or person in parental relation to a primary care provider or the local health authority for a blood lead test.

**Health Screenings**

The District will provide a:

- a) Scoliosis screening, if not documented on the student's health certificate, at least once each school year for male students in grade 9, and for female students in grades 5 and 7. The positive results of any scoliosis screening examination will be provided in writing to the student's parent or person in parental relation within 90 calendar days after the finding;
- b) Vision screening, if not documented on the student's health certificate, to all students within six months of admission to a District school. The vision screening will test the student's color perception, distance acuity, and near vision. In addition, all students will be screened for distance acuity and near vision in grades prekindergarten or kindergarten, 1, 3, 5, 7, and 11, as well as at any other time deemed necessary. The results of all vision screening examinations will be provided in writing to the student's parent or person in parental relation and to any teacher of the student while the student is enrolled in the District school; and
- c) Hearing screening, if not documented on the student's health certificate, to all students within six months of admission to a District school. In addition, all students will receive a hearing screening in grades prekindergarten or kindergarten, 1, 3, 5, 7, and 11, as well as at any other time deemed necessary. Each hearing screening will include, but not be limited to, pure tone screening. The results of any hearing tests requiring a follow-up examination will be provided in writing to the student's parent or person in parental relation and to any teacher of the student while the student is enrolled in the District school.

(Continued)

**SUBJECT: STUDENT PHYSICALS (Cont'd.)**

The results of all health screenings will be recorded in the student's cumulative health record which will be maintained by the school for at least as long as the minimum retention period for these records.

**Student Health Records**

The health records of individual students will be kept confidential in accordance with the federal Family Educational Rights and Privacy Act (FERPA) and any other applicable federal and state laws.

**Accommodation for Religious Beliefs**

No health examinations, health history, examinations for health appraisal, screening examinations for sickle cell anemia and/or other health screenings will be required where a student or the parent or person in parental relation to that student objects on the grounds that the examinations, health history, and/or screenings conflict with their genuine and sincere religious beliefs. A written and signed statement from the student or the student's parent or person in parental relation that the person holds these beliefs must be submitted to the building principal or designee, in which case they may require supporting documents.

**Students in Temporary Housing**

For students in temporary housing (i.e., homeless children and youth), the enrolling school must immediately refer the parent or guardian of the student to the District's McKinney-Vento liaison, who will assist them in obtaining the necessary medical records.

20 USC Section 1232g  
Education Law Sections 903, 904, 905, and 3220  
Public Health Law Section 1370-d  
8 NYCRR Sections 136.1 and 136.3

NOTE: Refer also to Policies #5690 -- Exposure Control Program  
#5691 -- Communicable Diseases  
#5692 -- Human Immunodeficiency Virus (HIV) Related Illnesses  
#7121 -- Diagnostic Screening of Students  
#7130 -- Education of Students in Temporary Housing  
#7250 -- Student Privacy, Parental Access to Information, and Administration of Certain Physical Examinations to Minors  
#7420 -- Sports and the Athletic Program  
#7510 -- School Health Services  
#7511 -- Immunization of Students  
#7522 -- Concussion Management

Adopted: 9/17/08  
Revised: 3/1/16; 1/16/19; 3/19/24



**SUBJECT: MEDICATION AND PERSONAL CARE ITEMS**

The school's registered professional nurse may administer medication to a student during the school day under certain conditions. For the purpose of this policy, the term "medication" includes both prescription and non-prescription medications. The school must receive the following before medication will be administered to a student:

- a) The original written order from the student's provider stating the name of the medication, precise dosage, frequency, and time of administration;
- b) A written, signed consent from the student's parent or person in parental relation requesting the administration of the medication, as prescribed by the physician, to the student in school; and
- c) The medication, properly labeled in its original container, must be delivered to the school health office by the student's parent or person in parental relation. The term "properly labeled," in the context of this policy, means that the container must include the following information: the student's name, name of medication, dosage, frequency, and prescribing physician. A student is not permitted to carry any medication on his or her person in school, or on the school bus, or keep any medication in his or her school locker(s). Exceptions may apply, however, for students diagnosed with asthma or other respiratory illnesses, diabetes, or allergies who will be permitted to carry and self-administer medication under certain conditions.

All medication orders must be reviewed annually by school health office personnel or whenever there is a change in dosage.

**Students with Asthma or Other Respiratory Illnesses**

The District will make a nebulizer available on-site in school buildings where full- or part-time nursing services are provided. Only students with a patient-specific order may have access to the nebulizer. School nursing personnel will clean and maintain the District nebulizer as appropriate.

Personal equipment used to deliver albuterol to a student will be cleaned and appropriately labeled with the student's name and used solely by that individual student. (Examples of equipment to be cleaned and labeled are nebulizer tubing, facemask, mouthpiece, spacer, etc.)

**Self-Administration of Medication**Generally

Each student who is permitted to self-administer medication should have an emergency care plan on file with the District. Further, the school will maintain a record of all written parental consents in the student's cumulative health record.

(Continued)

## Students

**SUBJECT: MEDICATION AND PERSONAL CARE ITEMS (Cont'd.)**

School health office personnel will also maintain regular parental contact in order to monitor the effectiveness of such self-medication procedures and to clarify parental responsibility as to the daily monitoring of their child to ensure that the medication is being utilized in accordance with the physician's or provider's instructions. Additionally, the student will be required to report to the health office on a periodic basis as determined by health office personnel so as to maintain an ongoing evaluation of the student's management of such self-medication techniques, and to work cooperatively with the parents and the student regarding such self-care management.

Students who self-administer medication without proper authorization will be referred for counseling by school nursing personnel, as appropriate. Additionally, school administration and parents will be notified of such unauthorized use of medication by the student, and school administration may determine the proper resolution of this behavior.

Students with asthma or another respiratory disease

A student will be permitted to carry and self-administer their prescribed inhaled rescue medication during the school day, on school property, and at any school function if the school health office has the following on file:

- a) Written order/permission and an attestation from a duly authorized health care provider stating that the student has a diagnosis of asthma or other respiratory disease for which inhaled rescue medications are prescribed to alleviate respiratory symptoms or to prevent the onset of exercise induced asthma; the student has demonstrated that he or she can self-administer the prescribed medication effectively; and the expiration date of the order, the name of the prescribed medication, the dose the student is to self-administer, times when the medication is to be self-administered, and the circumstances which may warrant the use of the medication; and
- b) Written consent from the student's parent or person in parental relation.

Upon written request of the student's parent or person in parental relation, the school will allow the student to maintain an extra inhaled rescue medication in the care and custody of the school's registered professional nurse, nurse practitioner, physician assistant, or school physician.

Students with Allergies

A student will be permitted to carry and self-administer his or her prescribed EpiPen during the school day, on school property, and at any school function if the school health office has the following on file:

(Continued)

Students

**SUBJECT: MEDICATION AND PERSONAL CARE ITEMS (Cont'd.)**

- a) Written order/permission and an attestation from a duly authorized health care provider stating that the student has a diagnosis of an allergy for which an EpiPen is needed for the emergency treatment of allergic reactions; the student has demonstrated that he or she can self-administer the prescribed EpiPen effectively; and the expiration date of the order, the name of the medicine, the dose the student is to self-administer, and the circumstances which may warrant the use of the medication; and
- b) Written consent from the student's parent or person in parental relation.

Upon written request of the student's parent or person in parental relation, the school will allow the student to maintain an extra EpiPen in the care and custody of a licensed nurse, nurse practitioner, physician assistant, or school physician.

Students with Diabetes

A student will be permitted to carry and self-administer his or her prescribed insulin through an appropriate medication delivery device, carry glucagon, and carry and use equipment and supplies necessary to check blood glucose and/or ketone levels during the school day, on school property, and at any school function if the school health office has the following on file:

- a) Written order/permission and an attestation from a duly authorized health care provider stating that the student has a diagnosis of diabetes for which insulin and glucagon through appropriate medication delivery devices, and the use of equipment and supplies to check blood glucose and/or ketone levels are necessary; the student has demonstrated that he or she can self-administer effectively, can self-check glucose or ketone levels independently, and can independently follow prescribed treatment orders; and the expiration date of the order, the name of the prescribed insulin or glucagon, the type of insulin delivery system, the dose of insulin and/or glucagon the student is to self-administer, times when the insulin and/or glucagon is to be self-administered, and the circumstances which may warrant administration by the student. The written permission must also identify the prescribed blood glucose and/or ketone test, the times testing is to be done, and any circumstances which warrant checking a blood glucose and/or ketone level.
- b) Written consent from the student's parent or person in parental relation.

Upon written request of the student's parent or person in parental relation, the school will allow the student to maintain extra insulin, insulin delivery system, glucagon, blood glucose meter, and related supplies to treat the student's diabetes in the care and custody of a licensed nurse, nurse practitioner, physician assistant, or school physician.

Students with diabetes will also be permitted to carry food, oral glucose, or other similar substances necessary to treat hypoglycemia in accordance with District policy.

(Continued)

**SUBJECT: MEDICATION AND PERSONAL CARE ITEMS (Cont'd.)****Storage and Disposal**

The District will comply with relevant state laws, regulations, and guidelines governing the District's receipt, storage, and disposal of medication.

**Personal Care Items**Feminine Hygiene Products

Each school building within the District serving students in any grade from six through twelve will provide feminine hygiene products in the nurse's office restrooms. These products will be provided at no charge to students.

Alcohol-Based Hand Sanitizers

The New York State Education Department (SED) permits the use of alcohol-based hand sanitizers in schools. The school medical director may approve and permit the use of alcohol-based hand sanitizers in the District's schools without a physician's order. Parents may provide written notification to the school in the event that they do not wish to have their child use this product.

Sunscreen

Students may carry and use FDA approved sunscreen products for over-the-counter use. The student's parent or person in parental relation must provide written permission for the student to carry and use sunscreen. This written parental consent will be maintained by the school. A student who is unable to physically apply sunscreen may be assisted by unlicensed personnel when directed to do so by the student, if permitted by a parent or person in parental relation, and authorized by the school.

Individuals with Disabilities Education Act (IDEA), 20 USC §§ 1400 et seq.  
Section 504 of the Rehabilitation Act of 1973, 29 USC § 794 et seq.  
Education Law §§ 902(b), 907, 916, 916-a, 916-b, 919, 921, 6527, and 6908(1)(a)(iv), 6909  
Public Health Law §§ 3000-a, c, 3309  
8 NYCRR 136.6, 136.7

NOTE: Refer also to Policy #7521 -- Students with Life-Threatening Health Conditions

Adopted: 9/17/08

Revised: 7/12/17; 1/16/19

## Students

**SUBJECT: STUDENT HEALTH RECORDS**

The District will keep a convenient, accurate, and up-to-date health record of every student. Insofar as the health records include confidential disclosures or findings, they will be kept confidential.

The Family Educational Rights and Privacy Act (FERPA) is a federal law that protects the privacy of students' "education records." For pre-K through grade 12 students, health records maintained by the District, including immunization records and school nurse records, generally are considered "education records" subject to FERPA. In addition, records that the District or school maintains on special education students, including records on services provided to students under the Individuals with Disabilities Education Act (IDEA) are considered "education records."

Since student health and medical information in education records is protected by FERPA, the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rule excludes this information from its coverage.

Generally, these records may not be shared with third parties without written parental consent unless the disclosure meets one of the exceptions to FERPA's general consent requirement. One exception permits the disclosure of education records, without parental consent, to appropriate parties in connection with an emergency, if knowledge of the information is necessary to protect the health or safety of the student or other individuals.

Parents have a right under FERPA to inspect and review those health and medical records that are considered "education records" under FERPA. Individual records may be interpreted by the school's registered professional nurse to administrators, teachers, and other school officials, consistent with law.

Family Educational Rights and Privacy Act of 1974 (FERPA), 20 USC § 1232g  
Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191, 34 CFR Part 99  
45 CFR Parts 160, 162, and 164  
Education Law §§ 902(b) and 905  
8 NYCRR Part 136

Adopted: 9/17/08  
Revised: 10/25/17

## Students

**SUBJECT: ACCIDENTS AND MEDICAL EMERGENCIES**

Procedures shall be established and maintained by the Superintendent for the handling of student injuries and medical emergencies that occur on school property and during school activities.

**Student Emergency Treatment**

All staff members of the School District are responsible to obtain first aid care 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, Cardiopulmonary Resuscitation (CPR) and Automated External Defibrillators.

**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. The District may transport students home when ill.

Education Law §§ 1604(7-a), 1604(7-b), 1709(8-a) and 1709(8-b)

Adopted: 9/17/08

## Students

**SUBJECT: STUDENTS WITH LIFE-THREATENING HEALTH CONDITIONS**

Students come to school with diverse medical conditions which may impact their learning as well as their health. Some of these conditions are serious and may be life-threatening. As a result, students, parents, school personnel, and health care providers must all work together to provide the necessary information and training to allow children with chronic health problems to participate as fully and safely as possible in the school experience. This policy encompasses an array of serious or life-threatening medical conditions such as anaphylaxis, diabetes, seizure disorders, or severe asthma and acute medical conditions *such as substance overdose*. All students within the District with known life-threatening conditions will have a comprehensive plan of care in place: an Emergency Care Plan (ECP) or Individualized Healthcare Plan (IHP) and if appropriate, an Individualized Education Plan (IEP) or Section 504 Plan.

**Life-Threatening Conditions**

For those students with chronic life-threatening conditions such as diabetes, seizure disorders, asthma, and allergies, the District must work cooperatively with the parent(s) and the healthcare provider(s) to:

- a) Immediately develop an ECP for each at risk student to ensure that all appropriate personnel are aware of the student's potential for a life-threatening reaction;
- b) If appropriate, develop an IHP that includes all necessary treatments, medications, training, and educational requirements for the student. If the student is eligible for accommodations based upon the Individuals with Disabilities Act (IDEA), Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act, the appropriate procedures will be followed regarding evaluation and identification;
- c) Provide training by licensed medical personnel (e.g., registered professional nurse) for all adults in a supervisory role in the recognition and emergency management of a specific medical condition for specific students;
- d) Obtain specific medical-legal documents duly executed in accordance with New York State law; appropriate health care provider authorization in writing for specific students that includes the frequency and conditions for any testing and/or treatment, symptoms, and treatment of any conditions associated with the health problem; and directions for emergencies;
- e) Secure written parent permission and discuss parental responsibility that includes providing the health care provider's orders, providing any necessary equipment, and participation in the education and co-management of the child as he or she works toward self-management;

(Continued)

## Students

**SUBJECT: STUDENTS WITH LIFE-THREATENING HEALTH CONDITIONS (Cont'd.)**

- f) Allow supervised students to carry life-saving medication in accordance with relevant laws, regulations, and procedures. The District will also encourage parents and students to provide duplicate life-saving medication to be maintained in the health office in the event the self-carrying student misplaces, loses, or forgets their medication;
- g) Assure appropriate and reasonable building accommodations are in place within a reasonable degree of medical certainty.

In addition, the District will:

- a) Provide training for transportation, instructional, food service, or physical education staff, as appropriate, in the recognition of an anaphylactic reaction;
- b) Have standing emergency medical protocols for nursing or other staff;
- c) Request the school medical director to write a non-patient specific order for anaphylaxis treatment agents for the school's registered professional nurse or other staff, as designated by the administration and allowed under federal and New York State laws and regulations, to administer in the event of an unanticipated anaphylactic episode;
- d) Maintain or ensure the maintenance of a copy of the standing order(s) and protocol(s) that authorizes them to administer emergency medications such as anaphylactic treatment agents;
- e) As permitted by New York State law, maintain stock supplies of life-saving emergency medications such as epinephrine auto-injectors or Naloxone (Narcan) for use, especially in first time emergencies;
- f) Allow the school registered nurse, nurse practitioner, or physician to train unlicensed school personnel to administer emergency epinephrine via auto-injector, or emergency glucagon, to students with both a written provider order and parent or person in parental relation consent during the school day, on school property, and at any school function. Such training will be done in accordance with specifications outlined in the Commissioner's regulations;
- g) Ensure that the District-wide school safety plan and building-level emergency response plans include appropriate accommodations for students with life-threatening health conditions;
- h) Encourage families to obtain medic-alert bracelets for at risk students;
- i) Educate students regarding the importance of immediately reporting symptoms of an allergic reaction.

(Continued)



**SUBJECT: STUDENTS WITH LIFE-THREATENING HEALTH CONDITIONS (Cont'd.)****Creating an Allergen-Safe School Environment**

The risk of accidental exposure or cross-contamination is always present in school, particularly for students with food allergies. The school setting is a high-risk environment for accidental ingestion of a food allergen due to the presence of a large number of students, increased exposure to food allergens, and cross-contamination of tables, desks, and other surfaces.

In an effort to prevent accidental exposure to allergens, the District will monitor the following high-risk areas and activities:

- a) Cafeteria;
- b) Food sharing;
- c) Hidden ingredients in art, science, and other projects;
- d) Transportation;
- e) Fundraisers and bake sales;
- f) Parties and holiday celebrations;
- g) Field trips;
- h) Before and after school programs.

**Medication Self-Management**

The District will work toward assisting students in the self-management of their chronic health condition based upon the student's knowledge level and skill by:

- a) Adequately training all staff involved in the care of the child, as appropriate;
- b) Assuring the availability of the necessary equipment or medications;
- c) Providing appropriately trained licensed persons as required by law;
- d) Developing an emergency plan for the student; and
- e) Providing ongoing staff and student education.

Americans with Disabilities Act, 42 USC 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  
8 NYCRR Sections 136.6 and 136.7  
Public Health Law Sections 2500-h, 3000-a, and 3000-c

NOTE: Refer also to Policy #7513 -- Medication and Personal Care Items  
Adopted: 9/17/08  
Revised: 7/12/17; 12/13/17; 12/12/23

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 Randolph Academy Union Free School District adopts the following Policy to support the proper evaluation and management of concussion injuries.

A concussion is a mild traumatic brain injury (MTBI). A concussion occurs when normal brain functioning is disrupted by a blow or jolt to the head or body that causes the head and brain to move rapidly back and forth. Recovery from concussion and its symptoms will vary. Avoiding re-injury and over-exertion until fully recovered are the cornerstones of proper concussion management. Concussions can impact a student's academics as well as their athletic pursuits.

**Concussion Management Team (CMT)**

In accordance with the Concussion Management and Awareness Act, the School District is authorized, at its discretion, to establish a Concussion Management Team (CMT) which may be composed of the certified athletic director, a school nurse, the school physician, a coach of an interscholastic team, a certified athletic trainer or such other appropriate personnel as designated by the School District. The Concussion Management Team 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 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 §§ 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: 3/19/13

**SUBJECT: CHILD ABUSE****Introduction**

The Randolph Academy Board of Education establishes this policy based upon the shared responsibility of all staff to assure that students are safe from abuse or maltreatment. This policy lays out three venues for abuse reporting; Familial Child Abuse, Child Abuse in an Educational Setting and Child Abuse & Neglect in an Institutional Setting. The parameters and procedures for each of these are slightly different.

**Procedures**

Specific procedures dealing with reports of child abuse are found in the attached addendum. The addendum, entitled: "Child Abuse and Neglect Reporting Parameters", is intended to serve as a reference that illustrates the full policy in a matrix format.

**Familial Child Abuse**

The Randolph Academy Union Free 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 children as described by the law, and to make all school personnel within the District aware of our legal responsibilities under this law.

Regulations will be developed, maintained and disseminated by administration regarding the:

- a) Mandatory reporting of suspected child abuse or maltreatment;
- b) Reporting procedures and obligations of persons required to report;
- c) Provisions for taking a child into protective custody;
- d) Mandatory reporting of deaths;
- e) Immunity from liability and penalties for failure to report;
- f) Obligations for provision of services and procedures necessary to safeguard the safety of a child;
- 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; and
- h) Appropriate custodial conduct.

(Continued)

Students

**SUBJECT: CHILD ABUSE (Cont'd.)**

Additionally, annual training for all staff will be established and implemented to enable such staff to carry out their reporting responsibilities. Orientation training will be provided for new staff within 60 days of hire.

Reporting Information

The District will post the child abuse hotline telephone number and directions for accessing the Office of Children and Family Services (OCFS) website in English and Spanish on its website and in clearly and highly visible areas of school buildings. The District will also make this information available from its administrative offices; provide it to parents and persons in parental relation at least once per school year by electronic communication, sending the information home with students, or otherwise; and provide it to each teacher and administrator. The District may post and provide this information in other, common languages used by the school community.

Persons Required to Report

Persons required to report cases of child abuse or maltreatment to the State Central Register (SCR) pursuant to Social Services Law Section 413(1) includes, but is not limited to, school teachers, teacher assistants, school guidance counselors, school psychologists, school social workers, school nurses, school administrators or other school personnel required to hold a teaching or administrative license or certificate and full- or part-time compensated school employees required to hold a temporary coaching license or professional coaching certificate.

All mandated reporters must make the report themselves and then immediately notify the building principal or designee. The building principal or designee will be responsible for all subsequent administration necessitated by the report.

Any report will 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 or she has reasonable cause to suspect that a child is an abused or maltreated child and that employee makes a report to SCR pursuant to Social Services Law. Further, no school or school official will impose any conditions, including prior approval or prior notification, upon any staff member specifically designated a mandated reporter.

"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.

(Continued)

**SUBJECT: CHILD ABUSE (Cont'd.)**Report Form

"Report of Suspected Child Abuse or Maltreatment" Form LDSS-2221A may be accessed at the website of the New York State Office of Children and Family Services.

**Child Abuse in an Educational Setting**

The School District is committed to the protection of students in educational settings from abuse and maltreatment by employees or volunteers as enumerated in law.

"Child abuse" means any of the following acts committed in an educational setting by an employee or volunteer against a child:

- a) Intentionally or recklessly inflicting physical injury, serious physical injury or death; or
- b) Intentionally or recklessly engaging in conduct which creates a substantial risk of such physical injury, serious physical injury or death; or
- c) Any child sexual abuse, defined as conduct prohibited by Articles 130 or 263 of the Penal Law; or
- d) The commission or attempted commission against a child of the crime of disseminating indecent materials to minors in accordance with Penal Law, Article 235.

"Educational setting" means 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.

(Continued)

Students

**SUBJECT: CHILD ABUSE (Cont'd.)**

- b) Except where the school administrator is the person receiving 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 will 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 will have immunity from civil liability which might otherwise result by reason of such actions.

Upon receipt of a written report alleging child abuse in an educational setting, 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 or 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 will 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, will 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, will be confidential and will not be redisclosed except to law enforcement authorities involved in an investigation of child abuse in an educational setting or as expressly authorized by law or 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 will 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 will furnish the District with required information, including rules and regulations for training necessary to implement District/staff responsibilities under the law.

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**SUBJECT: CHILD ABUSE (Cont'd.)****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 or her position.

Superintendents (or a designated administrator) who reasonably and in good faith report to law enforcement officials information regarding allegations of child abuse or a resignation as required pursuant to the law will have immunity from any liability, civil or criminal, which might otherwise result by reason of such actions.

**Child Abuse and Neglect in an Institutional Setting**

The Randolph Academy Union Free School District is committed to the protection of students in the residential school setting from abuse, neglect and other misconduct that may jeopardize a student's health, safety and welfare by employees and volunteers. Abuse as defined in Section 488 of Social Services Law means physical abuse, sexual abuse, psychological abuse, deliberate inappropriate use of restraints, unauthorized use of aversive interventions, obstruction of reports of reportable incidents and unlawful use or administration of a controlled substance. All reports of abuse or neglect will be reported to the Justice Center for the Protection of People with Special Needs in accordance with procedures established by the Center and to the Vulnerable Persons Central Register (VPCR) and the Commissioner of Education. The VPCR is a statewide central registry of reportable incidents established and operated in accordance with section 492 of Social Services Law.

**Incident Review Committee**

Unless exempted from such procedures by the State Education Department in accordance with Section 490 of Social Services Law, the school district will establish an incident review committee for the purpose of reviewing allegations of abuse or neglect and incident patterns and trends to identify and implement preventive and corrective actions. Such actions may include, but will not be limited to, staff retraining or any disciplinary action allowed by law or contract, as well as opportunities for improvement. Investigations and report of findings will be made in accordance with applicable laws and Commissioner's regulations.

**Duty to Report**

Allegations of abuse or neglect, including death for which there is any reason to believe that abuse or neglect may be involved, will be identified and immediately reported to the VPCR upon discovery by a mandated reporter in accordance with the provisions of sections 491 and 492 of Social Services Law. The death of any student attending a residential school will be immediately reported to the Justice Center in the form and manner prescribed by the Center and to the Commissioner of Education or his or her designee.

(Continued)

Students

**SUBJECT: CHILD ABUSE (Cont'd.)**

At the time a student is placed in the school, the student's parents will be provided with written information explaining the reporting requirements and processes regarding allegations of abuse or neglect. Such information will also be made available upon request to any person.

Custodial Provisions

The District will check applicants for employment and volunteer positions as well as contractors and consultants, with the Register of Substantiated Category One Cases of Abuse and Neglect ("staff exclusion list") pursuant to the procedures developed by the Justice Center before determining whether to hire or allow any person to have regular or substantial contact with a student.

If an applicant appears on the staff exclusion list, the school may not hire the applicant for a position in which the person would have the potential for regular and substantial contact with the student. If the result of that inquiry is that the person about whom the inquiry is made is not on the staff exclusion list, the school will make an inquiry of the Statewide Central Register of Child Abuse and Maltreatment pursuant to Section 424-a of Social Services Law.

Every employee, at the time of his or her initial employment and at least annually thereafter, will be provided with a copy of the *Code of Conduct* developed by the Justice Center and acknowledge that he or she has read and understands such *Code of Conduct*.

The District will develop procedures for protection of students from abuse, neglect and significant incidents, in accordance with applicable laws and regulations. In addition, the District will establish and implement on an ongoing basis, a training program for all current and new school officials regarding these policies and procedures.

Immunity from Liability

Any person, official, or institution who reasonably and in good faith reports to law enforcement officials information regarding allegations of child abuse or neglect pursuant to Social Services Law Section 424 will have immunity from any liability, civil or criminal, that might otherwise result by reason of such actions.

Education Law Article 23-B and §§ 902(b) and 3028-b  
Penal Law Articles 130, 235 and 263  
Social Services Law § 413  
8 NYCRR Part 83

Adopted: 9/17/08  
Revised: 5/25/16; 12/6/16; 12/13/17

**SUBJECT: SUICIDE & CRISIS INTERVENTION**

The District is committed to protecting the health and well-being of all students by creating and maintaining policies, procedures, and plans for the prevention, intervention, and post-intervention of suicide.

The Board instructs the Superintendent to establish a District crisis intervention team. Members of the team should include, but are not limited to, a school administrator, school psychologist, school counselor, school social worker, teacher, school nurse and/or District medical director, school safety professional, and any other District staff member who can be of assistance during a crisis. The crisis intervention team will develop a suicide response plan which will be integrated into the existing District-wide school safety plan. The suicide response plan will include education and awareness of risk factors for youth suicide, procedures for intervening if a student exhibits risk factors, including referral services, and a post-intervention plan to help the school and community cope with the aftermath of suicide should it occur.

The administration will inform staff of District policies, procedures, and plans for suicide prevention, intervention, and post-intervention. The District will actively respond to any situation where a student verbally or behaviorally indicates intent to attempt suicide or engage in self-harm. When District staff become aware of a student exhibiting potential suicidal behavior, they should immediately escort the student to a member of the District's crisis intervention team and report the behavior to an administrator.

Suicide prevention will also be incorporated into the curriculum, as developmentally appropriate, to educate students and done in a manner so as not to sensationalize the topic, but to provide students with information and resources on this important mental health issue. In addition, the District will foster interagency cooperation that will enable staff to identify and access appropriate community resources to aid students in times of crisis.

The District will inform students, staff, and parents or guardians of the 988 hotline which connects callers to the National Suicide Prevention Lifeline. Individuals can call or text 988 to be connected to the hotline. The 988 hotline is intended for anyone who is: suicidal; experiencing a mental health or substance use-related crisis; or experiencing any kind of emotional distress.

**Professional Development/Learning and Training**

Staff training and professional development/learning on suicide and crisis intervention should be offered annually. The training should include: information on how to identify warning signs for suicide, and the protocols to follow when referring a student thought to be at risk for suicide; a description of the roles and responsibilities of the crisis intervention team; and the flow of communication and the tasks each role of the crisis intervention team undertakes.

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Students

**SUBJECT: SUICIDE & CRISIS INTERVENTION (Cont'd.)**

NOTE: Refer also to Policies #3420 -- Non-Discrimination and Anti-Harassment in the District  
#5681 -- School Safety Plans  
#7550 -- Dignity for All Students  
#7553 -- Hazing of Students

Adopted: 9/17/08  
Revised: 3/19/24

**SUBJECT: DIGNITY FOR ALL STUDENTS****Overview**

The District seeks to create an environment free of harassment, bullying, and discrimination; to foster civility in its schools; and to prevent conduct that is inconsistent with its educational mission. This policy is just one component of the District's overall commitment to maintaining a discrimination and harassment-free educational and work environment.

The District, therefore, prohibits all forms of harassment and bullying of students by employees or other students on school property and at school functions. The District further prohibits discrimination against students, including, but not limited to, discriminatory acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex by employees or other students on school property and at school functions.

In addition, other acts of harassment, bullying, and/or discrimination that occur off school property may be subject to discipline or other corrective action, where such acts create or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation, or abuse might reach school property.

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

Inquiries about this policy may be directed to the District's Dignity Act Coordinator(s) (DAC(s)).

**Dignity Act Coordinator(s)**

In each of its schools, the District will designate at least one employee to serve as the DAC and receive reports of harassment, bullying, and/or discrimination. Each DAC will be:

- a) Approved by the Board;
- b) Licensed and/or certified by the Commissioner as a classroom teacher, school counselor, school psychologist, school nurse, school social worker, school administrator or supervisor, or superintendent;
- c) Instructed in the provisions of the Dignity for All Students Act and its implementing regulations;

(Continued)

Students

**SUBJECT: DIGNITY FOR ALL STUDENTS (Cont'd.)**

- d) Thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex;
- e) Provided with training which addresses the social patterns of harassment, bullying, and discrimination, including, but not limited to, those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex;
- f) Provided with training in the identification and mitigation of harassment, bullying, and discrimination; and
- g) Provided with training in strategies for effectively addressing problems of exclusion, bias, and aggression in educational settings.

The District will widely disseminate the name, designated school, and contact information of each DAC to all school personnel, students, and parents or persons in parental relation by:

- a) Listing it in the *Code of Conduct*, with updates posted on the District's website;
- b) Including it in the *Code of Conduct's* plain language summary provided to all parents or persons in parental relation to students before the beginning of each school year;
- c) Providing it to parents or persons in parental relation in at least one District or school mailing or other method of distribution each school year, including, but not limited to, electronic communication and/or sending information home with each student. If the information changes, parents and persons in parental relation will be notified in at least one subsequent District or school mailing, or other method of distribution as soon as practicable thereafter;
- d) Posting it in highly visible areas of school buildings; and
- e) Making it available at the District and school-level administrative offices.

If a DAC vacates his or her position, the District will immediately designate another eligible employee as an interim DAC, pending approval of a successor DAC from the Board within 30 days of the date the position was vacated. In the event a DAC is unable to perform his or her duties for an extended period of time, the District will immediately designate another eligible employee as an interim DAC, pending the return of the previous individual to the position.

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**SUBJECT: DIGNITY FOR ALL STUDENTS (Cont'd.)****Training and Awareness**

Each year, all employees will be provided with training to promote a supportive school environment that is free from harassment, bullying, and discrimination, and to discourage and respond to incidents of harassment, bullying, and/or discrimination. This training may be provided in conjunction with existing professional learning and will be conducted consistent with guidelines approved by the Board, and will include training to:

- a) Raise awareness and sensitivity to potential acts of harassment, bullying, and discrimination;
- b) Address social patterns of harassment, bullying, and discrimination;
- c) Inform employees on the identification and mitigation of harassment, bullying, and discrimination;
- d) Enable employees to prevent and respond to incidents of harassment, bullying, and discrimination;
- e) Make employees aware of the effects of harassment, bullying, cyberbullying, and discrimination on students;
- f) Provide strategies for effectively addressing problems of exclusion, bias, and aggression;
- g) Include safe and supportive school climate concepts in curriculum and classroom management; and
- h) Ensure the effective implementation of school policy on conduct and discipline.

Rules against harassment, bullying, and discrimination will be included in the *Code of Conduct*, publicized District-wide, and disseminated to all staff and parents or persons in parental relation. Any amendments to the *Code of Conduct* will be disseminated as soon as practicable following their adoption. The District will provide new employees with a complete copy of the current *Code of Conduct* upon beginning their employment, and distribute an age-appropriate summary to all students at a school assembly at the beginning of each school year.

**Internal Reports and Investigations of Harassment, Bullying, and/or Discrimination**

All District employees who witness or receive an oral or written report of harassment, bullying, and/or discrimination are required to take action. District employees must make an oral report promptly to the Superintendent or principal, their designee, or the DAC not later than one school day after

(Continued)



Students

**SUBJECT: DIGNITY FOR ALL STUDENTS (Cont'd.)**

witnessing or receiving an oral or written report of harassment, bullying, and/or discrimination. No later than two school days after making the oral report, the District employee must file a written report with the Superintendent or principal, their designee, or the DAC.

The Superintendent or principal, their designee, or the DAC will lead or supervise the thorough investigation of all reports of harassment, bullying, and/or discrimination and ensure that all investigations are promptly completed after the receipt of a written report. In investigating any allegation, the investigator may seek the assistance of the District's Civil Rights Compliance Officer(s) (CRCO(s)) and/or Title IX Coordinator(s) in investigating, responding to, and remedying complaints of harassment, bullying, and/or discrimination.

Additionally, other District policies and documents address harassment, bullying, and discrimination of students. These policies and documents may include: Policy #3420 -- Non-Discrimination and Anti-Harassment in the District; Policy #3421 -- Title IX and Sex Discrimination; Policy #7551 -- Sexual Harassment of Students; and the District's *Code of Conduct*. All complaints will be handled in accordance with the applicable District policies and/or documents.

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

When an investigation verifies a material incident of harassment, bullying, and/or discrimination, the Superintendent or principal, their designee, or the DAC will take prompt action, consistent with applicable laws and regulations as well as the District's *Code of Conduct*, reasonably calculated to end the harassment, bullying, and/or discrimination, eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence of the behavior, and ensure the safety of the student or students against whom the behavior was directed.

The Superintendent or principal, their designee, or the DAC will promptly notify the appropriate local law enforcement agency when it is believed that any harassment, bullying, and/or discrimination constitutes criminal conduct.

**Reporting Incidents**Reporting Incidents to the Superintendent

At least once during each school year, each building principal will provide a report on data and trends related to harassment, bullying, and/or discrimination to the Superintendent in a manner prescribed by the District. This report will be used to submit the annual School Safety and the Educational Climate (SSEC) Summary Data Collection form to the State Education Department (SED).

(Continued)

**SUBJECT: DIGNITY FOR ALL STUDENTS (Cont'd.)****Reporting of Material Incidents to the Commissioner of Education**

Each school year, the District will submit to the Commissioner a report of material incidents of harassment, bullying, and/or discrimination that occurred during the school year in accordance with law and regulation. This report will be submitted in a manner prescribed by the Commissioner, on or before the basic educational data system (BEDS) reporting deadline or other date determined by the Commissioner.

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

Any person who has reasonable cause to suspect that a student has been subjected to harassment, bullying, and/or discrimination by an employee or student on school grounds or at a school function, and who acts reasonably and in good faith in reporting it to school officials, the Commissioner, or law enforcement authorities, or who otherwise initiates, testifies, participates, or assists in any formal or informal proceedings, will have immunity from any civil liability that may arise from making that report, or from initiating, testifying, participating, or assisting in those proceedings. The District also prohibits any retaliatory behavior directed against any complainant, victim, witness, or any other individual who participated in the reporting or investigation of an incident of alleged harassment, bullying, and/or discrimination.

**Publication of District Policy**

At least once during each school year, all employees, students, and parents or persons in parental relation will be provided with a written or electronic copy of this policy, or a plain-language summary of it. The policy or summary will include information relating to how students, parents or persons in parental relation, and employees may report harassment, bullying, and/or discrimination. Additionally, the District will maintain a current version of this policy on its website at all times.

**Application**

Nothing in this policy or its implementing regulations should be interpreted to preclude or limit any right or cause of action provided under any local, state, or federal ordinance, law or regulation including, but not limited to, any remedies or rights available under the Individuals with Disabilities Education Act, Title VII of the Civil Rights Law of 1964, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act of 1990.

Students

**SUBJECT: DIGNITY FOR ALL STUDENTS (Cont'd.)**

NOTE: Refer also to Policies #1330 -- Appointments and Designations by the Board of Education  
#3410 -- Code of Conduct  
#3420 -- Non-Discrimination and Anti-Harassment in the District  
#3421 -- Title IX and Sex Discrimination  
#5670 -- Records Management  
#6471 -- Use of Email in the School District  
#7551 -- Sexual Harassment of Students  
#7552 -- Student Gender Identity  
#7553 -- Hazing of Students  
#8130 -- Equal Educational Opportunities  
#8242 -- Civility, Citizenship and Character Education/Interpersonal  
Violence Prevention Education  
District *Code of Conduct*

## Students

**SUBJECT: DIGNITY FOR ALL STUDENTS**

The District has established procedures to help create an environment free from harassment, bullying, and discrimination; to foster civility; and to prevent conduct that is inconsistent with its educational mission.

**Definitions**

For purposes of this regulation and Policy #7550, the following definitions apply:

- 1) "Sexual orientation" means actual or perceived heterosexuality, homosexuality, or bisexuality;
- 2) "Gender" means actual or perceived sex and includes a person's gender identity or expression;
- 3) "Discrimination" means the practice of conferring to or denying privileges against any student by one or more students or employees based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex while on school property or at a school function;
- 4) "Harassment" and "bullying" mean the creation of a hostile environment by conduct, or by verbal or non-verbal threats, intimidation, or abuse, including cyberbullying, that:
  - a. Has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional, or physical well-being; or
  - b. Reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or
  - c. Reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or
  - d. Occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation, or abuse might reach school property.

Acts of harassment and bullying include, but are not limited to, those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.

- 5) "Cyberbullying" means harassment or bullying that occurs through any form of electronic communication.

(Continued)

Students

**SUBJECT: DIGNITY FOR ALL STUDENTS (Cont'd.)**

- 6) "Material incident of harassment, bullying, or discrimination" means a single verified incident or a series of related verified incidents where a student is subjected to harassment, bullying, or discrimination by a student or employee on school property or at a school function. In addition, this term include a verified incident or series of related incidents of harassment, bullying, or discrimination that occur off school property, where the incident or incidents: create or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation, or abuse might reach school property; and that is, or are the subject of a written or oral complaint to the Superintendent, principal, Dignity for All Students Act Coordinator (DASAC) or their designee, or other school employee. This conduct includes, but is not limited to, threats, intimidation, or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.

**Internal Reports and Investigations of Harassment, Bullying, or Discrimination**

Students who have been subjected to harassment, bullying, or discrimination, parents or persons in parental relation whose children have been subjected to this behavior, or other students who observe or are told of this behavior, are encouraged and expected to make verbal or written reports to the principal, Superintendent, DASAC, or other District personnel. All District staff who become aware of an incident of harassment, bullying, or discrimination must orally report it within one school day to the Superintendent, principal, DASAC, or designee, and report it in writing within two school days thereafter.

The Superintendent, principal, DASAC, or their designee will timely document and investigate all reports of harassment, bullying, or discrimination. The Dignity for All Students Act Coordinator or other investigator may seek the assistance of the District's Civil Rights Compliance Officer in investigating, responding to, and remedying complaints of harassment, bullying, or discrimination.

In the event an investigation verifies that harassment, bullying, or discrimination occurred, the District will take prompt action reasonably calculated to end it, to eliminate any hostile environment, to create a more positive school culture and climate, to prevent recurrence of the behavior, and to ensure the safety of the student or students against whom the harassment, bullying, or discrimination was directed.

**Reporting Incidents**

At least once during each school year, the principal of each primary and secondary school will provide a report with information related to harassment, bullying, and discrimination incidents to the Superintendent. This report will be submitted in a manner prescribed by the District, and will be used to submit the annual School Safety and the Educational Climate (SSEC) Summary Data Collection form to the State Education Department (SED).

(Continued)

Students

**SUBJECT: DIGNITY FOR ALL STUDENTS (Cont'd.)**

Each year, the District will complete and submit its SSEC Summary Data Collection form to SED in the manner and within the timeframe specified by the Commissioner. The SSEC form encompasses data related to material incidents of harassment, bullying, and discrimination under the Dignity for All Students Act as well as information regarding violent and disruptive reporting (VADIR).

Material incidents of harassment, bullying, or discrimination include incidents that:

- 1) Are the result of the investigation of a written or oral complaint made to the Superintendent, principal, DASAC, designee, other school administrator responsible for school discipline, or to any other school employee; or
- 2) Are otherwise directly observed by the Superintendent, principal, DASAC, designee administrator, or by any other employee regardless of whether a complaint is made.

The annual report will also include information describing the specific nature of the incident, including, but not limited to:

- 1) The type(s) of bias involved (actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender, sex, or other). The District will report all types of bias involved, including those described in multiple categories;
- 2) Whether the incident resulted from student or employee conduct;
- 3) Whether the incident involved physical contact or verbal threats, intimidation or abuse; and
- 4) The location where the incident occurred (on school property at a school function, or off school property).

NOTE: Refer also to Regulations #3420R -- Non-Discrimination and Anti-Harassment in the District  
#3420F -- Complaint Form  
#7550R.1 -- Strategies to Prevent Harassment, Bullying,  
and Discrimination  
*District Code of Conduct*

Students

**SUBJECT: STRATEGIES TO PREVENT HARASSMENT, BULLYING, AND DISCRIMINATION**

The District is committed to preventing harassment, bullying, and discrimination in all forms, including, but not limited to, hazing. The District may make use of the following strategies and training to prevent the harassment, bullying, and discrimination of its students:

- 1) Publicize rules against harassment, bullying, and discrimination, and post them school-wide, accompanied by a range of possible sanctions. (Note: sanctions will also to be addressed in the District *Code of Conduct*.)
- 2) Use student and adult mentors to assist victims and individuals who engage in harassment, bullying, or discrimination, thereby building self-esteem and fostering mutual understanding of, and appreciation for, differences in others.
- 3) Develop a buddy system that pairs students with a particular friend or older buddy with whom they share class schedule information and plans for the school day, and on whom they can depend for help.
- 4) Provide an on-campus parents' center that recruits, coordinates, and encourages parents to take part in the educational process, to volunteer, and to assist in school activities and projects.
- 5) Add adult classes in parenting skills and student classes in anger management, assertiveness training, and behavior modification training.
- 6) Disseminate the District *Code of Conduct* to teachers, students, and parents or persons in parental relation as mandated by law or regulation.
- 7) Emphasize restorative practices that stress appropriate behavior instead of reprimands that focus on punishing wrong behavior.
- 8) Build friendship groups that support children who are regularly harassed, bullied, or discriminated against by peers.
- 9) Create peer mediation programs and teen courts to train students to mediate problems among themselves.
- 10) Implement a MTSS to facilitate conflict and dispute resolution for implementing restorative practices, in an age-appropriate manner, at designated grade levels.
- 11) Increase staff supervision in areas such as hallways, cafeterias, playgrounds and athletic playing fields, locker rooms, buses, as well as at school functions—whether on or off campus—in order to reduce the opportunity for inappropriate behavior by students.

(Continued)

Students

**SUBJECT: STRATEGIES TO PREVENT HARASSMENT, BULLYING, AND DISCRIMINATION (Cont'd.)**

- 12) Involve school counselors or mental-health professionals where appropriate.
- 13) Involve community members in the District's anti-bullying activities (e.g., convene meetings with leaders of the community to discuss the District's anti-bullying program, involve media to help publicize the District's anti-bullying prevention and intervention activities, and engage community members in the development of school-community activities to promote anti-bullying, non-discrimination, and anti-harassing behavior).

NOTE: Refer also to Regulations #3420R -- Non-Discrimination and Anti-Harassment in the District  
#7550R -- Dignity for All Students  
*District Code of Conduct*



**RANDOLPH ACADEMY UNION FREE SCHOOL DISTRICT  
DIGNITY ACT COMPLAINT FORM**

Name of targeted student: \_\_\_\_\_, [ ] Male [ ] Female,  
who is in grade: \_\_\_\_\_ at \_\_\_\_\_ (school/location)

Date \_\_\_\_\_ and time \_\_\_\_\_ of incident(s)

Place of incident(s): [ ] On school property (including school bus)  
[ ] At a school-sponsored function off school grounds  
[ ] Off school grounds

This report results from a(n):

- [ ] Employee, who *directly observed* an incident or series of incidents  
Employee's name \_\_\_\_\_ and title \_\_\_\_\_
- [ ] Employee, who *was made aware* of an incident or series of incidents  
Employee's name \_\_\_\_\_ and title \_\_\_\_\_
- [ ] Parent or community member  
Complainant's name \_\_\_\_\_, relationship to targeted student \_\_\_\_\_  
Telephone and other contact information: \_\_\_\_\_
- [ ] Other, name \_\_\_\_\_ relationship to targeted student/district \_\_\_\_\_  
Telephone and other contact information: \_\_\_\_\_

Basis of this complaint/grievance:

_____ Race	_____ Religion	_____ Gender (including identity or expression)
_____ Ethnic Group	_____ Religious Practice	_____ Sex
_____ National Origin	_____ Disability	_____ Sexual orientation
_____ Color	_____ Weight	
_____ Other/Not sure (Explain): _____		

Name of alleged offender(s): \_\_\_\_\_, in grade: \_\_\_\_\_ [ ] Male [ ] Female  
\_\_\_\_\_, in grade: \_\_\_\_\_ [ ] Male [ ] Female

Incident is a result of: [ ] Student and/or  
[ ] Employee conduct

Description of alleged harassment/bullying/discrimination incident(s): \_\_\_\_\_  
\_\_\_\_\_

The incident(s) involved: [ ] Intimidation or abuse, but no verbal threat(s) or physical contact  
[ ] Verbal threat(s) but no physical contact  
[ ] Physical contact but no verbal threat(s)  
[ ] Verbal threat(s) and physical contact

Witnesses, or others with knowledge or information important to this investigation, including contact information for each: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Employee or Complainant

\_\_\_\_\_  
Date

**RANDOLPH ACADEMY UFSD**  
**DISTRICT RESPONSE TO COMPLAINT FORM**  
(To Be Completed by Civil Rights Compliance Officer/DASA Coordinator)

Complainant: \_\_\_\_\_

Alleged victim (if different from complainant): \_\_\_\_\_

Alleged perpetrator or offending occurrence: \_\_\_\_\_

Date of complaint: \_\_\_\_\_ Individual in receipt of complaint: \_\_\_\_\_

Nature of complaint: \_\_\_\_\_

\_\_\_\_\_

Interim action taken (if any): \_\_\_\_\_

\_\_\_\_\_

Finding as to whether harassment or discrimination occurred: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Action taken (include the name and position of employee taking action): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Other comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date

\_\_\_\_\_

Signature of Civil Rights Compliance Officer

\_\_\_\_\_

Date

\_\_\_\_\_

Signature of Superintendent

**SUBJECT: SEXUAL HARASSMENT OF STUDENTS****Overview**

The District is committed to creating and maintaining an environment which is free from discrimination and harassment. This policy addresses sexual harassment of students. It is just one component of the District's overall commitment to maintaining a discrimination and harassment-free educational and work environment.

Consistent with this commitment and in accordance with law and regulation, the District prohibits all forms of sexual harassment of students by any individual on school property and at school functions which, for purposes of this policy, means a school-sponsored or school-authorized extracurricular event or activity regardless of where the event or activity takes place, including any event or activity that may take place virtually or in another state.

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

Inquiries about this policy may be directed to the District's Civil Rights Compliance Officer(s) (CRCO(s)), Title IX Coordinator(s), and/or the Dignity Act Coordinator(s) (DAC(s)).

**What Constitutes Sexual Harassment**

Sexual harassment is a form of sex discrimination and is unlawful. It includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender. Sexual harassment can occur between any individuals, regardless of their sex or gender.

Generally stated, sexual harassment consists of subjecting an individual to unwelcome conduct which is either of a sexual nature or which is directed at an individual because of that individual's sex.

This conduct may, among other things, have the purpose or effect of: creating an intimidating, hostile, or offensive environment; substantially or unreasonably interfering with a student's educational performance, opportunities, benefits, or well-being; or otherwise adversely affecting a student's educational opportunities. Petty slights or trivial inconveniences generally do not constitute harassing conduct.

Determinations as to whether conduct or an incident constitutes sexual harassment will be made consistent with applicable law and regulation, as well as any applicable District policy, regulation, procedure, or other document such as the District's *Code of Conduct*. The examples below are intended to serve as a general guide for individuals in determining what may constitute sexual harassment. These examples should not be construed to add or limit the rights that students possess as a matter of law.

(Continued)

**SUBJECT: SEXUAL HARASSMENT OF STUDENTS (Cont'd.)**Examples of Sexual Harassment

Sexual harassment can be verbal, non-verbal, or physical. Examples of this conduct may include, but are not limited to, the following:

- a) Unwanted physical acts of a sexual nature, such as:
  1. Touching, pinching, patting, kissing, hugging, grabbing, brushing against another person's body, or poking another person's body; and
  2. Rape, sexual battery, molestation, or attempts to commit these assaults.
- b) Engaging in sexual conduct with an individual who is unable to consent due to age, use of drugs or alcohol, intellectual disability, or other disability.
- c) Unwanted sexual advances or propositions, such as:
  1. Demanding sexual favors of a student, insinuating that refusal to acquiesce to such favors will adversely affect a student's grades, references, academic or scholastic placement, and/or participation in extracurricular activities; and
  2. Subtle or obvious pressure for unwelcome sexual activities.
- d) Verbal abuse or ridicule, including profanity, innuendoes, stories, and jokes that are sexual in nature and/or gender-related. This might include inappropriate sex-oriented comments on appearance, including dress or physical features.
- e) Asking or commenting about an individual's sexual activities.
- f) Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, and the status of being transgender.
- g) Displaying or distributing pornographic or other sexually explicit materials (print or digital) such as magazines, pictures, cartoons, etc.
- h) Unwelcome staring, leering, or gesturing which is sexually suggestive in nature.
- i) Unwelcome and/or offensive public displays of sexual or physical affection.
- j) Clothing that reflects sexually obscene and/or sexually explicit messages, slogans, or pictures.

(Continued)

Students

**SUBJECT: SEXUAL HARASSMENT OF STUDENTS (Cont'd.)**

- k) Any other unwelcome and unwanted sexually oriented and/or gender-based behavior which is sexually demeaning, belittling, intimidating, or perpetrates sexual stereotypes and attitudes.

**Reporting Allegations of Sexual Harassment**

In order for the District to enforce this policy, and to take corrective action as warranted, it is essential that students who believe that they have been a victim of sexual harassment in the school environment, as well as any other person who has knowledge of or witnesses any possible sexual harassment, immediately report the alleged conduct or incident. Reports of sexual harassment may be made orally or in writing to any District employee including, but not limited to, a teacher, building principal, CRCO, Title IX Coordinator, or DAC.

All District employees who witness or receive an oral or written report of sexual harassment must immediately inform the CRCO. Failure to immediately inform the CRCO may subject the employee to discipline up to and including termination. If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity. If the District has not designated another CRCO, the Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

Additionally, District employees must comply with reporting requirements in any other applicable District policy or document. Applicable policies or documents may include: Policy #3420 -- Non-Discrimination and Anti-Harassment in the District; Policy #3421 -- Title IX and Sex Discrimination; Policy #7550 -- Dignity for All Students; and the District's *Code of Conduct*.

**Grievance Process for Complaints of Sexual Harassment**

The District will act to promptly, thoroughly, and equitably investigate all complaints, whether oral or written, of sexual harassment of students and will promptly take appropriate action to protect students from further sexual harassment.

Various District policies and documents address sexual harassment of students. These policies and documents may include: Policy #3420 -- Non-Discrimination and Anti-Harassment in the District; Policy #3421 -- Title IX and Sex Discrimination; Policy #7550 -- Dignity for All Students; and the District's *Code of Conduct*. All complaints will be handled in accordance with the applicable District policies and/or documents.

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

(Continued)

Students

**SUBJECT: SEXUAL HARASSMENT OF STUDENTS (Cont'd.)**

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

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

The District prohibits retaliation against any individual because the individual made a report or complaint, testified, assisted, or participated or refused to participate in an investigation, proceeding, or hearing related to a complaint of sexual harassment.

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

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

Equal Educational Opportunities Act of 1974, 20 USC Section 1701 et seq.  
Title IV of the Civil Rights Act of 1964, 42 USC Section 2000c et seq.  
Title IX of the Education Amendments Act of 1972, 20 USC Section 1681 et seq.  
34 CFR Parts 106 and 270  
45 CFR Part 86  
Civil Rights Law Section 40-c  
Education Law Sections 10-18, 313, 2801, and 3201-a  
New York State Human Rights Law, Executive Law Section 290 et seq.  
8 NYCRR Section 100.2  
9 NYCRR Section 466 et seq.

NOTE: Refer also to Policies #3410 -- Code of Conduct  
#3420 -- Non-Discrimination and Anti-Harassment in the District  
#3421 -- Title IX and Sex Discrimination  
#7550 -- Dignity for All Students  
#7553 -- Hazing of Students  
District *Code of Conduct*

Adopted: 9/17/08

Revised: 3/1/16; 10/25/17; 3/19/24

## Students

**SUBJECT: STUDENT GENDER IDENTITY**

All students need a safe and supportive educational environment to progress academically and developmentally. The District is committed to fostering a safe learning environment for all students, free from discrimination and harassment on the basis of sex, gender, gender identity, gender nonconformity, and gender expression. In accordance with applicable law, regulations, and guidelines, the District will ensure that students have equal access to all District programs, facilities, and activities. The District will assess and address the specific needs of each student on a case-by-case basis.

**Key Terms**

"Assigned sex at birth" means the sex designation, usually male or female, assigned to a person when they are born.

"Cisgender" means a person whose gender identity corresponds to their assigned sex at birth.

"Gender" means actual or perceived sex and includes a person's gender identity or expression.

"Gender expression" means the ways in which a person conveys their gender identity to others, such as through behavior, appearance, clothing, hairstyle, activities, voice, and mannerisms.

"Gender identity" means a person's inner sense or psychological knowledge of being male, female, neither, or both.

"Gender nonconforming" (GNC) means someone whose gender identity or gender expression does not conform to social or stereotypical expectations of a person with that gender assigned at birth. This is also referred to as gender variant or gender atypical.

"Transgender" means someone whose gender identity is different than their assigned sex at birth.

"Transition" means the process by which a person socially and/or physically aligns their gender expression more closely to their gender identity than their assigned sex at birth.

**Records**

Following the submission of a name change order or other government issued document or court issued documentation of a name change for any current or past student, the District will update the student's name on any document or record issued or maintained by the District. This is not applicable to archival records that cannot be accessed or when modifying archival records is prohibited by law. The District will update any current or past student's gender upon submission of any form of government identification.

(Continued)

**SUBJECT: STUDENT GENDER IDENTITY (Cont'd.)**

For any current or past student who has not officially changed their name or gender, the District will, upon request, update its records to reflect the student's asserted name and/or gender. However, the District may need to use the student's legal name and gender in certain, limited circumstances. Any student identification cards will be issued with the name reflecting the gender identity the student consistently asserts at school.

The District will maintain the confidentiality of student information and records as required by law. Further, any records with a student's assigned birth name and gender will be maintained in a separate, confidential file.

**Names and Pronouns**

When apprised of a student's transgender or GNC status, the District will endeavor to engage the student and their parents or guardians, as appropriate, in an effort to agree upon a plan that will accommodate the student's individual needs at school. Transgender and GNC students have the right to discuss and convey their gender identity and expression openly and to decide when, with whom, and how much to share this confidential information. The plan may therefore include when and how to initiate the student's preferred name and associated pronoun use and if, when, and how this is communicated to others. District staff will use the name and pronoun that corresponds to the gender identity the student consistently asserts at school.

**Restrooms and Locker Rooms**

The District will allow a transgender or GNC student to use the restroom and locker room that corresponds to the student's consistently expressed gender identity at school. Any student requesting increased privacy or other accommodations when using bathrooms or locker rooms will be provided with a safe and adequate alternative, but they will not be required to use that alternative. Additionally, the District will ensure that all single-occupancy bathroom facilities are designated as gender neutral for use by no more than one occupant at a time or for family or assisted use.

**Physical Education and Sports**

Physical education is a required part of the District's curriculum. Where these classes are sex-segregated, students will be allowed to participate in a manner consistent with their gender identity. Students will likewise be allowed to participate in intramural activities consistent with their gender identity.

Upon written notification that a transgender or GNC student would like an opportunity to participate in the District's interscholastic athletics program consistent with their gender identity, the District will determine their eligibility in accordance with applicable law, regulations, and guidelines.

(Continued)



**SUBJECT: STUDENT GENDER IDENTITY (Cont'd.)**

The District's athletic director will notify opposing team athletic directors or the New York State Public High School Athletic Association if a student needs any accommodations during competitions. Any appeal regarding the District's eligibility decision will be directed to the Commissioner of Education.

**Other Activities**

Generally, in other circumstances where students may be sex-segregated, such as overnight field trips, students may be permitted to participate in accordance with the gender identity that the student consistently asserts at school. Student privacy concerns will be addressed individually and on a case-by-case basis in accordance with District policy and applicable law, regulations, and guidelines.

**Dress Code and Team Uniforms**

Transgender or GNC students may dress in accordance with their gender identity or expression, within the parameters of the District's dress code. The District will not restrict students' clothing or appearance on the basis of gender.

Family Educational Rights and Privacy Act (FERPA), 20 USC Section 1232g  
 Title IX of the Education Amendments Act of 1972, 20 USC Section 1681 et seq.  
 34 CFR Parts 99 and 106  
 Civil Rights Law Sections 40-c, 64, and 67  
 Education Law Article 2 and Sections 2-d, 313, and 3201-a  
 New York State Human Rights Law, Executive Law Section 290 et seq.  
 8 NYCRR Section 100.2

NOTE: Refer also to Policies #3410 -- Code of Conduct  
 #3420 -- Non-Discrimination and Anti-Harassment in the District  
 #3421 -- Title IX and Sex Discrimination  
 #5633 -- Gender Neutral Single-Occupancy Bathrooms  
 #7550 -- Dignity for All Students  
 #7551 -- Sexual Harassment of Students  
 #7553 -- Hazing of Students  
 #8242 -- Civility, Citizenship and Character Education/Interpersonal  
 Violence Prevention Education

Adopted: 7/12/17  
 Revised: 3/19/24

## Students

**SUBJECT: HAZING OF STUDENTS**

The District is committed to providing a safe, productive, and positive learning environment within its schools. Hazing activities are demeaning and abusive behaviors that harm victims, are inconsistent with the educational goals of the District, and may constitute criminal conduct. Consequently, hazing of students by other students or groups of students is strictly prohibited on school property, in school buildings, on school buses, by school-sponsored groups, clubs, or teams, and at school-sponsored events and/or activities whether occurring on or off-campus. Hazing is prohibited regardless of the victim's apparent willingness to participate in the activity.

For purposes of this policy, the term "hazing" is defined as any humiliating or dangerous activity expected of a student to join a group, regardless of their willingness to participate. Acts constituting hazing may range in severity from teasing or embarrassing a student to various forms of physical, emotional, and/or sexual abuse. Hazing behaviors include, but are not limited to:

- a) Humiliation: socially offensive, isolating, or uncooperative behaviors.
- b) Substance abuse: abuse of tobacco, alcohol, or illegal drugs.
- c) Other dangerous actions: hurtful, aggressive, destructive, and disruptive behaviors.

Hazing is a form of harassment and bullying and may constitute discrimination. Various District policies and documents address discrimination and harassment of students. These policies and documents may include: Policy #3420 -- Non-Discrimination and Anti-Harassment in the District; Policy #3421 -- Title IX and Sex Discrimination; Policy #7550 -- Dignity for All Students; Policy #7551 -- Sexual Harassment of Students; and the District's *Code of Conduct*. As such, the District's response to reports of hazing will be handled in accordance with the applicable District policies and/or documents.

Education Law Sections 10-18, 1709-a, 2503-a, and 2801  
Penal Law Sections 120.16 and 120.17  
8 NYCRR Section 100.2

NOTE: Refer also to Policies #3410 -- Code of Conduct  
#3420 -- Non-Discrimination and Anti-Harassment in the District  
#3421 -- Title IX and Sex Discrimination  
#7550 -- Dignity for All Students  
#7551 -- Sexual Harassment of Students  
*District Code of Conduct*

Adopted: 9/17/08  
Revised: 3/1/16; 3/19/24

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 will 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 this information to additional members of the staff, designated supervisors of non-school groups that regularly use District facilities and have children in attendance, parents or guardians of District students, and other community residents who, in the opinion of the Superintendent, have an immediate need to be notified of this data in order to protect the safety of our students.

All staff members will 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 or designee or supervisor.

Staff members must inform their immediate supervisor if they observe within the school building, on school grounds, at school activities, or at or near bus routes any individual whose description matches the information which was provided to the District by local law enforcement authorities. Law enforcement officials will be notified of this information by the District as appropriate.

Information that is disseminated to the School District pursuant to Megan's Law may or may not be disclosed by the District in its discretion. Any information 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.

**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.

(Continued)

**SUBJECT: NOTIFICATION OF SEX OFFENDERS (Cont'd.)**

However, by exception, a sex offender may enter school grounds or facility with the written authorization of his or her parole officer and the Superintendent for limited authorized purposes. Entrance upon the premises is subject to the following conditions:

- a) The offender is a registered student, participant or employee of the facility;
- b) The offender is an employee of an entity contracted by the facility;
- c) The offender has a family member enrolled in the facility; or
- d) If the school is the offender's designated polling place and he or she enters solely to vote.

Correction Law Article 6-C  
Executive Law 259-c(14)  
Penal Law 65.10(4-a) and 140.15  
Public Officers Law § 84 et seq.

## 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.
- e) All teachers and staff working directly with students who have a history of wandering or elopement (i.e., the act of a student who leaves or runs away from the premises without permission or notification, often referring to students who have autism spectrum disorder or diminished cognitive impairment) will be made aware of these concerns and of any existing behavioral intervention plan formulated to prevent or respond to instances of wandering or elopement.

NOTE: Refer also to Policies #5681 -- School Safety Plans  
#5730 -- Transportation of Students

Adopted: 9/17/08  
Revised: 3/1/16

**SUBJECT: ELOPEMENT****Purpose**

The Randolph Academy Board of Education establishes this policy, procedures and protocols to prevent and address instances of wandering and elopement particularly for students with cognitive impairments. The Randolph Academy will make every effort to identify students who are prone to elopement and establish plans for elopement prevention and response.

**Procedure**Training

- a) Annual Training on the protocol for response to student elopement will be provided by the building principal at a faculty meeting in the first month of school each year.
- b) Staff Handbook will articulate the protocol for response to student elopement. Every staff member will receive an updated copy of the Staff Handbook annually, and sign an acknowledgement form.

Prevention

- a) Staff duty to identify students who are prone to elopement - staff and the Committee on Special Education (CSE) must identify if a student has a history of elopement.
- b) Individual Safety Support Plan (ISSP) - history of elopement will be considered in the development of the ISSP.
- c) Identification - students with known elopement behavior will be identified to all school personnel.
- d) Video surveillance monitoring - is utilized in both live and recorded formats to support this policy and allow for preserving video documentation.
- e) Functional Behavior Analysis (FBA) and Behavior Intervention Plans (BIP) - A FBA of the behavior will be conducted and the behavior addressed through proper supervision and through an individualized behavior intervention plan based on the results of the FBA.

Response Protocols

- a) When a student is discovered to be missing:
  1. Call to Office - when staff recognizes that a student is not where they are scheduled to be, staff are to immediately notify the main office.

(Continued)

## Students

**SUBJECT: ELOPEMENT**

2. Attendance check - office staff will utilize the paging system within the school to conduct an "attendance check" to confirm the presence of students, detect if a "missing" student is elsewhere in the building, and/or determine if more than one student is "missing" from their assigned location. .
  3. Buildings and grounds searches - the principal or designee will direct a search of the buildings and grounds to attempt to locate the missing student.
- b) When a student is observed to be leaving their assigned location without permission:
1. Direct "Eyeball" Supervision - Staff will maintain direct supervision of the student by keeping them within sight throughout the response process.
  2. Immediate notification - Staff will call the main office or use the two-way radio to ask for help to be sent to the location of the student who is eloping.
  3. Relationship assessment: Staff will assess relationship resources when responding to an elopement. When possible, the staff that has positive rapport with the student will be engaged in responding to the elopement.
  4. 911/Police - Law enforcement will be called when direct supervision is lost or in the case of a dangerous situation. The following information will be provided: physical description of child, last known location and presumed direction the child was headed and any relevant safety, medical or disability information.
  5. Family notification - office personnel will immediately notify the eloping student's parents or guardians when direct supervision of the student has been lost.

Caution: elopement doesn't automatically necessitate the use of a physical hold. In accordance with the Therapeutic Crisis Intervention model, the criterion for initiating a physical hold is to prevent "imminent harm of serious physical injury."

Emergency response information will be available in the main office of each school building to be provided to law enforcement. The folder will include: floor plans, schematics of the interior of the building and grounds and road maps of the immediate area.

## Students

**SUBJECT: SPECIAL EDUCATION: DISTRICT PLAN**

A District plan shall be developed describing the Special Education program in the Randolph Academy Union Free School District. The District plan shall include the following:

- a) A description of the nature and scope of special education programs and services currently available to students 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 § 200.2(c)

Adopted: 9/17/08  
Revised: 3/1/16



**SUBJECT: CHILDREN WITH DISABILITIES**

The Board of Education recognizes the existence of individual differences in the intellectual, social, emotional and physical development of children attending school in the District. In recognizing these differences the Board supports a system of services offered in the least restrictive environment for children with disabilities which includes:

- a) Not requiring any student to obtain a prescription for a drug as a condition of receiving services.
- b) Education in regular classes with or without support services, education in a resource room, education for part of the day in a special class, full time education in a special class, home instruction and education in a residential setting.
- c) Providing for the education of students with disabilities with non-disabled peers to the extent appropriate.
- d) Taking the following measurable steps to recruit, hire, train and retain highly qualified personnel to provide special education programs and services:
  1. Attending Teacher Recruitment days;
  2. Participation in Student Teacher Programs with local colleges and universities;
  3. Providing extensive training in behavior management and special education academic accommodations;
  4. Providing longevity bonuses according to collective bargaining agreements.
- e) Establishing the following guidelines for the provision of appropriate accommodations necessary to measure the academic achievement and functional performance of the student in the administration of District-wide assessments:
  1. The CSE will determine the achievement level of students with disabilities and identify appropriate accommodations;
  2. Teachers will receive training in how to observe and document functional ability in the classroom and how to make referrals to the CSE;
  3. Student IEPs will be available to all teachers for students on their class rosters.
- f) Developing and administering District-wide assessment programs using universal design principals, to the extent feasible, by following the testing accommodations stipulated on the student's IEP.

(Continued)

**SUBJECT: CHILDREN WITH DISABILITIES (Cont'd.)**

(Universal design principles are 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, including those products and services that are directly usable without requiring assistive technologies and those that are made usable with assistive technologies.)

- g) Consideration of the location of a school program(s) to a student's residence, before placement into an educational program.
- h) Adoption of written policies and procedures ensuring that students with disabilities are provided appropriate opportunities to earn a high school diploma in accordance with Commissioner's regulations.
- i) Allocation of appropriate space within the District for special education programs that meet the needs of students with disabilities.
- j) Assurance that appropriate space will be available to meet the needs of resident students with disabilities who attend special education programs provided by BOCES.

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

20 USC § 9101(23)

21 USC § 812(c)

34 CFR Part 300

Education Law §§ 3004(4), 3004(5), 3208, 3242, 3602-c, 4401-4407 and 4410-6

8 NYCRR §§ 52.21, 57-3, 100.5, 100.9, 177.2, 200.2(b), 200.2(c)(2)(v), 200.4(e)(9) and 200.6(a)(1)

NOTE: Refer also to Policy #7614 -- Least Restrictive Environment

Adopted: 9/17/08

## 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 CSE shall recommend to the Board of Education appropriate educational programs and services for each student with a disability based upon the CSE evaluation.
- d) The CSE shall provide information to those teachers and professionals who arrange instructional groups for students with disabilities. Information shall include physical, psychological and social information as well as achievement test results.
- e) The curriculum and instruction provided to students with disabilities who are grouped by similarity of needs shall be consistent with the individual needs of each student in the group.
- f) Students with disabilities may be grouped according to:
  1. Academic achievement, functional performance and learning characteristics;
  2. Social development;
  3. Physical development; and
  4. Management needs.
- g) When grouping students by similarity of needs, the social needs or physical development of a student shall not be the sole determinant for placement of a student in a special education program.
- h) The management needs of such students may vary, provided that environmental modifications, adaptations, or human or material resources required to meet the needs of any one student in the group are provided and do not consistently detract from the opportunities of other students in the group to benefit from instruction.

8 NYCRR §§ 200.1(ww), 200.2(b)(3), 200.4(d) and 200.6(a)(3)

Adopted: 9/17/08

## 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 (CSE)**

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 individualized education program (IEP) where appropriate, and resubmit a recommendation to the Board. If the Board continues to disagree with the recommendation of the CSE, the Board may continue to remand the recommendation to the original committee for additional reviews of its objections or concerns, or establish a second CSE to develop a new recommendation in accordance with the following paragraph, provided that the Board arranges for the programs and services in accordance with the student's IEP within the timelines as outlined above; or, in the alternative,
- b) The Board may establish a second CSE to develop a new recommendation for the student. If the Board disagrees with such new recommendation, the Board may remand the recommendation to the second CSE with a statement of the Board's objections or concerns and a request that a timely meeting be held to review and consider such objections or concerns. The second CSE shall consider the Board's objections or concerns, revise the IEP

(Continued)

Students

**SUBJECT: THE ROLE OF THE BOARD IN IMPLEMENTING A STUDENT'S  
INDIVIDUALIZED EDUCATION PROGRAM (Cont'd.)**

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.

**Subcommittee on Special Education**

The number of Subcommittees on Special Education will be determined by the CSE and the CSE will be responsible for the oversight and monitoring of the activities of each subcommittee to assure compliance with the requirements of applicable state and federal laws and regulations.

Each Subcommittee may perform the functions for which the CSE is responsible, except:

- a) When a student is considered for initial placement in a special class; or
- b) When a student is considered for initial placement in a special class outside of the student's school of attendance; or
- c) When a student is considered for placements in a school primarily serving students with disabilities or a school outside the District.

Subcommittees shall report annually to the CSE regarding the status of each student with a disability within its jurisdiction. Upon receipt of a written request from the parent or person in parental relation to a student, the Subcommittee shall refer to the CSE any matter in which the parent disagrees with the Subcommittee's recommendation concerning a modification or change in the identification, evaluation, educational placement or provision of a free appropriate education to the student.

Education Law §§ 4402 and 4410  
8 NYCRR §§ 200.2(d)(1), 200.4(c), 200.4(d), 200.5 and 200.16(e)

NOTE: Refer also to Policy #7630 -- Appointment and Training of Committee on Special Education (CSE)/Subcommittee on Special Education Members

Adopted: 9/17/08

## 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.

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

34 CFR Part 300

Education Law §§ 4401-4410-a

8 NYCRR §§ 100.5, 100.9, 200.1(cc), 200.1(qq), 200.2(b), 200.4 and 200.6

Adopted: 9/17/08

Students

**SUBJECT: PREREFERRAL INTERVENTION STRATEGIES**

The District will implement school-wide approaches and prereferral interventions in order to remediate a student's performance within the general education setting prior to referral to the Committee on Special Education (CSE) for special education. The determination of prevention and prereferral intervention strategies or services will take into consideration the student's strengths, environment, social history, language, and cultural diversity, in addition to the teacher's concerns. The District may also provide a Response to Intervention (RtI) program to eligible students that is developed in accordance with Commissioner's regulations as part of its school-wide approach to improve a student's academic performance prior to a referral for special education.

The provision of programs and/or services for students starts with consideration and implementation of instruction in the general education curriculum, with appropriate supports, or modifications as may be necessary. In implementing prereferral intervention strategies, the District may utilize resources or strategies already in place for qualified students including, but not limited to, services available through Section 504 of the Rehabilitation Act of 1973 and Academic Intervention Services (AIS) as defined in Education Law and/or Commissioner's regulations. The District will ensure that there is a system in place, with qualified, appropriately certified personnel, for developing, implementing, and evaluating prereferral intervention strategies.

If a student is identified as needing additional instructional support, the District will establish formal Instructional Support Teams (ISTs) in accordance with law, regulations, and District guidelines, as may be applicable, to review information from the student's work, screenings, and assessments. The IST will include representatives from general and special education as well as other disciplines and include individuals with classroom experience, who may then recommend which type of instructional support the student requires and the frequency with which he or she should receive these services or supports. The building administrator will further ensure that all staff are familiar with intervention procedures and procedures for operating an IST. Parents or persons in parental relation to students will be involved in developing prereferral strategies to address the educational needs of the child. Additionally, the District will seek collaboration between outside agencies and the school prior to a referral of the student to the CSE in order to address necessary student support services.

District administration will also ensure that opportunities exist for collaboration between general educators and special educators, and that consultation and support are available to teachers and other school personnel to assist parents or persons in parental relation to students and teachers in exploring alternative approaches for meeting the individual needs of any student prior to formal referral for special education.

Prereferral/Intervention Instructional Support Plans will be designed so as to set forth proactive strategies to meet the broad range of individual student needs and to improve student performance. Prereferral/Intervention strategies and/or Instructional Support Plans will be reviewed and evaluated to determine their effectiveness and modified as appropriate. Appropriate documentation of the prevention and/or intervention strategies implemented will be maintained.

(Continued)

Students

**SUBJECT: PREREFERRAL INTERVENTION STRATEGIES (Cont'd.)**

If a referral is made to the CSE during the course of implementing prereferral/intervention instructional support services, the CSE is obligated to fulfill its duties and functions, and must meet mandatory time lines in evaluating the student for special education services and implementation of an individualized education program (IEP), if applicable.

**Academic Intervention Services**

The Board will provide to students at risk of not achieving state standards with AIS. AIS means additional instruction which supplements the instruction provided in the general education curriculum and assists students in meeting those state learning standards as defined in Commissioner's regulations and/or student support services which may include guidance, counseling, attendance, and study skills which are needed to support improved academic performance. The District will identify students to receive AIS through a two-step identification process set forth in Commissioner's regulations.

The District will provide AIS to students who are limited English proficient (LEP) and are determined, through uniformly applied District-developed procedures, to be at risk of not achieving state learning standards in English language arts, mathematics, social studies and/or science, through English or the student's native language.

The District has developed a description of the AIS offered to grades K through 12 students in need of these services. The description includes any variations in services in schools within the District and specifically sets forth:

- a) The District-wide procedure(s) used to determine the need for AIS;
- b) Academic intervention instructional and/or student support services to be provided;
- c) Whether instructional services and/or student support services are offered during the regular school day or during an extended school day or year; and
- d) The criteria for ending services, including, if appropriate, performance levels that students must obtain on District-selected assessments.

The District will review and revise this description every two years based on student performance results.

**Parental Notification**

- a) Commencement of Services: Parents or persons in parental relation to a student who has been determined to need AIS will be notified in writing by the building principal. This notice will be provided in English and translated into the parent's native language or mode of communication, as necessary. The notice will also include a summary of the AIS to be provided to the student, why the student requires these services, and the consequences of not achieving expected performance levels.

(Continued)



**SUBJECT: PREREFERRAL INTERVENTION STRATEGIES (Cont'd.)**

- b) Ending of AIS: Parents or persons in parental relation will be notified in writing when AIS is no longer needed. This notice will be provided in English and translated to the parent's native language or mode of communication, as necessary.

Parents will be provided with ongoing opportunities to consult with the student's teachers and other professional staff providing AIS, receive reports on the student's progress, and information on ways to work with their child to improve achievement.

Section 504 of the Rehabilitation Act of 1973, 29 USC § 794 et seq.  
Education Law §§ 3602, 4401, and 4401-a  
8 NYCRR §§ 100.1(g), 100.1(p), 100.1(r), 100.1(s), 100.1(t), 100.2(v), 100.2(dd)(4), 100.2(ee),  
200.2(b)(7), 200.4(a)(2), 200.4(a)(9); 200.4(c), and Part 154

NOTE: Refer also to Policy #7212 -- Response to Intervention (RtI) Process

**SUBJECT: DECLASSIFICATION OF STUDENTS WITH DISABILITIES**

The School District shall establish and implement a plan for the appropriate declassification of students with disabilities which must include:

- a) The regular consideration for declassifying students when appropriate;
- b) A reevaluation of the student prior to declassification; and
- c) The provision of educational and support services to the student upon declassification.

**Eligibility Determinations**

The School District must evaluate a student with a disability prior to determining that a student is no longer a student with a disability as defined in accordance with Commissioner's regulations, and the District shall provide a copy of the evaluation report and the documentation of eligibility to the student's parent at no cost to the parent. The results of any reevaluations must be addressed by the Committee on Special Education (CSE) in a meeting to review and, as appropriate, revise the student's individualized education program (IEP).

Prior to the reevaluation, the School District shall obtain informed written parental consent unless otherwise authorized pursuant to law and/or regulation. Parental consent need not be obtained if the District can demonstrate that it has taken reasonable measures to obtain that consent, and the student's parents fail to respond. The District must have a record of its attempts to obtain parental consent. Should the student's parents refuse consent for the reevaluation, the District may continue to pursue the reevaluation by using mediation and/or due process procedures.

The District shall take whatever action is necessary to ensure that the parent understands the proceedings at the meeting of the CSE, including arranging for an interpreter for parents with deafness or whose native language is other than English.

**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.

(Continued)

**SUBJECT: DECLASSIFICATION OF STUDENTS WITH DISABILITIES (Cont'd.)****Declassification Support Services**

When appropriate, the District shall provide declassification support services to students who have moved from special education to a full-time regular educational program in accordance with the recommendation of the CSE.

*Declassification support services* means those services provided by persons appropriately certified pursuant to Part 80 of Commissioner's regulations, or holding a valid teaching license in the appropriate area of service, to a student or the student's teacher to aid in the student's move from special education to full-time regular education, including:

- a) For the student, psychological services, social work services, speech and language improvement services, non-career counseling, and other appropriate support services; and
- b) For the student's teacher, the assistance of a teacher aide or a teaching assistant, and consultation with appropriate personnel.

**Procedural Safeguards Notice**

The District shall use the procedural safeguards notice prescribed by the Commissioner of Education. The District will further ensure that the procedural safeguards notice is provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the District shall take steps to ensure that the notice is translated orally or by other means to the parent in his/her native language or other mode of communication; that the parent understands the content of the notice; and that there is written evidence that all due process procedures, pursuant to law and/or regulation, have been met.

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

34 CFR Part 300

Education Law §§ 4401-4410-a

8 NYCRR §§ 100.1(q), 100.2(u), 200.2(b)(8), 200.4(b)(4), 200.4(b)(5), 200.4(c)(3), 200.4(d)(1) and 200.5

NOTE: Refer also to Policies #7222 -- Diploma or Credential Options for Students with Disabilities  
#7641 -- Transition Services

Adopted: 9/17/08

Revised: 3/1/16

## Students

**SUBJECT: STUDENTS WITH DISABILITIES PARTICIPATING IN SCHOOL DISTRICT PROGRAMS**

All students with disabilities residing in the District, including those of preschool age, shall be provided with full access and opportunity to participate in School District programs, including extracurricular programs and activities, that are available to all other students enrolled in the public schools of the District. 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.

8 NYCRR §§ 200.2(b)(1) and 200.2(b)(2)

Students

**SUBJECT: SECTION 504 OF THE REHABILITATION ACT OF 1973**

The Board of Education affirms its compliance with those sections of the Rehabilitation Act of 1973 dealing with program accessibility.

Section 504 of the Rehabilitation Act prohibits discrimination against qualified individuals with disabilities in federally assisted programs or activities solely on the basis of disability. The District shall make its program and facilities accessible to all its students with disabilities.

The District shall also identify, evaluate and extend to every qualified student with a disability under Section 504 a free, appropriate public education, including modifications, accommodations, specialized instruction or related aids and services, as deemed necessary to meet their educational needs as adequately as the needs of non-disabled students are met.

The District official responsible for coordination of activities relating to compliance with Section 504 is the Superintendent of Schools. This official shall provide information, including complaint procedures, to any person who feels his/her rights under Section 504 have been violated by the District or its officials.

**Prohibition against Disability-Based Discrimination in Accelerated Programs**

The practice of denying, on the basis of disability, a qualified student with a disability the opportunity to participate in an accelerated program violates both Section 504 and Title II. A school district may not impose or apply eligibility criteria that screens out or tends to screen out a student with a disability from fully and equally enjoying any service, program, or activity, unless such criteria can be shown to be necessary.

It is also unlawful to deny a student with a disability admission to an accelerated class or program solely because of his/her need for special education or related aids or services (i.e., related services, supplementary aids and services, program modification and supports for school personnel) or because the student has an Individualized Education Program (IEP) or a plan under Section 504.

Schools may employ appropriate eligibility requirements or criteria in determining whether to admit students, including students with disabilities, into accelerated classes or programs. Additionally, nothing in Section 504 or Title II requires schools to admit into accelerated classes or programs students with disabilities who would not otherwise be qualified for these classes or programs.

Americans with Disabilities Act, 42 USC § 12101 et seq.  
Individuals with Disabilities Education Act (IDEA), 20 USC § 1400 et seq.  
§ 504 of the Rehabilitation Act of 1973, 29 USC § 794 et seq.  
28 CFR Part 35  
34 CFR Parts 104 and 300

NOTE: Refer also to Policy #3420 -- Non-Discrimination and Anti-Harassment in the District

Adopted: 9/17/08  
Revised: 3/15/16

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, at least 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, of a student who has been declassified and is no longer eligible for an individualized education program (IEP), or a parent of a disabled student who has graduated. This parent member may serve for a period of five years beyond the student's declassification or graduation provided such parent shall not be employed by or under contract with the School District. Such parent shall not be a required member unless the parents or other person in parental relation to the student, the student, or a member of the CSE specifically requests in writing at least 72 hours prior to such meeting, that the additional parent member attend the meeting. The parents or persons in parental relation of the student in question shall receive proper written notice of their right to have an additional parent attend any meeting of the committee regarding the student, along with a prepared statement from NYSED explaining the role of having the additional parent attend the meeting.

(Continued)

Students

**SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON SPECIAL EDUCATION (CSE)/SUBCOMMITTEE ON SPECIAL EDUCATION MEMBERS (Cont'd.)**

**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:

- 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, at least 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;

(Continued)



Students

**SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON SPECIAL EDUCATION (CSE)/SUBCOMMITTEE ON SPECIAL EDUCATION MEMBERS (Cont'd.)**

- g) At the discretion of the parent or the Committee, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate. The determination of knowledge or special expertise shall be made by the party (parents or School District) who invited the individual to be a member of the subcommittee;
- h) An individual who can interpret the instructional implications of evaluation results, who may be a member described in letters "b" through "g" of this subheading; and
- i) Whenever appropriate, the student with a disability.

**Training**

The training of qualified personnel is essential to the effective implementation of the Regulations of the Commissioner of Education regarding the education of all students with disabilities.

The Director of Special Education shall be responsible to the Superintendent for establishing administrative practices and procedures for training all District personnel responsible for carrying out the provisions of Part 200 of the Commissioner's regulations as well as members of the Committee on Special Education.

**Alternative Means of Meeting**

When conducting a meeting of the CSE, the parent and the representative of the District appointed to the CSE may agree to use alternative means of meeting participation, such as videoconferences and conference calls.

Individuals with Disabilities Education Act (IDEA)  
20 United States Code (USC) § 1400 et seq.  
34 Code of Federal Regulations (CFR) Part 300  
Education Law § 4402  
8 New York Code of Rules and Regulations (NYCRR)  
§§ 200.2(b)(3), 200.3, and 200.4(d)(4)(i)(d)

NOTE: Refer also to Policy #7613 -- The Role of the Board in Implementing a Student's Individualized Education Program

Adopted: 9/17/08  
Revised: 3/15/16

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.

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 Section 200.4(j) of Commissioner's regulations.

**Individual Re-evaluations**

A CSE/CPSE shall arrange for an appropriate re-evaluation of each student with a disability:

- a) If the District determines that the educational or related service needs, including improved academic achievement and functional performance of the student warrant re-evaluation;
- b) If the student's parent or teacher request a re-evaluation;
- c) At least once every three years, unless the District and the parent/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 dominate mode of communication, informs and allows the parents/persons in parental relation the opportunity to consult with the appropriate personnel or related service providers concerning the proposed changes, and the parents/persons in parental relation agree in writing to the amendments.

If the parents/persons in parental relation agree to amend the IEP without a meeting, they shall be provided prior written notice (notice of recommendation) of the changes to the IEP and the Committee notified of the changes. If the changes are made by rewriting the entire IEP, the District shall provide the parents/persons in parental relation a copy of the rewritten IEP. If the amendment is made without rewriting the entire document, the District shall provide a copy of the document that amends the IEP or, upon request, a revised copy of the entire IEP with the amendments incorporated.

**Use of Recording Equipment at IEP Meetings**

The 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 copy 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 another

(Continued)

Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):  
DEVELOPMENT AND PROVISION (Cont'd.)**

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 § 615(k)(l)  
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) § 1400 et seq.  
21 United States Code (USC) § 812(c)  
Education Law Articles 81, 85 and 89 and §§ 3208 and 4402(7)  
8 New York Code of Rules and Regulations (NYCRR) §§ 200.1(hh), 200.2(b)(11), 200.4(b)(4),  
200.4(d)(3)(i), 200.4(e)(3), 200.4(f), 200.4(j), 200.16(e)(6) and 200.22



## Students

**SUBJECT: TRANSITION SERVICES**

Transition services means a coordinated set of activities for a student with a disability, designed within a results-oriented process that is focused on improving the academic and functional achievement of this student to facilitate movement from school to post-school activities. Post-school activities include, but are not limited to, post-secondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities must be based on the student's strengths, preferences, and interests, and will include needed activities in the following areas:

- a) Instruction;
- b) Related services (the term "related services" does not include a medical device that is surgically implanted, the optimization of the device's functioning (e.g., mapping), maintenance of, or the replacement of such device);
- c) Community experiences;
- d) The development of employment and other post-school adult living objectives; and
- e) When appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.

Beginning not later than the first IEP to be in effect when the student is age 15 (and at a younger age, if determined appropriate), and updated annually, the student's IEP must include:

- a) A statement of the student's needs taking into account the student's strengths, preferences and interests as they relate to transition from school to post-school activities;
- b) Appropriate measurable postsecondary goals based upon age appropriate transition assessments relating to training, education, employment and, where appropriate, independent living skills;
- c) A statement of transition service needs that focuses on the student's courses of study, such as participation in advanced-placement courses or a vocational educational program;
- d) Needed activities to facilitate the student's movement from school to post-school activities, including instruction, related services, community experiences, the development of employment and other post-school adult living objectives and, when appropriate, acquisition of daily living skills and functional vocational evaluation; and
- e) A statement of the responsibilities of the District and participating agencies, when applicable, for the provision of such services and activities, before the student leaves the school setting, that promote movement from school to post-school opportunities.

(Continued)

**SUBJECT: TRANSITION SERVICES (Cont'd.)**

When developing transition goals and services, the District will discuss with the student's parents:

- a) Graduation requirements;
- b) The student's progress toward receiving a diploma.
- c) The appeal, safety net, and Superintendent determination pathway options that may be available.

At the CSE meeting where the District discusses transition services with parents, it will provide written information explaining the graduation requirements, including eligibility criteria and processes for seeking an appeal and for requesting a local diploma through the Superintendent's determination pathway. The District will also inform parents that graduating with a local or Regents diploma terminates their child's entitlement to a free public education and special education services.

The District must invite a student with a disability to attend the student's CSE meeting if a purpose of the meeting will be the consideration of the postsecondary goals for the student and the transition services needed to assist the student in reaching those goals. If the student does not attend the CSE meeting, the District must take other steps to ensure that the student's preference and interests are considered. To the extent appropriate, with the consent of the parent or a student who has reached the age of majority, the District must also invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services.

**Graduation/Aging Out**

The District is not required to conduct a reevaluation of a student before the termination of a student's eligibility due to graduation with a local high school or Regents diploma or exceeding the age eligibility for a free appropriate public education. However, the District must provide the student with a summary of the student's academic achievement and functional performance, including recommendations on how to assist the student in meeting his or her post-secondary goals.

Before a student's graduation from high school with a Skills and Achievement (SA) Commencement Credential or Career Development and Occupational Studies Commencement Credential (CDOS), parents must receive prior written notice indicating that the student continues to be eligible for a free appropriate public education until the end of the school year in which the student turns 21 or until receipt of a regular high school diploma.

Individuals with Disabilities Education Act (IDEA), 20 USC §§ 1400 et seq.  
34 CFR §§ 300.321, 300.343, 300.347, and 300.348  
Education Law § 4401  
8 NYCRR §§ 200.1(qq), 200.1(fff), 2004.(d)(2)(ix), and 200.5(c)(2)(vii)

NOTE: Refer also to Policy #7617 -- Declassification of Students with Disabilities

Adopted: 9/17/08

Revised: 3/1/16; 12/13/17

## Students

**SUBJECT: EXTENDED 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).

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
- 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

(Continued)

Students

**SUBJECT: EXTENDED YEAR (JULY/AUGUST) SERVICES AND/OR PROGRAMS  
(Cont'd.)**

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.

Any District planning to operate a July/August program must be approved by the State Education Department in accordance with applicable laws, regulations, procedures, and/or guidelines.

Individuals with Disabilities Education Improvement Act of 2004, Public Law 108-446 § 614(a)  
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) § 1400 et seq.  
Education Law § 4408  
8 New York Code of Rules and Regulations (NYCRR) Part 110 and §§ 200.1(qq), 200.4(d)(2)(x),  
200.5(b)(1)(iii), 200.6(j), and 200.16(i)(3)(v)

## 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 Act (IDEA), 20 USC §§ 1400 et seq.  
8 NYCRR § 200.4(e)(8)

Adopted: 9/17/08

## Students

**SUBJECT: AGING OUT**

The Board of Education and the Randolph Academy Union Free School District staff shall comply with all federal and state requirements concerning the education of children with disabilities.

In accordance with Education Law Section 4402(1)(b)(5) and Section 200.4 of the Regulations of the Commissioner of Education, the Randolph Academy Union Free School District will notify students with severe disabilities of their opportunity to be referred for adult services prior to the completion of their school years so that a smooth transition may be made to programs providing adult services.

The Committee on Special Education shall identify:

- a) Those eligible students attending in-state residential schools who have attained or will attain the age of 18 years during the school year, and
- b) Those students attending in-state non-residential programs who are receiving special services or programs 100% of the school day, have intensive management needs or a severe disability, have attained the age of 15 and will in all likelihood require adult services.

**Procedures Regarding Students Aging Out of In-State Residential Students**

By November 1 of the school year in which the student turns 18, or upon initial placement if over age 18, the District shall provide notification to the parents, and students where appropriate. The notification will state that the student will no longer be eligible for tuition-free public education at the end of the school year during which he/she attains the age of 21 or receives a high school diploma. The opportunity to receive assistance in planning for adult services after 21 or upon receipt of a high school diploma will be stated and described. In addition, the notice will indicate the availability of the New York State Council on Children and Families for the resolution of questions regarding the responsible agency in a specific case.

A request will be made for written consent to release educational records for adult services planning from the student, if 18 and older, and the parent does not have legal authority to provide consent; or from the parents/or guardians. If appropriate consent is not granted, no referral will be made. The notification process will be repeated the following year. If consent is granted, within 10 days a referral will be made by forwarding the necessary information to the appropriate adult service agency or agencies. A copy of the referral will be sent to State Education Department.

**Procedures Regarding In-State Nonresidential Student Who Will Require Adult Services**

Upon the first annual review of an eligible student after the age of 15, the District will provide notification to the parents, and students where appropriate. The notification will state that the student will no longer be eligible for tuition-free public education at the end of the school year during which

(Continued)

**SUBJECT: AGING OUT (Cont'd.)**

he/she attains the age of 21 or receives a high school diploma. The notice will describe the student and his/her opportunity to receive assistance in planning for adult services after 21 or upon receipt of a high school diploma. In addition, the notice will indicate the availability of the New York State Council on Children and Families for the resolution of questions regarding the responsible agency in a specific case.

A request will be made for written consent to release educational records for adult service planning. Consent will be requested from the parent if the student is 15 to 17 years of age or from the student if the student is 18 years of age or older, unless another person has secured legal authority to grant consent. If appropriate consent is not granted, no referral will be made. The notification process will be repeated the following year. If consent is granted, within 10 days a referral will be made by forwarding the necessary information to the appropriate adult service agency or agencies. A copy of the referral will be sent to the State Education Department.

The District will submit an Annual Report to the State Education Department on or before October 1 of each year, the form and content of which shall be prescribed by the Commissioner of Education, to report the referrals made and consents not granted during the preceding school year.

Education Law 4402(1)(b)(5)  
8 NYCRR § 200.4

**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 guardian, a person in parental relationship to the child as defined in Education Law Section 3212, an individual designated as a person in parental relation pursuant to Title 15-A of the General Obligations Law including an individual so designated who is acting in the place of a birth or adoptive parent (including a grandparent, stepparent or other relative with whom the child resides), or a surrogate parent who has been appointed in accordance with Section 200.5(n) of Commissioner's regulations. The term does not include the State if the student is a ward of the State.

A foster parent may act as a parent unless State law, regulations or contractual obligations with a State or local entity prohibit the foster parent from acting as a parent.

Unless a judicial decree identifies a specific person(s) to act as the parent or make educational decisions for the student, if one or more parties is qualified to act as a parent, the birth or adoptive parent is presumed to be the parent unless they do not have the legal authority to do so.

**Surrogate Parents**

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 from a list of willing and eligible persons to act as a surrogate for the parents or guardians. This determination shall be completed within a reasonable time following the receipt of a referral for an initial evaluation or re-evaluation; alternatively, the surrogate parent may be appointed by a judge overseeing the child's case.

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.

(Continued)



**SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)****Prior Written Notice (Notice of Recommendation)**

Prior written notice (notice of recommendation) must be given to parents of a student with a disability a reasonable time before the District proposes to, or refuses to, initiate or change the identification, evaluation, educational placement of the student or the provision of a free appropriate public education to the student. Prior written notice must also be provided informing the parents when no additional data is required to determine the student's educational needs, the reasons for this determination and their right to request an assessment. Prior written notice will also be provided prior to the student's graduation with a local or Regents diploma, stating that such student will no longer be entitled to receive a Free Appropriate Public Education (FAPE) after graduation. Additionally, prior written notice will be provided upon the student's receipt of any other exiting credential, including but not limited to a Skills and Achievement Commencement Credential or a Career Development and Occupational Studies Commencement Credential, provided the student has not already earned a local or Regents diploma. Such notice shall state that the student continues to be eligible for FAPE until the school year in which the student turns age 21, or until the receipt of a local or Regents high school diploma, whichever is earlier.

If the prior written notice relates to a proposed action that also requires parental consent, the District must give notice at the same time it requests parental consent. The prior written notice will contain all elements required by Commissioner's regulations.

A parent may elect to receive prior written notice and other required notifications by electronic mail (email) communication if the District makes this option available.

**Parent Participation in Meetings**

The School District must take steps to ensure that one or both of the parents of a child with a disability are present at each Committee on Special Education (CSE)/Committee on Preschool Special Education (CSPE) meeting or are afforded the opportunity to participate in a mutually agreed upon time and place. The School District must document its attempts to involve parents, such as:

- a) Detailed records of telephone calls made or attempted and the results of these calls;
- b) Copies of correspondence sent to the parents and any responses received; and
- c) Detailed records of visits made to the parent's home or place of employment and the results of those visits.

A meeting may be conducted without a parent in attendance if the School District is unable to convince the parents that they should attend.

(Continued)

**SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)**

Additionally, the School District must take whatever action is necessary to ensure the parent understands the proceedings of this meeting including arranging for an interpreter for parents with deafness or whose native language is other than English.

**Parental Consent**

In accordance with due process, a parent (as defined in Commissioner's regulations Section 200.1(l)) of a special education student or a student suspected of having a disability must provide informed consent before the School District can take certain actions. The District will make reasonable efforts to obtain written informed consent and will maintain a detailed record of its attempts and the results of the attempts.

Parents with custodial rights - whether sole or joint - may exercise decision-making authority with respect to the student's education. Absent a court order or custody agreement to the contrary, a non-custodial parent may not control educational decisions for the student, though he/she may participate in the child's education.

Consent for Evaluations

The parent or guardian must provide informed consent to the initial evaluation, or reevaluations in accordance with law and/or regulations. If a parent does not provide consent for an initial evaluation, the School District *may* pursue the evaluation by commencing a due process hearing to override the refusal to provide consent.

Parental consent for a reevaluation is not needed if the District can demonstrate that it has taken reasonable measures to obtain consent, but the parents or guardians have failed to respond.

Consent for the Initial Provision of Services

Parental consent is also required for the initial provision of special education services. Consent for an initial evaluation does not constitute consent for the initial provision of services. If a parent does not provide consent for the initial provision of services, the School District *shall not* provide the special education program and services to the student and shall not use the due process procedures to challenge the parent's refusal to consent. The School District shall not be considered to be in violation of the requirements to provide a free appropriate public education (FAPE), shall not be required to convene a meeting of the committee on special education or develop an IEP.

Consent to Access Public Benefits or Insurance (e.g., Medicaid)

A School District must notify the child's parent in writing prior to accessing the child's or parent's public benefits or insurance for the first time and annually thereafter. The written notification must explain the protections afforded to parents so that parents are fully informed of their rights before

(Continued)

**SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)**

the District accesses their or their child's Medicaid or other public benefits or insurance to pay for services under the IDEA. Furthermore, this notice must be in a language understandable to the general public and in the parent's native language or the mode of communication used by the parent.

A School District must obtain a one-time written consent from the parent, after providing the written notification (as described above), before accessing the child's or parent's public benefits or insurance (e.g., Medicaid) for the first time. The consent must state that the parent understands and agrees that the School District may access the child's or parent's public benefits or insurance to pay for special education or related services. The consent must also specify:

- a) The personally identifiable information that may be disclosed (this can include records or information about the services that will be provided to the student);
- b) The purpose of the disclosure; and
- c) The agency to which the disclosure may be made (Medicaid).

Merely providing the Medicaid application does not meet the IDEA parent consent requirements. A sample Medicaid Consent Form may be found at:  
<http://www.p12.nysed.gov/specialed/publications/sampleconsent.htm>.

**Consent for an Unaccompanied Homeless Youth**

Consent may be provided by a surrogate parent. However, until a surrogate parent is appointed, consent may be provided on a temporary basis by an employee of a temporary housing facility operated or approved by a local social services district or a residential facility for runaway and homeless youth.

**Consent for a Ward of the State**

A ward of the State means a child or youth under the age of 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.

(Continued)

**SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)**

The School District is not required to obtain informed consent if:

- a) Despite reasonable efforts to do so, the School District cannot discover the whereabouts of the parent of the student, including consulting with the agency responsible for the care of the student; or
- b) The rights of the parents of the student have been terminated in accordance with State law; or
- c) The rights of the parent to make educational decisions have been subrogated by a judge in accordance with State law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the student.

**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:

- a) Upon initial referral or parental request for evaluation;
- b) Upon the first filing of a due process complaint notice to request mediation or an impartial due process hearing;
- c) Upon request by a parent;
- d) Upon a decision to impose a suspension or removal that constitutes a disciplinary change in placement; and
- e) Upon first receipt of a State complaint.

Individuals with Disabilities Education Improvement Act of 2004 (Public Law 108-446) § 614(a)  
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) § 1400 et seq.  
34 Code of Federal Regulations (CFR) Part 300  
Education Law §§ 3212, 4005, 4202, 4401 and 4402  
8 New York Code of Rules and Regulations (NYCRR) §§ 200.1, 200.4(b)(6) and 200.5

NOTE: Refer also to Policy #7260 -- Designation of Person in Parental Relation

Adopted: 9/17/08  
Revised: 3/15/16

## Students

**SUBJECT: DUE PROCESS COMPLAINTS: SELECTION AND BOARD APPOINTMENT OF IMPARTIAL HEARING OFFICERS****Due Process Complaints**

The District will make every effort to amicably resolve disputes regarding educational programs for students with disabilities. If these disputes cannot be resolved, either a parent, person in parental relation, or the District may file a due process complaint challenging the identification, evaluation, or educational placement of a student with a disability, or a student suspected of having a disability, or the provision of a free appropriate public education to the student. The complainant may not receive an impartial due process hearing until the complainant, or the complainant's attorney, files a due process complaint notice that meets the requirements set forth in law for the notice. All due process hearings will be conducted in a manner consistent with the timelines and procedures set forth in law and regulation.

Except as otherwise provided by law, all requests for impartial due process hearings must be submitted within two years of the date the parent or the District knew or should have known about the alleged action forming the basis of the complaint. Upon receipt or filing of the due process complaint notice, the District will provide the most current version of the procedural safeguards notice to the parents. The District will also inform parents in writing of the availability of mediation and any free or low-cost legal and other relevant services available in the area.

An impartial due process hearing will be conducted at a time and location reasonable and convenient to the parent and student involved. The hearing will be closed to the public unless the parent requests otherwise. The impartial hearing officer (IHO) may conduct the hearing by videoconference or teleconference with parental consent which may be obtained at a pre-hearing conference, or at a minimum of ten days before the scheduled hearing date, provided that all personally identifiable data, information, or records pertaining to the student during the hearing is kept confidential in accordance with law and regulation.

A student whose education is the subject of a due process complaint will remain in their current placement during the pendency of the impartial due process hearing unless both parties agree or as otherwise permitted by law.

**Resolution Process**

Prior to the opportunity for an impartial due process hearing, the District will convene a meeting with the parents and the relevant member or members of the Committee on Special Education or Committee on Preschool Special Education who have specific knowledge of the facts identified in the complaint. This meeting will provide the parents with an opportunity to discuss their complaint and the facts that form the basis of the complaint, and an opportunity to resolve the complaint with the District. The District will take steps to ensure that one or both of the parents of the student with a disability are present at the resolution meeting, and will notify parents of the meeting early enough to ensure that they have the opportunity to attend. The resolution meeting will be at a mutually agreed upon time and place,

(Continued)



Students

**SUBJECT: DUE PROCESS COMPLAINTS: SELECTION AND BOARD APPOINTMENT OF IMPARTIAL HEARING OFFICERS (Cont'd.)**

and in a location that is physically accessible to the parents. The parents and District may agree to use alternative means of meeting participation, such as videoconferences and conference calls. The District will ensure that all resolution meetings conform to the requirements set forth in the Commissioner's regulations.

The parents and the District may agree, in writing to waive the resolution process or agree to use the mediation process to resolve the dispute.

**Selection and Board Appointment of Impartial Hearing Officers**

When a due process complaint notice is properly filed, the Board will arrange for an impartial due process hearing to be conducted. In these instances, the Board will immediately, but not later than two business days after receipt of the due process complaint notice or mailing of the due process complaint notice to the parent, initiate the process to select an IHO through a rotational selection process. To expedite this process, the Board may designate one or more of its members to appoint the IHO on its behalf.

The District will utilize the New York State Education Department's (NYSED) Impartial Hearing Reporting System to access the alphabetical list of the names of each IHO certified in New York State and available to serve in the District. The appointment of an IHO will be made only from this list and in accordance with the alphabetical rotation selection process and the timelines and procedures established by the Commissioner of Education. The District will record and report required information relating to the selection of IHOs and the conduct of impartial due process hearings according to the manner and schedule specified by NYSED.

If an IHO is not appointed within 196 days from receipt by the District of a due process complaint, the District will, no later than five business days after the 196th day has elapsed, provide written notification to parents of their right to request accelerated review. When accelerated review is sought, the District will be deemed to have denied the student a free and appropriate public education (FAPE) by virtue of the 196 day (or more) delay in the appointment of an IHO.

The District will be responsible for compensating the IHO for pre-hearing, hearing, and post-hearing activities at the rate agreed upon at the time of the IHO's appointment. The District will also reimburse the IHO for certain travel and other hearing-related expenses in accordance with an annually determined schedule.

Individuals with Disabilities Education Act (IDEA), 20 USC Section 1400 et seq.  
34 CFR Part 300  
Education Law Sections 4404 and 4410(7)  
8 NYCRR Sections 200.2 and 200.5

(Continued)

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Students

**SUBJECT: DUE PROCESS COMPLAINTS: SELECTION AND BOARD APPOINTMENT  
OF IMPARTIAL HEARING OFFICERS (Cont'd.)**

NOTE: Refer also to Policies #7313 -- Suspension of Students  
#7660 -- Parent Involvement for Children with Disabilities  
#7690 -- Special Education Mediation

Adopted: 9/17/08  
Revised: 3/15/16; 3/19/24



Students

**SUBJECT: INDEPENDENT EDUCATIONAL EVALUATIONS**

Parents of children with disabilities have the right under Federal and State regulations to obtain an independent evaluation at public expense under certain conditions. Regulatory standards are outlined in New York State Regulations of the Commissioner of Education Part 200.5(g). Additionally, the Federal Regulations (34 Code of Federal Regulations [CFR] 300.503) specify requirements for an independent evaluation.

A parent is entitled to only one IEE at public expense each time the District conducts an evaluation with which the parent disagrees.

Administrative regulations on independent evaluations will be developed in order to explain the rights of parents and the responsibilities of school districts with regard to independent evaluations, and also to avoid any misunderstandings.

34 CFR §§ 300.12 and 300.502  
8 NYCRR §§ 200.1(z) and 200.5(g)

Adopted: 9/17/08

## Students

**SUBJECT: SPECIAL EDUCATION MEDIATION**

The District will offer mediation to resolve any disputes involving any matter for which an impartial due process hearing may be brought, including matters arising prior to the filing of a due process complaint notice.

Such mediation shall be conducted by mediators furnished by a Community Dispute Resolution Center who are not employees of any school district or State agency that is involved in the education or care of the student who is the subject of the mediation process. Mediators may not have a personal or professional interest which would conflict with their objectivity in the mediation process and should be knowledgeable in laws and regulations relating to the provision of special education services.

Parents or persons in parental relation to students suspected of or having disabilities will receive written notice of the availability of the mediation program each time they receive notice of their entitlement to the impartial due process hearing procedures in accordance with Federal and State law and regulations. If the parent and District agree, alternative means of meeting participation may be utilized, such as video conferences and conference calls.

Discussions during the mediation process must be confidential and may not be used as evidence in any subsequent due process hearing or civil proceedings.

If resolution to the complaint is reached through mediation, the parent and the representative of the District who has the authority to bind the District will execute a legally binding written agreement specifying the resolution and stating that all discussions occurring during the mediation process are confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding of any Federal or State court. If the written agreement is inconsistent with the student's current IEP, the IEP must be immediately amended to reflect the mediation agreement.

The mediation process is voluntary and will not operate to diminish or limit any rights provided for in law, including the right of the parent or person in parental relation to request an impartial due process hearing subsequent to mediation. Parents or persons in parental relation to students suspected of or having disabilities continue to have full access to all rights, including due process procedures, provided for in federal and state laws and regulations. Similarly, mediation shall not be construed to limit a parent or person in parental relation from requesting an impartial hearing without having first utilized mediation procedures set forth in Education Law.

Individuals with Disabilities Education Improvement Act of 2004 (Public Law 108-446) § 614(a)  
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) § 1400 et seq.  
34 CFR Part 300  
Education Law §§ 4005, 4202 and 4404-a  
Judiciary Law § 849a  
NYCRR §§ 200.1 and 200.5

Adopted: 9/17/08

**Randolph Academy Union Free School District** **NUMBER**

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Instruction

**Randolph Academy Union Free School District**

**NUMBER**

**INSTRUCTIONAL ARRANGEMENTS**

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4.3	Independent Study .....	8430
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## Instruction

**SUBJECT: CURRICULUM DEVELOPMENT, RESOURCES, AND EVALUATION**

The Board of Regents and the New York State Education Department (NYSED) are responsible for setting state learning standards for what all students should know and be able to do as a result of skilled instruction. The District must provide students with instruction on certain specified topics as outlined in law, regulation, and guidance and will develop curriculum based on established state learning standards, laws, regulations, and guidance.

**Definitions**

For purposes of this policy, the following definitions apply:

- a) "Curriculum" means the outline or scope and sequence of the content, concepts, and skills students will learn to enable them to meet state learning standards.
- b) "Instruction" means the ways (e.g., approaches, strategies, environments, materials, interactions) that an educator chooses to teach the curriculum, based on the needs of their students.
- c) "State learning standards" means the knowledge, skills, and understandings that individuals can and do habitually demonstrate over time as a consequence of instruction and experience. These standards reflect educational goals for students and are organized by subject area and grade levels.

**Curriculum Development, Resources, and Evaluation**

District curriculum will align with state learning standards and include any specific topics required by law, regulation, or guidance. The Board has the authority to prescribe curriculum in the District within the parameters established by state learning standards, law, regulation, and guidance. The Board will work with District staff to develop and improve curriculum in the District.

Instructional staff will initiate curriculum development and improvement and respond to changing conditions in curriculum needs and requirements. Curriculum changes may be prompted by changes in state learning standards, trends in specific content areas, changes to educational best practices, and student input. Instructional staff are expected to continually evaluate District curriculum in order to improve learning and foster student growth.

There are many resources that instructional staff may utilize to develop and improve curriculum. Resources may originate from a variety of sources including NYSED, BOCES, and colleges and universities. Instructional staff, under the guidance of District administrators, are expected to consider those resources for possible improvement to the instructional program.

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## Instruction

**SUBJECT: CURRICULUM DEVELOPMENT, RESOURCES, AND EVALUATION  
(Cont'd.)**

District administrators will work with instructional staff to develop, improve, and evaluate the District's curriculum. District administrators and instructional staff in an academic department may work together to develop recommendations related to their specific academic area. District administrators will work to ensure that curriculum is evaluated on a regular basis.

Recommended curriculum changes will be presented to the Superintendent for review and action. Upon the Superintendent's approval, the recommended changes will then be presented to the Board for approval. District administrators and/or instructional staff may be invited to Board meetings to discuss changes to District curriculum.

The Board may periodically request that the Superintendent present reports necessary to evaluate the effectiveness of the District's curriculum.

20 USC Section 6311

Education Law Sections 101, 101-a, 207, 305, 1604, 1709, 1711, 1804, 2503, and 2508

8 NYCRR Sections 3.35 and 100.1

NOTE: Refer also to Policies #8210 -- Safety Conditions and Prevention Instruction  
#8240 -- Instruction in Certain Subjects  
#8241 -- Patriotism, Citizenship, and Human Rights Education  
#8242 -- Civility, Citizenship and Character Education/Interpersonal  
Violence Prevention Education

Adopted: 9/17/08

Revised: 6/21/22

## Instruction

**SUBJECT: REQUEST FOR PART 100 VARIANCE OR PART 200 INNOVATIVE PROGRAM WAIVER FROM COMMISSIONER'S REGULATIONS**

Consistent with the purposes of *A New Compact for Learning*, the Board of Education encourages collaboration by teachers, administrators, parents and students of the District in developing innovative educational programs and practices that will lead to greater achievement for all students.

Requests for a variance or waiver from the requirements in Part 100 and Sections 200.1/200.6, respectively, of the Commissioner's regulations must be approved by the local Board of Education and signed by the Superintendent of Schools. An application may also be submitted by several districts, or a combination of districts, BOCES and/or private schools, applying as a consortium. Consortium applications must be approved by each participating local Board of Education and Superintendent of Schools.

Subsequent to Board of Education approval, all applications must be forwarded to the District Superintendent of Schools of which the local District is a part for review, consultation, and recommendation prior to submission to the State Education Department. The District Superintendent may provide technical assistance to the applicant and make recommendations to the State Education Department. Interested applicants may also request technical assistance through their Regional Education Coordinator.

8 NYCRR §§ 100.2(n) and 200.6(k)

Adopted: 9/17/08

## Instruction

**SUBJECT: EQUAL EDUCATIONAL OPPORTUNITIES****Overview**

The District is committed to creating and maintaining an environment which is free from discrimination and harassment. This policy addresses the provision of equal educational opportunities to students. It is just one component of the District's overall commitment to maintaining a discrimination and harassment-free educational and work environment.

Consistent with this commitment and in accordance with law and regulation, the District provides equal opportunity for students and does not discriminate against any student enrolled in (or any candidate for admission to) its programs and activities on the basis of any legally protected class or category including, but not limited to: race; color; religion; disability; national origin; sexual orientation; gender identity or expression; military status; sex; age; marital status; pregnancy; parental status; weight; ethnic group; or religious practice. Further, the District provides equal access to its facilities to any group officially affiliated with the Boy Scouts of America or any other youth group listed in Title 36 (as a patriotic society).

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

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

**Educational Services for Married/Pregnant Students**

The opportunity to participate in all of the programs and activities of the District will not be restricted or denied because of pregnancy, parenthood, or marriage. Pregnant students will be encouraged to remain and participate in District programs. The forms of instruction provided to these students may include any or all of the following:

- a) Remain in school with provisions for special instruction, scheduling, and counseling as needed;
- b) Receive home instruction;
- c) Attend BOCES programs.

The Superintendent or designee, in consultation with student services staff, the school physician, and the student's personal physician, may make program modifications which are feasible and necessary to accommodate the special needs of these students.

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## Instruction

**SUBJECT: EQUAL EDUCATIONAL OPPORTUNITIES (Cont'd.)****Reporting Allegations of Discrimination**

In order for the District to enforce this policy, and to take corrective action as warranted, it is essential that students who believe that they have been a victim of discrimination, as well as any other person who has knowledge of or witnesses any possible discrimination, immediately report the alleged conduct or incident. Reports of discrimination may be made orally or in writing to any District employee including, but not limited to, a teacher, building principal, or CRCO.

All District employees who witness or receive an oral or written report of discrimination must immediately inform the CRCO. Failure to immediately inform the CRCO may subject the employee to discipline up to and including termination. If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity. If the District has not designated another CRCO, the Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

Additionally, District employees must comply with reporting requirements in any other applicable District policy or document. Applicable policies or documents may include: Policy #3420 -- Non-Discrimination and Anti-Harassment in the District; Policy #3421 -- Title IX and Sex Discrimination; Policy #7550 -- Dignity for All Students; and the District's *Code of Conduct*.

**Grievance Process for Complaints of Discrimination**

The District will act to promptly, thoroughly, and equitably investigate all complaints, whether oral or written, of discrimination and will promptly take appropriate action to protect students from further discrimination.

Various District policies and documents address discrimination. These policies and documents may include: Policy #3420 -- Non-Discrimination and Anti-Harassment in the District; Policy #3421 -- Title IX and Sex Discrimination; Policy #7550 -- Dignity for All Students; and the District's *Code of Conduct*. All complaints will be handled in accordance with the applicable District policies and/or documents.

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

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

(Continued)

## Instruction

**SUBJECT: EQUAL EDUCATIONAL OPPORTUNITIES (Cont'd.)****Prohibition of Retaliatory Behavior (Commonly Known as "Whistle-Blower" Protection)**

The District prohibits retaliation against any individual because the individual made a report or complaint, testified, assisted, or participated or refused to participate in an investigation, proceeding, or hearing related to a complaint of discrimination.

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

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

Age Discrimination Act of 1975, 42 USC Section 6101 et seq.  
Americans with Disabilities Act (ADA), 42 USC Section 12101 et seq.  
Equal Educational Opportunities Act of 1974, 20 USC Section 1701 et seq.  
Section 504 of the Rehabilitation Act of 1973, 29 USC Section 790 et seq.  
Title IV of the Civil Rights Act of 1964, 42 USC Section 2000c et seq.  
Title VI of the Civil Rights Act of 1964, 42 USC Section 2000d et seq.  
Title IX of the Education Amendments Act of 1972, 20 USC Section 1681 et seq.  
28 CFR Part 35  
34 CFR Parts 100, 104, 106, 110, and 270  
45 CFR Part 86  
Civil Rights Law Sections 40, 40-c, and 47-b  
Education Law Sections 10-18, 313, 2801, 3201, and 3201-a  
New York State Human Rights Law, Executive Law Section 290 et seq.  
8 NYCRR Section 100.2  
9 NYCRR Section 466 et seq.

NOTE: Refer also to Policies #3251 -- Use of Facilities by the Boy Scouts of America and Patriotic Youth Groups  
#3410 -- Code of Conduct  
#3420 -- Non-Discrimination and Anti-Harassment in the District  
#3421 -- Title IX and Sex Discrimination  
#7550 -- Dignity for All Students  
#7551 -- Sexual Harassment of Students  
District *Code of Conduct*

Adopted: 9/17/08

Revised: 3/15/16; 10/25/17; 3/19/24

## Instruction

**SUBJECT: SAFETY CONDITIONS AND PREVENTION INSTRUCTION**

In alignment with our safety norm, the practice of safety will be considered an integral part of a well-rounded education. A well-rounded education contributes to student success. The District will strive to provide students with an education that will enable them to achieve and maintain a safe life.

**Acquired Immune Deficiency Syndrome (AIDS) Instruction in Health Education**

As part of its health education program, the District will provide appropriate instruction for all students concerning Acquired Immune Deficiency Syndrome (AIDS). Accurate information concerning the nature of the disease, methods of transmission, and means of prevention will be provided in an age-appropriate manner, will be consistent with community values, and will stress that abstinence is the most appropriate and effective premarital protection against AIDS.

A representative community advisory group consisting of appropriate school personnel, Board members, parents, religious representatives, and other community members will be established in order to make recommendations for curriculum content, implementation, and evaluation of an AIDS instructional program. The Board will determine the content of the curriculum, approve its implementation, and be responsible for the evaluation of the District's AIDS instruction program.

Appropriate training will be provided for instructional staff. Instructional materials will be provided to parents who request these materials.

No student will be required to receive instruction concerning the methods of AIDS prevention if their parent or legal guardian files with the principal a written request that the student not participate in this instruction, with an assurance that the student will receive this instruction at home.

AIDS instruction in the elementary grades will be taught by the regular classroom teachers, while this instruction in the middle and high school grades will be a part of the required health education curriculum.

**Hands-Only Cardiopulmonary Resuscitation (CPR) and Automated External Defibrillator (AED) Instruction**

High school students will be provided instruction in hands-only CPR and the use of an AED as part of the District's health education program. Standards for this instruction will be based on a nationally recognized instructional program that utilizes the most current guidelines for cardiopulmonary resuscitation and emergency cardiovascular care issued by the American Heart Association or a substantially equivalent organization, that are consistent with the requirements of the programs adopted by the American Heart Association or the American Red Cross, and that will incorporate instruction designed to:

- a) Recognize the signs of a possible cardiac arrest and to call 911;

(Continued)

**SUBJECT: SAFETY CONDITIONS AND PREVENTION INSTRUCTION (Cont'd.)**

- b) Provide an opportunity to demonstrate the psychomotor skills necessary to perform hands-only compression cardiopulmonary resuscitation; and
- c) Provide awareness in the use of an AED.

A student with a disability may be exempted from the requirement for instruction in hands-only CPR and the use of AEDs if the student's individualized education program (IEP) or accommodation plan developed pursuant to Section 504 of the Rehabilitation Act of 1973 states that the student is physically or cognitively unable to perform the tasks included in the instruction.

**Conservation of Natural Resources**

Instruction relating to the conservation of the natural resources of New York State will be provided in accordance with law and regulation.

**Fire and Arson Prevention/Injury Prevention/Life Safety Education**

District administration will provide instruction in fire and arson prevention, injury prevention, and life safety education relating to protection against injury or death and property loss or damage as a result of criminally initiated or other preventable fire.

This instruction will include materials to educate children on the dangers of falsely reporting a criminal incident, an impending explosion or fire emergency involving danger to life or property, an impending catastrophe, or a life safety emergency. This instruction will be given to all students for a period of at least 45 minutes during each month that school is in session.

**Safety and Accident Prevention in the Schools**

Instruction in courses in technology education, science, home and career skills, health and safety, physical education, and art will include and emphasize safety and accident prevention.

Safety instruction will precede the use of materials and equipment by students in relevant courses. Instructors will teach and enforce all safety procedures relating to the particular courses, including wearing protective eye devices during appropriate activities.

**Eye Safety**

The Superintendent or designee will ensure that eye safety devices are distributed as necessary and that they are properly repaired, cleaned, and stored to prevent the spread of germs or diseases after use. Each classroom teacher is responsible for the safe and proper use of all instructional materials and equipment by students in their classroom.

(Continued)

## Instruction

**SUBJECT: SAFETY CONDITIONS AND PREVENTION INSTRUCTION (Cont'd.)****Instruction on Prevention of Child Abduction**

All students in grades K through 8 in District schools will receive instruction designed to prevent the abduction of children provided by or under the direct supervision of regular classroom teachers. The Board will provide appropriate training and curriculum materials for the regular classroom teachers who provide this instruction. However, at the Board's discretion, this instruction may be provided by any other public or private agency.

The Commissioner of Education will provide technical assistance to assist in developing curricula for these courses of study which must be age appropriate and developed according to the needs and abilities of students at successive grade levels in order to provide awareness skills, information, self-confidence, and support to aid in the prevention of child abduction.

For purposes of developing these courses of study, the Board may establish local advisory councils or utilize the school-based shared decision making and planning committee established under the Commissioner's regulations to make recommendations concerning the content and implementation of these courses. Alternatively, the District may utilize courses of instruction developed by consortia of school districts, boards of cooperative educational services, other school districts, or any other public or private agency. The advisory council will consist of, but not be limited to, parents, school trustees and Board members, appropriate school personnel, business and community representatives, and law enforcement personnel having experience in the prevention of child abduction.

**Instruction on Prevention of Child Sexual Exploitation and Child Sexual Abuse**

All students in grades K through 8 in District schools will receive instruction designed to educate students, parents, teachers, and other school personnel about the prevention of child sexual exploitation and child sexual abuse. This instruction may be included as part of the District's health education program.

Curriculum addressing this topic will be developed in consultation with school counselors, school social workers, school psychologists, parents, and community members. The curriculum will be designed to:

- a) Assist students, parents, teachers, and other school personnel in identifying child sexual abuse and child sexual exploitation;
- b) Provide awareness, assistance, referral, and resource information for students and families who are victims of child sexual abuse and/or child sexual exploitation; and
- c) Be aligned to grade objectives prescribed by the Commissioner in guidance.

(Continued)

## Instruction

**SUBJECT: SAFETY CONDITIONS AND PREVENTION INSTRUCTION (Cont'd.)****Instruction on Child Development and Parenting Skills**

Instruction regarding child development and parenting skills may be offered by the District as part of either its home economics or health education program.

Education Law Sections 409-a, 803-a, 803-b, 804-b, 804-c, 804-d, 808, 810, and 3204  
8 NYCRR Sections 100.2(c), 135.3, and 141.10

NOTE: Refer also to Policies #3410 -- Code of Conduct  
#7320 -- Alcohol, Tobacco, Drugs, and Other Substances (Students)  
*District Code of Conduct*

Adopted: 9/17/08  
Revised: 11/15/16; 3/19/24

## Instruction

**SUBJECT: CAREER AND TECHNICAL (OCCUPATIONAL) EDUCATION**

The District recognizes the need for career and technical (occupational) education and reaffirms its policy of strengthening available career and technical education programs through utilization of any available federal and state funds for that purpose and supporting BOCES' programs. Accordingly, these programs may be offered by the District and/or through a BOCES.

**Equal Opportunity**

The District prohibits discrimination on the basis of any legally protected class or category including, but not limited to, race, color, creed, religion, disability, use of a service animal, national origin, sexual orientation, gender identity or expression, military status, sex, age, and marital status in any career and technical education program or activity of the District.

Career and technical education programs and activities will be readily accessible to students with disabilities.

**Public Notification**

Prior to the beginning of each school year or academic semester, the District will issue an appropriate public announcement which advises students, parents, employees, and the general public that career and technical education opportunities will be offered without regard to any legally protected class or category including, but not limited to: race; color; creed; religion; disability; use of a service animal; national origin; sexual orientation; gender identity or expression; military status; sex; age; and marital status. Included in this announcement will be the name, address, telephone number, and email address of the District's Civil Rights Compliance Officer(s) (CRCO(s)) and Title IX Coordinator(s).

**Grievance Procedure**

Various District policies and documents address discrimination. These policies and documents may include: Policy #3420 -- Non-Discrimination and Anti-Harassment in the District; Policy #3421 -- Title IX and Sex Discrimination; Policy #7550 -- Dignity for All Students; and the District's *Code of Conduct*. All complaints will be handled in accordance with the applicable District policies and/or documents.

**Local Advisory Council**

The Board will appoint a Local Advisory Council for Career Education. The Board may, with BOCES approval, utilize the BOCES Advisory Council as its Local Advisory Council.

(Continued)

## Instruction

**SUBJECT: CAREER AND TECHNICAL (OCCUPATIONAL) EDUCATION (Cont'd.)**

Age Discrimination Act of 1975, 42 USC Section 6101 et seq.  
Americans with Disabilities Act (ADA), 42 USC Section 12101 et seq.  
Equal Educational Opportunities Act of 1974, 20 USC Section 1701 et seq.  
Section 504 of the Rehabilitation Act of 1973, 29 USC Section 790 et seq.  
Title IV of the Civil Rights Act of 1964, 42 USC Section 2000c et seq.  
Title VI of the Civil Rights Act of 1964, 42 USC Section 2000d et seq.  
Title IX of the Education Amendments Act of 1972, 20 USC Section 1681 et seq.  
28 CFR Part 35  
34 CFR Parts 100, 104, 106, 110, and 270  
45 CFR Part 86  
Civil Rights Law Sections 40, 40-c, and 47-b  
Education Law Article 93 and Sections 10-18, 313, 2801, 3201, and 3201-a  
New York State Human Rights Law, Executive Law Section 290 et seq.  
8 NYCRR Sections 100.2 and 141 et seq.  
9 NYCRR Section 466 et seq.

NOTE: Refer also to Policies #3420 -- Non-Discrimination and Anti-Harassment in the District  
#3421 -- Title IX and Sex Discrimination  
#7550 -- Dignity for All Students  
#7551 -- Sexual Harassment of Students  
#8130 -- Equal Educational Opportunities  
District *Code of Conduct*

Adopted: 9/17/08  
Revised: 3/15/16; 3/19/24



## Instruction

**SUBJECT: GUIDANCE PROGRAM**

A District plan for the K through 12 guidance program shall be filed in the District Office and made available for public review. This plan shall be subject to annual review and revised as necessary in the following areas:

- a) Identification of guidance program objectives;
- b) Activities to accomplish the objectives;
- c) Identification of staff members and other resources to accomplish the objectives;
- d) Provisions for the annual assessment of program results.

**Guidance Program (K through 6)**

A coordinated guidance program in grades K through 6 shall be developed and implemented to:

- a) Prepare students to participate effectively in their current and future educational programs;
- b) Help those students exhibiting any attendance, academic, behavioral or adjustment problems;
- c) Educate students concerning avoidance of child sexual abuse; and
- d) Encourage parental involvement.

**Guidance Program (7 through 12)**

A coordinated guidance program in grades 7 through 12 shall be developed and implemented including the following activities and services:

- a) Each student's educational progress and career plans will be reviewed annually;
- b) Instruction at each grade level to help students learn about various careers and career planning skills;
- c) Other advisory and counseling assistance which will benefit students such as: helping students develop and implement postsecondary education and career plans; helping those students exhibiting any behavioral or adjustment problems; and encouraging parental involvement;
- d) Employment of personnel certified or licensed as school counselors.

8 NYCRR § 100.2(j)

Adopted: 9/17/08

## Instruction

**SUBJECT: INSTRUCTION IN CERTAIN SUBJECTS**

Generally, the Board has the authority to prescribe the course of study in the schools of the District. However, there are general curriculum areas and specific topics in which the District must prescribe instruction. All students in the District will receive instruction in accordance with any applicable laws and regulations.

**Driver Education**

A driver education course may be offered under the conditions set forth by the New York State Education Department and Commissioner's regulations.

**Gifted and Talented Students**

The Board will provide appropriate educational programs for students identified as gifted and talented.

**Physical Education Class**

All students, except those with medical excuses, will participate in physical education in accordance with the Commissioner's regulations, which require that all students attend and participate in physical education as follows:

- a) All students in grades K through 3 will participate in a daily program for a minimum of 120 minutes per week. All students in grades 4 through 6 will participate in a program three times per week for a minimum of 120 minutes per week. The minimum time devoted to these programs (K through 6) is exclusive of any time that may be required for dressing and showering.
- b) Students in grades 5 through 6 that are in a middle school will participate in the physical education program a minimum of three periods per calendar week during one semester of each school year and two periods during the other semester, or a comparable time each semester if the school is organized in other patterns.
- c) All secondary students (in grades 7 through 12) will have the opportunity for regular physical education, but not less than three times per week in one semester and two times per week in the other semester or for a comparable time each semester if the school is organized in other patterns. For students in grades 10 through 12 only, a comparable time each semester will be provided if students have demonstrated acceptable levels of physical fitness, physical skills, and knowledge of physical education activities in extra class programs or out-of-school activities approved by the physical education staff and the school administration.
- d) For grades K through 12, a district may provide an equivalent program as approved by the Commissioner of Education.

(Continued)

## Instruction

**SUBJECT: INSTRUCTION IN CERTAIN SUBJECTS (Cont'd.)**

An excuse from physical education class may be accepted from a licensed physician for medical reasons or a licensed chiropractor for conditions of the spine.

Any student who is temporarily or permanently unable to participate in the regular program of physical education will be provided with adaptive physical education that meets their particular needs.

**Sudden Cardiac Arrest**

For purposes of this policy, the following definition applies:

- a) "Physical activities" means participation in physical education classes and recess or similar activities during the school day.

The District promotes safe physical activities and strives to prevent incidents of sudden cardiac arrest in students by:

- a) Immediately removing from physical activities any student who displays signs or symptoms of pending sudden cardiac arrest;
- b) Prohibiting any student from resuming physical activities until the student has been evaluated by and received written and signed authorization from a healthcare provider to resume physical activities;
- c) Requiring the healthcare provider's written and signed authorization to be kept on file in the student's permanent health record;
- d) Abiding by any limitations or restrictions concerning school attendance and physical activities issued by the student's healthcare provider;
- e) Either posting on the District website information developed by the Commissioner of Health on the definition of sudden cardiac arrest and signs and symptoms of pending or increased risk of sudden cardiac arrest or providing a reference for how to obtain this information from the webpages of the New York State Education Department and the New York State Department of Health.

**Health and Mental Health Education**

The District's health education program recognizes the multiple dimensions of health by including instruction related to:

- a) Mental health;

(Continued)

## Instruction

**SUBJECT: INSTRUCTION IN CERTAIN SUBJECTS (Cont'd.)**

- b) The relation of physical and mental health;
- c) The misuse and abuse of alcohol, tobacco, and other drugs; and
- d) The prevention and detection of certain cancers.

This instruction will enhance student understanding, attitudes, and behaviors that promote health, well-being, and human dignity.

Health education programs provided by the District will be designed according to the needs and abilities of the students at successive grade levels in accordance with applicable laws and regulations.

Education Law Article 90 and Sections 803, 804, 806-a, 923, 1709, and 3204  
8 NYCRR Part 142 and Sections 100.2(c), 107.2, 135.1, 135.3, 135.4, and 136.9

NOTE: Refer also to Policy #7420 – Sports and the Athletic Program

## 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, civic education and values, our shared history of diversity, the role of religious tolerance in this country, and human rights issues, with particular attention to the study of the inhumanity of genocide, slavery (including the Freedom Trail and Underground Railroad), the Holocaust, and the mass starvation in Ireland from 1845 to 1850.

The Board also directs that all students attending District schools in grades 8 through 12 receive instruction in the history, meaning, significance and effect of the United States Constitution, the New York State Constitution, and the Declaration of Independence.

The curricula for these courses must include the subjects specified by the Board of Regents and be for the period of instruction, as mandated by the Regents, which is necessary in these subjects in each of the appropriate grades.

One week during each school year a uniform course of exercises will be provided to teach students, in an age appropriate manner, the purpose, meaning, and importance of the Bill of Rights Articles in the United States and New York State Constitutions. These exercises will be in addition to the above required courses.

In addition, since the District receives Federal Funds for a fiscal year, it will hold an educational program on the United States Constitution on September 17th of each year for the students in the District to commemorate the September 17, 1787 signing of the Constitution, known as Constitution Day and Citizenship Day. However, when September 17 falls on a Saturday, Sunday, or holiday, this day will be held during the preceding or following week.

The Board directs that the above named subjects, as mandated by law, be addressed in the instructional curricula provided by the District.

36 USC Section 106  
Education Law Section 801  
8 NYCRR Section 100.2(c)

NOTE: Refer also to Policies #3430 -- Diversity, Equity, and Inclusion in the District  
#8242 -- Civility, Citizenship and Character Education/Interpersonal  
Violence Prevention Education

Adopted: 9/17/08  
Revised: 3/19/24

## 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)

**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 §§ 801, 801-a, and 804(4)  
8 NYCRR § 100.2(2)(c)(2)

Adopted: 9/17/08  
Revised: 5/16/12; 3/15/16

## Instruction

**SUBJECT: ANIMALS IN THE SCHOOL (INSTRUCTIONAL PURPOSES)**

The Board of Education, in recognizing the educational uses of animals in the classroom, requires that permission be obtained from the building principal before animals are brought into the school or classrooms. It is the principal's responsibility to ensure that there is an appropriate educational purpose if any animal is housed in a classroom. Animals are not to be transported on school buses with the exception of animals certified to assist persons with disabilities.

**Study and Care of Live Animals**

Any school which cares for or uses animals for study shall ensure that each animal in the school be afforded the following:

- a) Appropriate quarters;
- b) Sufficient space for the normal behavior and postural requirements of the species;
- c) Proper ventilation, lighting, and temperature control;
- d) Adequate food and clean drinking water; and
- e) Quarters which shall be cleaned on a regular basis and located in an area where undue stress and disturbance are minimized.

Only the teacher or those students designated by the teacher are to handle the animals.

It shall be the responsibility of the principal or his/her designee to develop a plan of care for those animals housed in school in the event of an emergency school closing or in the event the animals remain in the classroom on days when school is not in session.

**Dissection of Animals**

Any student expressing a moral or religious objection to the performance or witnessing of the dissection of an animal, either wholly or in part, shall be provided the opportunity to undertake and complete an alternative project approved by the student's teacher; provided, however, that such objection is substantiated in writing by the student's parent or legal guardian. Students who perform alternative projects shall not be penalized.

(Continued)



## Instruction

**SUBJECT: ANIMALS IN THE SCHOOL (INSTRUCTIONAL PURPOSES) (Cont'd.)****Instruction in the Humane Treatment of Animals**

Students in elementary school must receive instruction in the humane treatment and protection of animals and the importance of the part they play in the economy of nature as well as the necessity of controlling the proliferation of animals that are subsequently abandoned and caused to suffer extreme cruelty.

This instruction may be joined with work in literature, reading, language, nature study, or ethnology.

Americans with Disabilities Act, 42 USC § 12101 et. seq.  
Education Law § 809  
8 NYCRR § 100.2(c)(8)

Adopted: 9/17/08

## Instruction

**SUBJECT: EVALUATION OF THE INSTRUCTIONAL PROGRAM**

Evaluation may be concerned with the extent to which:

- a) Each student achieves in accordance with his/her ability;
- b) Each staff member performs at full potential;
- c) The total learning environment, including 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 § 100.2(m)

Adopted: 9/17/08

**SUBJECT: GRADING**

The Board of Education recognizes that the classroom teacher has the primary responsibility of evaluating a student and determining a student's grades. Grading is a positive means of measurement to indicate achievement and development in each class or subject area in which a student is enrolled.

It is to be recognized that a student is an individual with his or her own abilities and capabilities. It is also recognized that an individual is part of a society which is achievement-oriented and competitive in nature. Hence, when a student's achievement is evaluated, attention should be given to his or her unique characteristics and to the accepted standards of performance in the educational setting.

**Grading Guidelines for Quarterly Grades**

The faculty will utilize a course syllabus that submitted for approval to the Building Principal by October 1<sup>st</sup> each year. The syllabus must include the standards of learning and measures for documenting progress towards proficiency within the course. Classroom teachers will evaluate students and assign grades using the following systems in which subject area staff members have mutually agreed upon and have accepted as a department the specified percentage for those areas applicable to the department as an entity, as well as those areas applicable to special (electives) circumstances.

All students are expected to complete the assigned classwork and homework as directed in their course syllabus. Students are also expected to participate meaningfully in class discussions and activities in order to receive course credit. If work is missed due to an excused absence, the student and/or the student's parent(s) or guardians(s) should discuss with the student's teacher an appropriate means of making up the missed work.

The following guidelines will be observed:

- a) In addition to the four report cards, parents will be regularly informed of their child's progress through the issuance of interim reports at the 5-week point of each quarterly marking period. In addition, teachers will regularly communicate with parents through phone calls, email, conferences and written communication, keeping documentation of such communication.
- b) The use of marks and symbols will be appropriately explained in the course syllabus.
- c) No quarterly report card grade lower than a 55 will be issued. If a grade is below 55, the mark on the report card must include the comment "An actual grade below 55." The issuance of "Inc" for Incomplete as a report card grade is to be used when the teacher sees fit to "leave the door open" for the student to make up work and/or tests. The maximum time for a student to make up work shall be five weeks.
- d) Final exams must be given. Regents exams may be considered the final exam. Mid-term exams are recommended.

(Continued)

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

- e) At the beginning of each course of study, the classroom teacher will explain and review the criteria for grading with his or her students, and will provide a written description of how grades will be calculated. Therefore, all students will be aware of how their achievement is evaluated by the classroom teacher.
- f) If an appeal is made regarding the assigned grade, then the principal will consider the merits of the appeal. The assigned grade may only be changed by the principal after consulting with the teacher. If the principal changes the grade, he or she will provide a written report citing the reasons for the grade change for the Superintendent of Schools. The decision of the Superintendent of Schools will be final in such matter.

**Grades K-2**

Report cards in Grades K-2 indicate student achievement and grade level status in the areas of ELA, math, science, and social studies.

**Grades K-2 Progress Key:**

- a) 1=Above grade level
- b) 2=On grade level
- c) 3=Below grade level

**Achievement Levels:**

- a) **S=Secure:** requires no guidance from teacher and consistently understands the skill/concept/strategy.
- b) **SO=On Target:** requires minimal instructional guidance from the teacher and is working toward applying and extending his/her learning in this area.
- c) **D=Developing:** depends on instructional guidance from the teacher to perform the skill/concept/strategy in a satisfactory manner.
- d) **I=Introducing:** has been introduced to the skill/concept/strategy and will need frequent additional instruction, reteaching and practice to perform in a satisfactory manner.

(Continued)

**SUBJECT: GRADING (Cont'd.)****Calculating Final Grades**

The final grade of a course will be calculated using the average of four equally weighted quarters and the final exam (22.5% each quarter & 10% final exam). For courses ending in a Regents Exam, the final grade of the course will be calculated using the average of four equally weighted quarters and the final exam (23.75% each quarter & 5% final exam).

**Regents Examinations**

Passing a Regents examination may not guarantee a passing final grade for the course. Should a student retake the Regents exam, then only the higher score will be entered on the transcript.

All students, with the possible exception of students with special needs who, on their IEP, may be exempted or be permitted modifications for the Regents examination, will be required to take the Regents examination for all Regents courses. In order to fulfill the state regulation for qualification to take a Science Regents examination, all students must fulfill 1200 minutes of laboratory work.

**Changing Grades**

The staff member seeking to change a grade will submit a grade change form signed by the requesting party, the teacher who assigned the original grade, and the appropriate administrator. This form and all other documents supporting a grade modification will be filed in a non-electronic system and maintained for six years. The personnel seeking the modification should specify one or more reasonable grounds for the grade change on the form. There must be reasonable grounds to alter a grade. The reasons may include:

- a) Data entry error;
- b) Computational error;
- c) A modification based on work submitted or considered after the lockout date;
- d) Changing an incomplete grade to a regular grade because a student completed course requirements;
- e) Credit recovery coursework;
- f) Administrative change; or
- g) Other acceptable justifications.

(Continued)

**SUBJECT: GRADING (Cont'd.)****Oversight**

It is the role of the teacher's direct supervisor (principal) to continuously monitor the extent to which all aspects of the grading policies are being implemented and to investigate student or parent complaints with regard to any direct or indirect activities which might affect student grades.

## Instruction

**SUBJECT: TITLE I PARENT AND FAMILY ENGAGEMENT**

The District will collaborate with parents and other family members to help students participating in Title I programs reach their full academic potential and to improve the District's overall academic quality. As part of its collaboration, the District will conduct outreach; plan and implement programs, activities, and procedures for parent and family member engagement; and consult meaningfully with parents and family members. References to "parent" include persons acting in a parental role.

**District-Wide Parent and Family Engagement**

To facilitate parent and family participation, the District will:

- a) Involve parents and family members in jointly developing this policy, its Title I Plan, and its support and improvement plans. If the parents or family members indicate that the Title I plan is not satisfactory, the District will submit their comments to the State Education Department along with the plan;
- b) Improve student academic achievement and school performance through coordination, providing technical assistance, and giving support necessary to assist and build the capacity of all participating schools in planning and implementing effective parent and family engagement activities, which may include meaningful consultation with employers, business leaders, and philanthropic organizations, or individuals with expertise in effectively engaging parents and family members in education;
- c) Coordinate and integrate parent and family engagement strategies with other relevant federal, state, and local programs;
- d) Conduct, with the meaningful involvement of parents and family members, an annual evaluation of the content and effectiveness of the parent and family engagement policy in improving the academic quality of its Title I schools. The evaluation will include identifying:
  1. Barriers to greater participation by parents and family members in Title I activities, with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background;
  2. The needs of parents and family members to assist with their child's learning, including engaging with school personnel and teachers; and
  3. Strategies to support successful school and family interactions:
    - (a) Parent, family member or student intake conference;
    - (b) Open House;

(Continued)

## Instruction

**SUBJECT: TITLE I PARENT AND FAMILY ENGAGEMENT (Cont'd.)**

- (c) Award assemblies and celebrations;
  - (d) Monthly principal letter and/or Annual Parent or family member Survey;
  - (e) Email and web engagement;
  - (f) Phone Conferences.
- e) Use the evaluation's findings to design evidence-based strategies for more effective parent and family member engagement, and to revise the policy, if needed;
  - f) Involve parents in Title I activities, which may include establishing a parent advisory board comprised of a sufficient number and representative group of parents or family members served by the District to adequately represent the students' needs, to develop, revise, and review the parent and family engagement policy:
    - 1. Open House;
    - 2. Awards assemblies and celebration.
  - g) Involve parents and family members in decisions regarding how it spends funds reserved for parent and family engagement activities with a Parent Representative on the Title I Planning Committee.

**School-Level Parent and Family Member Engagement**

The Board directs each school receiving Title I funds to develop a building-level parent and family member engagement plan with that school's parents and family members. In addition to the content included above, each school building-level plan will:

- a) Describe how to convene an annual meeting, at a convenient time, to inform parents and family members of their school's participation in Title I programs, to explain Title I requirements, and to identify the right of the parents and family members to be involved. All parents and family members of these children will be invited and encouraged to attend the meeting;
- b) Offer flexibility in scheduling meetings, and may provide transportation, child care, or home visits related to parent and family member engagement, using Title I funds;
- c) Involve parents and family members in an organized, ongoing, and timely way in planning, reviewing, and improving Title I programs, including this policy;

(Continued)



## Instruction

**SUBJECT: TITLE I PARENT AND FAMILY ENGAGEMENT (Cont'd.)**

- d) Provide parents and family members with timely information about programs, a description and explanation of the curriculum in use, the forms of academic assessment used to measure student progress, the achievement levels of the challenging state academic standards, and, if requested by parents or family members, opportunities for regular meetings to formulate suggestions and to participate in decisions relating to their child's education. The District will respond to any suggestions as soon as practicably possible; and
- e) Develop a compact jointly with parents and family members that outlines how they, school staff, and students will share responsibility for improved student academic achievement. The compact will also detail the means by which the school and parents and family members will build and develop a partnership to help all children achieve the state's standards.
- f) Have a compact that:
  - 1. Describes the school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment to enable these students to meet the challenging state academic standards;
  - 2. Describes the ways in which each parent or family member will be responsible for supporting the child's learning, volunteering in the child's classroom, and participating, as appropriate, in decisions relating to the child's education and positive use of extracurricular time; and
  - 3. Addresses the importance of communication between teachers and parents or family members on an ongoing basis through, at a minimum:
    - (a) Parent or family member-teacher conferences in elementary schools, at least annually, during which the compact will be discussed as it relates to the individual child's achievement;
    - (b) Frequent reports to parents or family members on the child's progress;
    - (c) Reasonable access to staff, opportunities to volunteer and participate in the child's class, and observing their classroom activities.
      - 1) Open House;
      - 2) Parent, Family Member or Teacher Conferences;
      - 3) Award Assemblies and celebrations.

(Continued)

## Instruction

**SUBJECT: TITLE I PARENT AND FAMILY ENGAGEMENT (Cont'd.)**

- (d) Ensuring regular two-way, meaningful communication between family members and school staff, and, to the extent practicable, in a language that family members can understand.

If the parents or family members believe that the building-level parent and family engagement plan is not satisfactory, the school will submit their comments when it makes the plan available to the District.

To ensure effective involvement of parents or family members and to support a partnership among the school involved, parents or family members, and the community, to improve student academic achievement, the District and each school will:

- a) Provide assistance to parents or family members of children served by the District or school to understand topics such as the challenging state academic standards, state and local academic assessments, the requirements of this part, and how to monitor a child's progress and work with educators to improve the achievement of the children;
  - 1) Parent, family member or Student Intake Conference;
  - 2) Parent, family member or Counselor Conference;
  - 3) Quarterly progress reports/annual meetings to review progress.
- b) Provide materials and training to help parents or family members to work with the children to improve their achievement, such as literacy training and using technology (including education about the harms of copyright piracy) to foster parent and family member engagement;
  - 1) Parent and family member resources available on website;
  - 2) Monthly newsletter to parents and family members.
- c) Educate teachers, specialized instructional support personnel, principals, and other school leaders, with the assistance of parents or family members, in the value and utility of parent or family member contribution, and in how to reach out to, communicate with, and work with parents or family members as equal partners; implement and coordinate parent or family member programs; and build ties between parents or family members and the school;
  - 1) Staff Handbook;
  - 2) Faculty Meetings;
  - 3) District priorities and Curriculum Directive.

(Continued)

## Instruction

**SUBJECT: TITLE I PARENT AND FAMILY ENGAGEMENT (Cont'd.)**

- d) Ensure that information related to school and parent and family member programs, meetings, and other activities is sent to the parents or family members of participating children in a format and, to the extent practicable, in a language the parents or family members can understand;
- e) Provide other reasonable support for parent and family member engagement activities as parents or family members may request.

In addition, the District and each school may:

- a) Involve parents or family members in developing training for teachers, principals, and other educators to improve the effectiveness of this training;
- b) Provide necessary literacy training from funds received under this part if the District has exhausted all other reasonably available sources of funding for the training;
- c) Pay reasonable and necessary expenses associated with local parent and family member engagement activities, including transportation and child care costs, to enable parents and family members to participate in school-related meetings and training sessions;
- d) Train parents or family members to enhance the involvement of other parents or family members;
- e) Arrange school meetings at a variety of times, or conduct in-home conferences between teachers or other educators, who work directly with participating children, with parents or family members who are unable to attend these conferences at school, to maximize parent and family engagement and participation;
- f) Adopt and implement model approaches to improving parent and family engagement;
- g) Establish a District-wide parent and family member advisory council to provide advice on all matters related to parent and family member engagement in supported programs; and
- h) Develop appropriate roles for community-based organizations and businesses in parent and family member engagement activities.

In carrying out the parent and family member engagement requirements, the District and its schools, to the extent practicable, will provide opportunities for the informed participation of parents and family members (including parents and family members who have limited English proficiency, parents and family members with disabilities, and parents and family members of migratory children), including providing information and school reports in a format and, to the extent practicable, in a language they understand.

(Continued)

**SUBJECT: TITLE I PARENT AND FAMILY ENGAGEMENT (Cont'd.)****Procedures for Filing Complaints/Appeals**

The District will disseminate free of charge to parents and family members of children in Title I programs, and to appropriate private school officials or representatives, adequate information regarding the District's written complaint procedures for resolving Title I issues.

**Comparability of Services**

The District will ensure equivalence among its schools of the same grade span and levels of instruction with regard to teachers, administrators, and auxiliary personnel, as well as equivalence in providing curriculum materials and instructional supplies in Title I programs.

Title I of the Elementary and Secondary Education Act of 1965 (ESEA), as reauthorized by the Every Student Succeeds Act of 2015  
20 USC §§ 6318 and 6321  
34 CFR Parts 74-86, 97-99, and 200

## Instruction

**SUBJECT: PARENTAL NOTICE OF RIGHT TO RECEIVE INFORMATION  
REGARDING PROFESSIONAL QUALIFICATIONS OF TEACHERS**

School districts receiving Title I funds are required, at the beginning of each school year, to notify parents of each student attending any school receiving such funds that they may request information regarding the professional qualifications of the student's classroom teachers. Upon parental request, the District will provide the information in a timely manner. Further, the law requires that the notice and information provided to parents "shall be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand."

The "Parents-Right-To-Know" lists the following information that, at a minimum, must be included in the parental notification form:

- a) Whether the teacher has met New York State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.
- b) Whether the teacher is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived.
- c) The baccalaureate degree major of the teacher and any other graduate certification or degree held by the teacher, and the field of discipline of the certification or degree.
- d) Whether the child is provided services by teaching assistants and, if so, their qualifications.

The parental notification requirement applies whether or not the teachers are employed directly by a district or under contract with another entity such as a BOCES.

In compliance with the above, the District will provide a notice to all parents at the beginning of each school year notifying them that they may request information regarding the qualifications of their child(ren)s teachers. The District will respond to such requests as soon as is reasonably possible. However, according to law, the District is not required to provide such information unless requested by the student's parents.

## 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.

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**

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. Students use of email is permitted only for the purpose of District enrolled online coursework. Students are not permitted to use chat rooms or instant messaging;
- 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 information regarding such students.

(Continued)

## Instruction

**SUBJECT: INTERNET SAFETY/INTERNET CONTENT FILTERING (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.

**Access to Inappropriate Content/Material and Use of Personal Technology or Electronic Devices**

Despite the existence of District policy, regulations, and guidelines, it is virtually impossible to completely prevent access to content or material that may be considered inappropriate for students. Students may have the ability to access such content or material from their home, other locations off school premises, and/or with a student's own personal technology or electronic device on school grounds or at school events.

(Continued)



## Instruction

**SUBJECT: INTERNET SAFETY/INTERNET CONTENT FILTERING (Cont'd.)**

The District is not responsible for inappropriate content or material accessed via a student's own personal technology or electronic device or via an unfiltered Internet connection received through a student's own personal technology or electronic device.

**Notification/Authorization**

The District's Acceptable Use Policy and accompanying Regulations will be disseminated to parents and students in order to provide notice of the school's requirements, expectations, and student's obligations when accessing the Internet.

The District has provided reasonable public notice and has held at least one public hearing or meeting to address the proposed Internet Content Filtering/Safety Policy prior to Board adoption. Furthermore, appropriate actions will be taken to ensure the ready availability to the public of the District's Internet Safety/Internet Content Filtering Policy, as well as any other District policies relating to the use of technology.

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 United States Code (USC) §§ 254(h) and 254(1)  
47 Code of Federal Regulations (CFR) Part 54  
Education Law § 814

Adopted: 9/17/08  
Revised: 5/26/10; 3/15/16

## Instruction

**SUBJECT: INSTRUCTION FOR ENGLISH LANGUAGE LEARNERS**

The Board recognizes its responsibility to ensure that students of foreign birth or ancestry who are identified as English Language Learners (ELLs) are provided with an appropriate bilingual education or English as a New Language (ENL) program.

The District has developed a comprehensive plan to meet the educational needs of ELLs. The plan will be kept on file in the District and submitted to the Commissioner of Education prior to the start of each school year. The plan includes:

- a) The District's philosophy regarding the education of ELLs;
- b) The District's administrative practices and procedures to screen, identify, and place ELLs in appropriate programs;
- c) The District's plan to provide parents and other persons in parental relation with information about all bilingual education and ENL programs available in the District and notices regarding program placement and the rights of parents or persons in parental relation in the language or mode of communication they best understand;
- d) The District's system to annually measure and track the academic progress and English language proficiency of ELLs and use of data to drive instruction;
- e) A description of the District's curricular and extracurricular services provided to ELLs;
- f) The District's administrative practices to annually evaluate ELLs;
- g) The District's procedure to identify support services for ELLs;
- h) The District's policies and procedures regarding ELLs who are students with disabilities;
- i) The District's procedures to exit ELLs including those students with inconsistent/interrupted formal education;
- j) The District's services to support former ELLs.

Additionally, the District will provide professional learning to all teachers, level III teaching assistants, and administrators that specifically addresses the needs of ELLs. For school business leaders, the District will provide professional learning related to the needs of ELLs and the federal, state, and local mandates for ELLs.

The Superintendent will ensure that all data, including plans, assurances, and reports as required by the Commissioner's regulations, is submitted to the State Education Department in a timely manner.

(Continued)

**SUBJECT: INSTRUCTION FOR ENGLISH LANGUAGE LEARNERS (Cont'd.)**

Education Law Section 3204  
8 NYCRR Parts 117 and 154 and Section 100.2(g)

Adopted: 9/17/08  
Revised: 6/28/17; 3/19/24

**SUBJECT: INSTRUCTIONAL MATERIALS - PURPOSE AND SELECTION****Purpose**

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.

**Selection**

The responsibility for the selection of instructional materials is delegated to the professionally trained personnel employed by the school system. Selection of materials involves many people: principals, teachers, supervisors, and media specialists, etc.

Education Law § 701

Adopted: 9/17/08

**SUBJECT: TEXTBOOKS, LIBRARY MATERIALS, AND OTHER INSTRUCTIONAL MATERIALS**

The District's instructional program is enriched and supported by the selection of quality print and non-print instructional materials. Selected instructional materials will align with New York State learning standards, reflect different viewpoints, and meet the varied needs and interests of staff and students.

**Definitions**

For purposes of this policy, the following definitions apply:

- a) "Instructional material" means any print or non-print material with instructional content or an instructional function that is used to facilitate formal or informal learning either in the classroom, library media center, or elsewhere in the District. Examples of instructional materials include, but are not limited to: textbooks; workbooks; hardcover and paperback books; ebooks; online databases; DVDs; streaming videos; sound recordings; magazines; newspapers; pamphlets; pictures; charts; games; kits; maps; models; microforms; slides; specimens; and transparencies.
- b) "Library material" means any print or non-print material which is catalogued and processed as part of the library media center for use by students and staff. Examples of library materials include, but are not limited to: hardcover and paperback books; ebooks; online databases; DVDs; streaming videos; sound recordings; magazines; newspapers; pamphlets; pictures; charts; games; kits; maps; models; microforms; slides; specimens; and transparencies.
- c) "Textbook" means a text, or a text-substitute, that a student is required to use in a particular class or program of the District. Textbooks include:
  1. Books, or book substitutes, including hardcover or paperback books, workbooks, or manuals; and
  2. Courseware or other content-based instructional materials in an electronic format.

**Overview of Instructional Materials**Textbooks

The Superintendent will work with District administrators and instructional staff to determine what textbooks should be used as part of the District's instructional program. Upon the recommendation of the Superintendent, the Board will designate the textbooks to be used. Textbooks, once designated, cannot be superseded within a period of five years except by a 3/4 vote of the Board.

(Continued)

## Instruction

**SUBJECT: TEXTBOOKS, LIBRARY MATERIALS, AND OTHER INSTRUCTIONAL MATERIALS (Cont'd.)**

The District will ensure that students who require alternative formats of instructional materials receive those materials in a format that meets the National Instructional Materials Accessibility Standard (NIMAS) and at the same time as those instructional materials are available to their peers.

The District participates in the National Instructional Materials Access Center (NIMAC) which is an online repository of source files in the NIMAS format. Since the District participates in NIMAC, contracts with publishers executed on and after December 3, 2006 for textbooks and other printed core materials must include a provision that requires the publisher to produce NIMAS files and send them to the NIMAC (this will not add any cost to the contract).

The Board will make provision for funds to be budgeted for the purchase of textbooks. Students may be required to pay for lost or excessively damaged textbooks.

Calculators

The New York State Education Department (NYSED) requires the use of calculators for intermediate and high school level mathematics and science assessments. Students are not required to purchase their own calculators. To the extent that calculators are a necessary part of the instructional program, the District will provide them.

Calculators must be considered a classroom teaching material for which the District is authorized to levy a tax. Even if operating under a contingent budget, the District must purchase and provide calculators if required for participation in an instructional program. Students may be required to pay for lost calculators.

Library Materials

The District will establish and maintain a library media center in each school which will contain library materials. The library media center in each District school will meet the needs of students and staff, and provide an adequate complement to the instructional program in the various areas of the curriculum. The District will employ certified school library media specialists in accordance with specific standards contained in regulation, unless equivalent service is provided by an alternative arrangement approved by the Commissioner.

The Board delegates its authority to designate library materials to be used in the District to the school library media specialist(s). When appropriate, the school library media specialist(s) will work cooperatively with the Superintendent, other District administrators, instructional staff, the Board, students, and/or District community members to identify, order, and organize library materials.

When appropriate, the school library media specialist(s) will utilize shared services such as Boards of Cooperative Educational Services (BOCES) to improve programs and services, build collections, utilize new technologies, and maximize funding.

(Continued)

**SUBJECT: TEXTBOOKS, LIBRARY MATERIALS, AND OTHER INSTRUCTIONAL MATERIALS (Cont'd.)**

The Board will make provision for funds to be budgeted for the purchase of library materials. Students may be required to pay for library materials that are lost, excessively damaged, or overdue.

**Objectives in the Selection of Instructional Materials**

The broad range and varying suitability of all forms of instructional materials which are available for purchase demand careful evaluation before they are selected for use in the District's classrooms and library media centers. In order to select quality print and non-print instructional materials to enrich and support the District's instructional program, the Board endorses and supports the selection of instructional materials that:

- a) Align with New York State learning standards;
- b) Implement, enrich, and support the District's curriculum and instructional program, taking into consideration the varied interests, abilities, and learning styles of students;
- c) Meet the varied needs and interests of staff and students;
- d) Present various sides of controversial issues so that students may develop critical thinking and reading skills resulting in the ability to make informed decisions;
- e) Offer global perspectives and promote diversity by including materials by authors and illustrators of all cultures -- materials will not be excluded because of the race, nationality, religion, gender, gender expression, sexual orientation, political views, or social views of the author;
- f) Provide staff and students with a wide range of up-to-date instructional materials of all levels of difficulty in a variety of physical and digital formats including print and non-print such as electronic and multimedia (including subscription databases and other online products, ebooks, educational games, and other forms of emerging technologies);
- g) Afford students the opportunity to explore a diverse range of literature to develop and strengthen a lifelong love of reading.

20 USC Sections 1412, 1474, and 6311

34 CFR Section 300.172

34 CFR Part 300, Appendix C

Education Law Sections 701, 702, 711, 1604, 1709, 1804, 1950, 2503, and 3602

8 NYCRR Sections 91.1, 91.2, 100.1, and 200.2

NOTE: Refer also to Policies #5413 -- Alternative Formats for Instructional Materials  
#8110 -- Curriculum Development, Resources, and Evaluation  
#8330 -- Objection to Instructional Materials and Controversial Issues

Adopted: 9/17/08

Revised: 3/19/24

## Instruction

**SUBJECT: OBJECTION TO INSTRUCTIONAL MATERIALS AND CONTROVERSIAL ISSUES**

The Board recognizes the right of District community members to voice concerns and objections about instructional materials and the discussion of controversial issues. This policy addresses how those concerns and objections can be raised.

**Definitions**

For purposes of this policy, the following definitions apply:

- a) "Controversial issues" means questions, subjects, or problems which can create a difference of opinion. They can include issues which may have political, social, environmental, or personal impacts on students and/or the wider community: locally, nationally, or internationally.
- b) "Instructional material" means any print or non-print material with instructional content or an instructional function that is used to facilitate formal or informal learning either in the classroom, library media center, or elsewhere in the District. Examples of instructional materials include, but are not limited to: textbooks; workbooks; hardcover and paperback books; ebooks; online databases; DVDs; streaming videos; sound recordings; magazines; newspapers; pamphlets; pictures; charts; games; kits; maps; models; microforms; slides; specimens; and transparencies.
- c) "Library material" means any print or non-print material which is catalogued and processed as part of the library media center for use by students and staff. Examples of library materials include, but are not limited to: hardcover and paperback books; ebooks; online databases; DVDs; streaming videos; sound recordings; magazines; newspapers; pamphlets; pictures; charts; games; kits; maps; models; microforms; slides; specimens; and transparencies.
- d) "Textbook" means a text, or a text-substitute, that a student is required to use in a particular class or program of the District. Textbooks include:
  1. Books, or book substitutes, including hardcover or paperback books, workbooks, or manuals; and
  2. Courseware or other content-based instructional materials in an electronic format.

**Objections to Instructional Materials**

The Board has authority to prescribe curriculum in the District and to designate the textbooks to be used in the District. The parent of a student cannot compel the Board to use a particular textbook or discontinue the use of a particular textbook. Further, the District may not be compelled to assign an alternate curriculum to a student based upon a parent's disapproval of classroom assignments. Students may be able to be excused from instruction in very limited circumstances outlined in law and regulation.

(Continued)



## Instruction

**SUBJECT: OBJECTION TO INSTRUCTIONAL MATERIALS AND CONTROVERSIAL ISSUES (Cont'd.)**

District community members who have questions or concerns about instructional materials are encouraged to bring these questions and concerns to instructional staff and/or the school library media specialist(s).

District community members who wish to formally object to instructional materials must submit their objections in writing to the Superintendent. District staff who object to instructional materials must follow the same process as all District community members. Challenged instructional materials will remain in use and/or circulation until a final decision has been made. The Board will be informed of any objection the Superintendent receives.

The Superintendent will designate a review committee to investigate and evaluate the challenged instructional material. The committee will include, among others, the school library media specialist from the building where the objection originated and the building principal. The committee will evaluate the challenged material according to the District's criteria for the evaluation and selection of instructional materials.

The review committee will submit a written report of the results of their review to the Superintendent within 60 days of receipt of the formal written objection.

Appeals of decisions by the review committee may be submitted in writing to the Superintendent who will then submit the appeal to the Board for action.

If subsequent objections after an appeal are issued for the same material within a period of five years, the Superintendent can deny the objection based on the previous review and decision.

**Controversial Issues**

Controversial issues may be studied as part of the curriculum. Instructional staff will present these issues in their classrooms in an impartial and objective manner. It is expected that a library media center's collection, both print and digital, will include items that are considered to be controversial.

Instructional staff wishing to call upon outside speakers to present on controversial issues are required to work with the building principal who will keep in mind the obligation to present balanced viewpoints. The building principal will inform the Superintendent of the presentation on the controversial issue prior to it occurring.

Any objection to how a controversial issue is being taught, including the use of a guest speaker, should be directed to the building principal who will consult with appropriate instructional staff to address the objection.

(Continued)

## Instruction

**SUBJECT: OBJECTION TO INSTRUCTIONAL MATERIALS AND CONTROVERSIAL ISSUES (Cont'd.)**

If the objection is related an instructional material being used in the teaching of a controversial issue, the process requesting reconsideration of library or instructional materials should be followed. Objections to instructional materials by District community members must be submitted in writing to the Superintendent. If the objection is related to the curriculum or New York State learning standards, the building principal will address the matter with the individual(s) raising the objection.

Education Law Sections 701, 711, 809, 1604, 1709, 1804, 2503, and 3204  
8 NYCRR Sections 16.2 and 135.3

NOTE: Refer also to Policies #8320 -- Textbooks, Library Materials, and Other Instructional Materials  
#8360 -- Religious Expression in the Instructional Program

Adopted: 9/17/08  
Revised: 6/21/22

## Instruction

**SUBJECT: CONTROVERSIAL ISSUES**

Controversial issues may be studied as part of the curriculum and teachers shall present these issues in their classrooms in an impartial and objective manner.

Teachers wishing to call upon outside speakers in the presentation of controversial issues are required to obtain the approval of the principal who shall keep in mind the obligation for presenting opposing views as well, and who shall inform the Superintendent prior to the presentation.

It is recognized that parents and citizens of the community have a right to protest to the school administration when convinced that unfair and biased presentations are being made by the teacher. In considering such protests, the Superintendent of Schools shall provide for a hearing so that both parties may fairly express their views. If requested, the Superintendent's decision may be appealed to the Board of Education.

## Instruction

**SUBJECT: TEXTBOOKS/WORKBOOKS**

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 (3/4) vote of the Board.

Students will be required to pay for lost books or for excessive damage to books.

**Workbooks**

The Board of Education shall approve the expenditure of funds for the purchase of workbooks and manuals.

The term "workbook" shall refer to the type of book that provides spaces to write in and is consumed each year. It is usually paper-covered and designed to be used in connection with a textbook.

Education Law Article 15

Adopted: 9/17/08

## 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 U.S. 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.

Digital Millennium Copyright Act (DMCA)  
17 USC §§ 101 et seq., 512 and 1201 et seq.

Adopted: 9/17/08

## Instruction

**SUBJECT: RELIGIOUS EXPRESSION IN THE INSTRUCTIONAL PROGRAM**

The Board of Education acknowledges the importance of religion to the understanding of society and the richness of the human experience. In approaching the teaching about religion in the school, the District will be guided by three concepts when making decisions about the appropriateness of activities for inclusion in the school program: the activity should have a secular purpose; the activity should neither advance nor inhibit religion; and the activity must not foster an excessive entanglement of "government" with religion.

Nurturing the development of knowledge and respect for the rights of all cultural and religious groups is a continuing goal of the School District. Students, faculty and administration are reminded of the pluralism of religious beliefs and are urged to be conscious of and respect the sensitivity of others.

Opportunities to learn about cultural and religious traditions should be provided within the framework of the curriculum. Information about religious and cultural holidays and traditions focusing on how and when they are celebrated, their origins and histories should be part of this instruction. This educational opportunity should be handled with great care, sensitivity and respect for the feelings and beliefs of individuals.

An environment should be created and encouraged where students of various ethnic backgrounds feel comfortable in sharing comments about their religious and cultural traditions. No student should be singled out to share or participate in such discussions solely on the basis of that student's identification with the cultural/religious heritage being addressed. A student's preference not to share or participate in such discussions should be honored and respected without penalty.

**School Activities Related to Religious Holidays or Themes**

School activities related to the teaching about religious holidays or themes must be consistent with, representative of, and congruent with the District's curriculum.

In planning school activities related to the teaching about religious holidays or themes, special effort must be made to ensure that the activity is not devotional and that students of all faiths can join without feeling they are betraying their own beliefs.

In planning school activities related to the teaching about religious holidays or themes, age appropriate activities are encouraged within the framework of the curriculum. Teaching about religious and cultural holidays may include such special activities as parties and special foods, if they reinforce educational goals.

**Symbols in the Schools**

The purpose of using religious symbols should be to teach about religious concepts and traditions, and to convey historical or cultural content, not to promote or celebrate religious concepts, events or holidays.

(Continued)

**SUBJECT: RELIGIOUS EXPRESSION IN THE INSTRUCTIONAL PROGRAM (Cont'd.)****Music in the Schools**

The purpose of using religious music should be to teach musical concepts, to convey historical and cultural content, or to create aesthetic experiences in a setting which emphasizes artistic expression and educational value, not to promote or to celebrate a religious faith.

**District Calendar**

The days on which members of a religious group may be absent to observe a religious holiday (legal absence) will be noted on the school planning calendar and the District calendar distributed to parents/guardians. Out of respect for a student's observance of these holidays, teachers will be sensitive to the needs of the student by allowing them to make up all class work, homework, and tests without penalty. Parents/guardians are encouraged to notify the school prior to the absence in order to assist the staff in instructional planning and in meeting the needs of the student.

**Curriculum Areas in Conflict with Religious Beliefs**

Students shall be given the option to be excused from participating in those parts of an activity, program, or area of instruction involving a religious theme which conflicts with their own religious beliefs or that of their parents/guardians in accordance with applicable law and regulations. Alternatives may be provided that are of comparable instructional value.

**Implementation**

Administrative regulations will be developed to implement the terms of this policy. Further, the District will make this policy and accompanying regulations in order to ensure community, faculty, student, and parental/guardian awareness.

United States Constitution, First Amendment  
Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act (ESSA) of 2015  
Equal Access Act, 20 USC §§ 4071-4074  
Education Law §§ 1609(9), 1609(10), 1709(1), 1709(3), 3204(5) and 3210  
8 NYCRR §§ 16.2 and 109.2

NOTE: Refer also to Policies #7460 -- Constitutionally Protected Prayer in the Public Schools  
#8330 -- Objection to Instructional Materials and Controversial Issues

Adopted: 9/17/08

**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 §§ 3204(4) and 3604(7)(8)  
8 NYCRR § 175.5

Adopted: 9/17/08



## Instruction

**SUBJECT: OPENING EXERCISES**

The Board directs the administration to include the Pledge of Allegiance as part of the opening exercises in all the schools. Under certain circumstances, such as religious conviction, individuals may be excused from this requirement as a protection of their Constitutional rights.

Education Law § 802  
8 NYCRR § 108.5

Adopted: 9/17/08

## Instruction

**SUBJECT: INDEPENDENT STUDY**

Independent study, for credit, will be available to meet the individual needs of students in grades 9 through 12. The principal, after consultation with relevant faculty, shall award credit to the student based on successful completion of the independent study and demonstrated mastery of the learning outcomes of the subject.

Students enrolled in the District, may earn a maximum of three units of elective credit towards a Regents diploma through independent study. The student's participation in independent study shall be approved by a school-based panel consisting of, at a minimum, the principal, a teacher in the subject area for which independent credit is sought, and a guidance director or administrator.

Credit for independent study may be awarded for elective courses only and shall not be awarded for courses required for the Regents diploma as specified in Commissioner's regulations.

8 NYCRR § 100.5(9)

## Instruction

**SUBJECT: HOMEWORK**

"Homework" shall refer to those assignments to be prepared by the student outside of the school or independently while in attendance at school. The Board of Education acknowledges the educational validity of homework as an adjunct to and extension of the instructional program of the schools.

The Board is of the firm belief that homework helps students master the concepts taught in classrooms, and homework helps students develop good study habits.

It is, therefore, the policy of the District that:

- a) All students of every grade level (K through 12) shall be assigned homework regularly.
- b) Homework shall be an extension of the work of the regular school program.
- c) Homework shall be appropriate to the ability level of the student.
- d) Teachers shall be responsible for seeing that completed homework assignments are checked.
- e) Parents/guardians shall be responsible for providing the opportunity for their children to complete homework assignments and are encouraged to cooperate with and to give support to the teachers.

All homework assignments shall be evaluated, graded and returned to the student.

**SUBJECT: HOME, HOSPITAL, OR INSTITUTIONAL INSTRUCTION (HOMEBOUND INSTRUCTION)****Overview**

Home, hospital, or institutional instruction (sometimes referred to as homebound instruction) is an educational service provided by districts to resident students enrolled in a public or nonpublic school who are unable to attend school in person for at least ten days during a three-month period due to illness or injury which requires the student to remain at home or in a hospital or other institution for the treatment of children, other than a school.

The District will provide home, hospital, or institutional instruction to all resident students enrolled in a public or nonpublic school from kindergarten to age 21 when, due to a temporary or chronic physical, mental, or emotional illness or injury, as documented by the student's treating healthcare provider, the student is unable to participate in their usual education setting.

**Definitions**

"Instruction delivery plan" means a written plan to continue the student's academic progress and to maintain a record of delivery of instructional services and student progress.

"School district of residence" means the public school district within the State of New York where the students legally reside with their parents or guardians.

"Treating health care provider" means a person who is treating a student and is licensed or otherwise authorized to provide diagnosis pursuant to a profession enumerated in Title VIII of the Education Law.

"Tutor" means an employee of the school district of residence or an individual with whom the school district of residence contracts to provide home, hospital, or institutional instruction. The tutor must hold a New York State teaching certificate. A tutor may include a teacher employed by a board of cooperative educational services (BOCES) that contracts with the school district of residence to provide this instruction.

**Request for Home, Hospital, or Institutional Instruction**

To request home, hospital, or institutional instruction for a resident student, the parent or guardian must submit a request to the District that includes written medical verification from the student's treating healthcare provider demonstrating the student's anticipated inability to attend school in person for at least ten days during the next three months and written consent authorizing the Director of School Health Services or designee to contact the student's treating healthcare provider. Refusal to provide this written consent will result in a denial of the request for home, hospital, or institutional instruction.

(Continued)

## Instruction

**SUBJECT: HOME, HOSPITAL, OR INSTITUTIONAL INSTRUCTION (HOMEBOUND INSTRUCTION) (Cont'd.)**

The request will be forwarded to the Director of School Health Services who will review the need for home, hospital, or institutional instruction and either approve or deny the request. During this review, the Director of School Health Services may contact the student's treating healthcare provider to obtain additional information necessary regarding the student's health or mental health.

Within five school days after receipt of written medical verification from the student's treating healthcare provider, the District will notify the parent or guardian whether their request for home, hospital, or institutional instruction has been approved or denied. In the case of a denial, reason(s) for denial will be provided.

Appeals

Parents and guardians may appeal the denial of home, hospital, or institutional instruction to the District's Board within ten school days of receipt of notification of the denial. Home, hospital, or institutional instruction will be provided while an appeal is pending before the District's Board.

**Home, Hospital, or Institutional Instruction Requirements**

The District will provide home, hospital, or institutional instruction to a student within five school days after receiving notification of the student's medical condition or within five school days from the request for home, hospital, or institutional instruction, whichever occurs first. This instruction, which may include remote instruction, will meet the minimum requirements outlined in law and regulation.

**Students with Disabilities**

Students with disabilities who are recommended for home, hospital, or institutional instruction by the Committee on Special Education (CSE) will be provided instruction and appropriate related services as determined and documented by the CSE in consideration of the student's unique needs. This instruction will only be recommended if the placement is in the least restrictive environment and must be provided for at least the number and length of time as provided for other students receiving home, hospital, and institutional instruction.

**Recordkeeping**

The District will maintain a record of delivery of instructional services and student progress. This includes, but is not limited to, a record of the dates, amount, and type of instructional services the student received including the tutor's name, subjects taught, and the location where the instructional services were provided.

(Continued)

**SUBJECT: HOME, HOSPITAL, OR INSTITUTIONAL INSTRUCTION (HOMEBOUND INSTRUCTION) (Cont'd.)**

Education Law Sections 1604(20), 1709(24), 3202  
8 NYCRR Sections 100.22, 175.21, and 200.6

NOTE: Refer also to Policy #7150 -- Remote Instruction

Adopted: 9/17/08  
Revised: 5/23/23

## Instruction

**SUBJECT: FIELD TRIPS**

The Board of Education recognizes that field trips are an educationally sound and important ingredient in the instructional program of the schools.

For purposes of this policy, a field trip shall be defined as any journey by a group of students away from the school premises, under the supervision of a teacher, which is an integral part of an approved course of study and conducted for the purpose of affording a first-hand educational experience not available in the classroom.

Field trips are a part of the curriculum of the schools, and student conduct and attendance on field trips are governed by the same rules that govern regular classroom activities. The School System shall obtain written parental/guardian permission for students going on school-sponsored field trips.

The Superintendent shall prepare procedures for the operation of a field trip activity. Field trip support shall be determined annually by the Board during its budget deliberations. Regardless of the fiscal support for field trips, the rules of the School District for approval and conduct of such trips shall apply.

The Superintendent/designee may cancel previously approved field trips due to extenuating circumstances.

NOTE: Refer also to Policies #3410 -- Code of Conduct  
#5730 -- Transportation of Students  
#7310 -- School Conduct and Discipline  
*District Code of Conduct on School Property*

Adopted: 9/17/08

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