

HLCS Policy Manual

FOREWORD

Contained herein are the policy statements formulated by the Board of Education of the Hadley-Luzerne Central School District.

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

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

Policy should accomplish the following:

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

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

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or administrative enactment, all other parts shall remain in full effect unless and until they are amended or repealed by the Board of Education.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

PHILOSOPHY STATEMENT

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

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

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

Hadley-Luzerne Central School District

NUMBER

ORGANIZATION OF THE BOARD OF EDUCATION

- 1.1 School District and Board of Education Legal Status1110
- 1.2 Board of Education Authority.....1120
- 1.3 Number of Members and Terms of Office1130

NOMINATION AND ELECTION OF BOARD OF EDUCATION MEMBERS

- 2.1 Board of Education Members: Qualifications1210
- 2.2 Board of Education Members: Nomination and Election.....1220
- 2.3 Reporting of Expenditures and Contributions1230
- 2.4 Resignation and Dismissal.....1240

THE ROLE OF THE BOARD OF EDUCATION

- 3.1 Powers and Duties of the Board1310
- 3.2 Nomination and Election of Board Officers1320
 - 3.2.1 Duties of the President of the Board of Education1321
 - 3.2.2 Duties of the Vice President of the Board of Education.....1322
- 3.3 Appointments and Designations by the Board of Education.....1330
 - 3.3.1 Duties of the District Clerk.....1331
 - 3.3.2 Duties of the School District Treasurer1332
 - 3.3.3 Duties of the Tax Collector/Deputy Collector.....1333
 - 3.3.4 Duties of the External (Independent) Auditor1334
 - 3.3.5 Appointment and Duties of the Claims Auditor1335
 - 3.3.6 Duties of the Extraclassroom Activity Account Central Treasurer1336
 - 3.3.7 Duties of the School Attorney1337
 - 3.3.8 Duties of the School Physician/Nurse Practitioner.....1338

BOARD POLICY

- 4.1 Policy1410
- 4.2 Execution of Policy: Administrative Regulations1420

Hadley-Luzerne Central School District

NUMBER

MEETINGS OF THE BOARD OF EDUCATION

5.1 Regular Board Meetings1510
 5.1.1 Agenda Format1511
 5.2 Special Meetings of the Board of Education1520
 5.3 Broadcasting and Taping of Board Meetings1530

MEETINGS OF THE DISTRICT

6.1 Annual District Meeting and Election/Budget Vote.....1610
 6.1.1 Business of the Annual District Election.....1611
 6.2 Annual Organizational Meeting.....1620
 6.3 Legal Qualifications of Voters at School District Meetings.....1630
 6.31 Voter Registration For Students.....1631
 6.4 Absentee Ballots1640
 6.5 Submission of Questions and Propositions at Annual Elections and
 Special District Meetings.....1650

RULES OF MEETINGS

7.1 Quorum1710
 7.2 Minutes1720
 7.3 Executive Sessions.....1730

By-Laws

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 Hadley-Luzerne Central School District is governed by the laws set forth for Central School Districts in Article 37 of the Education Law, and by-laws relating to, or affecting, Union Free School Districts as set forth in Article 35 of the Education Law and 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.

New York State Constitution
Education Law Articles 33, 35, 37, 51 and 53

Adopted: 7/30/07

By-Laws

SUBJECT: BOARD OF EDUCATION AUTHORITY

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

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

Board members have no authority over school affairs as individuals. They have authority only when acting as a body duly called in session. The Board will not be bound in any way by any individual Board member's statement or action unless the Board, through an adopted policy or by a majority vote of Board membership, has delegated this authority to the individual member.

Education Law Sections 1604, 1701, 1709, 1804, 1805, 2502
and 2503

Adopted: 7/30/07

By-Laws

SUBJECT: NUMBER OF MEMBERS AND TERMS OF OFFICE

The Board of Education of the Hadley-Luzerne Central School District shall consist of five (5) members elected by the qualified voters of the School District at the annual election as prescribed by law.

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

The terms of office shall be overlapping, with a minimum of one (1) seat up for election each year. The terms of office of Board members shall not all expire in the same year.

Education Law Sections 1602, 1702(1), 1804(1), 2105 and
2502

Adopted: 7/30/07

By-Laws

SUBJECT: BOARD OF EDUCATION MEMBERS: QUALIFICATIONS

A Board of Education member of the Hadley-Luzerne Central School District must meet the following qualifications:

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

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

Adopted: 7/30/07

BOARD OF EDUCATION MEMBERS: CANDIDATES AND CAMPAIGNINGNominations

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

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

Reporting Expenditures

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

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

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

Electioneering

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

Ref: Education Law §§2018; 2031-a

Adoption date: 7/30/07

Revised: 12/5/2016

By-Laws

SUBJECT: REPORTING OF EXPENDITURES AND CONTRIBUTIONS

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

Required contribution statements shall include:

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

The times for filing the statements are as follows:

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

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

(Continued)

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

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

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

Adopted: 7/30/07

By-Laws

SUBJECT: RESIGNATION AND DISMISSAL

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

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

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

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

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

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

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

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

(Continued)

By-Laws

SUBJECT: RESIGNATION AND DISMISSAL (Cont'd.)

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

A Board member who has been removed from office shall be ineligible to appointment or election to any office in the District for a period of one (1) year from the date of such removal.

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

Public Officers Law Sections 30, 31 and 35

Adopted: 7/30/07

By-Laws

SUBJECT: POWERS AND DUTIES OF THE BOARD

As a Central School District, the Board of Education shall have powers and duties as set forth in New York State Education Law, principally Articles 33, 35 and 37, and other applicable Federal and State laws and regulations. In general, the Board shall have in all respects the superintendence, management and control of the educational affairs of the District and shall have all the powers necessary to exercise these powers expressly granted to it by the laws of New York State and the Commissioner of Education.

Education Law Sections 1604, 1709, 1804 and 2503

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

Adopted: 7/30/07

By-Laws

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 (1) year. They will take their oath as officers at this meeting along with newly elected members.

The elected officers of the Board of Education are:

- a) President;
- b) Vice President.

Education Law Sections 1701, 2105(6) and 2502

Adopted: 7/30/07

By-Laws

SUBJECT: DUTIES OF THE PRESIDENT OF THE BOARD OF EDUCATION

The President's duties include the following:

- a) To preside at all meetings;
- b) To act as Chief Fiscal Officer of the Board;
- c) To execute all documents on behalf of the Board;
- d) To appoint all standing and ad hoc committees;
- e) To act as an ex-officio member of all committees;
- f) To call special meetings he/she considers necessary or on request of one member of the Board;
- g) To vote together with other members of the Board;
- h) To perform the usual and ordinary duties of the office.

The President will have the right, as other members of the Board, to offer resolutions, to discuss questions and to vote thereon.

Education Law Section 1701

Adopted: 7/30/07

By-Laws

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

The Board of Education may, in its discretion, elect one (1) of its members Vice President who shall have the power to exercise the duties of the President in case of the absence or disability of the President. In case of vacancy in the office of the President, the Vice President shall act as President until a President is elected.

Education Law Section 1701

Adopted: 7/30/07

HLCS POLICY

2013

#1330

Page 1 of 3

1330 APPOINTMENTS AND DESIGNATIONS BY THE BOARD OF EDUCATION

Administration of Oath

The District Clerk shall administer the oath of office to newly elected and re-elected Board members. Such oath shall conform to Article XIII-1 of the New York State Constitution, and Section 10 of the Public Officers Law; the Clerk shall countersign the oath. No new or re-elected Board member shall be permitted to vote until he/she has taken the oath of office. The oath shall be filed with the District Clerk.

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 Treasurer;
- d) Tax Collector/Deputy Collector;
- e) External (Independent) Auditor;
- f) Central Treasurer, Extraclassroom Activity Account.

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

- a) Director of School Health Services (District Physician/Nurse Practitioner);
- b) Attendance Officer;
- c) Committee on Special Education and Committee on Preschool Special Education;
- d) Records Access/Management Officer;
- e) Asbestos Hazard Emergency Response Act (AHERA) Local Educational Agency (L.E.A.) designee;
- f) Title IX/Section 504/ADA Compliance Officer;

HLCS POLICY

2013
#1330

Page 2 of 3

- g) Liaison for Homeless Children and Youth;
- h) Chemical Hygiene Officer.
- i) DASA (Dignity for All Students Act) Coordinator

The following may also be appointed:

- a) School Attorney;
- b) Claims Auditor;
- c) Internal Auditor;
- d) Insurance Consultant.

Designations

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

- a) Designation of date/time and place for regular meetings of the Board of Education;
- b) Petty Cash Fund(s);
- c) Official Newspaper(s);
- d) Official Bank Depositories;
- e) Official Bank Signatories;
- f) Purchasing Agent;
- g) Certifier of Payrolls;
- h) Educational Official designated to receive court notification regarding a student's sentence/adjudication in certain criminal cases and juvenile delinquency proceedings;
- i) 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) Establish meal reimbursement rate;
- f) Establish annual tuition rate;

HLCS POLICY

2013
#1330

Page 3 of 3

- g) Approval of bonding of designated District officers, Board members, and staff members as applicable;
- h) Authorization of Chief School Officer, in extenuating circumstances, to issue checks without prior Board approval, up to the amount designated by the Board of Education;
- i) Authorization of District Clerk and District Treasurer to issue checks in the payment for all bond issues.
- j) Authorization of District Treasurer to transfer moneys from the General Fund for the purpose of investing surplus moneys per guidelines of the State Comptroller's Office and upon review and approval of the Superintendent of Schools;
- k) Issue of receipts by District Treasurer for all moneys received by him/her;
- l) Establish a method of reporting by District Treasurer;
- m) Issue of vouchers and payroll checks;
- n) Appointment of the following committees:
 - 1. Athletic;
 - 2. Committee on Special Education;
 - 3. Negotiations;
 - 4. Finance/Audit;
 - 5. Policy/Programs;
 - 6. Scholarship;
 - 7. Technology;
 - 8. Facilities/Buildings and Grounds;
- o) Other(s) as deemed appropriate/necessary.

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

Adopted: 7/30/07
Revised date I: 3/17/08
Revised date II: 2/25/13
Revised date III: 5/13/13

By-Laws

SUBJECT: DUTIES OF THE DISTRICT CLERK

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

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

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

Education Law Section 2121
Public Officers Law Section 104

Adopted: 7/30/07

By-Laws

SUBJECT: DUTIES OF THE SCHOOL DISTRICT TREASURER

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

- a) Acts as custodian of all moneys belonging to the School District and lawfully deposits these moneys in the depositories designated by the Board;
- b) Pays all authorized obligations of the District as directed;
- 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 Claims Auditor has attested to the authority to issue the check based upon proper evidence of a charge against the District's funds;
- f) Assumes other duties customary to the office.

Duties:

Education Law Sections 2122 and 2523

Bond:

Education Law Section 2130, Part 5

8 New York Code of Rules and Regulations (NYCRR)

Sections 170.2(o) and 170.2(p)

Adopted: 7/30/07

By-Laws

SUBJECT: DUTIES OF THE TAX COLLECTOR/DEPUTY COLLECTOR

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

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

Education Law Sections 2126, 2130 and 2506
Real Property Tax Law Sections 922, 924, 1322, 1330 and
1338
8 New York Code of Rules and Regulations (NYCRR)
Section 170.2

Adopted: 7/30/07

By-Laws

SUBJECT: DUTIES OF THE EXTERNAL (INDEPENDENT) AUDITOR

The Board by law shall obtain an annual audit of its records by an independent certified public accountant (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 (5) consecutive years. The District, may, however, permit an independent auditor engaged under an existing contract for such services to submit a proposal for such services in response to a request for competitive proposals or be awarded a contract to provide such services under a request for proposal process.

Duties and Responsibilities

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

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

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

(Continued)

By-Laws

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

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

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

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

General Municipal Law Sections 33 and 104-b

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

Adoption Date: 7/30/2007

Revised Date: 2/28/2011

By-Laws

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.

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

Qualifications

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

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

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

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

(Continued)

By-Laws

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).

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

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

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

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

Adoption Date: 7/6/07
Revised: September 15, 2008
Revised: June 18, 2012

By-Laws

SUBJECT: DUTIES OF THE EXTRACLASSROOM ACTIVITY ACCOUNT CENTRAL TREASURER

The Extraclassroom Activity Account Central Treasurer is appointed by the Board of Education and is responsible for the supervision of the extraclassroom activities funds.

The Treasurer's duties include the following:

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

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

Adopted: 7/30/07

By-Laws

SUBJECT: DUTIES OF THE SCHOOL ATTORNEY

The Board of Education will appoint a School Attorney for the District. The Attorney must be admitted to the bar of New York State. The Attorney will be the legal advisor to the Board. In that capacity, the Attorney's duties will be:

- a) To attend, upon request, regular monthly public meetings of the Board, and other meetings at the request of the President;
- b) To work with the Board, President and Superintendent with respect to all legal matters relating to the District, including, but not limited to, interpretation of the Education Law of the State of New York, and all other statutes, rules or regulations affecting the District;
- c) To be easily accessible to the Board and the Superintendent of Schools (and, at the discretion of the Superintendent, to his/her administrative staff), with respect to legal matters issuing out of the day-to-day administration of the District;
- d) To review and to represent the District in the preparation of any and all contracts which the District may be obliged to execute (other than purchase orders usually issued for the purchase of goods, equipment and services);
- e) To review all legal notices prepared by the District Offices for publication;
- f) To represent the District in matters of litigation;
- g) To review the legality of all rules or regulations to be adopted by the Board;
- h) To survey the procedures and notices involving the organizational plans for the Annual Meeting;
- i) To review and advise with respect to any process served upon the District; and
- j) To recommend the retainment of such special counsel as he/she may deem necessary in the circumstances, subject to the approval of the Board.

The District, when seeking to retain a School Attorney, will first locate prospective qualified lawyers/law firms by:

- a) Checking listings of lawyers/law firms; or
- b) Making inquiries of other districts or other appropriate sources.

The District will then prepare a well-planned, written request for a proposal which will contain critical details of the services sought and submit this request to prospective applicants.

In selecting a School Attorney, the District will consider the cost of a retainer (or hourly fee), as well as such other factors as:

- a) The special knowledge or expertise of the lawyer/law firm;
- b) The quality of the service provided by the lawyer/law firm;
- c) The staffing of the lawyer/law firm; and
- d) The lawyer's/law firm's suitability for the District's needs.

The District will maintain documentation of the written proposals submitted by lawyer/law firm applicants for the position of School Attorney.

(Continued)

By-Laws

SUBJECT: DUTIES OF THE SCHOOL ATTORNEY (Cont'd.)

The Attorney shall receive a retainer (or hourly fee, as per a written agreement between the District and the Attorney) for the school year in such amount as shall be agreed upon between the Board and the Attorney as of the Organization Meeting each school year.

In addition to the annual retainer (or hourly fee), the Attorney shall be reasonably compensated for:

- a) All services rendered in connection with litigation and appeals to the Commissioner of Education, state or federal courts, brought by or against the District, the Board or the Superintendent;
- b) All services rendered in connection with bond issues or similar financial transaction;
- c) Assistance in contract negotiations with representatives of employees and in the drafting of negotiated contracts;
- d) Legal services with respect to any grievances that may be filed by employees or their representatives;
- e) Tenure and related type hearings; and
- f) Such services as shall not be reasonably included within the specified duties enumerated as attorney duties.

Adopted: 7/30/07

By-Laws

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 physical activity for all students suspected of a mild traumatic brain injury;
- g) Develops the program of health service in accordance with policies approved by the Board and as directed by the Superintendent of Schools;
- h) Conducts physical exams for all bus drivers and substitutes prior to employment and annually thereafter;
- i) Conducts a medical evaluation on any employee at the request of the Board of Education.

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

Adoption Date: 7/30/2007
Revised: 11/19/2012

By-Laws

SUBJECT: POLICY

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

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

Policies may be proposed for adoption, change, or repeal at any regular or special Board meeting by any member of the school community. When a proposed policy is suggested by anyone other than a Board member or the Superintendent of Schools, he/she shall submit it in writing to the Board at least one (1) week in advance of a meeting.

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

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

Policy Dissemination

The Board of Education recognizes the need for widespread familiarity with District policies and regulations, and therefore directs the Superintendent of Schools to implement the following:

- a) Maintain an updated policy manual that takes precedence over all previous manuals, and be responsible for its presence at all Board meetings;
- b) Issue to each Board member, for the duration of his/her term, a complete and updated policy manual in an appropriate binder and/or provide online access to the District's policy manual;
- c) Ensure that personnel are familiar with Board policies and administrative regulations which affect them, directly or indirectly. The Board requires that all employees sign a statement that they have read and understood the policy manual, or appropriate sections thereof;

(Continued)

By-Laws

SUBJECT: POLICY (Cont'd.)

- d) Disseminate Board policies and manuals to all concerned, as he/she deems appropriate and/or necessary and/or provide online access to the policy manual;
- e) Place a copy of the District policy manual in every school library, school office, District office, the public library and other central locations to ensure that the District policies are available to the public and/or provide online access to the policy manual in such locations.

Policy Review and Evaluation

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 Board directs the Superintendent of Schools to bring to its attention any policy areas in need of revision or new development. The Board shall review the manual at least once every three (3) years to ensure that the manual is up-to-date. The Board shall note those policies which must be reviewed even more frequently (e.g., Policy #5220 -- District Investments and Policy #5410 -- Procurement of Goods and Services).

The Board will review portions of the policy manual so that the entire policy manual will be reviewed once every three (3) years.

The District Clerk will submit all policy updates and changes to each Board Member and all locations which have a copy of the policy manual as noted above, as updates and changes occur.

Suspension of Policies

The policies and by-laws of the Board of Education shall be subject to suspension only upon a majority vote of all Board members, with the proposed suspension described in writing prior to the meeting or upon a unanimous vote of all members of the Board when no such written notice has been given.

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

Adopted: 1/26/2009

By-Laws

SUBJECT: EXECUTION OF POLICY: ADMINISTRATIVE REGULATIONS

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

Adopted: 7/30/07

By-Laws

SUBJECT: REGULAR BOARD MEETINGS

All Board of Education meetings must be open to the public except those portions of the meetings which qualify as executive sessions. A "meeting" is defined as an official convening of a public body for the purpose of conducting public business and a "public body" is defined as an entity of two (2) or more persons which requires a quorum to conduct public business, including committees and subcommittees.

Whenever such a meeting is to take place, there must be at least seventy-two (72) hours advance notice in accordance with the provisions of the Open Meetings Law. Notice of other meetings shall be given as soon as is practicable in accordance with law.

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

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

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

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

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

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

(Continued)

2007

1510
2 of 2

By-Laws

SUBJECT: REGULAR BOARD MEETINGS (Cont'd.)

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

Education Law Sections 1708 and 2504
Public Officers Law Article 7

NOTE: Refer also to Policy #1520 -- Special Meetings of the Board of Education

Adopted: 7/30/07

HLCS POLICY

2013

#1511

Page 1 of 3
By-Laws

1511 AGENDA FORMAT

For Regular Board Meetings, the Following Format is used:

1. Call to Order;
2. Pledge of Allegiance;
3. Student Comments;
The Hadley-Luzerne Board of Education welcomes district students and other interested persons to its meeting. It is our goals to work together to create an environment of high expectations, high performance and constant improvement, yielding excellent results. Community involvement at board meetings is encouraged so that the board can better understand and represent the views of its constituents. Please be aware that by law individual student information or particular personnel issues cannot be discussed at public sessions of the board. Please reserve comments or questions for the designated time on the agenda. When recognized by the Board President, please state your name and town of residence. Statements are restricted to a maximum of two minutes and speakers will be notified by the Board President when their time has expired. The Board President reserves the right to extend the speakers comment time, if there is no objection. The board and the district staff take public comment very seriously and careful notes of questions and concerns expressed will be taken. However, the board generally does not respond while the meeting is in public session. The board asks the public's cooperation in maintaining a safe and respectful decorum and the Board President does reserve the right to limit individual comments if it is deemed necessary. Thank you
4. Correspondence;
5. Presentation/Discussion/Administrative Comments:
6. Old Business;
7. New Business;
8. Personnel;
 - A. Retirements/Resignations
 - B. Appointments - HLTA
 - C. Appointments - CSEA
 - D. Appointments - Other
9. Schedule of Bills;
10. CSE Recommendations;
11. Treasurer's Report;
12. Other Action Items;
13. Public Comments;
The Hadley-Luzerne Board of Education welcomes district residents, parents and other interested persons to its meeting. It is our goals to work together to create an environment of high expectations, high performance and constant improvement, yielding excellent results. Community involvement at board meetings is encouraged so that

HLCS POLICY

2013

#1511

Page 2 of 3
By-Laws

the board can better understand and represent the views of its constituents. Please be aware that by law individual student information or particular personnel issues cannot be discussed at public sessions of the board. Please reserve comments or questions for the designated time on the agenda. When recognized by the Board President, please state your name and town of residence. Statements are restricted to a maximum of two minutes and speakers will be notified by the Board President when their time has expired. The Board President reserves the right to extend the speakers comment time, if there is no objection. The board and the district staff take public comment very seriously and careful notes of questions and concerns expressed will be taken. However, the board generally does not respond while the meeting is in public session. The board asks the public's cooperation in maintaining a safe and respectful decorum and the Board President does reserve the right to limit individual comments if it is deemed necessary. Thank you.

14. Administrative/Board Comments;

15. Adjournment

The regular order of business may be changed at any meeting (and for that meeting only) by an affirmative vote of a majority of Board members voting for the proposed change in the regular order of business.

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.

Board of Education Committee Meeting

Committee meetings will be held at 6:30 p.m.

Except in emergencies, the Board of Education shall not attempt to decide upon any question under consideration before examining and evaluating relevant information. The Superintendent of Schools shall be given the opportunity to examine and to evaluate all such information, and to recommend action before the Board attempts to make a decision.

The Board may adjourn a regular or special meeting at any place in the agenda providing that arrangements are made to complete the items of business on the agenda at a future meeting. The minutes shall make notice of the adjournment, and the reconvened session shall be considered an addition to these minutes.

For Board of Education Committee Meetings, the Following Format is used:

1. Call to Order;
2. Pledge of Allegiance;
3. Correspondence;
4. Student Comments;

The Hadley-Luzerne Board of Education welcomes district students and other interested persons to its meeting. It is our goals to work together to create an environment of high expectations, high performance and constant improvement, yielding excellent results. Community involvement at board meetings is encouraged so that the board can better understand and represent the views of its constituents. Please be aware that by law individual student information or particular personnel issues cannot be discussed at public sessions of the board. Please reserve comments or questions for the designated time on the agenda. When recognized by the Board President, please state your name and town of residence. Statements are restricted to a maximum of two minutes and speakers will be notified by the Board President when their time has expired. The Board President reserves the right to extend the speakers comment time, if there is no objection. The board and the district staff take public comment very seriously and careful notes of questions and concerns expressed will be taken. However, the board generally does not respond while the meeting is in public session. The board asks the public's cooperation in maintaining a safe

HLCS POLICY

2013

#1511

Page 3 of 3
By-Laws

and respectful decorum and the Board President does reserve the right to limit individual comments if it is deemed necessary. Thank you

5. Presentation/Discussion/Administrative Comments:

6. Department Reports

7. Committee Reports:

- Athletic;
- Committee on Special Education;
- Negotiations;
- Audit;
- Policy;
- Scholarship;
- Technology;
- Facilities/Buildings and Grounds;

8. Public Comments;

The Hadley-Luzerne Board of Education welcomes district residents, parents and other interested persons to its meeting. It is our goal to work together to create an environment of high expectations, high performance and constant improvement, yielding excellent results. Community involvement at board meetings is encouraged so that the board can better understand and represent the views of its constituents. Please be aware that by law individual student information or particular personnel issues cannot be discussed at public sessions of the board. Please reserve comments or questions for the designated time on the agenda. When recognized by the Board President, please state your name and town of residence. Statements are restricted to a maximum of two minutes and speakers will be notified by the Board President when their time has expired. The Board President reserves the right to extend the speaker's comment time, if there is no objection. The board and the district staff take public comment very seriously and careful notes of questions and concerns expressed will be taken. However, the board generally does not respond while the meeting is in public session. The board asks the public's cooperation in maintaining a safe and respectful decorum and the Board President does reserve the right to limit individual comments if it is deemed necessary. Thank you.

9. Adjournment

Education Law Section 1606
Public Officers Law Section 104(2)
Adopted: 10/19/2009
Revised date I: 2/25/13
Revised date II: 5/13/2013
Revised date III: 10/21/2013

By-Laws

SUBJECT: SPECIAL MEETINGS OF THE BOARD OF EDUCATION

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

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

Public notice of the time and place shall be given, to the extent practicable, to the news media and shall be conspicuously posted in one (1) or more designated public locations at a reasonable time prior to the meeting.

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

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

Adopted: 7/30/07

2007

1530

By-Laws

SUBJECT: BROADCASTING AND TAPING OF BOARD MEETINGS

The use of any tape recording device at public meetings of the Board of Education or committee appointed thereby is permissible as long as the device is unobtrusive and will not distract from the deliberative process of the Board. The Board President or chairperson of the committee shall be informed prior to the meeting that such recordings are being made.

The Board and/or the committee reserves the right to direct that a tape recording be made to ensure a reliable, accurate, and complete account of Board meetings.

The Board permits the broadcasting of public meetings of the Board or any of its committees as long as such broadcasting is done in a manner which is unobtrusive and does not interfere with the deliberative process of the body.

Public Officers Law Section 100 et seq.

Adopted: 7/30/07

By-Laws

SUBJECT: ANNUAL DISTRICT MEETING AND ELECTION/BUDGET VOTE

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

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

The District Clerk shall give notice of the time and place of holding the Annual Meeting and Election/Budget Vote by publishing such notice four (4) times within seven (7) weeks preceding the meeting. The first publication of the notice must be at least forty-five (45) days prior to the meeting. Such notice must appear in two (2) newspapers, if there are two (2) newspapers which have a general circulation within the District, or one (1) newspaper, if there is one (1) newspaper with a general circulation within the District. The notice shall also contain such other information as required by law.

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

The Board shall appoint assistant clerks and election inspectors necessary for the Annual Meeting and Election at a Board meeting held before the Annual Meeting and Election.

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

NOTE: Refer also to Policy #1640 -- Absentee Ballots
Adopted: 7/30/07

By-Laws

SUBJECT: BUSINESS OF THE ANNUAL DISTRICT ELECTION

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

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

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

Education Law Sections 1716, 2025 and 2601-2613

Adopted: 7/30/07

By-Laws

SUBJECT: ANNUAL ORGANIZATIONAL MEETING

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

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

Officers

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

Oath of Office

The District Clerk shall administer the Oath of Office to the newly elected President and Vice President and newly elected and re-elected members of the Board.

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

Adopted: 7/30/07

By-Laws

SUBJECT: LEGAL QUALIFICATIONS OF VOTERS AT SCHOOL DISTRICT MEETINGS

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

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

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

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

Personal Registration of Voters

Personal registration of voters in the Hadley-Luzerne Central School District has been provided.

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

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

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

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

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

Adopted: 7/30/07

VOTER REGISTRATION FOR STUDENTS

(X) Required

The Board of Education believes that getting young people involved in the election process helps to secure the future of democracy by preparing young people to be educated, engaged voters who have formed the habit of voting and contributing to civic life early.

In an effort to promote student voter registration, the Board directs the *building principals* to offer all students who are at least 16 years old (but will not be 18 years old by the next election). These students must be otherwise qualified to register to vote. These pre-registrations will be automatically registered upon reaching the age of eligibility following verification of the person's qualifications and address.

The district will do so by *offering registration materials in the 11th grade social studies class.*

Students who do not wish to pre-register to vote do not have to do so. There will be no penalty (including participation grades or credits) for choosing not to do so.

Ref: Election Law § 5-507

NYS Voter Registration Form - Attached

Adoption date: February 24, 2020

By-Laws

SUBJECT: ABSENTEE BALLOTS

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

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

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

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

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

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

(Continued)

2007

1640
2 of 2

By-Laws

SUBJECT: ABSENTEE BALLOTS (Cont'd.)

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

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

Adopted: 7/30/07

By-Laws

SUBJECT: SUBMISSION OF QUESTIONS AND PROPOSITIONS AT ANNUAL ELECTIONS AND SPECIAL DISTRICT MEETINGS**Questions and Propositions at Annual District Elections**

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

- a) Questions or propositions shall be submitted by petition directed to the Clerk of the School District and shall be signed by twenty-five (25) qualified voters, or five percent (5%) of the registered voters of the District who voted in the previous annual election of Board members, whichever is greater.
- b) A separate petition shall be required for each question or proposition.
- c) Each petition shall be filed with the Clerk of the School District. Petitions relating to an Annual Election must be filed not later than thirty (30) days preceding the election at which the question or proposition is to be voted upon, except for petitions relating to a proposition which must be included in the notice of the Annual or Special District Meeting (e.g., changing the number of Board members). Such petitions must be submitted sixty (60) days in advance of the Annual Meeting or Special District Meeting to facilitate the preparation and printing of the ballots.
- d) Propositions must include the specific appropriations necessary for the purposes listed in accordance with law as may be applicable.
- e) Wording of a petition must comply with legal requirements. If the wording does not comply, it may be changed or altered by the Board, or the Board may reject a petition for failure to comply.
- f) Any proposition or amendment having a dollar effect on the budget shall be presented to the Superintendent of Schools by its sponsor in order that it be accurately priced and properly presented to the District within the timeframe set forth in its policy.
- g) The Board of Education shall cause the rules and regulations set forth in this policy to be distributed within the District.
- h) Nothing herein contained shall affect the nominations of candidates as set forth in the Annual District Election notice pursuant to Section 2018 of the Education Law.

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

(Continued)

**SUBJECT: SUBMISSION OF QUESTIONS AND PROPOSITIONS AT ANNUAL
ELECTIONS AND SPECIAL DISTRICT MEETINGS (Cont'd.)**

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

Questions or Propositions to be Submitted at Special District Meetings

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

Education Law Sections 2008(2), 2018, 2035(2) and
2601-a(3)

Adopted: 7/30/07

2007

1710

By-Laws

SUBJECT: QUORUM

The quorum for any meeting of the Board shall be three (3) members. No formal action shall be taken at any meeting at which a quorum is not present. When only a quorum exists, the Board shall act by unanimous vote unless otherwise required by the laws of the State of New York.

Should there be fewer than three (3) members of the Board present at a regular meeting, a time for the new meeting shall be set by the members present and such meeting shall be deemed a regular meeting. Notice of rescheduled meetings shall be given to absent members pursuant to Policy #1510 -- Regular Board Meetings.

General Construction Law Section 41

Adopted: 7/30/07

By-Laws

SUBJECT: MINUTES

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

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

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

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

All Board minutes shall be signed by the District Clerk when approved and stored in a locked room or locked file cabinet. Unless otherwise provided by law, minutes shall be available to the public within two (2) weeks following the date of a meeting; draft copies, so marked as "DRAFT," are acceptable, subject to correction. A draft of the minutes of each meeting is to be forwarded to each member of the Board no later than the time the agenda for the next meeting is disseminated.

Minutes of Executive Sessions

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

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

Education Law Section 2121
Public Officers Law Section 106

Adopted: 7/30/07

By-Laws

EXECUTIVE SESSIONS

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

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

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

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

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

1. A Board may not take action in executive session except to vote on disciplinary charges against a tenured teacher.

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

3.

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

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

Adoption date: 7/30/2007

Revised: 12/17/2018

2007 2000

Internal Operations

Hadley-Luzerne Central School District

NUMBER

INTERNAL OPERATIONS

| | | |
|-----|---|------|
| 1.1 | Orienting New Board Members..... | 2110 |
| 1.2 | Use of Parliamentary Procedure | 2120 |
| 1.3 | Board Member Training on Financial Oversight, Accountability and Fiduciary Responsibilities..... | 2130 |

BOARD OF EDUCATION COMMITTEES

| | | |
|-----|-------------------------------|------|
| 2.1 | Committees of the Board | 2210 |
|-----|-------------------------------|------|

BOARD OF EDUCATION ACTIVITIES

| | | |
|-----|---|------|
| 3.1 | Membership in Associations..... | 2310 |
| 3.2 | Attendance by Board Members at Conferences, Conventions and Workshops | 2320 |
| 3.3 | Compensation and Expenses | 2330 |
| 3.4 | Board Self-Evaluation..... | 2340 |

Internal Operations

SUBJECT: ORIENTING NEW BOARD MEMBERS

The Board of Education and the administrative staff shall assist each new Board member-elect to become familiar with and understand the Board's functions, policies and procedures, and the School District's operation before taking office. Each Board member-elect shall, as soon as possible:

- a) Be given selected materials covering the function of the Board and the School District, including:
 1. Policy manual,
 2. Copies of key reports prepared during the previous year by School Board committees and/or the administration,
 3. The School Law Handbook prepared by the New York State School Boards Association and the New York State Bar Association,
 4. Access to minutes of Board meetings of the previous year,
 5. Latest financial report of the District,
 6. Copies of pertinent materials developed by the New York State School Boards Association, and
 7. Any other materials which may be deemed helpful and informative;
- b) Be invited to attend all Board meetings and to participate in discussion;
- c) Be invited to meet with the Superintendent of Schools and other administrative personnel to discuss the services that they perform for the School Board and the School District; and
- d) Be invited and encouraged to attend the New York State School Boards Association's workshop for New School Board Members.

Adopted: 7/30/07

2007

2120

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: 7/30/07

Internal Operations

SUBJECT: BOARD MEMBER TRAINING

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

Training on Financial Oversight, Accountability and Fiduciary Responsibilities

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

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

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

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

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

Curricula and Compliance

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

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

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

Adoption Date: 7/30/2007
Revised: 2/28/2011

HLCS POLICY

2013

2210
1 of 3

Internal Operations

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.

Advisory Committees to the Board

The Board of Education may establish advisory committees with input as to membership from the Superintendent of Schools for special projects or to address specific problems or issues. Such committees may be composed of individuals who have not been elected to the Board so that the resources of the entire community may be utilized for the good of the District. Final decisions in all matters will rest with the Board.

Procedures will be established by the Board for the creation and function of advisory committees. These procedures, at the time of the creation of the committee, shall include:

- a) Specific charges or tasks assigned to committees;
- b) Payment of committee expenses;
- c) Membership of committees; and
- d) Procedures for dissolution of committees.

Committees shall report all suggestions and recommendations to the Board and Superintendent prior to public release. Final reports shall be delivered to the Board at a meeting scheduled by the Board to receive the report.

Any official policy-level action is at the sole discretion of the Board. The Board is not obligated to follow committee recommendations. The Board has the right to accept, reject, or modify all or any part of a committee recommendation or have the committee's report placed on file.

Citizens Advisory Committees

The Board of Education recognizes that it can profitably utilize the talents, resources, and interests available among District residents to assist in developing the programs needed for the maintenance of a quality educational program in the schools of the District. To that end, the Board may, at its discretion and in accordance with state law and regulation, appoint, with input from the Superintendent, Citizens Advisory Committees of representative residents of the District to meet with the Board to provide advice and reaction about important matters before the Board which may have special significance for the community.

(Continued)

HLCS POLICY

2013

2210
2 of 3

Internal Operations

Each citizens committee organized by the Board shall be appointed and discharged by official Board resolutions. Resolutions appointing such committees shall state specifically the scope of the work of the committee.

Appointments to Citizens Advisory Committees shall be on the basis of interest, experience, expertise, and concern. No one shall be appointed as a representative of a specific group or area, unless it is the express purpose of the Board to have all areas of the community represented, in which case the Board will, in its discretion, appoint representative members of every such group or area. The Board shall make every effort to form a committee that is representative of the entire community.

The Board may accept, reject, or return committee recommendations for further study. Any action stemming from committee reports is the responsibility of the Board. Publicity, or the release of information, concerning committee findings shall be the responsibility and the prerogative of the Board. Advisory committees shall be discontinued upon completion of their assignment(s).

Audit Committee

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

Athletic Committee

The Board has established an athletic committee to review and report to the board on an annual basis the progress of interscholastic athletic programs (1 board member).

Negotiations Committee

The Board has established a negotiations committee to facilitate board involvement in collective bargaining unit negotiations. No board member previously employed may serve on the committee for a period of five years from the date of retirement or end of service with the district (2 board members).

Scholarship Committee

The Board has established a scholarship committee to facilitate board/community involvement in the award consideration for local scholarships. The board representative cannot be a parent or relative of a member of the graduating class. If all board members are related to members of the senior class, at least two board members will serve on the committee.

HLCS POLICY

2013

2210
3 of 3

Internal Operations

Technology Committee

The Board has established a technology committee to review and annually report on the condition and progress of instructional technology used in the district (1 board member).

Facilities, Buildings and Grounds

The Board has established a facilities and grounds committee to review and update the board annually as to the condition of the school district's facilities, buildings and grounds.

Education Law Sections 1708, 2116-c and 4601

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

Adopted: 7/30/07
Revised: 10/21/2013

2007

2310

Internal Operations

SUBJECT: MEMBERSHIP IN ASSOCIATIONS

The Board of Education shall maintain memberships in the Adirondack School Boards Association, the New York State School Boards Association, and other organizations established for Boards of Education as deemed necessary and within budgetary guidelines.

Board members should take the responsibility to attend association meetings for the purpose of Board development and gathering new information.

Education Law Section 1618
Comptroller's Opinion 81-255

Adopted: 7/30/07

Internal Operations

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

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

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

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

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

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

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

Adopted: 7/30/07

2007

2330

Internal Operations

SUBJECT: COMPENSATION AND EXPENSES

No member of the Board may receive any compensation for his/her services unless he/she shall also serve as 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 Section 2118
General Municipal Law Section 77-b

Adopted: 7/30/07

Internal Operations

SUBJECT: BOARD SELF-EVALUATION

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

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

Adopted: 7/30/07

Hadley-Luzerne Central School District

NUMBER

SCHOOL COMMUNITY RELATIONS

- 1.0 Community Relations.....3100
- 1.1 Public Access to Records.....3110
- 1.2 Relations with the Municipal Governments3120
- 1.3 Senior Citizens.....3130
- 1.4 Flag Display.....3140
- 1.5 School Volunteers.....3150
- 1.7 Adult Educational Programs.....3170

PARTICIPATION BY THE PUBLIC

- 2.1 Visitors to the School.....3210
- 2.2 Public Expression at Meetings.....3220
- 2.3 Public Complaints.....3230
- 2.4 Student Participation.....3240
- 2.5 Relations with Parent Organizations.....3250
- 2.6 Booster Clubs.....3260
- 2.7 Solicitations
 - 2.7.1 Solicitation of Charitable Donations From School Children.....3271
 - 2.7.2 Advertising in the Schools.....3272
 - 2.7.3 Soliciting Funds From School Personnel3273
- 2.8 Community Use of School Facilities, Materials and Equipment.....3280
- 2.9 Operation of Vehicles on District Property3290
 - 2.9.1 Skateboards, Roller Blades, Scooters, and Roller Skates on School Property.....3291

DISTRICT RECORDS

- 3.1 Public Access to Records.....3310
- 3.2 Confidentiality of Computerized Information3320

PUBLIC ORDER ON SCHOOL PROPERTY

- 4.1 Code of Conduct on School Property3410
 - 4.1.1 Unlawful Possession of a Weapon Upon School Grounds.....3411
 - 4.1.2 Threats of Violence in School3412
- 4.2 Anti-Harassment in the School District.....3420
- 4.3 Uniform Violent and Disruptive Incident System3430

EMERGENCY SITUATIONS

- 5.1 Emergency Closings3510
- 5.2 Automated Calling System.....3520

COMMUNITY RELATIONS GOALS

The Board of Education strives to conduct district affairs by way of a continuing, open dialogue between the community and the schools. Given district residents' high level of interest in the education of children, the Board wishes to maintain its high level of sensitivity to the needs and desires of the community and to act expeditiously to meet changing needs and conditions.

To this end, the Board establishes the following goals for community involvement:

1. provide a variety of means whereby residents of the school district may have the opportunity to contribute their best thinking to the orderly planning of education for children in the district;
2. keep the community accurately informed about its schools;
3. understand community attitudes and aspirations for the schools;
4. encourage contributions from the parent-teacher associations of the district so that school personnel and parents cooperate to advance the educational welfare of the children;
5. handle all complaints from the public by the administrative officer in charge of the unit of the school district organization closest to the complainant. However, such complaints may be carried to the Superintendent of Schools and/or the Board if the problem cannot be solved at that level;
6. promote a spirit of cooperation among the Board, the schools, and the community;
7. develop and maintain the confidence of the community in the Board and the school district staff;
8. expand the public understanding of every aspect of the school system, and stimulate public interest in the school;
9. facilitate dissemination of information to the community concerning issues and activities in the school using not only traditional modes of communication, such as a district newsletter, but also current modes of communication such as the District's website and social networking sites;
10. ascertain the community's opinions and desires with respect to the operations of the school system, and to incorporate that knowledge into its actions;
11. build relationships with local businesses, local government, health care, social service, civic and community organizations to share resources in order to meet the academic, social and emotional needs of all of our students; and
12. develop and maintain an effective means of communication with the people of the district.

Notwithstanding the above, the final decisions in these areas will rest with the Board.

Adoption date: 11/17/2014

Community Relations

SUBJECT: PUBLIC ACCESS TO RECORDS

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

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

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

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

Requests for Records via E-mail

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

Board of Education Meetings and Records

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

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

Adoption Date: 7/30/07
Revised: June 18, 2012

2007

3120

Community Relations

SUBJECT: RELATIONS WITH THE MUNICIPAL GOVERNMENTS

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

Adopted: 7/30/07

2007

3130

Community Relations

SUBJECT: SENIOR CITIZENS

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

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

Adopted: 7/30/07

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 and final authorization by the Board shall be required for the flag to be flown at half-staff upon any other occasion. Regulations for seeking such approval shall be established in the Administrative Manual of the District.

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

Education Law Sections 418 and 419
Executive Law Sections 402 and 403
8 New York Code of Rules and Regulations (NYCRR)
Sections 108.1-108.3

Adopted: 7/30/07

Community Relations

SUBJECT: SCHOOL VOLUNTEERS

The Board of Education recognizes that the use of volunteers strengthens school/community relations through positive participation, builds an understanding of school programs among interested citizens, and can assist District employees in providing more individualized and enriched opportunities in instruction. The Board encourages volunteers from all backgrounds and age groups who are willing to share their time, training, experience or personal characteristics to benefit the students of the District.

Volunteers may be involved in many facets of school operations, from mentor/tutor relationships to clerical tasks. Volunteers shall not be used to provide transportation for school-sponsored activities.

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

School personnel who are responsible for tasks or projects that involve the use of volunteers shall identify appropriate tasks and time schedules for such volunteer activities, as well as make provisions for adequate supervision and evaluation.

Persons wishing to volunteer must contact the Superintendent or Building Principal or other individual designated by the Superintendent or Building Principal and must complete a volunteer application form. The application form shall require the volunteer applicant to disclose any criminal convictions. The application form shall also require the applicant to identify two (2) non-family member personal references. The Superintendent or Building Principal shall be responsible for ensuring that both references are contacted before the volunteer begins rendering volunteer services to verify that the individual is of good moral character.

The District shall retain a complete record of all information obtained through the application process for the same period of time it retains information regarding District employees.

All volunteers are required to act in accordance with District policies, regulations and school rules. Any volunteer who violates District policies, regulations or school rules may be asked by the Building Principal/designee to leave school grounds.

Each Building Principal shall be responsible for maintaining a current and complete list of all active volunteers and their assignments and provide criminal background checks.

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

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

Adopted: 7/30/07

SUBJECT: ADULT EDUCATIONAL PROGRAMS

The Board of Education may endeavor to establish an adult education program providing the community with a broad scope of courses. Courses will be offered to meet the intellectual, social, vocational, and recreational needs of the community.

The mission of the District's adult education program shall be as follows:

- a) To promote life-long learning as a component of an individual's growth;
- b) To provide activities which enable people to develop their full potential;
- c) To provide a learning environment that encourages personal growth, autonomy and self-confidence;
- d) To contribute to the development of an aware and responsible community.

The Board shall appoint a member of the staff to coordinate the adult education program. In addition, the addition, the Board shall appoint a committee composed of community residents. The coordinator and the committee shall be charged with recommending to the Board policies and programs for the effective operation of the adult education program. The program will fulfill the following:

- a) The Board itself has responsibility and authority for the adult education program.
- b) Individuals who are appointed to teach adult education classes must have a valid New York State teaching certificate, an adult education certificate or an evening vocational certificate.
- c) The individual administering and supervising the adult education program must have a valid New York State teaching certificate. An individual who is assigned half or more of his/her time to the administration and supervision of the adult education programs must not only have a valid New York State teaching certificate, but also must complete six (6) college semester hours in approved adult education courses of 90 clock hours of leadership education provided by the State Education Department or have equivalent experience approved by the Board.
- d) The program must be structured to attain educational goals. Expenditures will not be approved for courses that are social or recreational in nature, with limited educational objectives, unless they are provided to adults sixty (60) years or older.
- e) The program will be provided to individuals who are beyond the compulsory school age and who are not enrolled in public or private secondary school.

(Continued)

Community Relations

SUBJECT: ADULT EDUCATIONAL PROGRAMS (Cont'd.)

- f) A level of adult attendance will be maintained in the program so that effective and efficient instruction may be provided.
- g) The Superintendent and the administrator of the adult education program shall ensure that all individuals who participate in the program are notified of the emergency procedures to be complied with in the event of a fire.

This notification must occur during the first class meeting and include, but not be limited to, information regarding the fire alarm system, location of exits, routes of exit, and evacuation procedures.

The adult education program will be administered by the Superintendent or his/her designee and shall be self-supporting through the collection of appropriate fees as well as through state and federal aid.

20 United States Code (USC) Section 1203 et seq.
Education Law Sections 4602 and 4604
8 New York Code of Rules and Regulation (NYCRR)
Sections 157.1 and 157.2

Adopted: 7/30/07

HLCS POLICY

2013
3210

Community Relations

Page 1 of 1

3210 Visitors to the Schools

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

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

Adoption date: 5/13/2013

2007

3220

Community Relations

SUBJECT: PUBLIC EXPRESSION AT MEETINGS

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

The Board of Education reserves the right to enter into executive session as specified in Policy #1730 -- Executive Sessions.

NOTE: Refer also to Policy #1730 -- Executive Sessions

Adopted: 7/30/07

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.

Individual Board members will refer persons making inquiries to the Superintendent. Board members will refrain from expressing any judgment until such inquiry is submitted to the entire Board. The Superintendent shall refer inquiries to other staff members when appropriate.

Compliance with applicable contractual agreements must be undertaken.

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

Adopted: 7/30/07

2007

3240

Community Relations

SUBJECT: STUDENT PARTICIPATION

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

Adopted: 7/30/07

Community Relations

SUBJECT: RELATIONS WITH PARENT ORGANIZATIONS

Parents should play a meaningful role in school life. Parent and parent-teacher organizations play a vital role in combining the efforts of parents, teachers, and administrators in order to serve the schools.

As a matter of policy, the Board of Education encourages the formation of parent organizations, and will take steps to ensure that the decision-making process takes into consideration the appropriate involvement of parents and parent groups.

Parents' associations are independent entities, and have no legal relationship to the schools. They are responsible for their own actions and the conduct of their affairs, and for planning their own programs and activities. As a general rule, authorized parent organizations are allowed the use of the school and school facilities, and to send home communications with children, as set forth in Board policy or regulations and as approved by the Building Principal.

The administration of the schools and the making of policies that govern school operations remain at all times the legal functions of the Board and District administration.

Adopted: 7/30/07

Community Relations

SUBJECT: BOOSTER CLUBS

Booster clubs or other related organizations may be created to promote community support and to raise funds for specific school activities or programs. These groups must receive official Board approval and may not discriminate on the basis of sex, sexual orientation, color, national origin, ethnic background, disability, religion or any other arbitrary criteria.

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

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

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

Civil Rights Law Section 40-c

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

Adopted: 7/30/07

Community Relations

SUBJECT: SOLICITATION OF CHARITABLE DONATIONS FROM SCHOOL CHILDREN

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

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

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

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

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

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

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

Adopted: 7/30/07

Community Relations

SUBJECT: ADVERTISING IN THE SCHOOLS

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

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

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

The Superintendent is hereby granted the authority to approve activities in cooperation with any individual or organization in promoting activities of general public interest (e.g., Parent-Teacher-Student Association meetings, students' and teachers' activities, and all other programs which promote the education or other best interests of the students). Exhibitions in schools of any books or articles or apparatus, or films or other educational material shall be adjudged on the basis of their actual educational values. All publicity releases must go through the School Principals and/or the Central Office for approval.

In the case of colleges, universities, armed service agencies, corporations, business and public service agencies, it is the policy of the Board of Education that access to schools shall be encouraged to bring career and occupational information to students. The Superintendent shall ensure that such activities are carefully monitored to restrict any commercial advertisement.

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

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

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

Adopted: 7/30/07

Community Relations

SUBJECT: SOLICITING FUNDS FROM SCHOOL PERSONNEL

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

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

Adopted: 7/30/07

COMMUNITY USE OF SCHOOL FACILITIES, MATERIALS AND EQUIPMENT

School Buildings

It shall be the policy of the Board to encourage the greatest possible use of school buildings for community-wide activities. This is meant to include use by any recognized civic, social, athletic, and fraternal and religious organizations in accordance with law. Groups wishing to use the school facilities must secure written permission from the Superintendent and abide by the rules and regulations established for such use including restrictions on alcohol, tobacco and drug use. The Superintendent, at his/her discretion, may consult with the Board of Education.

Materials and Equipment

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

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

Administrative regulations will be developed to assure the lender's responsibility for, and return of, all such materials and equipment.

Specific Requirements Relating to Boy Scouts and other Title 36 Patriotic Youth Groups

The Boy Scouts Act applies to any local educational agency (LEA) that has a designated open forum or limited public forum and that receives funds made available through the U.S. Department of Education (DOE). It applies to any group officially affiliated with the Boy Scouts of America or any other youth group designated in Title 36 of the United States Code as a patriotic society.

This statute provides for the following:

- a) No covered entity shall deny equal access or a fair opportunity to meet, or discriminate against any group affiliated with the Boy Scouts of America or any other Title 36 patriotic youth group that requests to conduct a meeting within the covered entity's designated open forum or limited public forum.
 1. A designated open forum exists when the school designates a time and place for one or more outside youth community groups to meet on school premises or in school

facilities, including during the hours in which attendance at the school is compulsory, for reasons other than to provide the school's educational program.

2. A limited public forum exists when the school allows one or more outside youth or community groups to meet on school premises or in school facilities before or after the hours during which attendance at the school is compulsory.
 - b) No covered entity shall deny access or opportunity or discriminate for reasons including the membership or leadership criteria or oath of allegiance to God and country of the Boy Scouts of America or of the Title 36 patriotic youth group.
 - c) Access to facilities and the ability to communicate using school-related means of communication must be provided to any group officially affiliated with the Boy Scouts of America or any other Title 36 patriotic youth group on terms that are no less favorable than the most favorable terms provided to other outside youth or community groups.

The statute applies regardless of the entity's authority to make decisions about the use of its own school facilities. However, no entity is required to sponsor any group officially affiliated with Boy Scouts or any other Title 36 patriotic youth group.

The obligation to comply with the Boy Scouts Act is not obviated or alleviated by any State of local law or other requirement.

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

OTE: Refer also to Policies #3410 -- Code of Conduct on School Property

#5640 -- Smoking/Tobacco Use

#7310 -- School Conduct and Discipline

#7320 -- Alcohol, Tobacco, Drugs and Other Substances (Students)

#7410 -- Extracurricular Activities

District Code of Conduct on School Property

Adopted: 7/30/07

Community Relations

SUBJECT: OPERATION OF VEHICLES ON DISTRICT PROPERTY**Motor-Driven Vehicles**

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.

Student Automobile Use

Students with a valid driver's license may be eligible to drive to school and park on school grounds. All automobiles, motorcycles or any other motorized vehicle driven by students to and from school must be registered with the Principal. Motorized vehicles are to be parked in the student parking lot and may not be used without permission during the hours school is in session. Offenders will lose driving privileges and will be required to ride the school bus and/or walk to school.

Student Bicycle Use

Students are permitted to ride bicycles to school. Bicycles must be parked and locked in the designated rack areas. While on school grounds, all bicycle riders should ride with caution. All students under age fourteen (14) must ride with a proper helmet while on school grounds. Any student found to be endangering the safety of himself/herself or others while riding a bicycle on school grounds will have his/her bicycle privileges denied.

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

NOTE: Refer also to Policy #3291 -- Skateboards, Roller Blades, Scooters, and Roller Skates on School Property

Adopted: 7/30/07

Community Relations

SUBJECT: SKATEBOARDS, ROLLER BLADES, SCOOTERS, AND ROLLER SKATES ON SCHOOL PROPERTY

The Hadley-Luzerne Central School District believes that the safety of its students and general public while on school property is essential. To this end, the School District will prohibit loitering and the use and/or possession of skateboards, roller blades, scooters, and roller skates on school property.

Definitions

- a) "Roller skate" means a shoe with four small wheels attached to it for skating.
- b) "Skateboard" means a device for riding upon, usually while standing, consisting of an oblong piece of wood or other material mounted on skate wheels.
- c) "Roller blades" means a form of skate with spherical shaped wheels constructed in-line and made of rubber or other synthetic material.
- d) "Scooter" means a long footboard between two small end wheels, controlled by an upright steering handle attached to the front wheel.
- e) "Operate" means to ride on or upon or control the operation of a skateboard, roller skates, scooter, or roller blades.
- f) "Operator" means every person who operates or is in actual physical control of a skateboard, roller skates, scooter, or roller blades.
- g) "School property" means any property owned, leased, or controlled by a school district.

It shall be a violation of school policy to operate a skateboard, roller blades, scooter, or roller skates on school property. Local law enforcement officials may charge any individual who violates this provision with criminal trespass. Any Hadley-Luzerne Central School District student who violates this school policy may also be subject to discipline, including suspension, as enumerated in the District Code of Conduct.

The Hadley-Luzerne Central School District may post a sign on school property to inform the general public of these prohibitions and regulations on skateboarding, rollerblading, scooter use, and roller skating on school property. Students of the District are deemed to know of these prohibitions and regulations through student handbooks, regardless of whether a posting has been done.

Adopted: 7/30/07

Community Relations

SUBJECT: PUBLIC ACCESS TO RECORDS

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

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

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

Education Law Section 2116
Public Officers Law Section 87
21 New York Code of Rules and Regulations (NYCRR)
Part 9760

Adopted: 7/30/07

Community Relations

SUBJECT: CONFIDENTIALITY OF COMPUTERIZED INFORMATION

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

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

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

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

Adopted: 7/30/07

COMMUNITY RELATIONS

Page 1 of 2

PUBLIC CONDUCT ON SCHOOL PROPERTY

The district is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions. For purposes of this section of the code, "public" shall mean all persons when on school property or attending a school function including students, teachers and district personnel.

The restrictions on public conduct on school property and at school functions contained in this code are not intended to limit freedom of speech or peaceful assembly. The district recognizes that free inquiry and free expression are indispensable to the objectives of the district. The purpose of this code is to maintain public order and prevent abuse of the rights of others.

All persons on school property or attending a school function shall conduct themselves in a respectful and orderly manner. In addition, all persons on school property or attending a school function are expected to be properly attired for the purpose they are on school property.

A. Prohibited Conduct

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass or discriminate against any person on the basis of actual or perceived race, creed, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender (including gender identity and expression).
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles.
9. Possess, consume, sell, offer, manufacture, distribute or exchange alcoholic beverages, controlled or illegal substances or any synthetic versions (whether or not specifically illegal or labeled for human consumption), or be under the influence of either on school property or at a school function.
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.
11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
14. Willfully incite others to commit any of the acts prohibited by this code.
15. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.

HLCS POLICY

2014

#3410

COMMUNITY RELATIONS

Page 2 of 2

16. Smoke a cigarette, cigar, pipe, electronic cigarette, or use chewing or smokeless tobacco.

B. Penalties

Persons who violate this code shall be subject to the following penalties:

1. Visitors. Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection.

2. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.

3. Tenured faculty members. They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law § 3020-a or any other legal rights that they may have.

4. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law § 75. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law § 75 or any other legal rights that they may have.

5. Staff members other than those described in subdivisions 3 and 4. They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

C. Enforcement

The Principal or his/her designee shall be responsible for enforcing the conduct required by this code.

When the Principal or his or her designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the Principal or designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The Principal or designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the Principal or designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

The district shall initiate disciplinary action against any student or staff member, as appropriate, with the "Penalties" section above. In addition, the district reserves its right to pursue a civil or criminal legal action against any person violating the code.

Adoption date: 7/30/2007

Revised date I: 11/21/2011

Revised date II: 6/18/2012

Public Hearing: 1/7/2013

Revised date III: 2/25/2013

Public Hearing: 3/24/2014

Revised date IV: 4/7/2014

Community Relations

SUBJECT: UNLAWFUL POSSESSION OF A WEAPON UPON SCHOOL GROUNDS

It shall be unlawful for any person to knowingly possess any air-gun, spring-gun or other instrument or weapon in which the propelling force is a spring, air, piston or CO2 cartridge upon school grounds or in any District building without the express written authorization of the Superintendent or his/her designee.

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

Unlawful possession of a weapon upon school grounds may be a violation of the New York State Penal Law, and is a violation of School District policy and the Code of Conduct.

Penal Law Sections 265.01-265.06

NOTE: Refer also to Policy #7360 -- Weapons in School and the Gun-Free Schools Act

Adopted: 7/30/07

Community Relations

SUBJECT: THREATS OF VIOLENCE IN SCHOOL

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

Any acts and/or threats of violence, including bomb threats, whether made orally, in writing, or by e-mail, shall be subject to appropriate discipline in accordance with applicable law, District policies and regulations, as well as the *Code of Conduct 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 the school hotline, a faculty member, or the Building Principal.

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

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

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

Adopted: 7/30/07

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

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

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

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

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

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

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

(Continued)

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

- c) Otherwise adversely affects the employment and/or educational opportunities and benefits provided by the District.

Complaints and Grievances by Employees

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

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

Complaints and Grievances by Students

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

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

Investigation of Complaints and Grievances

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

In order for the Board to enforce this policy, and to take corrective measures as may be necessary, it is essential that any employee, student, or other member of the above named group who believes he/she has been a victim of harassment in the school environment and/or at programs, activities and events under the control and supervision of the District, as well as any individual who is aware of and/or who has knowledge of, or witnesses any possible occurrence of harassment, immediately report such alleged harassment; such report shall be directed to or forwarded to the District's designated Compliance Officer(s) through informal and/or formal complaint procedures as

(Continued)

Community Relations

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

developed by the District. Such complaints are recommended to be in writing, although verbal complaints of alleged harassment will also be promptly investigated in accordance with the terms of this policy. In the event that the Compliance Officer is the alleged offender, the report will be directed to the next level of supervisory authority.

Upon receipt of an informal/formal complaint (even an anonymous complaint), the District will conduct a prompt, equitable and thorough investigation of the charges. However, even in the absence of an informal/formal complaint, if the District has knowledge of any occurrence of harassment, the District will investigate such conduct promptly and thoroughly. To the extent possible, within legal constraints, all complaints will be treated as confidentially and privately as possible. However, disclosure may be necessary to complete a thorough investigation of the charges and/or to notify law enforcement officials as warranted, and any disclosure will be provided on a "need to know" basis. The Superintendent will inform the Board of Education of investigations involving findings of discrimination or harassment.

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

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

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

Finding That Harassment Did Not Occur

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

(Continued)

Community Relations

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

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

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

Knowingly Makes False Accusations

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

Privacy Rights

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

Civil Rights Compliance Officer (Title IX/Section 504/ADA Compliance Officer)

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

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

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

(Continued)

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

Development and Dissemination of Administrative Regulations

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

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

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

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

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

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

Prohibits discrimination on the basis of disability.

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

Prohibits discrimination on the basis of disability.

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

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

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

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

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

Prohibits discrimination on the basis of sex.

(Continued)

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

Civil Rights Law Section 40-c

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

Civil Service Law Section 75-B

Education Law Section 2801(1)

Executive Law Section 290 et seq.

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

Military Law Sections 242 and 243

NOTE: Refer also to Policies #3230 -- Public Complaints
#6121 -- Sexual Harassment of District Personnel
#7551 -- Sexual Harassment of Students

Attachments:

- Sample Complaint Form3420F.1
- District Response to Complaint Form..3420F.2
- Appeal Form.....3420F.3
- Procedure..... 3420F.4 (2 pages)

Adoption Date: 7/30/07
Revised: 4/20/10
Revised II: 11/21/11

**HADLEY-LUZERNE
CENTRAL SCHOOL DISTRICT
COMPLAINT FORM**

3420F.1

Name of complainant: _____ Date submitted: _____

Address: _____

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

The complainant is: (check all that apply):

- _____ an employee, holding the position of _____ at _____ (location)
_____ a student, grade _____ at _____ (school or location)
_____ a parent or community member
_____ other (please specify your relationship with or association to the District) _____

Basis of this complaint/grievance:

- _____ Race, color, creed, national origin/ethnicity
_____ Sex, gender, sexual orientation, sexual harassment, other harassment
_____ Disability
_____ Partnership Status
_____ Marital status
_____ Military/veteran status
_____ Age
_____ Retaliation
_____ Religion

_____ Other/Not sure (Please briefly explain): _____

Name and/or description of accused person(s): _____

Description of Alleged Harassment/Discrimination/Incident: _____

Date, Time and Place of Violation(s): _____

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

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

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

Describe the remedy, outcome or resolution: _____

Remedy Sought by Complainant: _____

Date

Signature of Complainant

(This form is to be used for all complaints within the Hadley-Luzerne Central School District, including incidents of alleged discrimination or harassment)

**HADLEY-LUZERNE CENTRAL SCHOOL DISTRICT
DISTRICT RESPONSE TO COMPLAINT FORM**
(To Be Completed by Various District Personnel)

Decision of Principal or Supervisor and Action Taken

Decision of Compliance Officer

Action Taken by Superintendent

Action by the Board

Other Comments

Date

Signature of Compliance Officer

Date

Signature of Superintendent

**HADLEY-LUZERNE CENTRAL SCHOOL DISTRICT
APPEAL FORM (if applicable)**

Name and Position of Complainant: _____

Date Appeal Filed: _____

Date Original Complaint Filed: _____

Have There Been Any Prior Appeals Filed Related to this Complaint? _____

If Yes, When and to Whom? _____

Describe the Decision Being Appealed and Why: _____

_____ Date

_____ Signature of Complainant

HADLEY-LUZERNE CENTRAL SCHOOL
PROCEDURE
1 OF 2

SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT COMPLAINT PROCEDURES

| <u>Responsibility</u> | <u>Action</u> |
|--------------------------------|--|
| Complainant (Employee/Student) | 1) Notifies his/her *immediate supervisor or Principal on the complaint form provided by the District. (In the case of a potential employee/student, he/she shall immediately notify the District's Compliance Officer.) May request and use the District's Sample Complaint Form (See #3420F.1). |
| Supervisor/Principal* | 2) a. Within twenty (20) days after receipt of the complaint, corrects the situation stated in the complaint if he/she finds the complaint valid and if such action is within his/her scope of authority. b. Notes on the complaint form the action taken. |
| Complainant | 3) If the complaint has not been resolved to his/her satisfaction may file a formal complaint with the Compliance Officer within twenty (20) days of the decision of the supervisor or Principal on the form provided by the District. |
| Compliance Officer/Designee* | 4) a. Reviews the file and, if necessary, conducts his/her own investigation. b. Makes decision in writing within twenty (20) days from receipt of the complaint, or notifies the complainant that more time will be needed for further investigation before rendering a decision. c. Notifies the Superintendent of his/her recommendations for review and/or implementation. |

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

(Continued)

HADLEY-LUZERNE CENTRAL SCHOOL
PROCEDURE
2 OF 2

SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT COMPLAINT PROCEDURES (Cont'd.)

| <u>Responsibility</u> | <u>Action</u> |
|-----------------------|--|
| Superintendent | 5) a. Issues a finding as to whether discrimination has occurred. b. If corrective action is deemed necessary, follows all applicable law and regulations and appropriate collective bargaining agreements in implementing such action. |
| Complainant | 6) a. Receives a copy of any and all reports issued by the Superintendent pertaining to the investigation/outcome of the formal complaint. b. If satisfied with the resolution, so indicates in writing. c. If not satisfied, may appeal to the Superintendent or may take appropriate legal action in accordance with state and federal law. d. If still not resolved at the Superintendent's level, may appeal to the Board of Education or may take appropriate legal action in accordance with state and federal law. |
| Board of Education | 7) If complainant files an appeal conducts a hearing and issues a written response to the complainant. |

Community Relations

SUBJECT: UNIFORM VIOLENT AND DISRUPTIVE INCIDENT SYSTEM

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

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

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

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

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

Reporting Guidelines

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

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

Adopted: 7/30/07

2007

3510

Community Relations

SUBJECT: EMERGENCY CLOSINGS

The Superintendent of Schools may close the schools or dismiss students/staff early when hazardous weather or other emergencies threaten the health or safety of students, personnel or school property. The Superintendent may delegate this authority to another staff member in the event of his/her absence. Such action is never to be taken lightly, for public education is one of the principal functions of the community and should be maintained at a normal level except in extreme circumstances.

Schools will not be closed merely to avoid inconvenience. While it may be prudent, under certain circumstances, to excuse all students from attending school, to delay the opening hour, or to dismiss students early, the Superintendent has the responsibility to ensure that administrative, supervisory, and operational activity is continued to the extent possible. School closing and delayed starting times will be announced over local radio stations. If no report is heard, it can be assumed the schools are in session, and are opening on time.

In making the decision to close schools, the Superintendent may consider many factors, including the following, which relate to the safety and health of children:

- a) Weather conditions, both existing and predicted;
- b) Driving, traffic, and parking conditions affecting public and private transportation facilities;
- c) Actual occurrence or imminent possibility of any emergency condition that would make the operation of schools difficult or dangerous; and
- d) Inability of teaching personnel to report for duty, which might result in inadequate supervision of students.

Among the other factors the Superintendent may consider are advice from traffic and weather authorities, Principals, and school officials. Students, parents, and staff will be informed early in each school year of the procedures that will be used to notify them in case of emergency closing.

Adopted: 7/30/07

2009

3520

Non-Instructional/Business

SUBJECT: AUTOMATED CALLING SYSTEM

The Board of Education has allocated resources to provide District Administration with technology and services to provide a mass calling system for various notifications. This system allows for quick notification of parents, guardians, emergency contacts, faculty and staff of school emergencies, early releases, closings and other special events and circumstances.

The Board directs the Superintendent to establish procedures to ensure that the system is used correctly. This includes the banning of notifications of a political, personal or illegal nature. Additionally, the Board directs the Superintendent to establish various contact lists to be used in differing circumstances, and develop a procedure for ensuring the appropriate contact list is used in each circumstance.

The Superintendent or his designee must approve all instances where the automated calling system is utilized.

Adoption: 7/8/2009

Hadley-Luzerne Central School District

NUMBER

ADMINISTRATION

1.1 Administrative Personnel.....4110

ADMINISTRATIVE OPERATIONS

2.1 Administrative Organization and Operation.....4210
2.1.1 Line Responsibility.....4211
2.1.2 Management Organizational Structure.....4212
2.2 Abolishing an Administrative Position.....4220
2.3 Administrative Authority During Absence of the Superintendent of Schools.....4230
2.4 Administrative Latitude in the Absence of Board Policy.....4240
2.5 Use of Committees.....4250
2.6 Evaluation of the Superintendent and Other Administrative Staff.....4260

CENTRAL OFFICE AND BUILDING ADMINISTRATION

3.1 Superintendent of Schools.....4310
3.2 Superintendent-Board of Education Relations.....4320
3.3 Administrative Staff.....4330

COMPENSATION AND RELATED BENEFITS

4.1 Professional Development Opportunities.....4410
4.2 Compensation and Related Benefits.....4420

2007

4110

Administration

SUBJECT: ADMINISTRATIVE PERSONNEL

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

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

Education Law Sections 1709 and 2503(5)

Adopted: 7/30/07

Administration

SUBJECT: ADMINISTRATIVE ORGANIZATION AND OPERATION

The basic principles of Administrative Organization and Operation are:

- a) The working relationships shall involve two (2) types of officers: line and staff. Line organization involves a direct flow of authority upward and downward from Superintendent to Building Principal. A line officer has power and authority over subordinates. Staff officers do not stand in the direct line of authority; they serve as coordinators or consultants.
- b) The Board of Education shall formulate and legislate educational policy.
- c) Administrative regulations shall be developed by the Superintendent in cooperation with affected or interested staff members or lay persons.
- d) The Central Office staff shall provide overall leadership and assistance in planning and research.
- e) A reasonable limit shall be placed upon the number of persons with whom an administrator shall be expected to work effectively.
- f) Areas of responsibility for each individual shall be clearly defined.
- g) There shall be full opportunity for complete freedom of communication between all levels in the school staff.

The following principles shall govern the administrative operation of the School System:

- a) The Superintendent of Schools shall have specific responsibility for overseeing the District educational programs.
- b) Responsibility shall flow from the Board of Education, to the Superintendent, to School Principals, to teachers.
- c) Each member of the staff shall be informed as to whom he/she is responsible and for what functions.
- d) Whenever possible, each member of the staff shall be made responsible to only one immediate supervisor for any one function.
- e) Each staff member shall be informed as to whom he/she can appeal in case of disagreement with an immediate superior.
- f) Each staff member shall be informed as to whom he/she should report to for help in carrying out his/her functions.

(Continued)

Administration

SUBJECT: ADMINISTRATIVE ORGANIZATION AND OPERATION (Cont'd.)**School Administration**

Under the direction of the Superintendent of Schools, each School Principal and his/her assistant(s) will prepare, during July and August, administrative objectives for the coming school year, within established Board of Education policy and administration regulations. Objectives will be worked out with the Superintendent to ensure continuity on a District-wide basis. The Superintendent will review and evaluate objectives on an annual basis.

Administrative objectives for all administrative personnel shall be reviewed by the Board on an annual basis with the review of such objectives completed annually during the month of September.

Adopted: 7/30/07

2007

4211

Administration

SUBJECT: LINE RESPONSIBILITY

Each employee in the School System shall be responsible to the Board through the Superintendent.

All personnel shall refer matters requiring administrative action to the administrative officer immediately in charge of the area in which the problem arises.

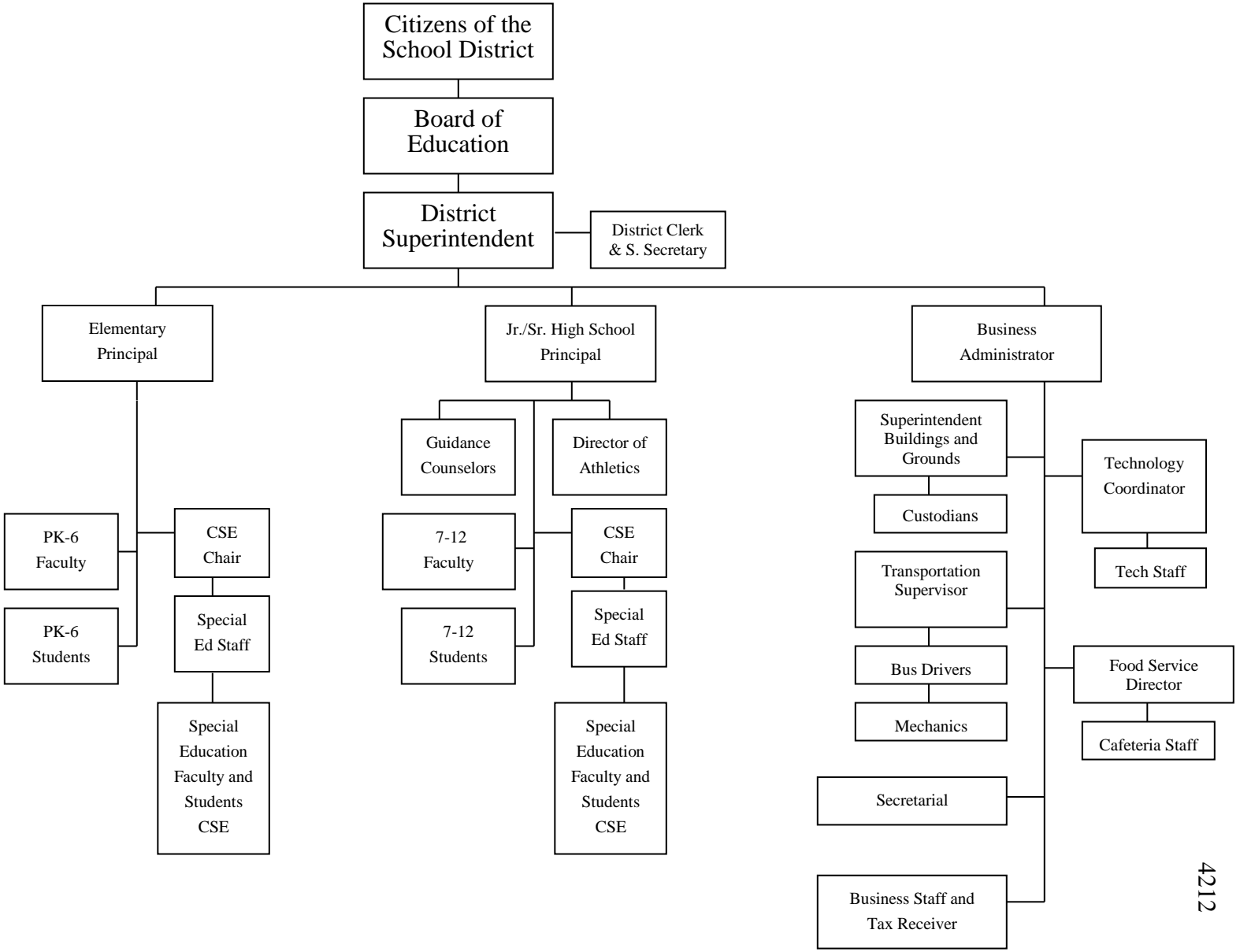
Administrative officers shall refer such matters to the next higher authority when deemed necessary.

All employees shall have the right to appeal any decision made by an administrative officer to the next higher authority and through appropriate successive steps to the Board.

The lines of responsibility/reporting shall be as depicted on the organizational chart (i.e., Policy #4212 -- Management Organizational Structure).

Adopted: 7/30/07

**HADLEY-LUZERNE CENTRAL SCHOOL
MANAGEMENT ORGANIZATIONAL STRUCTURE**



Adopted: 7/30/2007
 Revised: 2/28/2011
 Revised: 6/18/2012
 Revised: 10/21/2013
 Revised: 12/5/2016

2007

4220

Administration

SUBJECT: ABOLISHING AN ADMINISTRATIVE POSITION

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

Education Law Section 3013

Adopted: 7/30/07

2007

4230

Administration

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

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

Adopted: 7/30/07

2007

4240

Administration

SUBJECT: ADMINISTRATIVE LATITUDE IN THE ABSENCE OF BOARD POLICY

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

Adopted: 7/30/07

2007

4250

Administration

SUBJECT: USE OF COMMITTEES

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

Adopted: 7/30/07

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

Superintendent

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

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

Evaluation of Administrative Staff

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

The purposes of this evaluation are:

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

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

Adopted: 7/30/07

Administration

SUBJECT: SUPERINTENDENT OF SCHOOLS

The Board of Education shall, by a majority vote, appoint a Superintendent of Schools for a term of no less than three (3) years and not to exceed five (5) years.

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

(Continued)

Administration

SUBJECT: SUPERINTENDENT OF SCHOOLS (Cont'd.)

- m) He/she shall plan and conduct a program of supervision of teaching staff that will have as its goal the improvement of instruction, and, at the same time, will assure that only the teachers found to have a high degree of competence will be recommended for tenure.
- n) He/she shall continually strive to distinguish for all concerned between the areas of policy decisions appropriate to the Board and management decisions appropriate to the District's administrative personnel.
- o) He/she shall, when necessary and/or desirable, transfer such personnel as he/she anticipates will function more effectively in other positions. These transfers shall be made within the guidelines of state laws, District policies and negotiated contracts.
- p) He/she shall submit the data from the School Report Card and/or other such reports of student/District performance as prescribed by and in accordance with requirements of the Commissioner of Education.
- q) To perform such other duties as the majority of the Board may determine and within the laws of New York.

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

Adopted: 7/30/07

Administration

SUBJECT: SUPERINTENDENT - BOARD OF EDUCATION RELATIONS

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

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

Education Law Sections 1711, 2503 and 2508

Adopted: 7/30/07

HLCS POLICY

2013

4330

Administration

ADMINISTRATIVE STAFF

Business Manager

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

Building Principals

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

PK-2 Principal/Director of Curriculum, Instruction and Assessment

The PK-2 Principal/Director of Curriculum, Instruction and Assessment responsibilities are to develop proposals and coordinate activities for New York State categorical and federally funded projects and programs; assists in the area of curriculum development and staff development; has general supervision of the K-2 Building, programs, staff, and students.

Adopted: 7/30/2007
Revised: 10/21/2013

2007

4410

Administration

SUBJECT: PROFESSIONAL DEVELOPMENT OPPORTUNITIES

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

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

Participation shall be limited by available resources and reimbursement guidelines.

General Municipal Law Sections 77-b and 77-c

Adopted: 7/30/07

2007

4420

Administration

SUBJECT: COMPENSATION AND RELATED BENEFITS

The salaries and related benefits of administrators not set by collective bargaining shall be set annually by the Board of Education upon the recommendation of the Superintendent.

Adopted: 7/30/07

2014 5000

Non-Instructional/Business
Operations

Hadley-Luzerne Central School District

NUMBER

BUDGET

| | | |
|-----|---------------------------------------|------|
| 1.1 | Budget Planning and Development | 5110 |
| 1.2 | School District Budget Hearing | 5120 |
| 1.3 | Budget Adoption | 5130 |
| 1.4 | Administration of the Budget | 5140 |

INCOME

| | | |
|-------|---|------|
| 2.1 | Revenues | 5210 |
| 2.2 | District Investments | 5220 |
| 2.3 | Acceptance of Gifts, Grants and Bequests to the School District | 5230 |
| 2.4 | School Tax Assessment and Collection | 5240 |
| 2.4.1 | Property Tax Exemptions | 5241 |
| 2.5 | Sale and Disposal of School District Property | 5250 |

EXPENDITURES

| | | |
|-------|---|------|
| 3.1 | Bonding of Employees and School Board Members | 5310 |
| 3.2 | Expenditures of School District Funds | 5320 |
| 3.2.1 | Use of the District Credit Card | 5321 |
| 3.2.2 | Use of the District Cell Phone | 5322 |
| 3.2.3 | Reimbursement for Meals/Refreshments | 5323 |
| 3.3 | Budget Transfers | 5330 |
| 3.4 | Borrowing of Funds | 5340 |

PURCHASING

| | | |
|-----|---------------------------------|------|
| 4.1 | Purchasing | 5410 |
| 4.2 | Contracts for Instruction | 5420 |

FISCAL ACCOUNTING AND REPORTING

| | | |
|-----|--|------|
| 5.1 | Accounting of Funds | 5510 |
| 5.2 | Extraclassroom Activities Fund | 5520 |
| 5.3 | Petty Cash Funds and Cash in School Buildings | 5530 |
| 5.4 | Publication of District's Annual Financial Statement | 5540 |
| 5.5 | Maintenance of Fiscal Effort (Title I Programs) | 5550 |
| 5.6 | Use of Federal Funds for Political Expenditures | 5560 |

Hadley-Luzerne Central School District

NUMBER

FISCAL ACCOUNTING AND REPORTING (Cont'd.)

5.7 Financial Accountability.....5570
 5.7.1 Allegations of Fraud5571
 5.7.2 Audit Committee.....5572
 5.7.4 Online Banking Services.....5580
 5.7.5 Cash Receipts.....5590
 5.7.6 Reserve Funds.....5595

NON-INSTRUCTIONAL OPERATIONS

6.1 Insurance.....5610
 6.2 Inventories5620
 6.2.1 Accounting of Fixed Assets.....5621
 6.3 Facilities: Inspection, Operation and Maintenance.....5630
 6.3.1 Hazardous Waste and Handling of Toxic Substances by Employees5631
 6.3.2 Construction Safety.....5632
 6.3.3 Naming Facilities.....5633
 6.3.4 Closing of Facilities5634
 6.3.5 Health and Safety Committee5635
 6.3.6 Pesticides and Pest Management5636
 6.4 Smoking/Tobacco Use.....5640
 6.5 Energy/Water Conservation and Recycling of Solid Waste5650
 6.6 School Food Service Program (Lunch and Breakfast)/School District
 Nutrition Advisory Committee5660
 6.6.1 Hadley-Luzerne Central School District Wellness Policy.....5661
 6.6.2 Charging School Meals and Prohibition Against Shaming.....5662
 6.7 Records Management5670
 6.7.1 Disposal of Consumer Report Information and Records.....5671
 6.7.2 Information Security Breach and Notification.....5672
 6.7.3 Employee Personal Identifying Information.....5673
 6.8 Safety and Security5680
 6.8.1 School Safety Plans and Teams5681
 6.8.2 Cardiac Automated External Defibrillators (AEDs) in Public
 School Facilities.....5682
 6.8.2.1 Extreme Risk Protection Orders.....5682.1
 6.8.3 Fire Drills, Bomb Threats and Bus Emergency Drills.....5683
 6.8.4 Anthrax and Other Biological Terrorism: Prevention Protocols/
 Protocols for Mail Handling5684
 6.8.5 Access to Buildings5685
 6.8.6 Use of Surveillance Cameras in the School District.....5686
 6.8.6 New Pandemic Planning.....5687
 6.9 Exposure Control Program5690
 6.9.1 Communicable Diseases5691
 6.9.2 Human Immunodeficiency Virus (HIV) Related Illnesses.....5692

Hadley-Luzerne Central School District

NUMBER

TRANSPORTATION

| | | |
|-------|---|------|
| 7.1 | Transportation Program | 5710 |
| 7.2 | Scheduling and Routing | 5720 |
| 7.3 | Transportation of Students | 5730 |
| 7.3.1 | Transportation in Child Safety Zones | 5731 |
| 7.4 | Use of Buses by Community Groups | 5740 |
| 7.5 | School Bus Safety Program | 5750 |
| 7.6 | Qualifications of Bus Drivers | 5760 |
| 7.6.1 | Drug and Alcohol Testing for School Bus Drivers and Other Safety-Sensitive Employees | 5761 |
| 7.7 | Idling School Buses on School Grounds..... | 5762 |

ANNUAL BUDGET PLANNING AND DEVELOPMENT

The school budget is the legal basis for the establishment of the tax levy. It is the official document that describes the programs to be conducted during a given period of time. It is the operational plan, stated in financial terms, for the conduct of all programs in the school system.

The annual school budget process is important to school district operations and serves as a means to improve communications within the school organization and with the residents of the school community.

The budget will be presented to the public in three components (to be voted upon as one proposition):

- a) A program component, which includes all program expenditures of the district, including the salaries and benefits of teachers and any school administrators or supervisors who spend a majority of their time performing teaching duties, and all transportation operating expenses;
- b) A capital component, which includes all transportation capital, debt service, and lease expenditures; costs resulting from court judgments administrative orders or settled or compromised claims; and all facilities costs of the School District, including facilities lease expenditures, the annual debt service and total debt for all facilities financed by bonds and notes of the district, and costs of construction, acquisition, reconstruction, rehabilitation or improvement of school buildings, provided that such budget shall include a rental, operations and maintenance section that includes base rent costs, total rent costs, operation and maintenance charges, cost per square foot for each facility leased by the district, and all expenditures associated with custodial salaries and benefits, service contracts, supplies, utilities, and maintenance and repairs of school facilities;
- c) An administrative component, which includes office and central administrative expenses, traveling expenses, and compensation, salaries and benefits of all school administrators and supervisors, all expenditures associated with the operation of the school board, the office of the Superintendent of Schools, general administration, the school business office, any consulting costs not directly related to direct student services and programs, planning and all other administrative activities.

In addition, each component must be separately delineated in accordance with Regulations of the Commissioner. The budget will categorize revenues, property tax refunds, expenditures, budget transfers and fund balance information, and will be formatted to show changes in the data as compared with the previous year. Finally, the budget will be written in plain language and organized in a manner which best promotes the public's understanding of its contents.

The budget will be completed at least seven days before the public hearing at which the Board will present the budget to the voters. Copies of the budget will be made available upon request to residents within the district (not just district taxpayers) during the 14 days preceding the date of the annual election and budget vote at each school building in the district, at the school district offices, and at any public library or free association library within the district, between the hours of 9:00 a.m. and 4:00 p.m. on each day other than Saturday, Sunday or holidays, as well as on the school district's internet website. In addition, at least once during the school year, the Board will include in a district-wide mailing, notice of the availability of copies of the budget.

The following documents will be attached to the budget:

- a) A detailed statement of the total compensation to be paid to the Superintendent of Schools, and any assistant or associate Superintendent of Schools in the ensuing school year, including a delineation of the salary, annualized cost of benefits and any in-kind or other form of remuneration;
- b) A list of all other school administrators and supervisors, if any, whose annual salary will be at or above the amount designated by the State Education Department in the coming school year along with their title and annual salary;
- c) A School District Report Card, prepared pursuant to the **Education Law and the Regulations of the Commissioner of Education, including information on the tax levy limit.**
- d) A Property Tax Report Card prepared in accordance with law and Commissioner's Regulations (see subheading Property Tax Report Card).

If the proposed budget increases the property tax levy by more than either 2% or the rate of inflation (whichever is less), it requires a supermajority of 60% in order to pass.

The Board may not submit the proposed budget or a related proposition to the voters more than twice. If the voters fail to approve the proposed budget or budget proposition after the second submission, 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 of 0% increase (i.e., less than or equal to the tax levy of the previous year).**

The Board may use district monies to present educational and informational material about the annual budget and related information to the voters. It shall not, however, use these funds to urge voters to cast their ballots in a particular fashion.

Ref: Education Law §§1608; 1716; 1804(4); 1906(1); 2008(2); 2021; 2002(1); 2022(2); **2023**; **2023-a**; 2035(2); 2601-a
General Municipal Law §36
Phillips v. Maurer, 67 NY2d 672 (1986)

HLCS POLICY

2014 5110

Page 3 of 3

Fiscal Management (NYSSBA, 1997)

Hartman, William T., "Participatory Budgeting in High School", *Planning and Changing*, Spring 1989, vol. 20, no. 1.

Adoption Date: 12/21/2009

Revised Date: 1/27/2014

SUBJECT: SCHOOL DISTRICT BUDGET HEARING

The Board of Education will hold an Annual Budget Hearing, in accordance with law, so as to inform and present to District residents a detailed written statement regarding the District's estimated expenditures and revenue for the upcoming school year prior to the budget vote which is taken at the Annual District Meeting and Election.

The Budget Hearing will be held not less than seven (7) nor more than fourteen (14) days prior to the Annual District Meeting and Election or Special District Meeting at which the budget vote will occur. The proposed budget will be completed at least seven (7) days prior to the budget hearing at which it is to be presented.

Notice of the date, time and place of the annual budget hearing will be included in the notice of the Annual Meeting and Election and/or Special District Meeting as required by law.

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

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

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

Dissemination of Budget Information

Copies of the proposed annual operating budget for the succeeding year may be obtained by any District resident. Such a request shall be completed at least seven (7) days before the budget hearing at which it is to be presented and copies thereof shall be prepared and made available, upon request and at the School District offices, at any public library or associate library within the District and on the School District's website, if one exists, to residents within the District during the period of fourteen (14) days immediately preceding the Annual Meeting and Election or Special District Meeting at which the budget vote will occur and also at such meeting, a hearing. Additionally, the Board will include notice of the availability of copies of the budget at least once during the school year in any District-wide mailing.

(Continued)

2010

5120
2 of 2

Non-Instructional/Business
Operations

SUBJECT: SCHOOL DISTRICT BUDGET HEARING (Cont'd.)

Budget Notice

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

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

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

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

Notice of Budget Hearing/Availability of Budget Statement:

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

Election and Budget Vote:

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

Budget Development and Attachments:

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

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

Adoption Date: 12/21/2009

2007

5130

Non-Instructional/Business
Operations

SUBJECT: BUDGET ADOPTION

The Board of Education shall review the recommended budget of the Superintendent of Schools and shall seek public input and feedback regarding the recommended budget including, but not limited to, holding a public budget hearing not less than seven (7) nor more than fourteen (14) days prior to the Annual District Meeting and Election at which the budget vote is to occur. The Board may modify the recommended budget of the Superintendent prior to its submission to District voters. Final authorization of the proposed budget is dependent upon voter approval unless a contingency budget is adopted by the Board.

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

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

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

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

Adopted: 7/30/07

2007

5140

Non-Instructional/Business
Operations

SUBJECT: ADMINISTRATION OF THE BUDGET

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

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

Adopted: 7/30/07

HLCS POLICY

2007

5210

Non-Instructional/Business
Operations

SUBJECT: REVENUES

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

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

Adopted:

7/30/07

HLCS POLICY

2018

5220
1 of 5

Non-Instructional/Business
Operations

INVESTMENTS

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

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

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

Ref: Education Law §§1604-a; 1723-a; 3651; 3652

Local Finance Law § 24.00, 25.00, 165.00

General Municipal Law §§6-d; 6-j; 6-l-n; 6-p; 6-r; 10; 11; 39; Article 3-A; Article 5-G

Adoption date: 7/30/2007

Revised: 12/17/2018

HLCS POLICY

5220-REGULATION

2 of 5

INVESTMENTS REGULATION

Authorized Investments

A. The Treasurer is authorized to invest all available district funds, including proceeds of obligations and Reserve Funds, in the following types of investment instruments:

Savings Accounts or Money Market Accounts of designated banks;

Certificates of Deposit issued by a bank or trust company located in and authorized to do business in New York State;

4.Demand Deposit Accounts in a bank or trust company located in and authorized to do business in New York State; Obligations of New York State; Obligations of the United States Government (U.S. Treasury Bills and Notes);

Repurchase Agreements involving the purchase and sale of direct obligations of the United States;

B. All funds may be invested in Revenue Anticipation Notes or Tax Anticipation Notes of other school districts and municipalities, with the approval of the State Comptroller.

C. Only Reserve Funds established by section 6-d, 6-j, 6-l, 6-m and 6-n of the General Municipal Law may be invested in obligations of the school district.

Direct or Cooperative Investments

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

A. Cooperative investment agreements may be made with certain municipal corporations: any New York State county (outside New York City), city, town, village, BOCES, fire district, or school district, pursuant to General Municipal Law Article 5-G.

HLCS POLICY

5220

3 of 5

B. Cooperative investment agreements, pursuant to General Municipal Law Article 3-A, must address: the governing board of the cooperative, lead participant, proportional interest, the cooperative's investment policy, contributions and distributions, apportionment of administrative expenses and costs, methodology to determine participants' interest, determination of market value at least monthly, portfolio interest rate testing at least monthly, irrevocable letter of credit, professional services, contribution confirmations, monthly statements, notification of distribution deferrals or unanticipated losses or material adverse events, annual independent audit, annual information statements, annual investment reports, and governing board rating disclosure.

Conditions

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

A. Collateral

1. Savings accounts, money market accounts, time deposit accounts and certificates of deposit will be fully secured by insurance of the Federal Deposit Insurance Corporation or by obligations of New York State, the United States, New York State school districts and federal agencies whose principal and interest are guaranteed by the United States. The market value of collateral will at all times exceed the principal amount of the certificate of deposit. Collateral will be monitored no less frequently than on a weekly basis.

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

B. Delivery of Securities

1. Payment of funds may only be made upon receipt of collateral or other acceptable form of security, or upon the delivery of government obligations whether such obligations are purchased outright, or pursuant to a repurchase agreement. Written confirmation of delivery shall be obtained from the custodial bank.

2. Every Repurchase Agreement will make payment to the seller contingent upon the seller's delivery of obligations of the United States to the Custodial Bank designated by the school district, which shall not be the repurchase, or in the case of a book-entry transaction, when the obligations of the United States are credited to the Custodian's Federal Reserve account. The seller will not be entitled to substitute securities. Repurchase agreements shall be for periods of 30 days or less. The Custodial Bank shall confirm all transactions in writing to insure that the school district's ownership of the securities is properly reflected in the records of the Custodial Bank.

HLCS POLICY

5220
4 of 5

C. Written Contracts

1. Written contracts are required for certificates of deposit and custodial undertakings and Repurchase Agreements. With respect to the purchase of direct obligations of U.S., New York State, or other governmental entities in which monies may be invested, the interests of the school district will be adequately protected by conditioning payment on the physical delivery of purchased securities to the school district or custodian, or in the case of book-entry transactions, on the crediting of purchased securities to the Custodian's Federal Reserve System account. All purchases will be confirmed promptly in writing to the school district.

2. The following written contracts are required:

- a. Written agreements will be required for the purchase of all certificates of deposit.
- b. A written contract will be required with the Custodial Bank(s).
- c. Written contracts shall be required for all Repurchase Agreements. Only credit-worthy banks and primary reporting dealers shall be qualified to enter into a Repurchase Agreement with the school district.

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

D. Designation of Custodial Bank

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

2. When purchasing eligible securities, the seller will be required to transfer the securities to the district's Custodial Bank.

E. Selection of Financial Institutions

1. The Treasurer will periodically monitor, to the extent practical but not less than annually, the financial strength, credit-worthiness, experience, size and any other criteria of importance to the district, of all institutions and trading partners through which the district's investments are made.

HLCS POLICY

5220

5 of 5

2. Investments in time deposits and certificates of deposit are to be made only with commercial banks or trust companies, as permitted by law.

F. Operations, Audit, and Reporting

1. The Treasurer or designee will authorize the purchase and sale of all securities and execute contracts for investments and deposits on behalf of the school district. Oral directions concerning the purchase or sale of securities will be confirmed in writing. The school district will pay for purchased securities upon the simultaneous delivery or book-entry thereof.

2. The school district will encourage the purchase and sale of securities through a competitive process involving telephone solicitation for at least three quotations.

3. The independent auditors will audit the investment proceeds of the school district for compliance with the provisions of this Investment Regulation.

4. Monthly investment reports will be furnished to the Board of Education.

Ref: Education Law §§1604-a; 1723-a; 3651; 3652

Local Finance Law §24.00, 25.00, 65.00

General Municipal Law §§6-d; 6-j; 6-l-n; 6-p; 6-r; 10; 11; 39 Article 3-A; Article 5-G;

DONATIONS, GIFTS, AND GRANTS TO THE DISTRICT

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

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

The Board of Education will not formally consider the acceptance of gifts or grants until and unless it receives the offer in writing from the donor/grantor or their attorney/financial advisor. Any such gifts or grants donated to the Board and accepted on behalf of the School District must be by official action and resolution passed by Board majority. The Board would 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.

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

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

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

Unsolicited Gifts and Donations from the Public

In accepting or rejecting gifts and donations, the Board will review the following factors:

1. The terms of the gift must identify:
 - a. the subject of the gift;
 - b. the purpose of the gift;
 - c. the beneficiary or beneficiaries if any; and
 - d. all conditions or restrictions that may apply.
2. The gift must not benefit a particular or named individual or individuals.

HLCS POLICY

5230

Page 2 of 3

3. If the purpose of the gift is an award to a single student, the determination of the recipient of such award shall be made on the basis that all students shall have an equal opportunity to qualify for it in conformance with federal and state law.
4. If the gift is in trust, the obligation of the investment and reinvestment of the principal shall be clearly specified and the application of the income or investment proceeds shall be clearly set forth.
5. No gift or trust will be accepted by the Board unless:
 - a. it is in support of and a benefit to all or to a particular public school in the district; or
 - b. it is for a purpose for which the school district could legally expend its own funds; or
 - c. it is for the purpose of awarding scholarships to students graduating from the district.

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

Soliciting and Accepting Gifts, Grants or Donations

Prior to seeking any grant or donation, the applicant must obtain prior approval from the district. Teachers seeking grants or donations for their classroom must obtain approval from the Building Principal. Other staff or administrators seeking grants or donations to benefit an entire school or the district as a whole must obtain approval from the Superintendent or his/her designee. Grant applications for funding of more than **\$75,000** require prior approval by the Board of Education.

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

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

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

The Board reserves the right to deny approval of solicitation of any funding or grant application which does not contribute towards the achievement of the district's goals, or which would deplete the resources of the district. The Board may approve seeking grants which require a match of district funds or resources when the initiative has been identified as a priority by the Board and when such funds are planned as part of the district budget process or can be accommodated by the current budget.

HLCS POLICY

5230

Page 3 of 3

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

Coordinating with Support Organizations

The district encourages independent support organizations (e.g., booster clubs, parent-teacher associations, education foundations) seeking to make a contribution of money or property to first meet with the Superintendent to identify the terms and conditions of the proposed gift and the needs of the district. The Board must approve such gifts and donations prior to any public announcement of the contribution.

Gift Giving

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

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

Ref: Education Law §1709(12)

Adoption Date: 7/30/2007

Revised: 4/16/2012

Revised II: 10/19/2015

2007

5240

Non-Instructional/Business
Operations

SUBJECT: SCHOOL TAX ASSESSMENT AND COLLECTION

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

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

Adopted: 7/30/07

HLCS POLICY

2014 5241

PROPERTY TAX EXEMPTIONS

SENIOR CITIZENS' EXEMPTION

The Board of Education may grant exemptions from taxation to the extent allowed by law on the assessed valuation of real property located in the district and owned by persons sixty-five (65) years of age or over, or by a husband and wife, one of whom is 65 or over, whose income meets the statutory requirements set forth in Section 467 of the Real Property Tax Law of the State of New York in effect for the income tax year of application.

Ref: Real Property Tax Law §467

| <u>Income</u> | <u>Exemption</u> |
|-----------------------------------|------------------|
| Up to \$28,999 | 50 % |
| \$29,000 but less than \$30,000 | 45% |
| \$30,000 but less than \$31,000 | 40% |
| \$31,000 but less than \$32,000 | 35% |
| \$32,000 but less than \$32,900 | 30% |
| \$32,900 but less than \$33,800 | 25% |
| \$33,800 but less than \$34,700 | 20% |
| \$34,700 but less than \$35,600 | 15% |
| \$35,600 but less than \$36,500 | 10% |
| \$36,500 but less than \$37,399 | 5% |
| Greater than or equal to \$37,399 | ___Not Eligible |

Adopted: 7/30/07

Public Hearing: 1/27/2014

Revised: 1/27/2014

DISPOSAL OF DISTRICT PROPERTY

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

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

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

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

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

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

Adoption date: 7/30/2007

Revised date: 11/18/2013

2007

5310

Non-Instructional/Business
Operations

SUBJECT: BONDING OF EMPLOYEES AND SCHOOL BOARD MEMBERS

In accordance with New York State Education Law and the Commissioner's Regulations, the Board of Education directs that the Treasurer of the Board of Education, the Deputy Treasurer, the Tax Collector/Deputy Collector and the Claims Auditor be bonded prior to assuming their duties. Such bonds shall be in the amounts as determined and approved by the Board of Education.

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

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

Adopted: 7/30/07

2007

5320

Non-Instructional/Business
Operations

SUBJECT: EXPENDITURES OF SCHOOL DISTRICT FUNDS

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

All claims shall be properly audited before payment by the Claims Auditor who shall attest to the existence of evidence of indebtedness to support the claim.

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

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

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

Adopted: 7/30/07

2007

5321

Non-Instructional/Business
Operations

SUBJECT: USE OF THE DISTRICT CREDIT CARD

The School District will issue a credit card in its name to the Purchasing Agent and Superintendent of Schools for the use of its officers and designated employees for authorized expenses. However, authorized personnel must submit receipts for those related expenses when using the credit card.

This credit card will only be for those purchases of goods and services that require a credit card. Any other reason for credit card use must be approved by the Business Manager or Superintendent, prior to use.

Expenses incurred on each credit card shall be paid in such a manner as to avoid interest charges. The credit cards shall be locked in a secure place in the Purchasing Office.

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

Adopted: 7/30/07

2007

5322

Non-Instructional/Business
Operations

SUBJECT: USE OF THE DISTRICT CELL PHONE

A School District-owned cell phone will be issued to the Superintendent and any District employee when required by that employee's job duties and as determined by the Superintendent or designee.

Additionally, the following rules shall apply regarding the use of a District-owned cell phone:

- a) Cell phone to be used for District business, when on District business, or when not in District.
- b) The cell phone may not be used by anyone other than the School District employee.

Adopted: 7/30/07

2007

5323

Non-Instructional/Business
Operations

SUBJECT: REIMBURSEMENT FOR MEALS/REFRESHMENTS

Travel Outside of District/Emergency Meetings

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

Staff/Board Meetings and District Events

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.

Any such expenditures must be appropriately documented with an itemized receipt and information showing the date and purpose of the meeting, food served, and who attended the meetings. 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.

NOTE: Refer also to Policy #6161 -- Expense Reimbursement

Adopted: 7/30/07

2007

5330

Non-Instructional/Business
Operations

SUBJECT: BUDGET TRANSFERS

Within monetary limits as established by the Board, the Superintendent is authorized to transfer funds within the budget. Whenever changes are made, they are to be incorporated in the next Board agenda for information only.

Education Law Section 1718
8 New York Code of Rules and Regulations (NYCRR)
Section 170.2(1)

Adopted: 7/30/07

2007

5340

Non-Instructional/Business
Operations

SUBJECT: BORROWING OF FUNDS

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

Local Finance Law Article 2

Adopted: 7/30/07

HLCS Policy

2014 5410

Page 1 of 11

PURCHASING

The Board of Education views purchasing as serving the educational program by providing necessary supplies, equipment and related services. Purchasing will be centralized in the business office under the general supervision of the Purchasing Agent designated by the Board.

It is the goal of the Board to purchase competitively, without prejudice or favoritism, and to seek the maximum educational value for every dollar expended. Competitive bids or quotations shall be solicited in connection with purchases pursuant to law. The General Municipal Law requires that purchase contracts for materials, equipment and supplies involving an estimated annual expenditure exceeding \$20,000 and public work contracts involving an expenditure of more than \$35,000 will be awarded only after responsible bids have been received in response to a public advertisement soliciting formal bids. Purchases of the same commodity cannot be artificially divided for the purpose of avoiding the threshold. Similar procurements to be made in a fiscal year will be grouped together for the purpose of determining whether a particular item must be bid.

The district's purchasing activity will strive to meet the following objectives:

1. to effectively supply all administrative units in the school system with needed materials, supplies, and contracted services;
2. to obtain materials, supplies and contracted services at the lowest prices possible consistent with the quality and standards needed as determined by the Purchasing Agent in conformance with state law and regulation and in cooperation with the requisitioning authority. The educational and physical welfare of the students is the foremost consideration in making any purchase;
3. to ensure that all purchases fall within the framework of budgetary limitations and that they are consistent with the educational goals and programs of the district;
4. to maintain an appropriate and comprehensive accounting and reporting system to record and document all purchasing transactions; and
5. to ensure, through the use of proper internal controls, that loss and/or diversion of district property is prevented.

Opportunities shall be provided to all responsible suppliers to do business with the school district. Suppliers whose place of business is situated within the district may be given preferential consideration only when bids or quotations on an item or service are identical as to price, quality and other factors.

Where permitted by law, purchases will be made through available cooperative BOCES bids, or by "piggybacking" onto contracts of the United States or agencies thereof or the federal General Services Administration (GSA), the New York State Office of General Services (OGS), departments or agencies of New York State, any New York State county, or any state or any county or political subdivision or district therein, whenever such purchases are in the best interests of the district or will result in cost savings to the district. In addition, the district will make purchases from correctional institutions and severely disabled persons through charitable or non-profit-making agencies, as provided by law.

HLCS Policy

2014 5410

Page 2 of 11

In accordance with law, the district shall give a preference in the purchase of instructional materials to vendors who agree to provide materials in alternative formats. The term “alternative format” shall mean any medium or format for the presentation of instructional materials, other than a traditional print textbook, that is needed as an accommodation for a disabled student enrolled in the district (or program of a BOCES), including but not limited to Braille, large print, open and closed captioned, audio, or an electronic file in a format compatible with alternative format conversion software that is appropriate to meet the needs of the individual student.

The Board is also aware of the need to reduce exposure of students and staff to potentially harmful chemicals and substances used in cleaning and maintenance. In accordance with law, regulation and guidelines set forth by the Office of General Services (OGS), the district will purchase and utilize environmentally sensitive cleaning and maintenance products in its facilities whenever feasible. Cleansers purchased must, first and foremost, be effective so that the district may continue to purchase non-green products as necessary. Environmentally sensitive cleaning and maintenance products will be procured in accordance with standard purchasing procedures as outlined in this policy and regulation.

In order to ensure that the district avails itself of advantageous purchasing opportunities, the Board authorizes the Purchasing Agent to represent the district in applying for federal programs designed to discount prices for goods and services. Specifically, the Purchasing Agent will abide by the rules and regulations associated with applying for telecommunications service discounts through the Universal Service Fund (E-Rate), in addition to complying with the local purchasing policies set forth by the Board. As with all purchasing activity,

appropriate documentation of the application and purchase through any federal program will be maintained by the business office.

Competitive Bidding

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

In addition, the Board authorizes the receipt of sealed bids for purchase contracts in electronic format, pursuant to the provisions of General Municipal Law §103(1) which addresses proper documentation, authentication, security, and confidentiality of electronic bids.

The district shall comply with the requirements of General Municipal Law §103-g, which prohibits, with few exceptions, competitive bidding contracts with entities that invest significantly in the Iranian energy sector, as outlined in the accompanying regulation.

Exceptions to Competitive Bidding

HLCS Policy

2014 5410

Page 3 of 11

Competitive bidding, even if the dollar value of the purchase meets the threshold established above, is not required in the following circumstances:

1. emergencies where time is a crucial factor;
2. procurements for which there is no possibility of competition (sole source items);
3. professional services that require special skill or training (see policy 6741 for guidance on purchasing professional services);
4. purchases such as surplus or second-hand items from governmental entities, certain food and milk items, or goods and services from municipal hospitals ; or
5. where the district is purchasing through (or is “piggybacking” onto) the contract of another governmental entity.

Purchasing when Competitive Bidding Not Required

Goods and services which are not required by law to be procured by the district through competitive bidding will be procured in a manner so as to ensure the prudent and economical use of public monies, in the best interests 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.

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

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

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

General Purchasing Provisions

The Superintendent of Schools, with the assistance of the Purchasing Agent, shall be responsible for the establishment and implementation of the procedures and standard forms for use in all purchasing and related activities in the district. Such procedures shall comply with all applicable laws and regulations of the state and the Commissioner of Education.

HLCS Policy

2014 5410

Page 4 of 11

No Board member, officer or employee of the school district shall have an interest in any contract entered into by the Board or the district, as provided in Article 18 of the General Municipal Law.

Comments will be solicited from those administrators involved in the procurement process before enactment of the district's policies regarding purchasing and from time to time thereafter. The policies must then be adopted by Board resolution. All district policies regarding the procurement processes will be reviewed by the Board at least annually.

The unintentional failure to fully comply with the provisions of section 104-b of the General Municipal Law or the district's policies regarding procurement will not be grounds to void action taken nor give rise to a cause of action against the district or any officer or employee of the district.

Cross-ref: 6710, Purchasing Authority 6741, Contracting for Professional Services

Ref: Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111-195)

Education Law §§305(14); 409-i; 1604(29-a); 1709(4-a), (9), (14), (22); 2503(7-a); 2554(7-a)

General Municipal Law §§102; 103; 103-g; 104; 104-b; 109-a; 800 et seq.

State Finance Law §§97-g(3), (4), (5); 163; 163-b; 165-a

County Law §408-a(2)

8 NYCRR Part 114

Adoption date: 6/20/2011

Revised date I: 11/21/2011

Revised date II: 2/25/2013

Revised date III: 11/17/2014

PURCHASING REGULATION

The following sets forth the procedures for the procurement of goods and services by the district:

I. Definitions

Best value: optimizing quality, cost and efficiency. The basis for best value shall reflect, whenever possible, objective and quantifiable analysis, and may also take into consideration small businesses or certified minority- or women-owned businesses as defined in State Finance Law §163.

Purchase Contract: a contract involving the acquisition of commodities, materials, supplies, services or equipment

Public Work Contract: a contract involving labor or both materials and labor for a project such as construction

II. General Municipal Law

The General Municipal Law requires that purchase contracts for services, materials, equipment and supplies involving an estimated annual expenditure exceeding \$20,000 and public work contracts involving an expenditure of more than \$35,000 will be awarded only after responsible bids have been received in response to a public advertisement soliciting formal bids. Similar procurements to be made in a fiscal year will be grouped together for the purpose of determining whether a particular item must be bid.

III. Competitive Bidding Required

A. Method of Determining Whether Procurement is Subject to Competitive Bidding

1. The district will first determine if the proposed procurement is a purchase contract or a contract for public work.
2. If the procurement is either a purchase contract or a contract for public work, the district will then determine whether the amount of the procurement is above the applicable monetary threshold as set forth above.

3. The district will also determine whether any exceptions to the competitive bidding requirements (as set forth below) exist.
4. All advertised bids shall include the following statement required by General Municipal Law 103-g: “By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that each bidder is not on the list created pursuant to paragraph (b) of subdivision 3 of section 165-a of the state finance law.”

B. Contract Combining Professional Services and Purchase

In the event that a contract combines the provision of professional services and a purchase, the district, in determining the appropriate monetary threshold criteria to apply to the contract, will determine whether the professional service or the purchase is the predominant part of the transaction.

C. Opening and Recording Bids; Awarding Contracts

The Purchasing Agent will be authorized to open and record bids. Contracts will be awarded to the lowest responsible bidder or a purchase contract bid of best value (as recommended by the Purchasing Agent), who has furnished the required security after responding to an advertisement for sealed bids.

In order to be considered a responsible bidder, entities must certify that they are not on the list created and maintained by the State Office of General Services cataloging significant investment in the Iranian energy sector. Such statement may be submitted electronically pursuant to General Municipal Law §103(1). Entities that cannot make this certification may only be awarded the bid if:

1. The entity’s investment activities in Iran were made before April 12, 2012; the investment activities in Iran have not been expanded or renewed after that date; and the entity has adopted, publicized, and is implementing a formal plan to cease the investment activities in Iran and to refrain from engaging in any new investments in Iran; or
2. The district makes a determination, in writing, that the goods or services are necessary for the district to perform its functions and that, absent such an exemption, the district would be unable to obtain the goods or services for which the contract is offered.

D. Documentation of Competitive Bids

The district will maintain proper written documentation which will set forth the method in which it determined whether the procurement is a purchase or a public work contract.

E. Purchase of Instructional Materials

In accordance with Education Law the district shall give a preference in the purchase of instructional materials to vendors who agree to provide materials in alternative formats (i.e., any medium or format for the presentation of instructional materials, other than a traditional print textbook, that is needed as a accommodation for a disabled student enrolled in the district, including but not limited to Braille, large print, open and closed captioned, audio or an electronic file in an approved format).

The district will establish and follow a plan to ensure that every student with a disability who needs his or her instructional materials in an alternative format will receive those materials at the same time that they are available to non-disabled students.

F. Leases of Personal Property

In addition to the above-mentioned competitive bidding requirements, section 1725 of the Education Law requires that the district will be subject to competitive bidding requirements for purchase contracts when it enters into a lease of personal property.

Documentation: The district will maintain written documentation such as quotes, cost-benefit analysis of leasing versus purchasing, etc.

G. Environmentally-Sensitive Cleaning and Maintenance Products

The district will purchase and utilize environmentally sensitive cleaning and maintenance products whenever feasible. The purchasing agent will consult with the Green Guidelines provided by the Office of General Services.

Any legal issues regarding the applicability of competitive bidding requirements will be presented to the school attorney for review.

IV. Exceptions to Competitive Bidding Requirements

The district will not be subject to competitive bidding requirements when the Board of Education, in its discretion, determines that one of the following situations exists:

HLCS Policy

2014 5410

Page 8 of 11

1. Emergency situations where:
 - a. the situation arises out of an accident or unforeseen occurrence or condition;
 - b. a district building, property, or the life, health, or safety of an individual on district property is affected; or
 - c. the situation requires immediate action which cannot await competitive bidding.

However, when the Board passes a resolution that an emergency situation exists, the district will make purchases at the lowest possible costs, seeking competition by informal solicitation of quotes or otherwise, to the extent practicable under the circumstances.

Documentation: The district will maintain records of verbal (or written) quotes, as appropriate;

2. When the district purchases surplus or second-hand supplies, materials or equipment from the federal or state governments or from any other political subdivision or public benefit corporation within the state.

Documentation: The district will maintain market price comparisons (verbal or written quotes) and the name of the government entity;

3. when the Board separately purchases eggs, livestock, fish and dairy products (other than milk), juice, grains and species of fresh fruits and vegetables directly from New York State producers or growers or associations of producers and growers, subject to the requirements of General Municipal Law §103(9) and Commissioner's Regulations §114.3.

Documentation: The district will maintain documentation consistent with section 114.3 of the Regulations of the Commissioner of Education;

4. When the Board separately purchases milk directly from licensed milk processors employing less than forty (40) people. The amount expended in any fiscal year by the district may not exceed an amount equal to twenty-five cents multiplied by the number of days in the school year multiplied by the total enrollment of the district or exceed the current market price.

Documentation: The district will maintain documentation consistent with section 114.4 of the Regulations of the Commissioner of Education;

HLCS Policy

2014 5410

Page 9 of 11

5. when the district purchases goods, supplies and services from municipal hospitals under joint contracts and arrangements entered into pursuant to section 2803-a of the Public Health Law.

Documentation: The district will maintain the legal authorization, Board authorization and market price comparisons;

6. When there is only one possible source from which to procure goods or services required in the public interest;

Documentation: The district will maintain written documentation of the unique benefits of the item or service purchased as compared to other items or services available in the marketplace; that no other item or service provides substantially equivalent or similar benefits; and that, considering the benefits received, the cost of the item or service is reasonable, when compared to conventional methods. In addition, the documentation will provide that there is no possibility of competition for the procurement of the goods.

7. When the district purchases professional services that require special skill or training, such as but not limited to, audit, medical, legal or insurance services, or property appraisals.

Documentation: The district will keep proper documentation in accordance with policy 6741; or

8. When the district purchases through the contracts of (or “piggybacks” onto) other governmental entities, as authorized by law, for certain goods and services permitted by law. Factors relevant to the decision to “piggyback” may include cost, staff time, delivery arrangements, quality of goods and services, and suitability of such goods and services to the district’s needs.

Documentation: The district will keep documentation indicating why “piggybacking” is in the best interests of the district, and that the originating contract was let in a manner consistent with applicable competitive bidding requirements.

V. Quotes When Competitive Bidding Not Required

Goods and services which are not required by law to be procured by the district through competitive bidding will be procured in a manner so as to ensure the prudent and economical use of public monies in the best interests of the taxpayers. Alternative proposals or quotations will be secured by requests for proposals, written or verbal quotations or any other appropriate method of procurement, as set forth below.

A. Methods of Documentation

1. Verbal Quotations: the telephone log or other record will set forth, at a minimum, the date, item or service desired, price quoted, name of vendor, name of vendor's representative;
2. Written Quotations: vendors will provide, at a minimum, the date, description of the item or details of service to be provided, price quoted, name of contact. For example, with regard to insurance, the district will maintain documentation that will include bid advertisements, specifications and the awarding resolution. Alternatively, written or verbal quotation forms will serve as documentation if formal bidding is not required.
3. Requests for Proposals: the district will utilize RFP's to engage professional services providers in accordance with policy 6741.

B. Purchases/Public Work: Methods of Competition to be Used for Non-Bid Procurements; Documentation to be Maintained

The district will require the following methods of competition be used and sources of documentation maintained when soliciting non-bid procurements in the most cost-effective manner possible:

1. Purchase Contracts up to \$20,000
 - a. Contracts from \$100 to \$1,000: Verbal quotes
Documentation will include notations of verbal quotes.
 - b. Contracts in excess of \$1,000 to \$20,000: Written quotes
2. Public Work Contracts up to \$35,000
 - a. Contracts from \$1,000 to \$10,000: Verbal quotes
Documentation will include notations of verbal quotes.
 - b. Contracts in excess of \$10,000 to \$35,000: Written quotes

VI. Quotes Not Required When Competitive Bidding Not Required

The district will not be required to secure alternative proposals or quotations for those procurements as permitted by state law:

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

VII. Procurements from Other than the “Lowest Responsible Dollar Offeror”

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

VIII. Internal Control

The Board authorizes the Superintendent of Schools, with the assistance of the Purchasing Agent, to establish and maintain an internal control structure to ensure, to the best of their ability, that the district’s assets will be safeguarded against loss from unauthorized use or disposition, that transactions will be executed in accordance with the law and district policies and regulations, and recorded properly in the financial records of the district.

Comments will be solicited from those administrators involved in the procurement process before enactment of the district’s regulations regarding purchasing and from time to time thereafter. The regulations must then be adopted by Board resolution. All district regulations regarding the procurement processes will be reviewed by the Board at least annually.

The unintentional failure to fully comply with the provisions of section 104-b of the General Municipal Law or the district’s regulations regarding procurement will not be grounds to void action taken or give rise to a cause of action against the district or any officer or employee of the district.

SUBJECT: CONTRACTS FOR INSTRUCTION

On July 29, 2009, the State Education Department (SED) issued a memorandum on contracts for instruction that stated districts cannot contract with private entities to deliver "core educational programming/instructional services" to students. Subsequently, on June 2, 2010, SED issued a new question and answer guidance document for school districts to use as a resource for planning for the school year.

Core Instructional Services

Generally, core instructional services comprise those instructional programs which are part of the regular curriculum of the School District and to which students are entitled as part of a free public education. This would include both general and special education programs and related services which school districts are required by law to provide as part of a program of public education and for which a certification area exists and to which tenure rights apply pursuant to Education Law and/or Commissioner's Regulations.

Therefore, core instructional services include those in which students are provided classroom instruction to meet State learning standards in the seven general curriculum areas: English language arts; mathematics, science and technology; social studies; languages other than English; the arts; health, physical education and family and consumer sciences; and career development and occupational studies. Instruction in courses for which credit is awarded toward a high school diploma would also constitute "core instructional services." Core instruction includes special classes for students with disabilities.

Core instruction does not include other supplemental instructional services, such as tutoring and enrichment programs that are not offered for high school credit; advanced courses such as college courses that are beyond the regular high school curriculum; and services, such as online instructional services and distance learning, that assist teachers in providing instruction in their classrooms.

Contracts with a Non-Profit or Other Entity

The District may contract with a non-profit or other entity to provide distance or online learning provided that the distance or online learning program is used as a supplementary or additional resource to assist the District's certified teachers in delivering instruction. In these situations, the distance or online program itself would not constitute "core instruction" as described above.

The School District may contract with certain entities where specifically authorized by statute or regulation, or where contracting is necessary to carry out duties imposed on the School District by State or federal law.

(Continued)

2011

5420

2 of 3

Non-Instructional/Business
Operations

SUBJECT: CONTRACTS FOR INSTRUCTION (Cont'd.)

Contracts for the Provision of Special Education "Related Services" for which a Certification Area Exists and to which Tenure Rights Apply Pursuant to Education Law and/or Commissioner's Regulations

The District may contract for the provision of special education "related services" for which a certification area exists and to which a tenure are applies but only in limited circumstances and with qualified individuals over whom the District has supervisory control.

Pursuant to the federal Individuals with Disabilities Education Act (IDEA), the School District is required to provide students with disabilities with a free appropriate public education (FAPE). The Board of Education must provide related services as part of the continuum of special services and programs available to students with disabilities to enable such students to benefit from instruction. Related services include: audiology, counseling including rehabilitation counseling services, occupational therapy, physical therapy, speech pathology, certain medical services, psychological services, school health services, school nurse services, school social work, assistive technology services, interpreting services, orientation and mobility services, parent counseling and training and other appropriate developmental, corrective or other support services and appropriate access to recreation.

However, the District also has obligations under the IDEA and Article 89 of the Education Law to deliver the services necessary to ensure that students with disabilities receive FAPE. SED recognizes that there will be situations in which school districts will not be able to deliver FAPE to students with disabilities without contracting with independent contractors. Where a School District is unable to provide the related services on a student's individualized education program (IEP) in a timely manner through its employees because of shortages of qualified staff or the need to deliver a related service that requires specialized expertise not available from School District employees, the Board of Education has authority under Education Law to enter into contracts with qualified individuals as employees or independent contractors to provide those related services. Commissioner's Regulations requires that related services be provided by individuals with appropriate certification or license in each area of related service.

In order to ensure that such arrangements are not used to circumvent New York State's teacher tenure laws, the District must document that it would retain supervisory control over the individual and that, despite reasonable efforts, it has been unable to provide such services by hiring new employees or utilizing existing employees, or through any of the contractual arrangements authorized by Education Law, including contracts with other school districts, BOCES, approved state or state-supported schools, and approved private residential and nonresidential schools both inside and outside New York State.

(Continued)

2011

5420
3 of 3

Non-Instructional/Business
Operations

SUBJECT: CONTRACTS FOR INSTRUCTION (Cont'd.)

Finally, if the District, after exhausting the steps outlined above, finds it necessary to contract with individuals, it should do so only for a period of one school year at a time. Before any such contract can be extended, or a new contract entered, the District must again take reasonable efforts to provide such services as described above.

Other Contracts for Instruction

This policy is not intended to be an exhaustive analysis, nor is it intended to cover every possible situation and/or educational program in which contracts may be contemplated.

The District will review all contractual or informal arrangements with its school attorney(s) to ensure that it is in compliance with applicable law and/or regulations.

20 United States Code (USC) Section 1401(26)
Education Law Sections 1604(30), 1709(33), 1804(1), 1805, 1903(1), 2503(1), 2503(3), 2554(1), 2554(15)(a),
4401(2), 4401(2)(k), and 4402(2)(b)
8 New York Code of Rules and Regulations (NYCRR) Sections 100.1, 100.2, 100.3, 100.4, 100.5, 200.1(qq),
and 200.6(b)(3)

Adopted: July 11, 2011

SUBJECT: ACCOUNTING OF FUNDS

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

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

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

Electronic or Wire Transfers

Procedures will be implemented specifying who is authorized to initiate, approve, transmit, record, review and reconcile electronic transactions. At least two 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. Dual approval controls will be established for non-routine wire transfer orders.

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

Education Law Section 2116-a
General Municipal Law Section 5-9

Adoption Date: April 21, 2009

2007 5520

Non-Instructional/Business
Operations

SUBJECT: EXTRACLASSROOM ACTIVITIES FUNDS

An extraclassroom activity fund shall be established for activities conducted by students whose financial support is raised other than by taxation or through charges of the Board of Education. All funds in the extraclassroom activities fund shall be kept according to standards of good financial management. Proper books will be kept and all moneys deposited in appropriate accounts as set up by the Board of Education. These accounts shall be subject to audit.

All transactions involving extraclassroom funds shall be on a cash basis and no accounts shall remain unpaid at the end of the school year. The Building Principals, with approval of the Superintendent of Schools, shall set up procedures for receipt and payment from the extraclassroom activities fund in their respective schools.

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

Adopted: 7/30/07

2007

5530

Non-Instructional/Business
Operations

SUBJECT: PETTY CASH FUNDS AND CASH IN SCHOOL BUILDINGS

Petty Cash Funds

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

Appropriate regulations shall be developed for implementation of this policy.

Cash in School Buildings

Not more than two hundred fifty dollars (\$250), whether District or extraclassroom funds, shall be held in the vault in the Main Office of each District school building. Under no circumstances shall cash be left in classroom areas or desks. The District will not be responsible for funds left unprotected.

All funds, whether District or extraclassroom funds, shall be deposited prior to close of school each week. Only authorized personnel designated by the building administrator shall be allowed in the Main Office vault.

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

Adopted: 7/30/07

2007

5540

Non-Instructional/Business
Operations

SUBJECT: PUBLICATION OF DISTRICT'S ANNUAL FINANCIAL STATEMENT

In compliance with Education Law, as a Central School District, the Board of Education is required to publish a financial statement, including the items of expenditure in full, at least once a year, during either July or August.

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

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

Adopted: 7/30/07

2007

5550

Non-Instructional/Business
Operations

SUBJECT: MAINTENANCE OF FISCAL EFFORT (TITLE I PROGRAMS)

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

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

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

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

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

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

Adopted: 7/30/07

2007

5560

Non-Instructional/Business
Operations

SUBJECT: USE OF FEDERAL FUNDS FOR POLITICAL EXPENDITURES

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

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

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

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: 7/30/07

SUBJECT: FINANCIAL ACCOUNTABILITY

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

The Hadley-Luzerne Central School District's governance and control environment will include the following:

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

(Continued)

2007 5570
2 of 2

Non-Instructional/Business
Operations

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

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

Adopted: 7/30/07

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

(Continued)

SUBJECT: ALLEGATIONS OF FRAUD (Cont'd.)

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

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

Any employee of the School District who has reasonable cause to believe that the fiscal practices or actions of an employee or officer of the District violates any local, state, federal law or rule and regulation relating to the financial practices of the District, and who in good faith reports such information to an official of the District, or to the Office of the State Comptroller, the Commissioner of Education, or to law enforcement authorities, shall have immunity from any civil liability that may arise from the making of such report. Further, neither the School District, nor employee or officer thereof, shall take, request, or cause a retaliatory action against any such employee who makes such a report.

The Board also prohibits any retaliatory behavior directed against any witnesses and/or any other individuals who participate in the investigation of an allegation of illegal or inappropriate fiscal practices or actions. Follow-up inquiries shall be made to ensure that no reprisals or retaliatory behavior has occurred to those involved in the investigation. Any act of retaliation is prohibited and subject to appropriate disciplinary action by the District.

Knowingly Makes False Accusations

Any individual who *knowingly* makes false accusations against another individual as to allegations of financial improprieties/fraud may also face appropriate disciplinary action.

Education Law Section 3028-d

Adopted: 7/30/07

SUBJECT: AUDIT COMMITTEE

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

- a) The Board of Education as a whole;
- b) A subcommittee of the Board of Education; or
- c) An Advisory Committee that may include, or be composed entirely of persons other than Board members if, in the opinion of the Board, such membership is advisable to provide accounting and auditing expertise.

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 (3) members who should collectively possess knowledge in accounting, auditing, financial reporting, and School District finances. They shall serve without compensation, but shall be reimbursed for any actual and necessary expenditure incurred in relation to attendance at meetings. Employees of the District are prohibited from serving on the Audit Committee. 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; and
- f) Review every corrective action plan developed by the School District and assist the Board in its implementation.

Corrective Action Plan

Within ninety 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:

(Continued)

UBJECT: AUDIT COMMITTEE (Cont'd.)

- 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 participating in the evaluation of the performance of the Internal Audit Function.

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

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

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

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

Adopted: 7/30/07

2009

5580

Non-Instructional/Business
Operations

SUBJECT: ONLINE BANKING SERVICES

The Board of Education requires clear, complete, and detailed accounting of all financial transactions for which the Board is held accountable. The transferring of funds via online banking services between various accounts and the transfer of funds from District accounts to non-district account for various purposes are financial transactions to be properly monitored and controlled.

The following are online banking activities the District engages in:

1. Viewing bank account information
2. Interfund transfers
3. The remittance of employee payroll tax withholdings and other deductions
4. The paying of the District's debt obligations
5. The remittance of employee payroll direct deposit
6. Transfer of District Funds into investments

The District Treasurer, Deputy Treasurer and Central Treasurer, each with a separate established user name and password, will have the authority to process and/or view online banking transactions.

A bank transfer summary will be completed daily indicating the account codes and the amount of monies for the transferring of funds. The District Treasurer (or if absent, the Deputy Treasurer) will verify the file. The treasurer will be responsible for the proper accounting of the transactions.

Adoption: 7/8/2009

2009

5590

Non-Instructional/Business
Operations

SUBJECT: CASH RECEIPTS POLICY

The Board of Education requires clear, complete, and detailed accounting of all financial transactions for which the Board is held accountable.

The Board directs that the School Business Manager and School District Treasurer establish procedures to ensure the timely and accurate deposit and recording of all district receipts in an approved Depository Institution. Procedures can be found in Business Office Operations/Procedures Manual.

All cash receipts should be recorded and reported according to Generally Accepted Accounting Principles, and meet all State, Federal and Education Department guidelines, rules and regulations.

See also:

Policy 1332 – Duties of the School District Treasurer
1333– Duties of the Tax Collector/Deputy Collector
1336 – Duties of Extraclassroom Activity Account Central Treasurer
5210 – Revenues
5220 – District Investments.
5510 – Accounting of Funds
5520 – Extraclassroom Activities Funds
5570 – Financial Accountability

Adoption: 7/8/2009

POLICY 5595

Non-Instructional/Business Operations

RESERVE FUNDS

Reserve funds are an important component in the District's financial planning. The District is authorized to establish and maintain reserve funds in accordance with New York State Laws, Commissioner's Regulations and the rules and/or opinions issued by the Office of New York State Comptroller, as applicable. The District shall comply with the reporting requirements of Article 3 of the General Municipal Law of the State of New York and the Governmental Accounting Standards Board (BASB) issued GASB Statement Number 54.

Review and Report

The Board of Education will periodically review all reserve funds. The District will prepare a periodic report of all reserve funds to the Board of Education which shall contain the following information:

1. The type and description of the reserve fund;
2. The total amount currently in the reserve fund;
3. An analysis of the projected needs for the reserve fund in the foreseeable future and a recommendation regarding funding those projected needs.

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

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

Adoption Date: June 20, 2011

Revised Date: June 10, 2019

2007 5610

Non-Instructional/Business
Operations

SUBJECT: INSURANCE

The objective of the Board of Education is to obtain the best possible insurance at the lowest possible cost, and to seek advice from an Insurance Appraisal Service to determine that adequate coverage is being provided regarding fire, boiler, general liability, bus and student accident insurance.

The Board shall carry insurance to protect the District's real and personal property against loss or damage. This property shall include school buildings, the contents of such buildings, school grounds and vehicles.

The Board may also purchase liability insurance to pay damages assessed against Board members and District employees acting in the discharge of their respective duties, within the scope of their employment and/or under the direction of the Board.

All insurance policies, along with an inventory of the contents of the building, should be kept in a fireproof depository or with the appropriate insurance agent for safekeeping and referral purposes. The Superintendent shall review the District's insurance program annually and make recommendations to the Board if more suitable coverage is required.

Education Law Sections 1709(8), 1709(26), 1709(34-b),
2503(10), 2503(10-a), 2503(10-b), 3023, 3028 and 3811
General Municipal Law Sections 6-n and 52
Public Officers Law Section 18

Adopted: 7/30/07

2007

5620

Non-Instructional/Business
Operations

SUBJECT: INVENTORIES

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

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

Uniform System of Accounts for School Districts
(Fiscal Section)

Adopted: 7/30/07

ACCOUNTING OF FIXED ASSETS

The Business Manager shall be responsible for accounting for general fixed assets according to the procedures outlined by the Uniform System of Accounts for School Districts and GASB Statement 34 Regulations.

These accounts will serve to:

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

Fixed assets with a minimum value established by the Board that have a useful life of one (1) year or more and physical characteristics not appreciably affected by use or consumption shall be inventoried and recorded on an annual basis. Fixed assets shall include land, buildings, equipment and materials.

The board establishes a dollar threshold of \$2000 as the basis for considering which fixed assets are to be depreciated. Such threshold shall ensure that at least 80 percent of the value of all assets is reported. However, it is recommended that such threshold shall not be greater than \$5,000. A standardized depreciation method and averaging convention shall also be established for depreciation calculations.

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

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

- a) Date of acquisition;
- b) Description;
- c) Cost or value;
- d) Location;

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

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

Adopted: 7/30/07
Revised date: 1/27/2014

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

The Superintendent is charged with the responsibility for administering plant operations in the most efficient and economical manner possible, while placing high priority on health and safety of students and conservation of natural resources.

The Board, through the Superintendent and his/her staff, has the responsibility of protecting the District investment in plant and facilities through a systematic maintenance program.

It is expected that the program shall include periodic preventive maintenance activities, long-range maintenance schedules and emergency repair procedures. It is further expected that all maintenance work will be carried out in a manner that will cause the least interference with the educational program.

Construction and Remodeling of School Facilities

All capital projects and maintenance must assure compliance with the requirements of the New York State Uniform Fire Prevention and Building Code, the Manual of Planning Standards and the Regulations of the Commissioner of Education. All new buildings must be formally submitted no matter the size or cost. The New York State Education Department Office of Facilities Planning has provided an Instruction Guide at website: <http://www.emsc.nysed.gov/facplan/ProjMgmt.htm>

Plans and specifications for the erection, enlargement, repair or remodeling of facilities of the School District shall be submitted to the Commissioner when the contemplated construction costs of such work are ten thousand dollars (\$10,000) or more, and for all projects affecting the health and safety of students.

Plans and specifications submitted to the Commissioner shall bear the signature and seal of an architect or engineer licensed to practice in the State of New York. The architect or engineer who sealed the plans and specifications shall also certify that the plans and specifications conform to the standards set forth in the State Uniform Fire Prevention and Building Code (19 NYCRR Parts 1220 through 1226) and the State Energy Conservation Construction Code (19 NYCRR Part 1240).

For remodeling or construction projects costing five thousand dollars (\$5,000) or more, the District shall assure compliance with the requirements of the State Uniform Fire Prevention and Building Code (19 NYCRR Parts 1220 through 1226) and Commissioner's Regulations Part 155, and shall retain the services of an architect or engineer licensed to practice in New York State.

For remodeling or construction projects costing less than five thousand dollars (\$5,000), the District shall assure compliance with the requirements of the State Uniform Fire Prevention and Building Code (19 NYCRR Parts 1220 through 1226) and Commissioner's Regulations Part 155.

(Continued)

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

The administration of the School System shall cooperate with appropriate officials conducting health, fire, asbestos, bus, and boiler inspections. The administration shall keep the Board of Education informed of the results of such inspections in a timely fashion.

In accordance with law, local building inspectors may not enter District premises at any time they wish. Only the Fire Safety Inspector conducting the Annual Fire Safety Inspection may enter District premises for inspections.

In addition, per the requirements of the Asbestos Hazard Emergency Response Act (AHERA), the District will at least once each school year inform all employees and building occupants (or their legal guardians) about all asbestos inspections, response actions, post-response action activities, as well as triennial re-inspection activities and surveillance activities that are either planned or in progress. Written notice will be provided in the District newsletter and will be filed in the District asbestos management plan.

Comprehensive Public School Building Safety Program (Rescue)

To ensure that all school facilities are properly maintained and preserved and provide suitable educational settings, the Board of Education requires that all occupied school facilities which are owned, operated or leased by the District comply with the provisions of the Comprehensive Public School Safety Program and the Uniform Code of Public School Building Inspections, Safety Rating and Monitoring as prescribed in Commissioner's Regulations. For this reason, the School District shall develop a Comprehensive Public School Building Safety Program in accordance with Commissioner's Regulations.

The program shall be reevaluated and made current at least annually, and shall include the following:

- a) A five (5) year capital facilities plan which will include an appraisal of the following: the educational philosophy of the District, with resulting administrative organization and program requirements; present and projected student enrollments; space use and State-rated student capacity of existing facilities; the allocation of instructional space to meet the current and future education program and service needs, and to serve students with disabilities in settings with nondisabled peers; priority of need of maintenance, repair or modernization of existing facilities, including consideration of the obsolescence and retirement of certain facilities; and the provision of additional facilities.
- b) A District-wide building inventory, which will include information pertaining to each building including, but not limited to:

(Continued)

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

1. Type of building, age of building, size of building;
 2. Rated capacity, current enrollment;
 3. List of energy sources and major systems (lighting, plumbing, electrical, heating); and
 4. Summary of triennial Asbestos Inspection reports.
- c) Annual Visual Inspections:
1. An annual visual inspection of each occupied building and assignment of a safety rating score. The inspection committee must include a state certified code enforcement official, the District's Facility Director or designee, and a member of the District's Health and Safety Committee.
 2. The Commissioner shall require a re-inspection of school buildings where a report of inspection identified violations that, if uncorrected, would cause the department to deny an annual Certificate of Occupancy to such school building, and shall require additional re-inspections until it is demonstrated to the satisfaction of the Commissioner that said violations have been corrected.
- d) A building condition survey shall be conducted for all occupied school buildings once every five (5) years by a team that includes at least one (1) licensed architect or engineer.
- e) A District-wide monitoring system which includes:
1. Establishing a Health and Safety Committee;
 2. Development of detailed plans and a review process of all inspections;
 3. Procedures for a response in writing to all inquiries about building health and safety concerns, a copy of which will be sent to the District's Health and Safety Committee for oversight, and a copy kept on permanent file.
- f) Procedures to ensure the safety of the building occupants while a construction/renovation project is taking place. These procedures will include:

(Continued)

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

1. Notification to parents, staff and the community at least two (2) months in advance of a construction project of ten thousand dollars (\$10,000) or more to be conducted in a school building while the building is occupied; provided, however, that in the case of emergency construction projects, such notice shall be provided as far in advance of the start of construction as is practicable;
2. A plan to ensure that all contractors comply with all health and safety issues and regulations, and wear photo identification badges;
3. An opportunity for the District's Health and Safety Committee to conduct a walk-through inspection of newly renovated or constructed areas to confirm that the area is ready to be reopened for use; and
4. An emergency plan which will address potential concerns with the capital project including, but not limited to, evacuation procedures, fire drills, and structural failures.

Asbestos Inspection:

40 Code of Federal Regulations (CFR) Part 763, Subpart E

Education Law Article 9-A

Fire Inspection:

Education Law Section 807-a

8 New York Code of Rules and Regulations (NYCRR) Section 155.4

Health and Safety Committee:

8 New York Code of Rules and Regulations (NYCRR) Section 155.6I(17)

Health Inspection:

Education Law Section 906

Plans and Specifications:

Education Law Sections 408, 408-a and 409

8 New York Code of Rules and Regulations (NYCRR) Sections 155.1 and 155.2

19 New York Code of Rules and Regulations (NYCRR) Sections 1220-1240

Structural Safety Inspections:

Education Law Sections 409-d, 409-e, 3602 and 3641(4)

8 New York Code of Rules and Regulations (NYCRR) Sections 155.1, 155.3, 155.4(b)(1) and 155.6

Adoption Date: 4/21/2009

Revised: 4/16/2012

**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.

Hazard Communication Standard

All personnel shall be provided with applicable training to comply with the New York State "Right-to-Know" Law and the Hazard Communication Standard. Both the "Right to Know" poster and the "Labor Law Information Relating to Public Employees" poster must be posted in common areas informing workers of relevant work hazards and associated rights.

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

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

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

Adoption Date: 12/21/2009

2007

5632

Non-Instructional/Business
Operations

SUBJECT: CONSTRUCTION SAFETY

The Board of Education recognizes the District's responsibility to provide a safe school environment for students and staff during construction and maintenance projects.

The Superintendent of Schools shall be responsible for ensuring that District procedures for safeguarding the safety and health of students and staff are consistent with state law and regulation, including the Uniform Code of Public School Building Inspections, Safety Rating and Monitoring and the Uniform Safety Standards for School Construction and Maintenance Projects.

Education Law Sections 409-d and 409-e
8 New York Code of Rules and Regulations (NYCRR)
Sections 155.4 and 155.5
9 New York Code of Rules and Regulations (NYCRR)
Parts 600-1250

NOTE Refer also to Policy #5630 -- Facilities: Inspection, Operation and Maintenance

Adopted: 7/30/07

2007

5633

Non-Instructional/Business
Operations

SUBJECT: NAMING FACILITIES

The Board of Education is responsible for naming any new facility. The Board, in its discretion, may establish procedures for the naming of any building or other District facility. In selecting a name for any facility, the Board may take into account those persons who have been involved in the planning, construction or renovation of the facility, or any other relevant considerations. Suitable building plaques or other memorials may be authorized by the Board.

Adopted: 7/30/07

Non-Instructional/Business
Operations**SUBJECT: CLOSING OF FACILITIES**

The Board of Education will seek both professional and community advice concerning any contemplated closing of any school facility due to age, condition, size, or other considerations.

An advisory committee shall be formed at least six (6) months in advance with membership comprising Board members, appropriate administrative staff, teachers, parents, community business representatives, and an architect(s) and/or other professionally-trained experts in evaluating building condition/use.

The factors to be considered by the committee in the educational impact statement shall include, but not be limited to:

- a) The current and projected pupil enrollment, the prospective need for such building, the ramifications of such closing upon the community, initial costs and savings resulting from such closing, the potential disposability of the closed school;
- b) Possible use of such school building for other educational programs or administrative services;
- c) The effect of such closing on personnel needs; and on the costs of instruction, administration, transportation and other support services;
- d) Type, age and physical condition of such building; outstanding indebtedness; maintenance and energy costs; recent or planned improvements for the building; and such building's special features;
- e) Ability of the other schools in the District to accommodate pupils if such school building closes; and
- f) Possible shared utilization of space in such school building during or after regular school hours as permitted in Education Law Section 414.

Pursuant to the requirements of Section 402-a of the Education Law, after filing of the statement, the District will publish and post notification of the proposed closing and circulation of the notice to elected state and public officials who represent the affected communities.

After publication of the suggested notice pursuant to Section 402-a, and within sixty (60) days of the issuance of the educational impact statement, the Board shall hold a public hearing to evaluate the proposed closing on the District. Among the factors to be considered at the hearing are those discussed in the educational impact statement, and alternatives may be presented by interested parties.

The Board shall render its decision on the closing of the building at a regular or special meeting.

Education Law Sections 402-a and 414

Adopted: 7/30/07

SUBJECT: HEALTH AND SAFETY COMMITTEE

The Board of Education recognizes the importance of the participation of District staff and parents in promoting a safe, secure and healthy school environment. In accordance with Commissioner's Regulations, the Board will appoint a Health and Safety Committee composed of representation from District officials, staff, bargaining units, and parents.

The committee will participate in monitoring the condition of occupied school buildings to assure that they are safe and maintained in a state of good repair. The Superintendent of Schools will ensure that the committee is appropriately involved in all of the activities required by the Commissioner's Regulations. Specifically, the committee will:

- a) Participate in the investigation and disposition of health and safety complaints;
- b) Ensure that at least one (1) member of the committee participates in the annual visual inspection;
- c) Consult with District officials in completing safety ratings of all occupied school buildings;
- d) Monitor safety during school construction projects including periodic meetings to review issues and address complaints related to health and safety resulting from the project; and
- e) Upon completion of a construction project, conduct a walk-through inspection to ensure the area is ready to be reopened for use.

Expanded Health and Safety Committee

During construction projects, the Health and Safety Committee will be expanded to include the architect, construction manager and contractor. This expanded committee will:

- a) Participate in the investigation and disposition of health and safety complaints regarding the construction or maintenance project;
- b) Meet periodically to review issues and address complaints regarding health and safety arising from construction;
- c) Monitor safety during construction projects; and
- d) After the work is completed, conduct a walk-through inspection to confirm that the area is ready to be reopened for use.

8 New York Code of Rules and Regulations (NYCRR)
Part 155

NOTE: Refer also to Policy #5630 -- Facilities: Inspection, Operation and Maintenance

Adopted: 7/30/07

SUBJECT: PEST MANAGEMENT AND PESTICIDE USE

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

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

Pest/Pesticide Management Plan

The District will manage weeds and pests to:

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

Integrated Pest Management (IPM) Coordinator

An IPM Coordinator will be appointed by the Superintendent of schools. The Coordinator will be responsible for implementing the IPM policy and plan. The coordinator's responsibilities will include the following:

- a) Recording all pest sightings by school staff and students.
- b) Recording all pesticide use and utilizing the least toxic approach.
- c) Meeting with a local pest control expert, such as a pesticide contractor to share information on what pest problems are present in the school.
- d) Assuring that all of the expert's recommendations on maintenance and sanitation are carried out where feasible.

(Continued)

SUBJECT: PEST MANAGEMENT AND PESTICIDE USE (Cont'd.)

- e) Assuring that pesticide use is done when school is not in session or when the area can be completely secured against access by school staff and students for a standard seventy-two (72) hours, or as required by the pesticide being used.
- f) Evaluating the school's progress in the IPM plan.
- g) Notifying parents, staff and neighbors of any applications of pesticides forty-eight (48) hours before they occur. The IPM Coordinator will serve as the District's Pesticide Representative.

Pesticide Use on Common Areas

Pesticides will not be used on playgrounds, turf, athletic or playing fields, in effect, all lawn areas of the school. In these common areas where children gather and play, pesticide alternatives will be used whenever possible and effective. The prohibition does not apply to indoor use or the application to building structures.

An exception may be made for emergency applications of pesticide only when approved in advance by the School Board. The Board may consult with the local Health Department on public health related emergency determinations. They may also consult with the Department of Environmental Conservation (DEC) for environmental emergency determinations. Emergency determinations should only be sought for one-time pesticide application in a specific situation, which presents a true emergency. The guidance document from DEC provides clarification on emergency determinations. It can be found at:

http://www.dec.ny.gov/docs/materials_minerals_pdf/guidancech85.pdf

Some types of pesticides and alternatives, those deemed safe in federal regulation, may be allowable on playing fields and playgrounds in certain circumstances. The District will develop regulations governing the use of pesticides and their alternatives on school grounds.

Fertilizer Use

New requirements and restrictions regarding the use of phosphorus fertilizers on school grounds have been developed. Chapter 205 of the Laws of 2010 dictates the requirements which must be adhered to regarding grounds maintenance starting on January 1, 2012.

- a) Fertilizer use is prohibited between December 1 and April 1 annually.
- b) The use of fertilizers is prohibited within twenty (20) feet of any surface water except:

Continued)

SUBJECT: PEST MANAGEMENT AND PESTICIDE USE (Cont'd.)

1. Where a continuous natural vegetation buffer, at least ten (10) feet wide, separates lawn and water.
 2. Where a spreader guard, deflector shield or drop spreader is used, then the application may not occur within three feet of any surface water.
- c) The use of phosphorus fertilizers are prohibited on lawns or other non-agricultural turf with the following exceptions:
1. The use of phosphorus fertilizers are needed to establish a new lawn; or
 2. A soil test shows that phosphorus fertilizers are needed for growth.
- d) Fertilizer cannot be used on any impervious surfaces and if such an application occurs, it must be cleaned immediately and legally applied or placed in an appropriate container.

Notification

The District's IPM Coordinator or designated Pesticide Representative will give prior written notice of all pesticide applications to anyone who has asked to receive such notice. The District will also notify parents, students and staff of periodic pesticide applications. The District will maintain a list of those people who wish to receive forty-eight (48) hour notice before pesticide applications and will ensure that a system is developed to deliver such notice in a timely fashion to all affected. The notification system may be by mail or email, and will ensure that a back-up method is available to notify those for whom the regular system is unworkable. The name and contact information for the District Pesticide Representative will be made available to all requesting it.

Sample forms for forty-eight (48) hour prior notification can be obtained at:

http://www.emsc.nysed.gov/facplan/documents/PesticideNeighborNotificationGuidelineforSchools_091001.pdf

The District must also provide additional written notification to all parents and staff three (3) times per year to inform them of any pesticide applications that have occurred: within ten (10) days of the end of the school year, within two (2) school days of the end of winter recess and within two (2) days of the end of spring recess.

Recordkeeping

Records of pesticide use will be maintained on site for three (3) years. Records will be completed on the day of pesticide use. In addition, pest surveillance records will be maintained to help verify the need for pesticide treatments. Annual reports of any applications must be sent to DEC.

(Continued)

2011

5636
4 of 4

Non-Instructional/Business
Operations

SUBJECT: PEST MANAGEMENT AND PESTICIDE USE (Cont'd.)

Education Law Sections 409-k, 409-h
Environmental Conservation Law Sections 17-2103, 33-0303
40 Code of Federal Regulations (CFR) Part 152.25
7 United States Code Section 136(mm), 136q(h)(2) (FIFRA)
NYCRR Part 155.4(d)(2)

Adopted: 7/30/2007
Revised: 11/21/2011

SMOKING AND OTHER TOBACCO USE ON SCHOOL PREMISES

Due to the health hazards associated with smoking, and in accordance with federal and state law, the Board of Education prohibits smoking and all other tobacco use in all school buildings, on school grounds, and in any vehicle used to transport children or personnel. The Board also prohibits the use of e-cigarettes in these locations.

The district's smoking policy shall be prominently posted in each building, at designated outdoor locations on school premises (e.g. athletic fields) and in all district vehicles. The Board designates the Superintendent of Schools or his/her designee as agent responsible for informing individuals smoking or using tobacco anywhere on school premises or in district vehicles that they are in violation of Article 13 of the Public Health Law and/or Section 409 of the Education Law and/or the federal Pro-Children Acts of 1994 and 2001. Persons using e-cigarettes in violation of this policy will be asked to stop or leave school property.

Ref: Education Law §§409(2)
Public Health Law Article 13-E
Public Health Law §§206; 340; 347
The Pro-Children Act of 2001, 20 U.S.C. §§1781 *et seq.*
The Pro-Children Act of 1994, 20 U.S.C. §§6081 *et seq.*

Adopted: 7/30/07

Revised: 4/7/14

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 Sections 27-2101-27-2115
General Municipal Law Section 120-aa
19 New York State Code of Rules and Regulations
(NYCRR) Sections 1220-1226

Adopted: 7/30/07

**SUBJECT: SCHOOL FOOD SERVICE PROGRAM (LUNCH AND BREAKFAST)/
SCHOOL DISTRICT NUTRITION ADVISORY COMMITTEE**

School Food Service Program (Lunch and Breakfast)

The Board has entered into an agreement with the New York State Education Department to participate in the National School Lunch Program, School Breakfast Program and/or Special Milk Program to receive commodities donated by the Department of Agriculture and to accept responsibility for providing free and reduced price meals to elementary and secondary students in the schools of the District.

The Superintendent or his/her designee shall have the responsibility to carry out the rules of the School Lunch and Breakfast Programs. The determination of which students are eligible is the responsibility of the Superintendent or his/her designee. Appeals regarding eligibility should be submitted to the Hearing Official of the District.

Free or reduced price meals may be allowed for qualifying students attending District schools upon receipt of a written application from the student's parent or guardian or a "Direct Certification" letter from the New York State Office of Temporary and Disability Assistance (OTDA). Applications will be provided by the School District to all families.

Procedures for the administration of the free and reduced price meal program of this School District will be the same as those prescribed in current state and federal laws and regulations.

Child Nutrition Program/Charging Meals

Although not required by law, because of the District's participation in the Child Nutrition Program, the Board of Education approves the establishment of a system to allow a student to charge a meal. The Board authorizes the Superintendent to develop rules which address:

- a) What can be charged;
- b) The limit on the number of charges per student;
- c) The system used for identifying and recording charged meals;
- d) The system used for collection of repayments; and
- e) Ongoing communication of the policy to parents and students.

Non-Instructional/Business
Operations

**SUBJECT: SCHOOL FOOD SERVICE PROGRAM (LUNCH AND BREAKFAST)/
SCHOOL DISTRICT NUTRITION ADVISORY COMMITTEE (Cont'd.)**

Restriction of Sweetened Foods in School

The sale of sweetened foods will be prohibited from the beginning of the school day until the end of the last scheduled meal period.

Sweetened foods consist of sweetened soda water, chewing gum, candy, including hard candy, jellies, gum, marshmallow candies, fondant, licorice, spun candy, candy coated popcorn, and water ices except those which contain fruit or fruit juices.

Restrictions on Sale of Milk Prohibited

Schools that participate in the National School Lunch Program may not directly or indirectly restrict the sale or marketing of fluid milk products at any time or in any place on school premises or at school-sponsored events.

Food Substitutions for Children with Disabilities

Federal regulations governing the operation of Child Nutrition Programs, Part B of the Individuals with Disabilities Education Act, and Section 504 of the Rehabilitation Act of 1973 require that children with disabilities be offered the opportunity to participate in all academic and nonacademic activities including the school nutrition programs. The District will make reasonable accommodations to those children with disabilities whose disabilities restrict their diets, such as providing substitutions and/or modifications in the regular meal patterns. Such meal substitutions for students with disabilities will be offered at no extra charge. A student with a disability must be provided substitutions in food when that need is supported by a statement signed by a physician attesting to the need for the substitutions and recommending alternate foods.

However, the school food service is not required to provide meal services (for example, School Breakfast Program) to students with disabilities when the meal service is not normally available to the general student body, unless a meal service is required under the student's individualized education program (IEP) or Section 504 Accommodation Plan as mandated by a physician's written instructions.

Food Substitutions for Nondisabled Children

Though not required, the District will also allow substitutions for non-disabled children who are unable to consume the regular meal because of medical or other special dietary needs if the request is supported by a statement signed by a recognized medical authority.

(Continued)

**SUBJECT: SCHOOL FOOD SERVICE PROGRAM (LUNCH AND BREAKFAST)/
SCHOOL DISTRICT NUTRITION ADVISORY COMMITTEE (Cont'd.)**

The District may also allow substitutions for fluid milk with a non-dairy beverage that is nutritionally equivalent (as established by the Secretary of Agriculture) to fluid milk and meets nutritional standards for students who are unable to consume fluid milk because of medical or other special dietary needs if the request is supported by a statement signed by a recognized medical authority or by the student's parent/legal guardian.

School District Nutrition Advisory Committee

In accordance with Education Law, the District has established a Child Nutrition Advisory Committee. The Committee includes, but is not limited to, a representative of the School Board; the food preparation staff; the physical education departments; the school registered professional nurse or health staff; a registered dietitian, if available; the faculty of the District; the parent-teacher associations in the District; the students enrolled in the District; and the parents/guardians of students enrolled in the District. If, due to special circumstances, it is impossible or impracticable for all recommended groups to have members on the Committee for representation, the District may approve a Committee that, to the greatest extent possible, represents the interests of the aforementioned groups.

Prior to the start of school in the fall, the District will send in a newsletter written notice to all parents/guardians of enrolled students of the existence of the School District Nutrition Advisory Committee and supply information as to how interested parents/guardians may participate on the Committee. The District will also, to the extent practicable, give notice to all parents/guardians and students through its regular newsletters or other regular forms of written communication as to the scheduled dates of all meetings of the Advisory Committee.

The Committee will study all facets of the current nutritional policies of the District including, but not limited to:

- a) The goals of the District to promote health and proper nutrition;
- b) Vending machine sales;
- c) Menu criteria;
- d) Educational curriculum teaching healthy nutrition;
- e) Educational information provided to parents/guardians regarding healthy nutrition and the health risks associated with obesity;
- f) Opportunities offered to parents/guardians to encourage healthier eating habits to students;
and

(Continued)

**SUBJECT: SCHOOL FOOD SERVICE PROGRAM (LUNCH AND BREAKFAST)/
SCHOOL DISTRICT NUTRITION ADVISORY COMMITTEE (Cont'd.)**

g) The education provided to teachers and other staff as to the importance of healthy nutrition.

In addition, the Committee shall consider recommendations and practices of other districts and nutrition studies.

Child Nutrition Act 1966

42 United States Code (USC) Section 1771 et seq.

Richard B. Russell National School Lunch Act 1946

42 United States Code (USC) Section 1751 et seq.

Section 504 of the Rehabilitation Act of 1973

29 United States Code (USC) Section 794 et seq

Individuals with Disabilities Education Act (IDEA)

20 United States Code (USC) Sections 1400-1485

7 Code of Federal Regulations (CFR) Part 15B and Part 210

Education Law Sections 902(b), 915, 918, 1604(28),

1709(22), 1709(23) and 2503(9)(a)

8 New York Code of Rules and Regulations

(NYCRR) Sections 200.2(b)(1) and 200.2(b)(2)

Adopted: 7/30/07

SUBJECT: WELLNESS

The Hadley-Luzerne Central School 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. Research shows that two components, good nutrition and physical activity before, during and after the school day, are strongly correlated with positive student outcomes. For example, student participation in the U.S. Department of Agriculture's (USDA) School Breakfast Program is associated with higher grades and standardized test scores, lower absenteeism and better performance on cognitive tasks.^{1,2,3,4,5,6,7} Conversely, less-than-adequate consumption of specific foods including fruits, vegetables and dairy products, is associated with lower grades among students.^{8,9,10} In addition, students who are physically active through active transport to and from school, recess, physical activity breaks, high-quality physical education and extracurricular activities – do better academically.^{11,12,13,14} Finally, there is evidence that adequate hydration is associated with better cognitive performance.^{15, 16, 17}

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¹⁴ Hillman C, Pontifex M, Castelli D, Khan N, Raine L, Scudder M, Drollette E, Moore R, Wu C-T, Kamijo K. *Effects of the FITKids randomized control trial on executive control and brain function*. *Pediatrics* 2014; 134(4): e1063-1071.

¹⁵ Change Lab Solutions. (2014). *District Policy Restricting the Advertising of Food and Beverages Not Permitted to be Sold on*

The District has established an active 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) Classroom Teachers;
- 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 lifelong 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.

School Grounds. Retrieved from <http://changelabsolutions.org/publications/district-policy-school-food-ads>

¹⁶ Kempton MJ, Ettinger U, Foster R, Williams SCR, Calvert GA, Hampshire A, et al. Dehydration affects brain structure and function in healthy adolescents. *Human Brain Mapping*. 2011;32:71-79.

¹⁷ Edmonds CJ, Jeffes B. Does having a drink help you think? 6 to 7-year-old children show improvements in cognitive performance from baseline to test after having a drink of water. *Appetite*. 2009;53:469-472. Edmonds CJ, Burford D. Should children drink more water? The effects of drinking water on cognition in children. *Appetite*. 2009; 52:776-779.

Nutrition Promotion and Education

Nutrition promotion and education positively influence lifelong eating behaviors by using evidence-based techniques and nutrition messages, and by creating food environments that encourage healthy nutrition choices and encourage participation in school meal programs. Students and staff will receive consistent nutrition messages throughout schools, classrooms, gymnasiums, and cafeterias. Nutrition promotion also includes marketing and advertising nutritious foods and beverages to students and is most effective when implemented consistently through a comprehensive and multi-channel approach by school staff, teachers, parents, students and the community.

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. All teachers will provide opportunities for students to practice or rehearse 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.
 3. Lessons and activities will include enjoyable, developmentally-appropriate, culturally-relevant and participatory activities, such as cooking demonstrations or lessons, promotions, taste-testing, farm visits and school gardens. They will promote fruits, vegetables, whole-grain products, low-fat and fat-free dairy products, healthy food preparation methods and emphasize caloric balance between food intake and energy expenditure (promoting physical activity/exercise).
 4. Nutrition education will be linked with school meal programs, cafeteria nutrition promotion activities, school gardens, Farm School programs, other school foods and nutrition-related community services.
 5. Teachers and other staff will be provided with nutrition education training and materials when feasible.
- b) Marketing and Promotion

HLCS Policy

2017 5661

Page 4 of 17

1. The District will promote nutrition education activities that involve parents, students, and the community throughout the school year. Participation in Federal child nutrition programs will be promoted among students and families to help ensure that families know what programs are available in their children's school.
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.
<https://www.fns.usda.gov/healthierschoolday/tools-schools-focusing-smart-snacks>

The District will promote healthy food and beverage choices using the following [Smarter Lunchroom techniques](#):

- Sliced or cut fruit is available daily.
 - Daily fruit options are displayed in a location in the line of sight and reach of students.
 - All staff members, especially those serving, have been trained to politely prompt students to select and consume the daily vegetable options with their meal.
 - White milk is placed in front of other beverages in all coolers.
 - A reimbursable meal can be created in any service area available to students (e.g., salad bars, snack rooms, etc.).
 - Student surveys and taste testing opportunities are used to inform menu development, dining space decor and promotional ideas.
 - Student artwork is displayed in the service and/or dining areas.
 - Daily announcements are used to promote and market menu options.
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 integration into district events.
 5. The District will implement at least four of the following five Farm to School activities:
 - Local and/or regional products are incorporated into the school meal program;
 - Messages about agriculture and nutrition are reinforced throughout the learning environment;
 - School hosts a school garden;
 - School hosts field trips to local farms;
 - School utilizes promotions or special events, such as tastings, that highlight the local/ regional products.

6. The District is committed to providing a school environment that ensures opportunities for all students to practice healthy eating and physical activity behaviors throughout the school day while minimizing commercial distractions. The District strives to teach students how to make informed choices about nutrition, health and physical activity. These efforts will be weakened if students are subjected to advertising on District property that contains messages inconsistent with the health information the District is imparting through nutrition education and health promotion efforts.

Therefore 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. This includes, but is not limited to the following:

- a. Brand names, trademarks, logos or tags, except when placed on a physically present food or beverage product or its container.
 - b. Displays, such as on vending machine exteriors
 - c. Corporate brand, logo, name or trademark on cups used for beverage dispensing, menu boards, coolers, trash cans and other food service equipment; as well as on posters, book covers, pupil assignment books or school supplies displayed, distributed, offered or sold by the District.
 - d. Advertisements in school publications or school mailings.
 - e. All advertising in school publications and school media outlets must be approved by the principal.
 - f. Free product samples, taste tests or coupons of a product, or free samples displaying advertising of a product.
 - g. Criteria for selecting educational materials for the classroom shall be expanded to include review of advertising content. Every effort will be made to select materials free of brand names/logos and illustrations of unhealthy foods.
 - h. Given concerns about student exposure to marketing, the district schools will attempt to no longer participate in incentive programs that promote brands or provide children with free or discounted foods or beverages. PTA's will be asked to research new fundraising opportunities to replace programs such as *McTeacher's night and Box Tops for Education.*"
7. 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. The District will provide a list of healthy party ideas to parents and teachers, including non-food celebration ideas.
https://www.healthiergeneration.org/asset/nvgd8g/13-6162_HSPHealthyCelebration.pdf
2. The District will provide to parents a list of classroom snacks and beverages that meet Smart Snacks nutrition standards.
https://www.healthiergeneration.org/asset/5w7qqt/13-6163_HealthySnackBevIdeas.pdf
3. School personnel are 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.
<http://www.actionforhealthykids.org/storage/documents/parent-toolkit/rewardsf3a.pdf>
4. District staff will be encouraged to model healthy eating, drinking, and physical activity behaviors for students. Example: Teachers are provided with water bottles and encouraged to drink water in the classroom.”

Physical Activity

- a) The District will provide opportunities for every student to participate in physical education in an effort to comply with the recommendation that children and adolescents participate in at least 60 minutes of physical activity each day. The District is also committed to providing opportunities for physical activity before, during, and after school.

A substantial percentage of students’ physical activity can be provided through a comprehensive school physical activity program (CSPAP). A CSPAP reflects strong coordination and synergy across all of the components: quality physical education as the foundation; physical activity before, during and after school; staff involvement and family and community engagement and the district is committed to providing these opportunities.

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. Students will be encouraged to incorporate small bouts of activity into their daily schedules such as walking to school and taking the stairs. Schools shall encourage participation in after-school sports, intramurals and other, non-competitive physical activity programs via in school announcements, school newsletters, and posters. 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 by June 2018 that meets or exceeds the requirements set forth in Section 135.4 of the Commissioner's regulations.
http://www.p12.nysed.gov/ciai/pe/documents/part135_4updatereg.html
 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) All students in grades K-12 shall be required to take physical education class. Schools will not accept waivers or allow students to be exempted from or substitute other school or community activities for required physical education class time or credit.
 - (d) Interscholastic sports, intramural sports, and recess do not serve as substitutes for a quality physical education program;
 - (e) Students are afforded the opportunity to participate in moderate to vigorous activity for at least 50% of physical education class time;
 - (f) 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 for grades K-12, with a focus on students' development of motor skills, movement forms, and health-related fitness;
 - (g) The District physical education program will promote student physical fitness through individualized fitness and activity assessments (via the Presidential Youth Fitness Program or other appropriate assessment tool) and will use criterion-based reporting for each student.
 - (h) A physical and social environment is provided that encourages safe and enjoyable activity for all students;
 - (i) 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;

- (j) All students, including students in need of adaptive physical education, will be encouraged to participate in physical fitness programs and competitions.
3. All students will be required to fulfill the physical education requirements set forth in the Commissioner's regulations as a condition of graduating from the District's schools.
- c) The District recognizes that students are more attentive and ready to learn if provided with periodic breaks when they can be physically active or stretch. 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 or stretching , especially after long periods of inactivity. The District recommends teachers provide short (3-5-minute) physical activity breaks to students during and between classroom times at least three days per week. Teachers are encouraged to incorporate kinesthetic learning approaches into core learning subjects when possible so as to limit sedentary behavior during the school day.

Moving between classes shall not be counted as a physical activity break. These physical activity breaks will complement, not substitute, for physical education class, recess, and class transition periods. The District will provide resources and links to resources, tools, and technology with ideas for classroom physical activity breaks. Resources and ideas are available through USDA and the Alliance for a Healthier Generation.

Teachers will serve as role models by being physically active alongside the students whenever feasible.

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) We strongly recommend staff use physical activity as a reward when feasible.
- e) 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 will complement, not substitute, physical education class. Recess monitors or teachers will encourage students to be active, and will serve as role models by being physically active alongside the students whenever feasible. 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. All school-sponsored events will adhere to the wellness policy guidelines and include physical activity and healthy eating opportunities when appropriate. 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.
https://www.fns.usda.gov/sites/default/files/allfoods_summarychart.pdf
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

Participation in Federal child nutrition programs will be promoted among students and families to help ensure that families know what programs are available in their children's school. Applications for free/reduced priced meals are sent home to all families at the beginning of the school year and shared at each school's open house by the Food Service Director. The application is also available on the district website. The District will utilize a system of student payment that ensures all eligible students have access to free/reduced meals in a non-stigmatizing manner.

c) Meal Environment

The District will ensure:

1. School dining areas have sufficient space for students to sit and consume meals;
2. School dining areas are clean, safe, and pleasant environments that reflect the social value of eating;
3. Appropriate supervision shall be provided in the cafeteria and rules for safe behavior shall be consistently enforced.
4. Enough serving areas are provided to ensure student access to school meals with a minimum of wait time;
5. All students have a scheduled lunch period;

6. Students will be allowed at least 10 minutes to eat breakfast and at least 20 minutes to eat lunch, counting from the time they have received their meal and are seated;
7. Lunch times are scheduled near the middle of the school day;
8. Students are given adequate time to eat healthy meals;
9. Menus will be posted on the District website or individual school websites,
10. Menus will be created/reviewed by a Registered Dietitian or other certified nutrition professional;
11. Nutrition information for meals is made available in the cafeteria at the point of sale, when feasible;
12. School meals are administered by a team of child nutrition professionals;
13. The District child nutrition program will accommodate students with special dietary needs;
14. Lunch will follow the recess period, when scheduling allows, to better support learning and healthy eating;
15. The district allows seniors to leave the campus for lunch when in good academic standing. School staff may not provide permission for seniors to bring outside vendor food into the building.
16. Students and staff have access to free, safe, and fresh drinking water throughout the school day and where school meals are served. All water sources and containers will be maintained on a regular basis to ensure good hygiene and health safety standards. Such sources and containers may include drinking fountains, water jugs, hydration stations, water jets and other methods for delivering drinking water. Students will be encouraged to bring and carry water bottles filled only with water throughout the day.

d) Staff Wellness and Health Promotion

1. School staff are encouraged and supported to practice healthy nutrition and physical activity behaviors in and out of school
2. Teachers wishing to consume snacks or lunch alongside their students must ensure that only healthy food/beverages are present. Staff is provided with break/lunch periods and are not required to eat with students.
3. Teachers model physical activity by participating in exercise breaks during class time with their students whenever feasible.

4. Schools in the District will implement strategies to support staff in actively promoting and modeling healthy eating and physical activity behaviors. The District promotes staff member participation in health promotion programs and will support programs for staff members on healthy eating/weight management that are accessible and free or low-cost.

e) Counseling, Psychological and Social Services/Support and Social and Emotional Climate

The District recognizes, identifies, promotes, and supports social and emotional development by designing systems and creating opportunities for students to develop social and emotional competencies that lead to healthy relationships and a safe, supportive and respectful environment that is conducive to learning for all constituents. The District shall:

1. Promote a safe and supportive environment free from discrimination, intimidation, taunting, harassment, and bullying on school property, a school bus and/or at a school function in accordance with the Dignity for All Student Act (DASA).
2. Promote positive social-emotional health and development for all.
3. Support, develop, implement and maintain systems to identify and support the positive social and emotional development of all
4. Hire certified school counselors, school psychologists, and school social workers in accordance with NYSED regulations shall work collaboratively with district and school leadership, school staff, Wellness Team, and community partners to support the social and emotional growth and development of all students
5. HLCS shall assure that all students receive the best available evidenced-based interventions in a timely manner.

f) 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.

g) Community Partnerships

The District will develop, enhance, and continue relationships with community partners, such as Hadley Town Recreation, Luzerne Town Recreation, Glens Falls Hospital, Cornell Cooperative Extension, Warren County Sheriff's Department, Girl Scouts, and the Hadley-Luzerne PTSA, 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.

h) 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.

i) Before and After School Activities

The District will offer opportunities for all students to participate in physical activity before and/or after the school day through various methods, such as physical activity clubs, intramurals, and interscholastic sports.

j) 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, instructing students on walking and bicycling safety and providing crossing guards on crosswalks on streets leading to schools

Nutrition Guidelines

In an effort to encourage healthy lifelong eating habits by providing foods that are high in nutrients, low in saturated fat and added sugars, have zero grams' trans-fat per serving, and are of moderate portion size, the District Wellness Committee recommends nutrition standards to be set for all foods and beverages available on school campus. For purposes of this policy, the school day is defined as the period from the midnight before, to 30 minutes after the end of the official school day.

School Meals

All schools within the District participate in the USDA child nutrition programs, including the NSLP and the SBP. School meals will meet the program requirements and nutrition standards of these programs. The school meals program will exceed the nutrition standards by not serving juice as a substitute for fruit and vegetables.

The District is committed to ensuring that meals through the SBP and NSLP are accessible to all students, are served in sanitary settings, are appealing to children, and meet or exceed those nutrition requirements established by local, state, and federal law and regulation. The USDA nutrition standards are available at: <http://www.fns.usda.gov/school-meals/nutrition-standards-school-meals>.

Fundraising

- a) All foods and beverages sold as or during a fundraiser during the school day will meet, or exceed, the nutritional requirements listed in the USDA Healthy, Hunger-Free Kids Act "Smart Snacks in Schools" Rule; these foods and beverages sold as fundraisers will not be sold until the end of the last lunch period, so as not to compete with the NSLP.

HLCS Policy

2017 5661

Page 13 of 17

- 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. The District will make available to parents and teachers a list of healthy fundraising ideas. <http://www.actionforhealthykids.org/storage/documents/parent-toolkit/fundraisers-family-health-fl.pdf> In the event of an emergency fundraiser (for example a family in need) the district will have a pre-approved list of fundraisers that will be utilized for this purpose.
- c) All school-sponsored fundraisers must be approved by the appropriate building principal and district food service director prior to being conducted.

Competitive Foods and Beverages Sold 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, also referred to as Smart Snacks. 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. Smart Snacks aim to improve student health and well-being, increase consumption of healthful foods during the school day and create an environment that reinforces the development of healthy eating habits. A summary of the standards and information, as well as a Guide to Smart Snacks in Schools are available at: <http://www.fns.usda.gov/healthierschoolday/tools-schools-smart-snacks>.

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, and extracurricular club meetings).

The district will provide a list of healthy party ideas to parents and teachers, including non-food celebration ideas. Healthy party ideas are available from the [Alliance for a Healthier Generation](#) and from the [USDA](#). The district cafeteria is available to cater celebrations and events. If interested please contact 696-2112 x 117 for more information.

The District will provide to parents a list of foods and beverages that meet Smart Snacks nutrition standards to reference when providing snacks for school.

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, offerings must include a balance of healthy options or snacks that meet the USDA Healthy, Hunger-Free Kids Act "Smart Snacks in Schools" Standards.

Professional Development

- a) 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.
<https://professionalstandards.fns.usda.gov/>
https://www.fns.usda.gov/sites/default/files/cn/profstandards_flyer.pdf
- b) When feasible, the District will offer annual professional learning opportunities and resources for staff to increase knowledge and skills about promoting healthy behaviors in the classroom and school (e.g., increasing the use of kinesthetic teaching approaches or incorporating nutrition lessons into math class). Professional learning will help District staff understand the connections between academics and health and the ways in which health and wellness are integrated into ongoing district reform or academic improvement plans/efforts.
- c) The District will support classroom teachers incorporating physical activity and employing kinesthetic learning approaches into core subjects. When feasible, annual professional development opportunities and resources, including information on leading activities, activity options, and background material on the connections between learning and movement will be provided. The school district shall provide all teachers with professional development opportunities that are focused on the integration of physical activity into classroom academic content and schedule throughout the school day, when feasible.

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. The plan will include strategies to manage and coordinate the execution of this wellness policy and delineate roles, responsibilities, actions and timelines specific to each school; and include information about who will be responsible to make what change, by how much, where and when; as well as specific goals and objectives for nutrition standards for all foods and beverages available on the school campus, food and beverage marketing, nutrition promotion and education, physical activity, physical education and other school-based activities that promote student wellness.

To this end, the District has designated the following individual(s) as District Wellness Coordinator to ensure that the District meets the goals and mandates of this policy:

Food Service Director

The contact information for this/these individual(s) is/are: **beckm@hlcs.org**

School principals will be required to report to the superintendent and district wellness committees on progress toward compliance until goals are reached.

HLCS Policy

2017 5661

Page 15 of 17

- b) This/these designated Wellness Coordinator(s) will also serve as liaison(s) with community agencies in providing outside resources to help in the development of nutritional education programs and promotion of physical activities.
- c) The District will annually report on the progress each of its schools has made toward meeting the goals of this policy. This Wellness Policy and progress reports can be found at <http://hadleyluzernecsd.schoolinsites.com/> This report will include:
 - 1. The website address for the wellness policy and/or information on how the public can access a copy;
 - 2. A description of each school's progress in meeting the wellness policy goals;
 - 3. A summary of each school's local school wellness events or activities;
 - 4. Contact information for the leader(s) of the Wellness Committee; and
 - 5. Information on how individuals can get involved in the Wellness Committee's work.
- d) The District is committed to being responsive to community input, which begins with awareness of the wellness policy. 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. Parents and students will have an opportunity to participate in planned physical activity and may provide feedback on school meals and other food available on campus.
- e) 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.
- f) The District will coordinate the wellness policy with other aspects of school management, including the District's School Improvement Plan, when appropriate.
- g) The District will also include any relevant data or statistics from state or local sources supporting the need for establishing and achieving the goals in this policy.

Triennial Progress Assessments

- f) 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:

Food Service Director

and her contact information is: **beckm@hlcs.org**

- g) The District will, as necessary or when District priorities change; community needs change; wellness goals are met; new health science, information, and technology emerges; and new Federal or state guidance or standards are issued, revise and update this wellness policy. Revisions and updates to the policy will occur at least every three years following the triennial assessment, and the District will develop work plans to facilitate its implementation.
- h) The annual progress report, 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 or can be accessed electronically on the district's website.

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.

HLCS Policy

2017 5661

Page 17 of 17

National School Lunch Act, 42 USC § 1758(b)

National School Lunch Program and School Breakfast Program regulations, 7 CFR § 210.11

Local School Wellness Policy Implementation Under the Healthy, Hunger-Free Kids Act of 2010; 79 FR 10693

Education Law § 915

8 NYCRR § 135.4

NOTE: Refer also to Policy # 5660 -- School Food Service Program (Lunch and Breakfast)

Adoption date: 7/30/07

Revised date: 11/17/2014

Revised date II: 7/11/2017

HLCS POLICY

5662

“CHARGING” SCHOOL MEALS AND PROHIBITION AGAINST SHAMING

The Board of Education recognizes that on occasion, students may not have enough funds for a meal. To ensure that students do not go hungry, the Board will allow students who do not have enough funds to “charge” the cost of meals to be paid back at a later date subject to the terms in this policy.

To comply with State guidelines and maintain a system for accounting for charged meals, regarding both full and reduced-price meals, the Board shall:

1. allow only regular reimbursable meals to be charged, excluding extras, à la carte items, side dishes, additional meals, and snacks (“competitive foods”); and
2. use a computer-generated point of sale system, which identifies and records all meals as well as collects repayments.
3. Comply with any State or Federal Laws or Regulations regarding the price of Free or Reduced Meals that shall currently be in effect.

Charged meals must be counted and claimed for reimbursement on the day that the student charged (received) the meal, not the day the charge is paid back. When charges are paid, these monies are not to be considered “à la carte” transactions, as a section on the daily cash report or deposit summary reads “charges paid.”

Students shall not be denied a reimbursable meal, even if they have accrued a negative balance from other cafeteria purchases, unless the parent/guardian has provided written permission to the school to withhold a meal. No student with unpaid charges will be prohibited from purchasing food if they have money that day.

If school food authorities (SFAs) suspect that a student may be abusing this policy, written notice will be provided to the parent/guardian.

Students who cannot pay for a meal or who have unpaid meal debt shall not be publicly identified or stigmatized (including wristbands or hand stamps), required to do chores or work to pay for meals, or have meals thrown away after they have been served. District staff shall not discuss a student’s unpaid meal debt in front of other students. The district shall not take any action directed at a student to collect unpaid school meal fees. However, the district may discretely notify students of their account balances, and why certain items (e.g., à la carte, etc.) could not be provided with charged meals.

Student Account Balance Notification

The district’s payment system allows for automatic replenishment when a balance reaches a certain amount set by the parent/guardian. The district shall encourage parents/guardians to utilize this option.

Parents/guardians shall be discretely notified of student account balances regularly. When a student’s account balance falls to \$0 and whenever a meal is charged, the district will discretely notify the parent/guardian of the balance, and the process to refill the account. This notification will continue regularly until the account is replenished. Parents/guardians must repay all unpaid charges remaining at the end of the year or before their child leaves the district, whichever occurs first.

The district shall discretely notify parents/guardians of students with negative balances of at least five meals, determine if the student is directly certified to be eligible for free meals, and attempt to reach the

parent/guardian to assist them in the application process for free and/or reduced price meals, and determine if there are other issues within the household causing the insufficient funds and offer appropriate assistance. If a parent/guardian regularly fails to provide meal money and does not qualify for free or reduced price meals, the district may take other actions as appropriate, including notifying the local department of social services if neglect is suspected.

The school district shall notify all parents/guardians in writing on an annual basis at the start of the school year and to families transferring during the year, outlining the requirements of this policy. The policy shall also be published in appropriate school and district publications. All staff involved in implementing and enforcing this policy shall also be notified of these requirements and their responsibilities. The district's enrollment process shall include the application process for free and reduced price meals. If the district becomes aware that a student is so eligible, it shall file an application for the student. Staff responsible for assisting foster, homeless and migrant students shall coordinate with the food services staff to ensure such students receive free school meals.

Unpaid Meal Charges and Debt Collection

Unpaid meal charges are a financial burden to the district and taxpayers and can negatively affect the school program. Unpaid meal charges shall be considered "delinquent" as per the district's accounting practices. The district shall attempt to recover unpaid meal charges before the end of the school year, but may continue efforts into the next school year. The district shall notify parents/guardians of unpaid meal charges at regular intervals, and may engage in collection activities by district staff, which do not involve debt collectors as defined in federal law (15 USC §1692a), and may not charge fees or interest. The district shall offer repayment plans, and may take other actions that do not result in harm or shame to the child, until unpaid charges are paid.

Remaining Account Balances

Remaining funds may be carried over to the next school year. When students leave the district or graduate, the district will attempt to contact the parent/guardian to return remaining funds. Parents/guardians may request that funds be transferred to other students (e.g., siblings, unpaid accounts). All transfer requests must be in writing. Unclaimed funds remaining after three months shall be absorbed by the school meal account.

Staff

Staff members are allowed to purchase food from the district's food services. However, all purchases must be paid for at the point of sale cash, payment account, credit/debit card. Staff members are not allowed to charge meals to be repaid later.

Building Principals, working with the head of food services, shall ensure that all district and food service staff with responsibilities under this policy will be trained on the provisions of this policy and the requirements of Education Law section 908.

Ref:

42 USC §1779 (Child Nutrition Act of 1966)

42 USC §§1758(f)(1); 1766(a) (National School Lunch Act)

2 CFR §200.426 (accounting for debt in federal programs)

7 CFR §§210.9 210.12; 210.19; 220.13; 245.5 (accounting in federal school meal programs)

Healthy, Hunger-Free Kids Act (Public Law 111-296), §143

15 USC §1692a (debt collector defined)

Education Law §908

USDA Report to Congress, *Review of Local Policies on Meal Charges and Provision of Alternate Meals*, June 2016, www.fns.usda.gov/sites/default/files/cn/unpaidmealcharges-report.pdf

Unpaid Meal Charges: Local Meal Charge Policies, USDA FNS Memo SP 46-2016

(07/08/16), www.fns.usda.gov/unpaid-meal-charges-local-meal-charge-policies

Unpaid Meal Charges: Guidance and Q&A, USDA FNS Memo SP 57-2016 (09/16/16), <https://fns-prod.azureedge.net/sites/default/files/cn/SP57-2016os.pdf>

Unpaid Meal Charges: Guidance and Q&A, USDA FNS Memo SP 23-2017 (03/23/17), <https://fns-prod.azureedge.net/sites/default/files/cn/SP23-2017os.pdf>

Unpaid Meal Charges: Clarification on Collection of Delinquent Meal Payments, USDA FNS Memo SP 47-2016 (07/08/16), www.fns.usda.gov/sites/default/files/cn/SP47-2016os.pdf

Overcoming the Unpaid Meal Challenge - Proven Strategies from Our Nation's Schools, USDA FNS Guidance Document (May 2017), <https://fns-prod.azureedge.net/sites/default/files/cn/SP29-2017a1.pdf>

New York State Legislation - Prohibition Against Meal Shaming, NYSED Memo (5/1/18), <http://www.cn.nysed.gov/content/prohibition-against-meal-shaming>

Meal Charge Plan Template, NYSED (5/1/18), <http://www.cn.nysed.gov/content/meal-charge-and-prohibition-against-meal-shaming-policy-template>

Adoption date: February 25, 2019

Revised date: July 9, 2019

Non-Instructional/Business
Operations

SUBJECT: RECORDS MANAGEMENT

A Records Management Officer shall be designated by the Superintendent, subject to the approval of and appointment by the Board of Education. The Records Management Officer shall coordinate the development of and oversee a program for the orderly and efficient management of records, including the legal disposition or destruction of obsolete records, and shall be given the authority and responsibility to work with other local officials at all levels in the development and maintenance of the records management program.

In addition, a Records Advisory Board may be created to assist in establishing and supporting the records management program. The District's legal counsel, the fiscal officer, and the Superintendent/designee may comprise the Advisory Board.

Retention and Disposition of Records

The Superintendent shall retain records for such a period and dispose of them in the manner described in Records Retention and Disposition Schedule LGS-1, established pursuant to Part 185, Title VIII of the Official Compilation of Codes, Rules and Regulations of the State of New York and Article 57-A of the Arts and Cultural Affairs Law.

Special Approvals for Disposition of Records Not Included in Schedule/Records Damaged by Natural or Manmade Disasters

Records not listed on a records retention and disposition schedule shall not be disposed of without the approval of the Commissioner of Education.

Records that have been damaged by natural or manmade disaster and constitute a human health or safety risk also require the Commissioner's prior approval before disposition.

Replacing Original Records with Microforms or Electronic Images

Digital images of public records may be stored on electronic media, and such electronic records may replace paper originals or micrographic copies of these records. To ensure accessibility and intelligibility for the life of these records, the School District shall follow the procedures prescribed by the Commissioner of Education.

Retention and Preservation of Electronic Records

The District shall ensure that records retention requirements are incorporated into any plan and process for design, redesign, or substantial enhancement of an information system that stores electronic records.

Arts and Cultural Affairs Law Article 57-A
8 New York Code of Rules and Regulations (NYCRR) Part 185

Adopted 11/24/2008

SCHOOL DISTRICT RECORDS

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

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

Retention and Destruction of Records

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

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

Litigation-Hold

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

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

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

HLCS POLICY

5671
Page 2 of 11

Adoption date: 7/30/2007
Revised: 4/22/2014

SCHOOL DISTRICT RECORDS REGULATION

The following comprises the rules and regulations relating to the inspection and production of school district records:

I. Designation of Officers

1. The Records Access Officer shall be the District Clerk. He/She shall:

- receive requests for records of the Board of Education and make such records available for inspection or copying when such requests are granted; and
- compile and maintain a detailed current list by subject matter, of all records in the possession of the Board, whether or not available to the public.

2. The Superintendent of Schools, with the Board's approval, shall designate a Records Management Officer for the district. The Records Management Officer will develop and oversee a program for the orderly and efficient management of district records. The Records Management Officer shall ensure proper documentation of the destruction of records, in accordance with the schedule.

II. Definition of Records

1. A record is defined as any information kept, held, filed, produced or reproduced by, with or for the district in any physical form whatsoever, including but not limited to reports, statements, examinations, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, microfilms, computer tapes or disks, rules, regulations or codes.

2. The Records Access Officer will have the responsibility for compiling and maintaining the following records:

- a. a record of the final vote of each member of the Board on any proceeding or matter on which the member votes;
- b. a record setting forth the name, school or office address, title and salary of every officer or employee of the district; and
- c. a reasonably detailed current list by subject matter of all records in possession of the district, whether or not available for public inspection and copying.

3. No record for which there is a pending request for access may be destroyed. However, nothing in these regulations shall require the district to prepare any record not possessed or maintained by it except the records specified in II(2), above.

III. Access to Records

1. Time and place records may be inspected: Records may be requested from, and inspected or copied at, the Office of the Records Access Officer, at SMT School, 27 Hyland Drive, Lake Luzerne during the hours of 8:00 a. m. to 3:15 p.m. on any business day on which the district offices are open. Records may also be requested via e-mail at the following address: yorkr@hlcs.org. This information shall be posted on the district's website.

2. Fees: The fee for documents up to 9 x 14 inches is 25 cents per page. For documents larger than 9 x 14 inches, tape or cassette records, or computer printouts, the cost will be based on the cost of reproduction or program utilized. Fees are subject to periodic review and change. However, no fee shall be charged for records sent via e-mail, the search for or inspection of records, certification of documents, or copies of documents which have been printed or reproduced for distribution to the public. The number of such copies given to any one organization or individual may be limited, in the discretion of the Records Access Officer.

3. Procedures: Requests to inspect or secure copies of records shall be submitted in writing, either in person, by mail or via e-mail, to the Records Access Officer. [Forms are provided (1120-E.1-2) for written and e-mail requests, but are not required.]

4. All requests for information shall be responded to within five business days of receipt of the request. If the request cannot be fulfilled within five business days, the Records Access Officer shall acknowledge receipt of the request and provide the approximate date when the request will be granted or denied.

5. If a request cannot be granted within 20 business days from the date of acknowledgement of the request, the district must state in writing both the reason the request cannot be granted within 20 business days, and a date certain within a reasonable period when it will be granted depending on the circumstances of the request.

6. Denial of Access: When a request for access to a public record is denied, the Records Access Officer shall indicate in writing the reasons for such denial, and the right to appeal.

7. Appeal: An applicant denied access to a public record may file an appeal by delivering a copy of the request and a copy of the denial to the Superintendent within 30 days after the denial from which such appeal is taken.

8. The applicant and the New York State Committee on Open Government will be informed of the Superintendent's determination in writing within 10 business days of receipt of an appeal. The Superintendent shall transmit to the Committee on Open Government photocopies of all appeals and determinations.

IV. Records Exempted from Public Access

The provisions of this regulation relating to information available for public inspection and copying shall not apply to records that:

1. are specifically exempted from disclosure by state and/or federal statute;
2. if disclosed would constitute an unwarranted invasion of personal privacy;
3. if disclosed would impair present or imminent contract awards or collective bargaining negotiations;
4. are confidentially disclosed to the Board and compiled and maintained for the regulation of commercial enterprise, including trade secrets, or for the grant or review of a license;

5. are compiled for law enforcement purposes and which, if disclosed, would:
 - a. interfere with law enforcement investigations or judicial proceedings;
 - b. deprive a person of a right to a fair trial or impartial adjudication;
 - c. identify a confidential source or disclose confidential techniques or procedures, except routine techniques or procedures; or
 - d. reveal criminal investigative techniques or procedures, except routine techniques and procedures;
6. records which if disclosed would endanger the life or safety of any person;
7. records which are interagency or intra-agency communications, except to the extent that such materials consist of:
 - a. statistical or factual tabulations or data;
 - b. instructions to staff which affect the public;
 - c. final Board policy determinations; or
 - d. external audits, including but not limited to audits performed by the comptroller and the federal government;
8. records which are examination questions or answers that are requested prior to the final administration of such questions;
9. records which if disclosed would jeopardize the district's capacity to guarantee the security of its information technology assets (which encompasses both the system and the infrastructure).

V. Prevention of Unwarranted Invasion of Privacy

To prevent an unwarranted invasion of personal privacy, the Records Access Officer may delete identifying details when records are made available. An unwarranted invasion of personal privacy includes but shall not be limited to:

1. disclosure of confidential personal matters reported to the Board which are not relevant or essential to the ordinary work of the Board;
2. disclosure of employment, medical or credit histories or personal references of applicants for employment, unless the applicant has provided a written release permitting such disclosures;
3. sale or release of lists of names and addresses in the possession of the Board if such lists would be used for private, commercial or fund-raising purposes;
4. disclosure of information of a personal nature when disclosure would result in economic or personal hardship to the subject party and such records are not relevant or essential to the ordinary work of the Board; or
5. disclosure of items involving the medical or personal records of a client or patient in a hospital or medical facility.

Unless otherwise deniable, disclosure shall not be construed to constitute an unwarranted invasion of privacy when identifying details are deleted, when the person to whom records pertain consents in writing to disclosure, or when upon representing reasonable proof of identity, a person seeks access to records pertaining to him or her.

VI. Listing of Records

Pursuant to Section 87(3)(c) of the Public Officers Law, the current records retention schedule for school districts, published by the Commissioner of Education, shall serve as the list by subject matter of all records in the possession of the school district, whether or not available under the law. The Superintendent or his/her designee, in consultation with the Records Management Officer, shall develop and disseminate department-specific guidance so that staff can implement this policy and regulation.

VII. Litigation-Hold

The Superintendent will designate a “discovery” team, comprised of the school attorney, Coordinator of Network and Technology, the Records Access and Records Management Officer and other personnel as needed. The discovery team will convene in the event that litigation is commenced to plan to respond to the request for records. The Superintendent, with assistance from the School Business Administrator will ensure that measures are put in place to preserve applicable records.

APPLICATION FOR PUBLIC ACCESS TO RECORDS (Via Mail or E-Mail)

[Note to the public This form's language is optional but may enhance your use of the Freedom of Information Law. You may choose to utilize certain portions that are most applicable to your request. You may cut and paste the entire form into a new e-mail, read all provisions, and delete and/or modify those that do not apply. The subject line of your request should be "FOIL Request".]

Records Access Officer
HLCS
PO Box 200
Lake Luzerne, NY 12846 email: yorkr@hlcs.org

Dear Records Access Officer:

1. Please e-mail/mail the following records if possible [include as much detail about the record as possible, such as relevant dates, names, descriptions, etc.]:
2. Please inform me of the appropriate time during normal business hours for inspecting the following records prior to obtaining copies [include as much detail about the records as possible, including relevant dates, names, descriptions, etc.]:
3. Please inform me of the cost of providing paper copies of the following records [include as much detail about the records as possible, including relevant dates, names, descriptions, etc.].
4. If all the requested records cannot be e-mailed/mailed to me, please inform me by e-mail/mail of the portions that can be e-mailed/mailed and advise me of the cost for reproducing the remainder of the records requested (\$0.25 per page or actual cost of reproduction).
5. If the requested records cannot be e-mailed/mailed to me due to the volume of records identified in response to my request, please advise me of the actual cost of copying all records onto a flash drive.

HLCS POLICY

6. If my request is too broad or does not reasonably describe the records, please contact me via e-mail/mail so that I may clarify my request, and when appropriate inform me of the manner in which records are filed, retrieved or generated. If it is necessary to modify my request, and an e-mail/mail response is not preferred, please contact me at the following telephone number: _____.

If for any reason any portion of my request is denied, please inform me of the reasons for the denial in writing and provide the name, address and e-mail address of the person or body to whom an appeal should be directed.

Name: _____

Address [if records are to be mailed]: _____

AGENCY RESPONSE TO REQUEST FOR RECORDS

Dear Applicant for Records:

We received your request for records pursuant to the Freedom of Information Law on [fill in date received, or next business date received, if received after normal business hours]: _____.

1. Attached are electronic copies/paper copies of the records that you requested.
2. The records that you have requested to inspect will be made available for inspection on [insert date] _____ at [insert time] _____. After inspecting the records, you may request copies of selected pages, which we will provide to you on or about [insert date]_____. If paper copies are required, payment of a fee of \$.25 per photocopy will be charged.
3. The records requested cannot be located with reasonable effort and your request does not reasonably describe records in the possession of this agency. [Indicate information necessary to locate records or the manner in which records are filed, retrieved or generated by the agency in order for the applicant to clarify the request.]
4. This agency does not maintain or possess the records you have requested. [When possible, indicate to whom the request should be directed.]
5. The records sought can not be found after a diligent search.
6. This agency has determined that portions of your request can be denied based on the following [provide reason based on one or more exceptions appearing in §87(2) of the Freedom of Information Law]:

Accordingly, your request for records is granted in part and denied in part, and

NOTE: Choose one of the following two paragraphs, as appropriate.

- the requested records are attached. Certain portions have been redacted, and/or certain records have not been provided to you based on the explanation above.
- the records are not available electronically. Please remit \$_____. Copies will be provided to you on or about _____.

You have 30 days from receipt of a denial of access to records or portions thereof to appeal to:

Name: Superintendent
Title: Records Appeal Officer, HLCS
Address: PO Box 200, Lake Luzerne, NY 12846
E-mail Address: yorkr@hlcs.org

7. This agency has determined that the records that you requested are not required to be made available to the public based on the following [provide reason based on one or more exceptions appearing in §87(2) of the Freedom of Information Law]:

Accordingly, your request is denied.

You have 30 days from receipt of a denial of access to records to appeal to:

Name: Superintendent
Title: Records Appeal Officer, HLCS
Address: PO Box 200, Lake Luzerne, NY 12846
E-mail Address: yorkr@hlcs.org

8. This agency has determined that it is unable to respond to your request at this time. Accordingly, on or before [insert date within the next 20 business days] _____, we will grant and/or deny access in whole or in part.
9. This agency has determined that it is unable to respond to your request in full within the next twenty business days for the following reasons [provide explanation as required by the Freedom of Information Law, §89(3)]:
Accordingly, on or before [insert date] _____, we will provide and/or deny access in whole or in part. Please advise by reply e-mail if you would prefer that records be made available on a piecemeal basis if it is feasible to do so.
10. Because the records you have requested include a list of names and residence addresses, disclosure may constitute an unwarranted invasion of personal privacy pursuant to

§89(2)(b)(iii) of the Freedom of Information Law. If you maintain that such records are not sought for commercial or fund-raising purposes, as a condition precedent to disclosure, please prepare the following statement on a separate sheet of paper, sign it, and mail it to the address indicated below.

I [insert name] _____ certify that the requested list of names and addresses will not be used for commercial or fund-raising purposes.

[Signature]

Name: Superintendent
Title: Records Appeal Officer, HLCS
Address: PO Box 200, Lake Luzerne, NY 12846
E-mail Address: yorkr@hlcs.org

11. Because the records you have requested pertain to yourself, but if released to the public would constitute an unwarranted invasion of your privacy, as a condition precedent to disclosure, please prepare the following statement on a separate sheet of paper, sign it, and mail it to the address indicated below, along with copy of your valid driver license or other acceptable form of identification.

I certify that my name is [insert name] _____,
that I reside at [insert address] _____, and
that I have attached a copy of my valid driver license or equivalent identification and that the requested records pertain to me.

[Signature]

INFORMATION SECURITY BREACH AND NOTIFICATION

The Board of Education acknowledges the heightened concern regarding the rise in identity theft and the need for secure networks and prompt notification when security breaches occur. To this end, the Board directs the Superintendent of Schools, in accordance with appropriate business and technology personnel, to establish regulations which:

- Identify and/or define the types of private information that is to be kept secure. For purposes of this policy, “private information” does not include information that can lawfully be made available to the general public pursuant to federal or state law or regulation;
- Include procedures to identify any breaches of security that result in the release of private information; and
- Include procedures to notify persons affected by the security breach as required by law.

Additionally, pursuant to Labor Law §203-d, the district will not communicate employee “personal identifying information” to the general public. This includes social security number, home address or telephone number, personal electronic email address, Internet identification name or password, parent’s surname prior to marriage, or driver’s license number. In addition, the district will protect employee social security numbers in that such numbers shall not: be publicly posted or displayed, be printed on any ID badge, card or time card, be placed in files with unrestricted access, or be used for occupational licensing purposes. Employees with access to such information shall be notified of these prohibitions and their obligations.

Any breach of the district’s information storage or computerized data which compromises the security, confidentiality, or integrity of personal information maintained by the district shall be promptly reported to the Superintendent and the Board of Education.

Ref: State Technology Law §§201-208
Labor Law §203-d

Adoption date: 7/30/2007

Revised: 11/17/2014

Regulation 5672-R

INFORMATION SECURITY BREACH AND NOTIFICATION REGULATION

Definitions

“Private information” shall mean personal information (i.e., information such as name, number, symbol, mark or other identifier which can be used to identify a person) in combination with any one or more of the following data elements, when either the personal information or the data element is not encrypted or encrypted with an encryption key that has also been acquired:

- Social security number;
- Driver’s license number or non-driver identification card number; or
- Account number, credit or debit card number, in combination with any required security code, access code, or password which would permit access to an individual’s financial account.

“Breach of the security of the system” shall mean unauthorized acquisition or acquisition without valid authorization of physical or computerized data which compromises the security, confidentiality, or integrity of personal information maintained by the district. Good faith acquisition of personal information by an officer or employee or agent of the district for the purposes of the district is not a breach of the security of the system, provided that the private information is not used or subject to unauthorized disclosure.

To successfully implement this policy, the district shall inventory its hard copy, computer programs and electronic files to determine the types of personal, private information that is maintained or used by the district, and review the safeguards in effect to secure and protect that information.

Procedure for Identifying Security Breaches

In determining whether information has been acquired, or is reasonably believed to have been acquired, by an unauthorized person or a person without valid authorization, the district shall consider:

1. indications that the information is in the physical possession and control of an unauthorized person, such as removal of hard copies, lost or stolen computer, or other device containing information;
2. indications that the information has been downloaded, removed or copied;
3. indications that the information was used by an unauthorized person, such as fraudulent accounts, opened or instances of identity theft reported; and/or
4. any other factors which the district shall deem appropriate and relevant to such determination.

Security Breaches – Procedures and Methods for Notification

Once it has been determined that a security breach has occurred, the following steps shall be taken:

1. If the breach involved hard copy or computerized data *owned or licensed* by the district, the district shall notify those New York State residents whose private information was, or is reasonably believed to have been acquired by a person without valid authorization. The disclosure to affected individuals shall be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement or any measures necessary to determine the scope of the breach and to restore the reasonable integrity of the system.

The district shall consult with the New York State Office of Cyber Security and Critical Infrastructure Coordination (CSCIC) to determine the scope of the breach and restoration measures.

2. If the breach involved hard copy or computer data *maintained* by the district, the district shall notify the owner or licensee of the information of the breach immediately following discovery, if the private information was or is reasonably believed to have been acquired by a person without valid authorization.

The required notice shall include (a) district contact information, (b) a description of the categories information that were or are reasonably believed to have been acquired without authorization, (c) which specific elements of personal or private information were or are reasonably believed to have been acquired and (d) what the district is doing about it . This notice shall be directly provided to the affected individuals by either:

1. Written notice
2. Electronic notice, provided that the person to whom notice is required has expressly consented to receiving the notice in electronic form; and that the district keeps a log of each such electronic notification. In no case, however, shall the district require a person to consent to accepting such notice in electronic form as a condition of establishing a business relationship or engaging in any transaction.
3. Telephone notification, provided that the district keeps a log of each such telephone notification.

However, if the district can demonstrate to the State Attorney General that (a) the cost of providing notice would exceed \$250,000; or (b) that the number of persons to be notified exceeds 500,000; or (c) that the district does not have sufficient contact information, substitute notice may be provided. Substitute notice would consist of all of the following steps:

1. E-mail notice when the district has such address for the affected individual;
2. Conspicuous posting on the district's website, if they maintain one; and
3. Notification to major media

Notification of State and Other Agencies

Once notice has been made to affected New York State residents, the district shall notify the State Attorney General, the Department of State Division of Consumer Protection, and the State Office of Information Technology Services as to the timing, content, and distribution of the notices and approximate number of affected persons.

If more than 5,000 New York State residents are to be notified at one time, the district shall also notify consumer reporting agencies as to the timing, content and distribution of the notices and the approximate number of affected individuals. A list of consumer reporting agencies will be furnished, upon request, by the Office of the State Attorney General.

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 Section 203-d

Adopted: April 21, 2009

Non-Instructional/Business
Operations

SUBJECT: SAFETY AND SECURITY

The Board of Education of the Hadley-Luzerne Central School District hereby declares that it is the policy of this School District to provide a safe and secure environment to all those persons, students, staff and visitors, who lawfully enter upon District property or who travel in District vehicles for the purposes of the District.

It shall be the responsibility of the Superintendent to establish and carry out written regulations that will:

- a) Identify those staff members who will be responsible for the effective administration of the regulations;
- b) Provide staff time and other necessary resources for the effective administration of the regulations;
- c) Establish periodic written review of the activities of the staff to ensure compliance with applicable laws and regulations;
- d) Provide an on-going mechanism for the effective review of safety and security concerns of the staff, students and affected public;
- e) Provide for reports to the Board of Education regarding the significant aspects of safety and security of the District.

Labor Law Section 27-a

Student Safety

All staff who are made aware of physical and/or verbal threats to students must immediately report these threats against students to the next level of supervisory authority for prompt action. The immediate supervisor must then inform the Superintendent/designee, including any action taken, after learning of such threats to students.

The District shall disseminate this policy to all employees in order to ensure staff awareness.

Hazard Communication Standard

All personnel shall be provided with applicable training to comply with the New York State "Right-to-Know" Law and the Hazard Communication Standard.

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

(Continued)

2007

5680
2 of 2

Non-Instructional/Business
Operations

SUBJECT: SAFETY AND SECURITY (Cont'd.)

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

Occupational Safety and Health Administration (OSHA)
29 Code of Federal Regulations (CFR) Section 1910.1200
Labor Law Sections 27-a and 879
12 New York Code of Rules and Regulations (NYCRR)
Part 820, Article 28

NOTE: Refer also to Policy #5681 -- School Safety Plans and Teams

Adopted: 7/30/07

SCHOOL SAFETY PLANS AND TEAMS

Emergencies and violent incidents in schools are critical issues that must be addressed in an expeditious and effective manner. The Board of Education recognizes its responsibility to adopt and keep current a comprehensive district wide school safety plan and building-level emergency response plan(s) which address violence prevention, crisis intervention, emergency response and management.

Taken together, the district-wide and building level plans provide a comprehensive approach to addressing school safety and violence prevention, and provide the structure where all individuals can fully understand their roles and responsibilities for promoting the safety of the entire school community. The plans will be designed to prevent or minimize the effects of serious violent incidents and emergencies and to facilitate the district's coordination with local and county resources. The plans will also address risk reduction/prevention, response and recovery with respect to a variety of types of emergencies and violent incidents in district schools, and will address school closures and continuity of operations in the context of epidemics/pandemics, in either the plans themselves or in addenda to the plans.

In accordance with state law and regulation, the district will have the following safety teams and plans to deal with violence prevention, crisis intervention and emergency response and management:

Comprehensive District-Wide School Safety Team and Plan

The Board will annually appoint a district-wide school safety team that includes, but is not be limited to, a representative from the following constituencies: the Board, teachers, administrators, and parent organizations, school safety personnel and other school personnel (including bus drivers and monitors). This team is responsible for the development and annual review of the comprehensive district-wide school safety plan. The plan will cover all district school buildings and will address violence prevention (taking into consideration a range of programs and approaches that are designed to create a positive school climate and culture), crisis intervention, emergency response and management including communication protocols, at the district level. It will include all those elements required by law and regulation.

The district-wide safety plan will include contracts or memoranda of understanding that define the relationship between the district, personnel, students, visitors, law enforcement, and public or private security personnel. These contracts or memoranda will be consistent with the Code of Conduct, and will define the roles, responsibilities, and involvement in the schools of law enforcement or security personnel. The role of school discipline will be clearly delegated to school administration.

The Board may also appoint a student representative to the district-wide school safety team. However, no confidential building-level emergency response plans will be shared with the student member, nor will the student member be present during discussion of any confidential building-level emergency response plans, or confidential portions of the district-wide emergency response strategy.

The Superintendent of Schools or designee will be the district's chief emergency officer, and will coordinate communication between school staff and law enforcement and first responders. The chief emergency officer will ensure that all staff understand the district-wide school safety plan and receive training on the building-level emergency response plan, violence prevention and mental health, and will also ensure that district-wide and building-level plans are completed, reviewed annually, and updated as needed by the designated dates. The chief emergency officer will ensure that the district-wide plan is coordinated with the building-level plans, and will ensure that required evacuation and lock-down drills are conducted.

Building-Level Emergency Response Plans and Teams

Each Building Principal is responsible for annually appointing a building-level emergency response team that includes representation from teachers, administrators, parent organizations, school safety personnel, other school personnel (including bus drivers and monitors), law enforcement officials, fire officials and other emergency response agencies. The emergency response team is responsible for the development and review of a building-level emergency response plan for each district building. The plan(s) will address response to emergency situations, such as those requiring evacuation, sheltering and lock-down at the building level and will include all components required by law and regulation. These confidential plans will include evacuation routes, shelter sites, medical needs, transportation and emergency notification of parents and guardians.

Building-level emergency response plans will include protocols in response to carbon monoxide alarms or detection. Alarm or detection of carbon monoxide will result in the appropriate actions as described by the emergency response plan.

Building-level emergency response plans must designate:

- an emergency response team for incidents that includes appropriate school personnel, law enforcement officials, fire officials, and representatives from local, regional and/or state emergency response agencies to assist the school community in responding to a violent incident or emergency; and
- a post-incident response team that includes appropriate school personnel, medical personnel, mental health counselors and other related personnel to assist the community in coping with the aftermath of a serious violent incident or emergency.

During emergencies, staff are authorized to temporarily cover classroom door vision panels when it is likely to protect staff and students. For example, covering vision panels may prevent an intruder from determining if a classroom is occupied, thereby discouraging attempts to gain access. During emergencies, staff are also authorized to temporarily block doors to slow the access of intruders. Building-level emergency response plans must address the temporary covering of door vision panels and the temporary blocking of doors during emergencies.

The Building Principal is responsible for conducting at least one test every school year of the emergency response procedures under this plan including procedures for sheltering and early dismissal.

To maintain security and in accordance with law, the building-level emergency response plan(s) are confidential and not subject to disclosure under the Freedom of Information Law or any other law.

Threat Assessment Teams

The Building Principal, in consultation with the Superintendent, will annually designate a threat assessment team to provide ongoing support and information in order to identify, and assess individuals who may be potential threats to safety, with the intent of minimizing acts of violence in the school community. The threat assessment team will be composed of, but not limited to, the following personnel from both within the school and the larger community, as appropriate: building administrators, legal counsel, the medical director and/or school nurse, school counselors, local mental health and social service providers, law enforcement, school resource officers, security personnel, and facilities and maintenance personnel. The team will meet regularly. The team will be mindful of the need for discretion and observance of confidentiality requirements.

Students will be encouraged to bring their concerns to any district employee. If a district employee becomes aware of a threat to the school community, they must inform the Building Principal, who will convene the threat assessment team. The Building Principal may request the participation of the following additional individuals who may have specific knowledge of the potential perpetrator: supervisors, teachers, students and parents. The Building Principal is responsible for keeping the Superintendent informed about the activities of the threat assessment team. Threat assessment team members will receive appropriate training.

Annual Review and Reporting

All plans will be annually reviewed and updated, if necessary, by the appropriate team by **July 15**. In conducting the review, the teams will consider any changes in organization, local conditions and other factors including an evaluation of the results of the annual test of the emergency response procedures which may necessitate updating of plans. If the plan requires no changes, then it will remain in effect. If the district-wide plan requires change, then the updated plan will be submitted to the Board of Education in time to allow 30-days of public comment and to hold a public hearing which provides for the participation of school personnel, students and other interested parties prior to Board adoption. All plans must be adopted by the Board of Education by September 1.

The Superintendent of Schools is responsible for submitting the district-level school safety plan and any amendments to the plan to the Commissioner within 30 days after its adoption, no later than October 1 of each year. The district-wide plan will be posted on the district's website. Each Building Principal is responsible for submitting the building-level emergency response plan for the building, and any amendments to the plan, to the appropriate local law enforcement agency and the state police within 30 days after its adoption, but no later than October 15 of each year until the 2020-2021 school year, when it must be submitted by October 1 of each year.

Ref:

Education Law §2801-a (school safety plans)

Executive Law §2B (state and local natural and manmade disaster preparedness)

8 NYCRR Part 155 (Educational Facilities)

School Safety Plans Guidance, New York State Education Department, June 2010

Adoption date: 5/13/2013

Revised date(s): 2/22/2021

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)

2007

5682
2 of 2

Non-Instructional/Business
Operations

**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.

Pursuant to Public Health Law Sections 3000-a and 3000-b, the School District (as a public access defibrillation provider), or any employee or other agent of the School District who, in accordance with the provisions of law, voluntarily and without expectation of monetary compensation renders emergency medical or first aid treatment using an AED to a person who is unconscious, ill or injured, shall not be liable for damages for injury or death unless caused by gross negligence.

Education Law Section 917
Public Health Law Sections 3000-a and 3000-b
8 New York Code of Rules and Regulations (NYCRR)
Sections 135.4 and 136.4

Adopted: 7/30/07

EXTREME RISK PROTECTION ORDERS (THE "RED FLAG LAW")

Extreme risk protection orders are court orders that restrict the ability of a person, who is judged likely to engage in conduct that would result in serious physical harm to him/herself or others, to purchase or possess firearms, rifles or shotguns, or attempt to do so.

Under state law, Building Principals are permitted to petition the state Supreme Court for extreme risk protection orders for students currently enrolled in their building, or students who were enrolled in their building in the six months immediately before filing the petition (referred to in this policy as "currently-enrolled" and "recently-enrolled" students, respectively).

When district staff members have reason to believe, either personally or through information received by others, that a currently-enrolled or recently-enrolled student is likely to engage in conduct that would result in serious physical harm to him/herself or others, they are encouraged to report their concerns to the Building Principal or his/her designee. This is in keeping with employees' general responsibility for student safety, as well as their own interests for maintaining a safe working and learning environment.

Any other person, including but not limited to students, parents, and community members, may also bring their concerns to the Building Principal or his/her designee that a currently-enrolled or recently-enrolled student is likely to engage in conduct that would result in serious physical harm to him/herself or others.

If the Building Principal or his/her designee is absent from the building, the Superintendent of Schools will be the main point of contact to report concerns.

When a Building Principal receives concerns from persons under this policy, or has his/her own concerns about a student, he/she must immediately notify the Superintendent of Schools. The Superintendent will contact the school attorney, and both will assist the Building Principal in determining the appropriateness of petitioning the court for an extreme risk protection order.

When determining whether it is appropriate to petition the court for an extreme risk protection order, the district will consider, among other things, the following factors as they relate to the student:

Threats or acts of violence or physical force made against him/herself or another person;

Violating or allegedly violating orders of protection (i.e., restraining orders);

Pending criminal convictions or charges involving weapons;

Recklessly using, displaying, or brandishing a firearm, rifle or shotgun;

Violating previous extreme risk protection orders;

Evidence of recent or current drug or alcohol abuse; and

Evidence that the student has recently acquired a firearm, rifle, shotgun, other deadly weapon (including but not limited to knives, clubs, and metal knuckles), dangerous instrument (including items capable of causing death or serious physical injury, when used for that purpose), or ammunition.

Additionally, the Building Principal is directed to contact local law enforcement, in accordance with the Code of Conduct, district-wide school safety plan, and building-level emergency response plan.

In consultation with the Superintendent and school district attorney, the Building Principal may designate, in writing, certain other employees at that school to petition the court for the extreme risk protection order.

Such employees include: teachers, school guidance counselors, school psychologists, school social workers, school nurse, any other personnel required to hold a teaching or administrative license or certificate, and certain coaches (those who are full- or part-time paid employees required to hold either a temporary coaching license or professional coaching certificate).

Under Education Law section 3023, the district must defend and indemnify employees against lawsuits for negligence, accidental bodily injury or property damage where the employee is performing his/her duties within the scope of employment.

The Superintendent or his/her designee is directed to take appropriate steps to notify district staff of the provisions of this policy. This includes ensuring that employees are trained and knowledgeable about when and how to properly utilize the law to best protect the school from violence. Staff will be notified of who is designated to file extreme risk protection orders in the building or district.

Adoption Date: February 24, 2020

SUBJECT: FIRE DRILLS, BOMB THREATS AND BUS EMERGENCY DRILLS**Fire Drills**

The administration of each school building shall provide instruction for and training of students, through fire drills, in procedures for leaving the building in the shortest possible time and without confusion or panic.

Fire drills shall be held at least twelve (12) times in each school year; eight (8) of these shall be held between September 1 and December 1. At least one (1) of the twelve (12) drills shall be held during each of the regular lunch periods, or shall include special instruction on the procedures to be followed if a fire occurs during a student's lunch period.

At least two (2) additional drills shall be held during summer school in buildings where summer school is conducted and one (1) of these drills shall be held during the first week of summer school.

After-School Programs

The Building Principal or his/her designee shall require those in charge of after-school programs, attended by any individuals unfamiliar with the school building, to announce at the beginning of such programs the procedures to be followed in the event of an emergency.

Bomb Threats**School Bomb Threats**

A bomb threat, even if later determined to be a hoax, is a criminal action. No bomb threat should be treated as a hoax when it is first received. The school has an obligation and responsibility to ensure the safety and protection of the students and other occupants upon the receipt of any bomb threat. This obligation must take precedence over a search for a suspect object. Prudent action is dependent upon known information about the bomb threat - location, if any; time of detonation; etc. If the bomb threat is targeted at the school parking lot or the front of the school, building evacuation may not be an appropriate response. If the bomb threat indicates that a bomb is in the school, then building evacuation is necessary unless the building has been previously inspected and secured in accordance with State Education Department Guidelines. Specific procedures can be found in the building level school plan, as required by Project SAVE.

The decision to evacuate a building or to take shelter is dependent upon information about where the bomb is placed and how much time there is to reach a place of safety. Prudent action dictates that students and other occupants be moved from a place of danger to a place of safety. Routes of egress and evacuation or sheltering areas must be thoroughly searched for suspicious objects before ordering

an evacuation. Failure to properly search evacuation routes before an evacuation takes place can expose students and staff to more danger than remaining in place until the search has taken place. Assistance is available from local police agencies and the New York State Police to train staff to check evacuation routes.

(Continued)

2007

5683
2 of 2

Non-Instructional/Business
Operations

SUBJECT: FIRE DRILLS, BOMB THREATS AND BUS EMERGENCY DRILLS (Cont'd.)

Police Notification and Investigation

A bomb threat to a school is a criminal act, which is within the domain and responsibility of law enforcement officials. Appropriate State, county, and/or local law enforcement agencies must be notified of any bomb threat as soon as possible after the receipt of the threat. Law enforcement officials will contact, as the situation requires, fire and/or county emergency coordinators according to the county emergency plan.

Therefore, the building administrator or designee is to notify local law enforcement officials and follow established procedures to move all occupants out of harm's way.

Implementation

The Board of Education directs the Superintendent or his/her designee to develop administrative regulations to implement the terms of this policy. Additionally, such regulations are to be incorporated in the District-wide School Safety Plan and the building level school safety plan, with provisions to provide written information to all staff and students regarding emergency procedures by October 1 of each school year, an annual drill to test the emergency response procedures under each of its building level school safety plans; and the annual updating of the District-wide and building level school safety plans, by July 1, as mandated pursuant to law and/or regulation.

Bus Emergency Drills

The Board of Education directs the administration to conduct a minimum of three (3) emergency drills to be held on each school bus during the school year. The first drill is to be conducted during the first seven days of school, the second drill between November 1 and December 31, and the third drill between March 1 and April 30.

Each drill shall include instruction in all topics mandated by the Education Law and the Commissioner's Regulations and shall include, but will not be limited to, the following:

- a) Safe boarding and exiting procedures;
- b) The location, use and operation of the emergency door, fire extinguishers, first aid equipment and windows as a means of escape in case of fire or accident;
- c) Orderly conduct as bus passengers.

Students who ordinarily walk to school shall also be included in the drills.

Adopted: 7/30/07

2007

5684

Non-Instructional/Business
Operations

**SUBJECT: ANTHRAX AND OTHER BIOLOGICAL TERRORISM: PREVENTION
PROTOCOLS/PROTOCOLS FOR MAIL HANDLING**

The School District shall assess and review their protocols for handling mail or packages. Common sense and care should be used in inspecting and opening mail or packages. Whenever feasible, the opening of mail should be limited to one (1) individual staff member in an area that is separate from other accessible areas within the school building, including the main office.

Additionally, precautions will be taken for those staff members responsible for handling letters or packages such as making available protective gloves to be worn when handling mail and providing appropriate training and protocols for the handling of mail and identifying suspicious envelopes or packages.

The building administrator should limit the area and persons exposed to the threat. Immediately after identifying the threat, the building administrator/designee shall notify the Superintendent/designee, dial 911 and/or the local law enforcement authorities according to the procedures identified in the applicable School Safety Plan (whether District-wide or building-level plans). The local FBI field office and the county health department will also be notified, if not otherwise provided for in the applicable School Safety Plan.

As far as possible, the school will attempt to limit the area and the persons exposed to the threat and will not allow anyone other than qualified emergency personnel to enter. Custodial and maintenance personnel will follow established procedures for quickly shutting down the building(s) heating/air conditioning/and ventilation systems if possible and as may be deemed necessary.

Furthermore, the building administrator/designee shall, as soon as possible, make a list of all persons who have been identified as having actual contact with the powder or other suspicious element, such as anthrax, for investigating authorities.

Administration shall review and revise, as appropriate, their school safety plans; and provide information regarding applicable safety prevention and response procedures to all staff.

All threats to school buildings and/or its occupants shall be treated seriously. All threats shall be treated as criminal actions and measures shall be taken to preserve the evidence.

Under no circumstances, shall students be permitted to organize and/or handle School District mail; nor shall students be present in the room/area during the time that District mail is being opened by school staff.

Adopted: 7/30/07

2007

5685

Non-Instructional/Business
Operations

SUBJECT: ACCESS TO BUILDINGS

The following school officials shall have keys to the school buildings:

- a) The Superintendent of Schools;
- b) The Business Manager;
- c) The School Principals;
- d) The Superintendent of Buildings and Grounds;
- e) The Athletic Director;
- f) The Custodian; and
- g) The Coaches.

Only the above officials may gain access to school buildings after school hours, and then only for the purpose of conducting school-related business.

Adopted: 7/30/07

SUBJECT: USE OF SURVEILLANCE CAMERAS IN THE SCHOOL DISTRICT

The Board of Education recognizes its responsibility to promote and foster school safety and ensure a safe and effective learning environment. After having carefully considered and balanced the rights of privacy with the District's duty to promote discipline, health, welfare and safety of staff and students, as well as that of the general public who has occasion to use school facilities, the Board supports the use of surveillance cameras when necessary in its schools, its buses and/or on school grounds. District surveillance cameras will only be utilized in public areas where there is no "reasonable expectation of privacy."

To further the Board's objective, the School District's District-wide Safety Team shall meet as appropriate and/or deemed necessary to develop, implement and review District and building level safety practices. The Team shall also make recommendations to the Superintendent regarding the implementation and use of surveillance cameras as authorized by the Board of Education. The Superintendent shall retain final decision-making authority regarding the recommendations of the Safety Team; and he/she shall notify the Board as to the procedures to be implemented with regard to the use of surveillance cameras by the School District.

In determining the most appropriate use and implementation of surveillance cameras in the schools, school buses and/or on school grounds, the District-wide Safety Team's recommendation will be guided by, at a minimum, the following considerations:

- a) Demonstrated need for the device at designated locations;
- b) Appropriateness and effectiveness of proposed protocol;
- c) The use of additional, less intrusive, means to further address the issue of school safety (e.g., restricted access to buildings, use of pass cards or identification badges, increased lighting, alarms);
- d) Right to privacy and other legal considerations (which should be referred to the School Attorney for review and compliance with applicable laws and regulations); and
- e) Expense involved to install and maintain the use of surveillance cameras at designated locations, including school buses and/or on school grounds.

Any recording used for surveillance purposes in school buildings, school buses and/or on school property, shall be the sole property of the District; and the Superintendent or his/her designee will be the custodian of such recordings. All recordings will be stored in their original form and secured to avoid tampering and ensure confidentiality in accordance with applicable laws and regulations.

(Continued)

2008

5686
2 of 2

Non-Instructional/Business
Safety and Security

SUBJECT: USE OF SURVEILLANCE CAMERAS IN THE SCHOOL DISTRICT (Cont'd.)

Requests for reviewing a recording must be made in writing to the Superintendent or his/her designee and, if the request is granted, such reviewing must occur in the presence of the District's designated custodian of the recording. Under no circumstances will the District's recording be duplicated and/or removed from District premises unless in accordance with a court order and/or subpoena.

Signage/Notification Regarding Use of Surveillance Cameras in School Buildings, School Buses and/or on School Grounds

Appropriate signage will be posted at entrances to the school campus and/or at major entrances into school buildings notifying students, staff and the general public of the District's use of surveillance cameras.

Students and staff will receive additional notification, as appropriate, regarding the use of surveillance cameras in the schools, school buses and/or on school grounds. Such notification may include, but is not limited to, publication in the District calendar, employee handbook, and student handbook. Such notification does not preclude, as deemed appropriate by administration, the discussion of the use of surveillance cameras with staff and students to heighten awareness and help foster a sense of security.

Adopted: 12/15/08

PANDEMIC PLANNING

The Board of Education recognizes the public's concern over the possibility of a contagious disease outbreak and acknowledges that it is in the best interests of its students, employees and the community to prepare for such a scenario. To this end, the Board directs the Superintendent of Schools to:

1. Implement infection prevention control procedures that could help limit the spread of contagious diseases at schools in the district, including but not limited to:
 - encouraging, through classroom instruction at every grade level and posters, good hygiene habits recommended by public health experts to help protect the school community from contagious diseases (e.g., washing hands frequently with soap and water, coughing/sneezing into tissues or the crook of the elbow instead of one's hand, utilizing alcohol-based/waterless hygiene products and avoiding shaking hands);
 - providing a description of warning signs and symptoms of contagious diseases infections and instruct parents and employees that students and staff displaying such symptoms should not report to school;
 - providing sufficient and accessible infection prevention supplies including soap, alcohol-based/waterless hygiene products, tissues and receptacles for their disposal;
 - following the recommendations of federal, state and local authorities regarding properly cleaning and sanitizing the schools.
2. Work with school administrators, district medical personnel, local county health representatives, teachers, guidance counselors, and other staff and parent representatives as appropriate, to prepare, as part of the district's existing emergency/safety plan, a contagious disease preparedness plan. Such plan shall include, but not be limited to:
 - Describing the potential impact of an outbreak on student learning (such as student and staff absences), school closing, school trips, and extracurricular activities based on having various levels of illness among students and staff and the alternative means of delivering education (e.g., educating students through the Internet, long-distance learning, sending assignments home, telephone conference calls, etc.), along with plans to assess student progress once school resumes.
 - Ensuring continuity of meal programs during school closure, which may involve utilizing school vehicles or satellite pickup points.
 - Establishing procedures for caring for, isolating, and/or transporting students who become ill with contagious diseases while in school.
 - Establishing liberal, non-punitive attendance policies for students unique to an outbreak of contagious diseases.
 - Developing a process for gathering and analyzing the latest information and recommendations from health experts (for example, from the Centers for Disease Control, the New York State Health Department, the County Health Department, etc.) which will inform district policymakers' decisions.
 - Developing a process for communicating information concerning the outbreak of contagious diseases to the school community on a continuing basis. Such efforts may include preparing an information letter for distribution to parents and guardians of students advising them of the dangers of contagious diseases and the steps that may be taken to reduce the risk of infection, and/or establishing a section on the district's website to communicate information about the district's policy concerning contagious diseases and links to relevant governmental websites.
 - Coordinating the district's plan with the local and state health departments as well as the State Education Department and area BOCES.
 - Assigning responsibility for the activities listed above to appropriate staff.
3. Facilitate discussions with all negotiating units representing employees of the district to determine whether it is appropriate to consider opening up negotiations for the limited purpose of bargaining over the inclusion in collective bargaining agreements of provisions related to sick time and absences on the part of employees, who have been either diagnosed as having contracted contagious diseases that has caused the outbreak or who have family members who have contracted the contagious diseases that has caused the outbreak.

In the event that the district implements its emergency plan in response to a pandemic, the Superintendent shall keep the Board regularly informed regarding any actions taken and information gathered.

Cross-ref:

5681, School Safety Plans and Teams

Adoption date: 2/22/2021

2007

5690

Non-Instructional/Business
Operations

SUBJECT: EXPOSURE CONTROL PROGRAM

The District shall establish an exposure control program designed to prevent and control exposure to bloodborne pathogens. According to the New York State Department of Labor's Division of Safety and Health and 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 Code of Federal Regulations (CFR) 1910.10:30

Adopted: 7/30/07

2007

5691

Non-Instructional/Business
Operations

SUBJECT: COMMUNICABLE DISEASES

Whenever, upon investigation and evaluation by the director of school health services or other health professionals acting upon direction or referral of the director, a student in the public schools shows symptoms of any communicable or infectious disease reportable under the public health law that imposes a significant risk of infection of others in the school, he/she shall be excluded from the school and sent home immediately, in a safe and proper conveyance. The director of school health services shall immediately notify a local public health agency of any disease reportable under the public health law.

Following absence on account of illness or from unknown cause, the director of school health services may examine each student returning to a school without a certificate from a local public health officer, a duly licensed physician, physician assistant, or nurse practitioner.

The director of school health services, or other health professionals acting upon direction or referral of the director, may make evaluations of teachers and any other school employees, school buildings and premises as, in their discretion, they may deem necessary to protect the health of the students and staff.

Regulations and procedures will be developed for dealing with communicable diseases in ways that protect the health of both students and staff while minimizing the disruption of the education process.

Education Law Section 906
8 New York Code of Rules and Regulations (NYCRR)
Section 136.3(h) and 136.3(i)

Adopted: 7/30/07

2007

5692

Non-Instructional/Business
Operations

SUBJECT: HUMAN IMMUNODEFICIENCY VIRUS (HIV) RELATED ILLNESSES

The Board of Education contends that a student shall not be denied the right to attend school or continue his/her education nor shall an employee be denied the right to continue his/her employment who has been diagnosed or identified as having a positive blood test for the antibodies to the Human Immunodeficiency Virus (HIV). The Board further contends that under current law and regulations, the disclosure of confidential HIV-related information shall be strictly limited.

Administrative regulations and procedures shall be developed and implemented by the administration based on recommendations from the New York State Education Department and from consultation with appropriate professional and medical staff in the District.

The Superintendent shall also establish protocols for routine sanitary procedures for dealing with the cleaning and handling of body fluids in school, with special emphasis placed on staff awareness.

Confidentiality:

Public Health Law Article 27-F

Adopted: 7/30/07

Non-Instructional/Business
Operations

SUBJECT: TRANSPORTATION PROGRAM

It is the intent of the Board of Education to comply with the letter and spirit of the New York State Education Law; with the regulations of the Department of Motor Vehicles and of the Department of Transportation and with the Commissioner of Education's regulations and decisions pertinent to student transportation, and these shall govern any questions not covered by specific declaration of policy herein.

The purposes of the transportation program are to transport students to and from school, to transport them for extracurricular activities, to transport them on field trips, and to transport those requiring special services.

The Board of Education recognizes and assumes the responsibility for all aspects of the transportation of children wherein the health and safety of students are involved, for the Board of Education has a legal obligation to safeguard the welfare of bus-riding children.

Education Law Sections 3602(7) and 3635 et seq.

NOTE: Refer also to Policy #7131 -- Education of Homeless Children and Youth

Adopted: 7/30/07

2007

5720

Non-Instructional/Business
Operations

SUBJECT: SCHEDULING AND ROUTING

Bus routes are authorized by the Board of Education and any requests for a change must be submitted to the Superintendent or his/her designee.

Transportation services shall be provided to meet the needs of the students of the District within specified limits and areas established by the Board of Education.

Education Law Sections 3620-3628, 3635 and 3636

Adopted: 7/30/07

UBJECT: TRANSPORTATION OF STUDENTS**Requests for Transportation to and from Non-Public Schools**

The parent or person in parental relation of a parochial or private school child residing in the School District who desires that the child be transported to a parochial or private school outside of the School District during the next school year should submit a written request to the Board of Education no later than April 1 of the preceding year, or within thirty (30) days of moving into the District. No late request of a parent or person in parental relation shall be denied where a reasonable explanation is provided for the delay.

Transportation of Students with Disabilities

Students with disabilities in the District shall be transported up to fifty (50) miles (one way) from their home to the appropriate special service or program, unless the Commissioner certifies that no appropriate nonresidential special service or program is available within fifty (50) miles. The Commissioner may then establish transportation arrangements.

Student Information

Any mode of transportation used on a regular basis to transport students with a disability on a regularly scheduled route shall, upon written consent of the parent or person in parental relation, have maintained on such mode of transportation the following information about each student being transported:

- a) Student's name;
- b) Nature of the student's disability;
- c) Name of the student's parent, guardian or person in a position of loco parentis (person in parental relation) and one or more telephone numbers where such person can be reached in an emergency; and/or
- d) Name and telephone number of any other person designated by such parent, guardian or person in a position of loco parentis as a person who can be contacted in an emergency.

Such information shall be used solely for the purpose of contacting such student's parent, guardian, person in a position of loco parentis, or designee in the event of an emergency involving the student, shall be kept in a manner which retains the privacy of the student, and shall not be accessible to any person other than the driver or a teacher acting in a supervisory capacity. In the event that the driver or teacher is incapacitated, such information may be accessed by any emergency service provider for such purpose.

(Continued)

SUBJECT: TRANSPORTATION OF STUDENTS (Cont'd.)

Such information shall be updated as needed, but at least once each school year and shall be destroyed if parental consent is revoked, the student no longer attends such school, or the disability no longer exists.

Herein the term "disability" shall mean a physical or mental impairment that substantially limits one or more of the major life activities of the student, whether of a temporary or permanent nature.

Fire Extinguishers

School buses manufactured on or after January 1, 1990 fueled with other than diesel fuel and used to transport three (3) or more students who use wheelchairs or other assistive mobility devices or with a total capacity of more than eight (8) passengers and used to transport such students shall be equipped with an automatic engine fire extinguishing system.

School buses manufactured on or after September 1, 2007 fueled with diesel fuel and used to transport three (3) or more students who use wheelchairs or other assistive mobility devices or with a total capacity of more than eight (8) passengers used to transport such students shall be equipped with an automatic engine fire extinguishing system.

The purchase of automatic engine fire extinguishing systems for school buses used to transport such students shall be deemed a proper school district expense.

Transportation of Non-Resident Students

Non-resident families must provide their own transportation.

Transportation to School Sponsored Events

Where the District has provided transportation to students enrolled in the District to a school sponsored field trip, extracurricular activity or any other similar event, it shall provide transportation back to either the point of departure or to the appropriate school in the District unless the parent or legal guardian of a student participating in such event has provided the District with written notice, consistent with District policy, authorizing an alternative form of return transportation for such student or unless intervening circumstances make such transportation impractical. In cases where intervening circumstances make transportation of a student back to the point of departure or to the appropriate school in the District impractical, a representative of the School District shall remain with the student until such student's parent or legal guardian has been contacted and informed of the intervening circumstances which make such transportation impractical; and the student has been delivered to his/her parent or legal guardian.

(Continued)

2007

5730
3 of 3

Non-Instructional/Business
Operations

SUBJECT: TRANSPORTATION OF STUDENTS (Cont'd.)

Occasional Drivers

Certified teachers who are full time employees and not certified as bus drivers are considered occasional drivers when they transport students. As occasional drivers, the teachers must produce a valid driver's license, have an annual physical exam, and be approved to drive by the Superintendent.

For teachers who transport students in their own vehicles, their own auto policy will be primary and the District will not reimburse for collision, comprehensive, personal injury protection, or uninsured motorist. The District's auto policy covers liability over and above the teacher's policy up to \$1,000,000 per accident.

Transportation in Personal Vehicles

Personal cars of teachers and staff shall not be used to transport students except in the event of extenuating circumstances and authorized by the administration.

Education Law Sections 1604, 1709, 1804, 1903, 1950,
2503, 2554, 2590-e, 3621(15), 3623-a(2c), 3635, 4401(4),
4404 and 4405
Vehicle and Traffic Law Section 375(20)(1) and 375(21-i)
8 New York Code of Rules and Regulations (NYCRR)
Section 156.3

NOTE: Refer also to Policies #5731 -- Transportation in Child Safety Zones
#7131 -- Education of Homeless Children and Youth

Adopted: 7/30/07

SUBJECT: TRANSPORTATION IN CHILD SAFETY ZONES

In accordance with Education Law, the Board of Education is authorized to adopt a resolution providing for student transportation in child safety zones. Transportation in a child safety zone shall be available to resident students for the particular school year designated in the resolution. Such resolution shall continue in effect for subsequent school years until the Board adopts a resolution providing otherwise.

Transportation in child safety zones may be provided upon the determination by the Board that a hazardous zone exists which, in the opinion of the Board, would be reasonably alleviated by the establishment of a child safety zone. "Child safety zone" means a designated area of the School District, including at least one personal residence, within which children who reside at a lesser distance from the school they legally attend than the minimum transportation limit of the District will be provided transportation on the basis that their most direct walking route to school will traverse a hazardous zone. Transportation in child safety zones may be provided without regard to like circumstances, notwithstanding the provisions of Education Law Section 3635(1).

The Commissioner of Transportation has established regulations for determination of a hazardous zone. Such regulations shall be used by the Board of Education in determining whether a hazardous zone exists.

Designation of Child Safety ZonesSubmission of Petitions/Requests

The Board of Education shall, upon written petition of a parent/person in parental relation of a child residing in the District, or of any representative authorized by such parent/person in parental relation, (signed by 25 qualified voters of the District or 5% of the number of voters who voted in the previous annual election of Board members, whichever is greater) make an investigation to determine whether a hazardous zone exists requiring the establishment of a child safety zone.

Petitions and/or additional written requests from individual parents/persons in parental relation requesting designation of an area as a child safety zone shall be in accordance with the procedures and time frames enumerated in Education Law Section 3635-b.

Determination by the Board as to the designation of a child safety zone shall be in accordance with law and/or regulations.

Investigation by Board of Education

The Board may directly, or by appointment of an advisory committee, make an investigation to determine if a hazardous zone exists within the District. Such investigation shall be made pursuant to the Regulations of the Commissioner of Transportation and shall include consultation with state or local transportation authorities and the investigation of other, less costly, reasonable alternatives to the creation of a child safety zone.

(Continued)

SUBJECT: TRANSPORTATION IN CHILD SAFETY ZONES (Cont'd.)

In accordance with the State Education Department (SED), without having been petitioned, the Board may also conduct an investigation on its own initiative to determine whether a hazardous zone exists requiring the designation of a child safety zone.

Determination by the Board as to the designation of a child safety zone shall be in accordance with law and/or regulations.

Cost of Providing Transportation

The cost of providing transportation in child safety zones shall be an ordinary contingent expense and shall be included as an item of expense for purposes of determining the transportation quota of the District.

District Immunity from Liability

Education Law Section 3635-b does not impose a duty upon the School Board to provide transportation services pursuant to this Section of law; nor is the Board to be held liable for failure to provide such transportation.

A Board member, school officer or employee shall have immunity from any civil or criminal liability that might otherwise be incurred or imposed as a result of the provisions of Section 3635, provided that such person shall have acted in good faith. For the purpose of any proceeding, civil or criminal, the good faith of any such person shall be presumed.

Education Law Sections 3635 and 3635-b
Transportation Law Section 14(30)
17 New York Code of Rules and
Regulations (NYCRR) Part 191

Adopted: 7/30/07

2007

5740

Non-Instructional/Business
Operations

SUBJECT: USE OF BUSES BY COMMUNITY GROUPS

Upon formal application to and approval by the Board of Education buses may be rented to a municipal corporation; to any senior citizen center recognized and funded by the Office for the Aging; to any not-for-profit organization serving those with disabilities; or, to any not-for-profit organization which provides recreational youth services or neighborhood recreation centers. Such rentals can be made only for times when vehicles are not needed for student transport and must be made for a consideration acceptable to the Board.

Education Law Section 1501-b

Adopted: 7/30/07

SUBJECT: SCHOOL BUS SAFETY PROGRAM

The safe transportation of students to and from school is of primary concern in the administration of the school bus program. All state laws and regulations pertaining to the safe use of school buses shall be observed by drivers, students and school personnel.

To assure the safety and security of students boarding or exiting school buses on school property, it shall be unlawful for a driver of a vehicle to pass a stopped school bus when the red bus signal is in operation.

Use of Cell Phones and Portable Electronic Devices Prohibited

Use of portable electronic devices by a school bus driver at times the vehicle is in operation on the roadway poses a potential safety risk. All school bus drivers are prohibited from using portable electronic devices while the bus is in operation and students are on the bus.

Personal cell phones are to be placed in the "off" position when in the possession of the school bus driver while the bus is in operation. Cell phones may be used in case of emergency.

The following terms are defined as:

- a) "Portable electronic device" shall mean any mobile telephone (hand held or "hands free"), personal digital assistant (PDA), portable device with mobile data access, laptop computer, pager, broadband personal communication device, two-way messaging device, electronic game, or portable computing device.
- b) "Using" shall mean holding a portable electronic device while viewing, taking or transmitting images, playing games, or composing, sending, reading, viewing, accessing, browsing, transmitting, saving or retrieving e-mail, text messages, or other electronic data.
- c) "In operation" shall mean that the bus engine is running, whether in motion or not.

The Transportation Supervisor, in cooperation with the Principals, has the responsibility of developing and publishing safety rules to be followed by drivers and passengers, including rules of student conduct. In order to ensure maximum safety to those riding school buses, it is necessary that students and drivers cooperate in this effort. There is no substitute for training to develop safe habits in pedestrian and vehicular traffic.

All buses and other vehicles owned and operated by the School District will have frequent safety inspections, and will be serviced regularly. The Transportation Supervisor will maintain a comprehensive record of all maintenance performed on each vehicle.

(Continued)

2012

5750
2 of 2

Non-Instructional/Business
Operations

SUBJECT: SCHOOL BUS SAFETY PROGRAM (Cont'd.)

Every bus driver is required to report promptly any school bus accident involving death, injury, or property damage. All accidents, regardless of damage involved, must be reported at once to the Transportation Supervisor.

All buses and other vehicles owned by vendors/contract bus companies with whom the District contracts will have frequent safety inspections and be serviced regularly. The Transportation Supervisor will maintain a comprehensive record of all maintenance performed on each vehicle. Outside contractors will provide safety inspection and maintenance records for each bus used to transport district students. These records will be available upon request.

Every bus driver is required to report promptly any school bus accident involving death, injury, or property damage. All accidents, regardless of damage involved, must be reported at once to the Transportation Supervisor by the vendors/contract bus companies.

Education Law Section 3623
Vehicle and Traffic Law Sections 509-a(7), 509-1(1-b), 1174(a) and 1174(b)
8 New York Code of Rules and Regulations (NYCRR) Section 156.3

NOTE: Refer also to Policies #5683 -- Fire Drills, Bomb Threats and Bus Emergency Drills
#5741 -- Drug and Alcohol Testing for School Bus Drivers and Other Safety-Sensitive Employees

Adoption Date: 7/30/2007
Revised Date: 11/21/2011

SUBJECT: QUALIFICATIONS OF BUS DRIVERS

A person shall be qualified to operate a bus only if such person:

- a) Is at least twenty-one (21) years of age;
- b) Has been issued a currently valid driver's license or permit which is valid for the operation of a bus in New York State;
- c) Has passed the annual bus driver physical examination administered pursuant to Regulations of the Commissioner of Education and the Commissioner of Motor Vehicles. In no case shall the interval between physical examinations exceed a thirteen-month period;
- d) Is not disqualified to drive a motor vehicle under Sections 509-c and 509-cc and any other provisions of Article 19-A of the Vehicle and Traffic Law;
- e) Has on file at least three (3) statements from three (3) different persons who are not related to the driver/applicant pertaining to the moral character and to the reliability of such driver/applicant;
- f) Has completed, or is scheduled to complete, State Education Department safety programs as required by law;
- g) Is in compliance with federal law and regulations, as well as District policy and/or regulations, as it pertains to meeting the standards governing alcohol and controlled substance testing of bus drivers if and when applicable.
- h) Has taken and passed a physical performance test at least once every two (2) years and/or following an absence from service of sixty (60) or more consecutive days from his/her scheduled work duties;
- i) Is in compliance with all other laws and regulations for operating a school bus, including licensing and training requirements.

Special Requirements For New Bus Drivers

Before employing a new bus driver, the Superintendent or his/her designee shall:

- a) Require such person to pass a physical examination within four (4) weeks prior to the beginning of service;

(Continued)

2007

5760
2 of 2

Non-Instructional/Business
Operations

SUBJECT: QUALIFICATIONS OF BUS DRIVERS (Cont'd.)

- b) Obtain a driving record from the appropriate agency in every state in which the person resided, worked, and/or held a driver's license or learner's permit during the preceding three (3) years;
- c) Investigate the person's employment record during the preceding three (3) years;
- d) Require such person to submit to the mandated fingerprinting procedures;
- e) Request the Department of Motor Vehicles to initiate a criminal history check;
- f) Require that newly hired bus drivers take and pass the physical performance test, as mandated by Commissioner's Regulations, before they transport students.

Omnibus Transportation Employee Testing Act of 1991
(Public Law 102-143)
49 United States Code (USC) Section 521(b)
49 Code of Federal Regulations (CFR)
Parts 40, 382, 391, 392 and 395
Education Law Section 3624
Vehicle and Traffic Law Sections 509-c, 509-cc and
Article 19-A
8 New York Code of Rules and Regulations (NYCRR)
Section 156.3
15 New York Code of Rules and Regulations (NYCRR)
Part 6

NOTE: Refer also to Policy #5761 -- Drug and Alcohol Testing For School Bus Drivers and Other Safety-Sensitive Employees

Adopted: 7/30/07

ALCOHOL AND DRUG TESTING OF DRIVERS

The Board of Education recognizes the dangers inherent in alcohol and controlled substance use by employees, especially those in safety-sensitive positions. To ensure the safety of its students, the Board requires alcohol and controlled substance testing of certain "drivers," operators of "other school buses," and any other employee who is subject to such testing, in accordance with and as set forth in the applicable federal and state requirements.

Definitions

1. "Driver" includes any person who operates a commercial motor vehicle. This includes, but is not limited to: Full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent owner-operator contractors.
2. "Other school buses" include those covered by applicable federal regulations (see list below) and any other motor vehicle either owned by the district or by a private company, operated to transport students, children of students, teachers, and other supervisory persons to or from school or school activities.

Testing Responsibilities

Consistent with federal regulations, the district shall directly, by contract, or through a consortium, implement and conduct a program to provide alcohol and controlled substance testing of drivers who operate a commercial motor vehicle, perform in a safety-sensitive position, and are required to hold a commercial driver's license. Employees holding such positions include:

1. drivers of vehicles designed to transport 16 or more passengers, including the driver;
2. drivers of commercial motor vehicles whose manufacturer's rating is 26,001 lbs. or more; or
3. any other employee who may drive or service a listed vehicle (e.g. a mechanic who performs test drives, repairs, inspects, or loads or unloads a vehicle listed in 1 or 2 above).

Controlled substance and alcohol tests will be conducted for operators of all "other school buses" consistent with the procedures applicable to the implementation of federal regulations. Volunteers who drive a bus with passengers fewer than 30 days per year are not subject to such testing.

Generally, the required testing will be conducted at or prior to the time of employment and randomly throughout the school year. However, drivers are subject to additional testing under federal regulations when a supervisor has a reasonable suspicion that a driver has engaged in prohibited alcohol or controlled substance use; after certain accidents; prior to return to duty when the driver has been found to violate district policy and federal regulations; and after the driver's return to duty.

Driving Prohibition

In accordance with federal and state law, a driver may not drive if he or she:

1. possesses, consumes or is reasonably believed to possess or have consumed alcohol or a controlled substance, while on duty;
2. uses or is under the influence of alcohol or a controlled substance that is not lawfully prescribed within six hours or less before duty;
3. has an alcohol concentration of 0.02 or higher, or tests positive for a controlled substance; or
4. refuses to take a required alcohol or controlled substance test.

Also, no driver shall use alcohol after being involved in an accident in which there was a fatality or in which the driver was cited for a moving violation and a vehicle was towed from the scene or an injury was treated away from the scene until he/she has been tested or 8 hours have passed, whichever occurs first.

Enforcement of Driving Prohibitions

The school district will not require or permit drivers of vehicles listed above, as well as operators of all "other school buses" defined above, to be on duty or operate a listed vehicle or other school bus, if it appears that they have consumed a drug/controlled substance (except those lawfully prescribed) or alcohol within the preceding eight hours. This shall be based on the person's general appearance, conduct, or other substantiating evidence. Those who maintain, repair, or garage listed vehicles or school buses that involve incidental driving without passengers, are exempt from this requirement, but are still prohibited from consuming controlled substances and alcohol within six hours of going on duty.

Response to Positive Testing Results

Any driver who is tested and found to have an alcohol concentration of at least 0.02, but less than 0.04, shall be removed from the position until his or her next regularly scheduled duty period, but not less than 24 hours following administration of the test. Any driver found to have violated this requirement may be disciplined in accordance with the provisions of the applicable collective bargaining agreement, district policy, and/or law. Operators of "other school buses" subject to random testing pursuant to New York Law will be subject to the same consequences based upon an alcohol concentration of at least 0.02 but less than 0.04 as drivers listed above.

If a driver has an alcohol concentration of 0.04 or greater, or has engaged in prohibited alcohol or controlled substance use, he or she will be removed from driving duties, and referred to a substance abuse professional. The driver may be required to complete a treatment program and/or be disciplined pursuant to district policy and/or collective bargaining agreement. No driver who has abused controlled substances and/or alcohol may return to duty unless he/she has successfully passed a required return to duty test. Thereafter, the driver will be subject to follow-up testing. Operators of "other school buses" subject to random testing pursuant to New York Law will be subject to the same consequences based upon an alcohol concentration of 0.04 or greater or a positive drug test as drivers listed above.

Re-Testing

Should the district receive a dilute test result in which the creatinine concentration is greater than 5mg/dL in the case of any pre-employment, return-to-duty, follow-up, reasonable suspicion, or random test, it is the policy of the district that the individual shall be re-tested and that re-test will become the test of record.

Policy Distribution

The Superintendent of Schools shall ensure that a copy of this policy, the district's policy on misuse of alcohol and use of controlled substances, information on alcohol and drug abuse and treatment resources and any other information prescribed by federal regulations is provided to all drivers and operators of "other school buses" prior to the initiation of the testing program and to each driver or operator of "other school buses" subsequently hired or transferred to a position subject to testing.

Ref:

Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. §§31136; 31306
49 U.S.C. §521(b)
49 CFR Part 391 (Qualifications/Disqualifications)
49 CFR Part 382 (Drug and Alcohol Testing Requirements)
49 CFR Part 40 (Testing Procedures)
49 CFR §395.2 (On-duty time defined)
Vehicle and Traffic Law §§509-g; 509-l; 1192; 1193
Will v. Frontier CSD Bd. of Educ., 97 N.Y.2d 690 (2002)

Adoption date: 7/30/2007

Revised date: February 25, 2019

Any employee who operates a commercial motor vehicle, or other "school bus," and or is in a related safety-sensitive function described below shall be subject to alcohol and controlled substance testing in accordance with this regulations and applicable federal regulations and state law. An employee having any questions concerning the district's policy or regulation, state law or the applicable federal regulations shall contact the Superintendent of Schools.

Any treatment, rehabilitation program or discipline will be provided in accordance with district policy and/or collective bargaining agreements.

Definitions

A. Employees Covered Under Federal Law

Employees covered under federal law include district employees who operate a commercial motor vehicle, perform in a related safety-sensitive position, and are required to obtain a commercial driver's license. Such employees include:

1. drivers of vehicles designed to transport 16 or more passengers, including the driver;
2. drivers of commercial motor vehicles whose manufacturer's rating is 26,001 lbs. or more; or
3. any other employee who may drive or service a listed vehicle listed in 1 or 2 above (e.g., a mechanic who performs test drives, repairs, inspects or loads or unloads a listed vehicle).

Such employees include, but are not limited to full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors who are either directly employed or under lease to an employer or who operate a commercial motor vehicle at the direction or with the consent of the district.

B. Employees Covered Under State Law

Operators of "other school buses" are subject to testing as described in section III below. Other "school buses" include both those covered by applicable federal regulations as stated above, and any other motor vehicle either owned by the district or by a private company, operated to transport students, children of students, teachers, and other supervisory persons to or from school or school activities.

Certain specified employees will not be considered operators of "other school buses." They include:

1. Volunteers who drive a school bus with passengers fewer than 30 days per year; and
2. Employees engaged in the maintenance, repair or garaging of buses, who in the course of their duties must incidentally drive a vehicle not covered under federal law without passengers.

C. Safety Sensitive Function

Drivers will be removed from their safety-sensitive functions if they violate the district's policy or federal regulations pertaining to the possession or consumption of alcohol or controlled substances. A driver An employee is performing a safety-sensitive function that is covered by federal regulations when:

1. waiting to be dispatched, unless the driver has been relieved from duty;
2. inspecting, servicing or conditioning any commercial motor vehicle;
3. driving a commercial motor vehicle;
4. attending a vehicle being loaded or unloaded;
5. performing the driver requirements of the federal regulations pertaining to accidents; and
6. attending to a disabled vehicle.

II. Driver Prohibitions and Consequences

Covered Employees covered under federal law are required to be in compliance with district policy and regulation at the following times:

1. when performing any on-duty safety-sensitive functions, including all time from the time a driver begins to work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility; and
2. during all time spent providing a breath sample, saliva sample or urine specimen and travel time to and from the collection site in order to comply with random, reasonable suspicion, post-accident, return-to-duty or follow-up testing.

The Supervisor of Transportation or his/her designee shall prohibit an Employees covered under both federal and state law are prohibited from driving a listed vehicle or performing other safety-sensitive duties if the employee:

1. possesses, consumes or is reasonably believed to possess or have consumed alcohol or a controlled substance, while on duty;
2. has consumed or is under the influence of alcohol or a controlled substance that is not lawfully prescribed within six hours before duty;
3. has an alcohol concentration of 0.02 or higher, or tests positive for controlled substances; or
4. refuses to take a required alcohol or controlled substance test. Refusal to submit shall mean the failure to provide adequate breath or urine without a valid medical explanation, receipt of verified adulterated or substituted drug test result, or to engage in conduct that clearly obstructs the testing process, such as a failure to arrive for the drug testing or failure to sign the alcohol testing form prior to specimen collection.

In addition, an employee covered under federal law is prohibited from consuming alcohol within eight hours after being involved in an accident, or before undergoing a post-accident test, if such a test is required. Illegal drug use by drivers is prohibited on or off duty.

Drivers who violated the above prohibitions will be subject to the following enforcement actions:

1. Employees covered under federal law will be removed from their safety-sensitive functions if they violate the district's policy or federal regulations pertaining to the possession or consumption of alcohol or controlled substances.
2. The Supervisor of Transportation or his/her designee will not require or permit employees covered under state law to be on duty or operate a listed vehicle or other school bus, if it appears that they have consumed a drug/controlled substance (except those lawfully prescribed) or alcohol within the preceding eight hours. This shall be based on the person's general appearance, conduct, or other substantiating evidence. Those who maintain, repair, or garage listed vehicles or school buses that involve incidental driving without passengers, are exempt from this requirement, but are still prohibited from consuming controlled substances and alcohol within six hours of going on duty.
3. Any covered employee who tests 0.02 or greater but less than 0.04 will be removed from driving and other safety-sensitive duties until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test.
4. In the event that any covered employee has a breath alcohol concentration of 0.04 or greater, has tested positive for a controlled substance or has refused to take a test, he or she will, in addition to immediate removal from driving and any other safety-related duties, not be returned to duty until he or she:
 - has been evaluated by a substance abuse professional;
 - has complied with any treatment recommendations; and
 - has received a satisfactory result from a return to duty test.
5. Upon return to duty, the employee will be subject to follow-up testing.

While New York Law permits the use of medical marijuana, federal law still prohibits its use. Any driver tested under the federal regulations, who tests positive for marijuana, even if such use is based upon a lawful certification under state law, will be found to have violated the federal regulations (DOT Office of Drug and Alcohol Policy and Compliance, Medical Marijuana Notice (Oct. 2009) at: <https://www.transportation.gov/odapc/medical-marijuana-notice>).

III. Types of Testing

The Superintendent of Schools and the Director of Transportation shall ensure that the following alcohol and drug tests are implemented conducted and that any employee who is required to take an alcohol or

controlled substance such a test shall be is notified prior to the test that it is required pursuant to federal regulations. or, Notice will also be given in the case of pre-employment alcohol testing, that such test is required by state law district policy.

1. **Pre-employment:** Controlled substance and alcohol tests will be conducted before all applicants are hired or after an offer to hire, but before actually performing safety-sensitive functions for the first time. These tests will also be given when employees covered under federal or state law transfer to a safety-sensitive function.
2. **Post-accident:** Alcohol and controlled substance tests will be conducted if a driver covered under federal law is involved in an accident in which:
 - a. there has been a fatality; OR
 - b. the driver has received a citation for a moving violation in connection with the accident pursuant to the time limitations specified in the regulation AND EITHER
 1. there is an injury treated away from the scene of the accident; or
 2. there is a disabled vehicle towed from the scene.
3. **Reasonable Suspicion:** Alcohol and controlled substance tests will be conducted if when the Transportation Supervisor or other school official who has completed the minimum two hours of training has a reasonable suspicion that the driver covered under federal law has violated district policy and regulation. A "reasonable suspicion" must be based on specific, contemporaneous, articulable observations concerning the driver's behavior, appearance, speech or body odors that are characteristic of controlled substance or alcohol misuse. Alcohol tests can only be done just before, during or just after the employee covered under federal law drives a listed vehicle or performs other safety-sensitive duties. The supervisor who makes the determination of reasonable suspicion cannot do the testing.
4. **Random Testing:** For employees covered under federal law, random alcohol tests shall be conducted annually at a minimum rate established annually by the Federal Motor Carrier Safety Administration of 25 percent of the average number of positions subject to such testing pursuant to federal regulation. Random alcohol tests must be conducted just before, during or just after the employee drives a listed vehicle or performs other safety-sensitive duties. For employees covered under federal law, random controlled substance tests shall be conducted annually at a minimum rate established annually by the Federal Motor Carrier Safety Administration of 50 percent of the average number of positions subject to such testing pursuant to federal regulation. Random controlled substance tests may be conducted at any time. Random alcohol and controlled substance tests must be unannounced and spread reasonably throughout the calendar year.

New York law requires employees covered by state law to be tested in conformance with federal regulations 49 CFR Part 382. Although federal regulations permit employers to perform random testing beyond what they require, a separate pool must be maintained for those employees covered by state law who do not meet federal requirements. The separate pool for these employees will be subject to testing at the same minimum rate annually established for drivers subject to the Federal Motor Carrier Safety Administration regulations.

5. **Return-to-Duty Testing:** Any covered employee who refused to take a test or has engaged in prohibited alcohol and controlled substance use, except for alcohol concentration of between 0.02 and 0.04, shall be required to take an alcohol or controlled substance test and achieve a satisfactory result before returning to duty in the safety-sensitive position. If removal was due to alcohol use, a satisfactory result will be less than 0.02 alcohol concentration. If removal was due to controlled substance use, a satisfactory result will be one that it is verified as negative. The test will not be administered until the employee has been evaluated by a substance abuse professional and has complied with any treatment recommendations.
6. **Follow-Up Testing:** After any covered employee who was found to violate the district's policy against alcohol and controlled substance use returns to duty, he or she will be subject to at least six unannounced tests in the first 12 months following the employee's return to duty. Follow-up testing may be extended for up to 60 months from the date of the employee's return to duty. Follow-up alcohol testing may only be conducted before, during or after the driver has performed his or her driving duties.

IV. **Testing Procedures**

A. **Alcohol Testing Procedures**

Alcohol testing will be conducted with evidential breath testing (EBT) devices approved by the National Highway Traffic Safety Administration. An approved non-evidential screening device may be used to perform screening tests but not for confirmation alcohol tests. The employee and the Breath Alcohol Technician conducting the test must complete the alcohol testing form to ensure that the results are properly recorded.

1. Two breath tests are required to determine if a person has a prohibited alcohol concentration. A screening test is conducted first. Any result less than 0.02 alcohol concentration is considered a "negative" test.
2. If the alcohol concentration is 0.02 or greater, a second or confirmation test must be conducted. The confirmation test must be conducted using an EBT that meets the requirements of federal regulations prints out the results, date and time, a sequential test number, and the name and serial number of the EBT to ensure the reliability of the results.
3. If the confirmation test results indicate an alcohol concentration from 0.02 to 0.03999, the employee will be restricted from duty for at least 24 hours from the time of the test.
4. If the confirmation test results indicate an alcohol concentration equal to or greater than 0.04, the employee will be removed from all safety-sensitive duties and no return to duty will be permitted until the employee has successfully passed required return-to-duty tests. The employee must also be reviewed by a Substance Abuse Professional and comply with his/her recommendations. Follow-up tests will also be required.
5. For post-accident testing, the results of breath or blood tests conducted by law enforcement officials will be accepted as long as the testing conforms to federal and state requirements for alcohol testing and the results are made available to the district.

All testing procedures will conform to the requirements outlined in federal regulations (49 CFR Part 40) for ensuring the accuracy, reliability and confidentiality of test results. These procedures include training and proficiency requirements for Breath Alcohol Technicians, quality assurance plans for the EBT devices including calibration, requirements for suitable test location, and protection of employee test records.

B. Drug Testing Procedures

The employee must provide a urine specimen at a collection site that meets federal requirements which will be analyzed at a laboratory certified and monitored by the U.S. Dept. of Health and Human Services.

1. Regulations require that each urine specimen be divided into one "primary" specimen and one "split" specimen.
2. All urine specimens are analyzed for the following drugs or drug metabolites (by-products of the body metabolizing a drug):
 - a. Marijuana (metabolites)
 - b. Cocaine metabolites
 - c. Amphetamines (including methamphetamines, MDA and MDMA)
 - d. Opioids (including natural opiates such as codeine, morphine, heroin, and semi-synthetic opioids such as hydrocodone, hydromorphone, oxycodone, and oxymorphone)
 - e. Phencyclidine (PCP)
3. If the primary specimen confirms the presence of one or more of these drugs, the employee has 72 hours to request that the split specimen be sent to another certified lab for analysis. [Note: The employee must be removed from driving duties at this time--pursuant to federal regulations; the driver's removal cannot await the result of split sample.]
4. If the screening test has a drug-positive result, a confirmation test will then be performed for each identified drug using gas chromatography/mass spectrometry (GC/MS) analysis.
5. All drug test results will be reviewed and interpreted by a physician (also called a Medical Review Officer) before they are reported to the district.
6. If the laboratory reports a positive result to the Medical Review Officer (MRO), the MRO shall interview the employee to determine if there is an alternative medical explanation for the drugs found in the employee's urine specimen. If the employee provides appropriate documentation and the MRO determines that it is legitimate medical use of a prohibited drug, the drug test result is reported as negative.

7. If the MRO reports a positive drug result, the employee must be evaluated by a substance abuse professional and follow his/her recommendations prior to taking a return-to-duty test. Follow-up testing is also required.
8. For post-accident testing, the results of urine tests conducted by law enforcement officials will be accepted as long as the testing conforms with federal and state requirements for controlled substance testing and the results are made available to the district.

All controlled substance testing shall comply with the requirements of the federal regulations (49 CFR Part 40) including procedures for the proper identification, security and custody of the sample, use of certified laboratories, gas chromatography/mass spectrometry analysis testing, assurance that all drug test results are reviewed and interpreted by a physician, and ensuring confidentiality of employee test records.

V. **Dilute Specimen Testing**

If the district receives a drug test result which is negative but dilute and the creatinine concentration is greater than 5mg/dl, the district shall require a re-test to be conducted in each of the following cases:

- Pre-employment tests
- Return-to-duty tests
- Follow-up tests
- Reasonable suspicion tests
- Random tests

The result of the re-test shall become the test of record. If the employee refuses to take the re-test it will be considered the same as a positive test result.

VI. **Training**

The Supervisor of Transportation and every other person designated to determine whether reasonable suspicion exists to require an employee covered by federal law to undergo reasonable suspicion testing must receive at least one hour of training on alcohol misuse and at least one additional hour of training on controlled substance use which they will use in making their determinations.

VII. **Recordkeeping and Reporting**

The Transportation Supervisor shall ensure that alcohol and drug testing records are maintained pursuant to applicable regulation and are available, if requested, for submission to the federal government or any State or local officials with regulatory authority over the employer or any of its drivers.

The following personal information must be reported to the Department of Transportation (DOT) Clearinghouse for employees subject to DOT testing:

- a verified positive, adulterated or substituted drug test result;
- an alcohol confirmation tests with a concentration of 0.04 or higher;
- a refusal to submit to any test required by the regulations;
- An employer's report of actual knowledge of on duty alcohol use, pre-duty alcohol use, alcohol use following an accident, and controlled substance use;
- A substance abuse professional's report of the successful completion of the return-to-duty process;
- A negative return-to-duty test; and
- An employer report of completion of follow-up testing.

NEW NOTE: Provisions of federal law prohibit the use of federal forms produced by the Department of Transportation (DOT) for alcohol and controlled substance testing for non-DOT testing. Therefore, school districts must utilize different forms when testing employees as required by New York law, who are not subject to testing under the federal regulations. Additionally, it is advisable for districts to segregate the

testing records for those required to be tested under federal law from those required to be tested based upon state law.

VIII. Required Notification

Every affected covered employee shall receive information about the signs, symptoms, and effects of alcohol misuse and controlled substance use as well as a copy of the district's policy and procedures, the consequences of testing positive and who to contact within the district to seek further information and/or assistance.

Each covered employee is required to sign a statement certifying that he/she has received this information. The district shall maintain the original signed certification until the employee's employment is discontinued. The district will provide a copy of the certification to the covered employee upon request.

IX. Penalties

Any treatment, rehabilitation program or discipline will be provided in accordance with applicable law and regulations, district policy and/or collective bargaining agreements.

Any employer or driver who violates the requirements of the federal regulations of the Omnibus Transportation Employee Testing Act of 1991 may be subject to civil penalties.

In addition, in accordance with New York State law, a driver convicted of driving a listed vehicle with one or more student passengers while impaired by the use of drugs or alcohol will have his/her license revoked for one year and is subject to fines ranging from \$500 to \$5,000 and/or imprisonment. Any driver convicted more than once in 10 years for such crimes will have his/her license revoked for three years and is subject to a fine of \$1,000 to \$5,000 and/or imprisonment.

SUBJECT: IDLING SCHOOL BUSES ON SCHOOL GROUNDS

The Board of Education recognizes the need to promote the health and safety of District students and staff and to protect the environment from harmful emissions found in bus and vehicle exhaust. In accordance with Education Law and Commissioner's Regulations, the District will minimize, to the extent practicable, the idling of all school buses and other vehicles owned or leased by the District while such bus or vehicle is parked or standing on school grounds or in the front of any school. This policy also applies to contractor owned and operated school buses under contract with the District.

The District shall ensure that each driver of a school bus or other vehicle owned, leased or contracted for by the District turn off the engine of the bus or vehicle while waiting for passengers to load or off load on school grounds, or while such vehicle is parked or standing on school grounds or in front of or adjacent to any school.

Exceptions

Unless otherwise required by State or local law, the idling of a school bus or vehicle engine may be permitted to the extent necessary to achieve the following purposes:

- a) For mechanical work; or
- b) To maintain an appropriate temperature for passenger comfort; or
- c) In emergency evacuations where necessary to operate wheelchair lifts.

Private Vendor Transportation Contracts

All contracts for pupil transportation services between the School District and a private vendor that are entered into on or after August 21, 2008, shall include a provision requiring such vendor's compliance with the provisions of reducing idling in accordance with Commissioner's Regulations Section 156.3(h).

Education Law Section 3637
Vehicle and Traffic Law Section 142
8 New York Code of Rules and Regulations (NYCRR) Section 156.3(h)

Adoption Date: 12/15/2008

Hadley-Luzerne Central School District**NUMBER****PERSONNEL**

| | | |
|-------|---|------|
| 1.1 | Code of Ethics for All District Personnel | 6110 |
| 1.11 | Disclosure of Wrongful Conduct (Whistleblower Policy)..... | 6111 |
| 1.2 | Equal Employment Opportunity | 6120 |
| 1.2.1 | Sexual Harassment of District Personnel..... | 6121 |
| 1.2.2 | Complaints and Grievances by Employees | 6122 |
| 1.2.3 | Posting Requirement of correction law Article 23-A | 6123 |
| 1.2.4 | Staff Requests for Accommodations under the American w/Disabilities Act | 6124 |
| 1.3 | Evaluation of Personnel: Purposes | 6130 |
| 1.3.1 | Building Principal and Classroom Teacher Evaluation..... | 6131 |
| 1.4 | Health Examinations..... | 6140 |
| 1.5 | Alcohol, Drugs and Other Substances (School Personnel)..... | 6150 |
| 1.5.1 | Drug-Free Workplace | 6151 |
| 1.6 | Professional Growth/Staff Development..... | 6160 |
| 1.6.1 | Expense Reimbursement..... | 6161 |
| 1.7 | Fingerprinting of Prospective School Employees | 6170 |
| 1.8 | Staff-Student Relations (Fraternization)..... | 6180 |
| 1.9 | Child Abuse in An Educational Setting..... | 6181 |

CERTIFIED PERSONNEL

| | | |
|-------|--|------|
| 2.1 | Certified Personnel | 6210 |
| 2.1.1 | Recruitment..... | 6211 |
| 2.1.2 | Certification and Qualifications..... | 6212 |
| 2.1.3 | Incidental Teaching..... | 6213 |
| 2.1.4 | Probation and Tenure..... | 6214 |
| 2.1.5 | Disciplining of a Tenured Teacher or Certified Personnel | 6215 |
| 2.1.6 | Professional Staff: Separation..... | 6216 |
| 2.1.7 | Employment of Relatives of Board of Education Members..... | 6217 |
| 2.2 | Temporary Personnel..... | 6220 |

SUPPORT STAFF

| | | |
|-----|--------------------------------------|------|
| 3.1 | Appointment - Support Staff..... | 6310 |
| 3.2 | Supplementary School Personnel | 6320 |

ACTIVITIES

| | | |
|-------|--|------|
| 4.1 | Maintaining Discipline and Conduct | 6410 |
| 4.2 | Employee Personnel Records and Release of Information..... | 6420 |
| 4.3 | Employee Activities..... | 6430 |
| 4.4 | Negotiations | 6440 |
| 4.4.1 | Board Negotiating Agents | 6441 |
| 4.5 | Theft of Services or Property..... | 6450 |
| 4.6 | Jury Duty..... | 6460 |
| 4.7 | Staff Use of Computerized Information Resources..... | 6470 |
| 4.8 | Use of Email In The School District..... | 6480 |

2007 6000

Personnel

Hadley-

Luzerne Central School District

NUMBER

| | | |
|-------|--|------|
| 5.1 | Health Insurance | 6510 |
| 5.2 | Workers' Compensation..... | 6520 |
| 5.3 | Payroll Deductions..... | 6530 |
| 5.4 | Defense and Indemnification of Board Members and Employees | 6540 |
| 5.5 | Leaves of Absence | 6550 |
| 5.5.1 | Family and Medical Leave Act Policy | 6551 |
| 5.5.2 | Uniformed Services Employment and Reemployment Rights Act (USERRA)/Military Leaves of Absence | 6552 |

SCHOOL DISTRICT OFFICER AND EMPLOYEE CODE OF ETHICS

The Board of Education is committed to avoiding any situation in which the existence of conflicting interests of any Board member, officer or employee may call into question the integrity of the management or operation of the school district. The Board recognizes that sound, ethical standards of conduct serve to increase the effectiveness of district officers and staff as educators and public employees in the community. Adherence to a code of ethics promotes public confidence in the schools and furthers the attainment of district goals.

The Board also recognizes its obligation to adopt a code of ethics setting forth the standards of conduct required of all Board members, district officers and employees under the provisions of the General Municipal Law. Therefore, every Board member, officer and employee of the district, whether paid or unpaid, shall adhere to the following code of ethics.

Statutory Conflicts of Interest

It is a conflict of interest for a Board member, officer or employee to benefit personally from contracts made in their official capacity.

- “**Contract**” is defined broadly to include any claim or demand against the district or account or agreement with the district, whether expressed or implied which exceeds the sum of \$750.00 in any fiscal year.
- An “**interest**” is defined as a direct or indirect benefit that runs to the employee as a result of a contract with the district.

No Board member, officer or employee shall have an “**interest**” (i.e., receive a direct or indirect benefit as the result of a contract with the district) in:

1. a firm, partnership or association in which he/she is a member or employee;
2. a corporation in which he/she is an officer, director or employee;
3. a corporation in which he/she, directly or indirectly, owns or controls 5% or more of the stock;
4. a contract between the district and his/her spouse, minor child or dependents, except for an employment contract between the school district, a spouse, minor child or dependent of a Board member authorized by §800(3) of the General Municipal Law or §3016 of the Education Law.

1. Gifts: A Board member, officer or employee shall not directly or indirectly solicit any gift or accept or receive any gift having a value of \$75 or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him or her in the performance of his or her official duties or was intended as a reward for any official action on his or her part.
However, the Board welcomes and encourages the writing of letters or notes expressing gratitude or appreciation to staff members. Gifts from children that are principally sentimental in nature and of insignificant financial value may be accepted in the spirit in which they are given.
2. Confidential information: A Board member, officer or employee shall not 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. This includes matters discussed in executive session. However, the Board, acting as a whole, may decide to disclose such information where disclosure is not prohibited under the law.
3. Representation before the Board or District: A Board member, officer or employee shall not receive or enter into any agreement, expressed or implied, for compensation for services to be rendered in relation to any matter before the school district.
4. Disclosure of interest in matters before the Board: A Board member, officer or employee of the district, whether paid or unpaid, must publicly disclose the nature and extent of any interest they or their spouse have, will have or later acquire in any actual or proposed contract, purchase agreement, lease agreement or other agreement involving the school district (including oral agreements), to the governing body and his/her immediate supervisor (where applicable) even if it is not a prohibited interest under applicable law. Such disclosure must be in writing and made part of the official record of the school district. Disclosure is not required in the case of an interest that is exempted under Section 803(2) of the General Municipal Law. The term "interest" means a pecuniary or material benefit accruing to an officer or employee.
5. Investments in conflict with official duties: A Board member, officer or employee shall not invest or hold any investment directly in any financial, business, commercial or other private transaction that creates a conflict with his or her official duties. Exceptions to the conflict of interest law can be found in Section 802 of the General Municipal Law (see 2160-E.1).
6. Private employment: A Board member, officer or employee shall not engage in, solicit, negotiate for or promise to accept private employment when that employment or service creates a conflict with or impairs the proper discharge of his or her official duties.
5. Future employment: A Board member, officer or employee shall not, after the termination of service or employment with the district, appear before the Board in relation to any action, proceeding, or application in which he or she personally participated during the period of his or her service or employment or that was under his or her active consideration.

8. Involvement with Charitable Organizations: A Board member, officer or employee may be involved as a volunteer, officer or employee in a charitable organization which has a relationship with the district. If a Board member is a board member, officer or employee of the charitable organization the Board member must disclose such relationship in writing to the district, and the Board member must recuse himself or herself from any discussions or votes relating to the charitable organization which may come before the Board. When participating in the activities of the charitable organization, the Board member, officer or employee shall not disclose any confidential information learned in the course of his or her official duties or use such information to further personal interests. Additionally, the Board member, officer or employee shall not make representations on behalf of the district unless specifically authorized to do so by the Board.

Distribution of Code of Ethics

The Superintendent of Schools shall cause a copy of this Code of Ethics to be distributed to every member of the Board, every officer and employee of the school district. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his or her office or employment. In addition, the Superintendent shall ensure that a

copy of Article 18 of the General Municipal Law shall be kept posted in each public building under the district's jurisdiction in a place conspicuous to the district's officers and employees.

Penalties

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of the Board's code of ethics and its accompanying regulation may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

Ref: General Municipal Law §§806-808
Opn. St. Comp. 2008-01
Application of the Board of Education, 57 EDR Dec. No. 17,147 (2017)
Application of Nett and Raby, 45 EDR 259 (2005)

Adoption date: 7/30/2007
Revised: 12/17/2018

HLCS POLICY

2012

#6111

Page 1 of 3
Personnel

6111 DISCLOSURE OF WRONGFUL CONDUCT (Whistleblower Policy)

The Board of Education expects officers and employees of the district to fulfill the public's trust and to conduct themselves in an honorable manner, abiding by all district policies and regulations and by all applicable state and federal laws and regulations.

However, when district officers or employees know or have reasonable cause to believe that serious instances of wrongful conduct (e.g., mismanagement of district resources, unethical behavior, violations of law or regulation, and/or abuse of authority) have occurred, they should report such wrongful conduct to the Board or one of its designated officers.

For purposes of this policy, the term "wrongful conduct" shall be defined to include:

- theft of district money, property, or resources;
- misuse of authority for personal gain or other non-district purpose;
- fraud;
- actions that compromise the security and integrity of the district's or state's testing program;
- violations of applicable federal and state laws and regulations; and/or
- serious violations of district policy, regulation, and/or procedure.

Disclosure and Investigation

Employees and officers who know or have reasonable cause to believe that wrongful conduct has occurred shall report such mismanagement, fraud or abuse to the Superintendent of Schools, the School Attorney or the Independent Auditor. Each of these Board-designated officers, upon receiving a report of alleged wrongful conduct, shall take immediate steps to conduct an investigation.

Staff members who suspect that a violation of state testing procedures has occurred by a certified educator, or non-certified individual involved in the state testing program, must report their concerns to the State Education Department (SED) in the manner prescribed by the Commissioner of Education, and must also report concerns to the Superintendent or Board of Education. Any Building Principal receiving such a report shall relay this information to the Superintendent.

The Superintendent, School Attorney or the Independent Auditor shall maintain a written record of the allegation, conduct an investigation to ensure that

HLCS POLICY

2012

#6111

Page 2 of 3
Personnel

the appropriate unit (auditors, police, SED, etc.) investigates the disclosure, and notify the Board when appropriate to do so.

Except as otherwise provided in either state and/or federal law, the Board-designated officer shall make all reasonable attempts to protect the identity of the employee making the disclosure in a confidential manner, as long as doing so does not interfere with conducting an investigation of the specific allegations or taking corrective action.

The district shall not take adverse employment action against an employee who has notified the district of wrongdoing, allowing the district the opportunity to investigate and correct the misconduct. The district shall not take adverse action against an employee who has reported misconduct when mandated to do so by federal or state law or regulation.

Complaints of Reprisal

An employee who has been subject to an adverse employment action based on his or her prior disclosure of alleged or actual wrongful conduct may contest the action by filing a written complaint of reprisal with the Board President. The Board President, or his/her designee, will review the complaint expeditiously to determine:

- whether the complainant made a disclosure of alleged wrongful conduct before an adverse employment action was taken;
- whether the responding party could reasonably have been construed to have had knowledge of the disclosure and the identity of the disclosing employee;
- whether the complainant has in fact suffered an adverse employment action after having made the disclosure; and
- whether the complainant alleges that adverse employment action occurred as a result of the disclosure.

If the designee determines that all of the above elements are present, he or she shall appoint a review officer or panel to investigate the claim and make a recommendation to the Board. At the time of appointment, the designee shall inform the complainant and the respondent, in writing, of:

- the intent to proceed with an investigation;
- the specific allegations to be investigated;
- the appointment of the review officer or panel; and
- the opportunity of each party to support or respond, in writing, to the allegation.

Once the review officer or panel has conducted a review and considers the investigation to be complete, the officer or panel will notify the designee of its

HLCS POLICY

2012

#6111

Page 3 of 3
Personnel

completion. From the date of that notice, the review officer has **30** days to report his or her findings and make any recommendations he or she deems appropriate to the designee. The designee, in conferral with the appropriate administrator shall issue a letter of findings to both the complainant and the respondent.

The decision of the review officer or panel is binding.

Nothing in this policy is intended to interfere with legitimate employment decisions.

The Superintendent of Schools shall establish regulations necessary to implement this policy.

This policy and accompanying regulations shall be published in employee handbooks, posted in employee lounges and given to all employees with fiscal accounting and/or money handling responsibilities on an annual basis.

The Superintendent of Schools, the Auditor, the School Attorney and others involved in implementing this policy shall meet with the Board once a year to evaluate the effectiveness of this policy and to make appropriate adjustments, if any, to the policy and accompanying regulations.

Ref: Civil Service Law §75-b
Labor Law §740

8 NYCRR §§102.3, 102.4 (testing misconduct)

Garrity v. University at Albany, 301 A.D. 2d 1015 (3rd Dept. 2003) (Article 75-b protections only apply if employee first discloses wrongdoing to employer, allowing for investigation and correction prior to disclosure to outside agencies)

Matter of Brey v. Bd. of Educ., 245 A.D. 2d 613 (3rd Dept. 1997) (termination based on work deficiency, not retaliation)

Adoption date: 2/25/2013

Revised date: 10/19/15

SEXUAL HARASSMENT

Sexual harassment is against federal and state law. The Board is committed to maintaining an educational and working environment free from such harassment, and therefore prohibits sexual harassment of students and employees in the district. The district will establish detailed policies and regulations for both students and employees which address definitions, protections, prohibited behavior (including retaliation), prevention activities, training/education, complaint reporting, investigations, and consequences.

Cross-ref:

7551, Sexual Harassment of Students

6121, Sexual Harassment of Employees

Ref:

Education Amendments of 1972, Title IX, 20 U.S.C. §1681 *et seq.*; 34 CFR 106 *et seq.*

Title VII of Civil Rights Act (1964), 42 U.S.C. §2000-e; 34 CFR §100 *et seq.*

Education Law §§10-18 (Dignity for All Students Act)

Executive Law §296-d (prohibition of sexual harassment of employees and non-employees)

Labor Law §201-g (required workplace sexual harassment policy and training)

Civil Practice Law and Rules §§5003-b (nondisclosure agreements optional); 7515 (mandatory arbitration prohibited)

General Obligations Law §5-336 (nondisclosure agreements optional)

Davis v. Monroe County Board of Education, 526 U.S. 629, 652 (1999)

Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998)

Faragher v. City of Boca Raton, 524 U.S. 775 (1998)

Burlington Industries v. Ellerth, 524 U.S. 742 (1998)

Oncale v. Sundowner Offshore Services, Inc., 523 U.S. 75 (1998)

Franklin v. Gwinnett County Public Schools, 503 U.S. 60 (1992)

Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986)

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

Office for Civil Rights *Revised Sexual Harassment Guidance (January 19, 2001)*

Office for Civil Rights, *Dear Colleague Letter: Sexual Harassment Issues (2006)*

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

Adoption date: 2/22/2021

HLCS POLICY

2012

#6120
Page 1 of 4
Personnel

120 EQUAL OPPORTUNITY AND NONDISCRIMINATION

The Board of Education, its officers and employees, shall not discriminate in its programs and activities on the basis of race, color, national origin, creed, religion, marital status, sex, age, sexual orientation, disability or predisposing genetic characteristic. The district will provide notice of this policy in accordance with federal and state law and regulation.

This policy of nondiscrimination includes access by students to educational programs, counseling services for students, course offerings, and student activities, as well as recruitment and appointment of employees and employment pay, benefits, advancement and/or terminations.

The Board of Education, its officers and employees shall not discriminate against students on the basis of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex; sexual orientation, or gender (including gender identity and expression).

A finding that an individual has engaged in conduct in violation of this policy may result in disciplinary action and/or filing of a report with third parties in the manner prescribed by the district code of conduct, the law or applicable contract.

Nothing in this policy shall be construed to prohibit a denial of admission into, or exclusion from, a course of instruction or activity based on a person's gender that would be permissible under the law, or to prohibit, as discrimination based on disability, actions that would be permissible under the law.

Annual Notification

At the beginning of each school year, the district shall publish a notice of the established grievance procedures for resolving complaints of discrimination to parents/guardians, employees, students and the community. The public notice shall:

1. inform parents, employees, students and the community that education programs, including but not limited to vocational programs, are offered without regard to actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex; sexual orientation, or gender (including gender identity and expression);
2. provide the name, address and telephone number of the person designated to coordinate activities concerning discrimination; and
3. be included in announcements, bulletins, catalogues, and applications made available by the district.

The building principals and Title IX/ADA Compliance Officer has been designated to handle inquiries regarding the district's non-discrimination policies. Contact information for the building

HLCS POLICY

2012

#6120

Page 1 of 4
Personnel

principals and Title IX/ADA Compliance Officer is available on the district's website. Complaints of sexual harassment or discrimination are covered by policy 3420.

All complainants and those who participate in the investigation of a complaint in conformity with state law and district policies, who have acted reasonably and in good faith, have the right to be free from retaliation of any kind.

The Board authorizes the Superintendent of Schools to establish such rules, regulations and procedures necessary to implement and maintain this policy.

Ref: Age Discrimination in Employment Act of 1967 29 U.S.C. §621 *et seq.*

Americans with Disabilities Act, 42 U.S.C. §12101 *et seq.*

Title VI, Civil Rights Act of 1964, 42 U.S.C. §2000d *et seq.* (nondiscrimination based on race, color, and national origin in federally assisted programs)

Title VII, Civil Rights Act of 1964, 42 U.S.C. §2000e *et seq.* (nondiscrimination based on race, color, and national origin in employment)

Title IX, Education Amendments of 1972, 20 U.S.C. §1681 *et seq.* (nondiscrimination based on sex)

§504, Rehabilitation Act of 1973, 29 U.S.C. §794

Individuals with Disabilities Education Law, 20 U.S.C §§1400 *et seq.*

Genetic Information Nondiscrimination Act of 2008 P.L. 110-233

34 C.F.R. §§ 100.6, 104.8, 106.9, 110.25

Executive Law §290 *et seq.* (New York State Human Rights Law)

Education Law §§10-18 (The Dignity for All Students Act)

Education Law §§313(3), 3201, 3201-a

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HLCS POLICY

2012

#6120
Page 1 of 4
Personnel

6120-R

EQUAL OPPORTUNITY AND NONDISCRIMINATION REGULATION

The procedures set forth in this regulation do not supersede any protection complainants are provided under existing state or federal law.

Definitions

1. *Complainant* shall mean an applicant, employee, student or vendor who alleges that they have been subjected to discrimination, which may be a violation of this policy, as well as a violation of federal or state law or associated regulations, which has affected him/her.
2. *Complaint* shall mean any alleged act of discrimination which may be a violation of this policy, which may also violate federal and state civil rights laws or associated regulations.
3. *Compliance Officer* shall mean the employee designated by the Board of Education to coordinate efforts to comply with and carry out responsibilities under the Civil Rights Act of 1964, Section 504 and the ADA. The district's compliance officer is: *(The CSE Chair through the Building Principals. The CSE Chair phone number is 696-2112 x134).*

The investigation and resolution of any complaints alleging an action prohibited by the Civil Rights Act of 1964, as amended, Section 504 of the Rehabilitation Act or the ADA shall be dealt with in the following prompt, equitable and impartial manner:

A. Stage I--Compliance Officer

1. As soon as practicable, if possible within 30 days after the events giving rise to the allegation, the complainant shall file a complaint, preferably in writing using the district's complaint form, with the Compliance Officer. The Compliance Officer may informally discuss the complaint with the complainant. He/She shall promptly and thoroughly investigate the matter. All employees and students of the school district shall cooperate with the Compliance Officer in such investigation.
2. Within 15 days of receipt of the complaint, the Compliance Officer shall make a finding in writing that there has or has not been a violation of the Civil Rights Act, Section 504 of the Rehabilitation Act or the ADA. In the event the Compliance Officer finds that there has been a violation, he/she shall propose a resolution of the complaint.

HLCS POLICY

2012

#6120
Page 1 of 4
Personnel

6120-R

3. If the complainant is not satisfied with the finding of the Compliance Officer, or with the proposed resolution of the complaint, the complainant may, within 15 days after he/she has received the report of the Compliance Officer, file a written request for review by the Superintendent of Schools.

B. Stage II--Superintendent of Schools

1. The Superintendent may request that the complainant, the Compliance Officer, student, or any member of the school district staff present a written statement to him/her setting forth any information that such person has relative to the complaint and the facts surrounding it.
2. The Superintendent shall notify all parties concerned as to the time and place when an informal hearing will be held where such parties may appear and present oral and written statements supplementing their position in the case. Such hearing shall be held within 15 school days of the receipt of the appeal by the Superintendent.
3. Within 15 days of the hearing, the Superintendent shall render his/her determination in writing. Such determination shall include a finding that there has or has not been a violation of the Civil Rights Act, Section 504 of the Rehabilitation Act or the ADA, and if applicable, a proposal for equitably resolving the complaint.
4. If the complainant is not satisfied with the determination of the Superintendent or the proposed resolution, the complainant may, within 15 days after its receipt, file with the Clerk of the Board of Education, a written request for review by the Board.

C. Stage III--Board of Education

1. When a request for review by the Board has been made, the Superintendent shall submit all written statements and other materials concerning the case to the President of the Board.
2. The Board shall notify all parties concerned of the time and place when a hearing will be held. Such hearing will be held within 15 school days of the receipt of the request of the complainant.
3. The Board shall render a decision in writing within 15 days after the hearing has been concluded.

SEXUAL HARASSMENT OF EMPLOYEES

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

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. For purposes of this policy, sexual harassment includes harassment on the basis of perceived or self-identified sex, sexual orientation, gender identity and expression, and transgender status.

Sexual harassment is unlawful when it subjects an individual to inferior terms, conditions or privileges of employment. Such harassment need not be severe or pervasive to be unlawful, and can be any harassing conduct that consists of more than petty slights or trivial inconveniences.

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

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

Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, or verbal, nonverbal or physical aggression, intimidation or hostility that is based on actual or perceived gender and sexual stereotypes. Examples of sexual harassment can be found in the accompanying regulation (6121-R).

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

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

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

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

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

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

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

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

A committee of administrators, teachers, parents, students and the school attorney will be convened annually to review this policy's effectiveness and compliance with applicable state and federal law, and to recommend revisions to Board.

Ref:

Education Amendments of 1972, Title IX, 20 U.S.C. §1681 *et seq.*; 34 CFR 106 *et seq.*

Title VII of Civil Rights Act (1964), 42 U.S.C. §2000-e; 34 CFR §100 *et seq.*

Executive Law §296-d (prohibition of sexual harassment of employees and non-employees)

Labor Law §201-g (required workplace sexual harassment policy and training)

Civil Practice Law and Rules §§5003-b (nondisclosure agreements optional); 7515 (mandatory arbitration prohibited)

General Obligations Law §5-336 (nondisclosure agreements optional)

Faragher v. City of Boca Raton, 524 U.S. 775 (1998)

Burlington Industries v. Ellerth, 524 U.S. 742 (1998)

Oncale v. Sundowner Offshore Services, Inc., 523 U.S. 75 (1998)

Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986)

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Revised Dates: 2/25/2013, 11/19/2018, 2/22/2021

SEXUAL HARASSMENT OF EMPLOYEES EXHIBIT

Complaint Form For Reporting Sexual Harassment

New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form for targets to report alleged incidents of sexual harassment.

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form to the best of your ability and submit it to *[insert title, person or office designated; contact information for designee or office; how the form can be submitted]*. You will not be retaliated against for filing a complaint.

If you are more comfortable reporting verbally or in another manner, the district should complete this form, provide you with a copy and follow its sexual harassment prevention policy by investigating the claims as outlined at the end of this form. For additional resources, visit: <http://www.ny.gov/programs/combating-sexual-harassment-workplace>

YOUR INFORMATION (for all persons making a complaint)

Your Name:

Home Address:

Home or Cell Phone:

Email:

Work Address:

Work Phone:

Job Title:

Preferred Communication Method (please select one): phone, email, mail, in person

SUPERVISOR INFORMATION

Immediate Supervisor's Name:

Title:

Work Phone:

Work Address:

COMPLAINT INFORMATION

1. Your complaint of Sexual Harassment is made against (please include as much information as possible, if known):

Name:

Job Title (if an employee):

Grade/Class (if a student):

School/Work Location:

Phone:

Relationship to you (please circle one below):

Supervisor / Subordinate / Co-Worker / Student / Other: _____

(Please use additional sheets of paper if the complaint is against multiple people.)

2. Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Date(s) and location(s) sexual harassment occurred: _____

Is the sexual harassment continuing? ____ Yes ____ No

4. Please list the name and contact information (if known) of any witnesses or individuals who may have information related to your complaint:

The following question is optional, but may help the district's investigation.

5. Have you previously complained about or provided information (verbal or written) about sexual harassment or related incidents to the district? ____ Yes ____ No

If yes, when and to whom did you complain or provide information?

If you have retained legal counsel and would like us to work with them, please provide their contact information.

Print Name: _____

Signature: _____

Date: _____

Instructions for the District

If you receive a complaint about alleged sexual harassment, you must follow the district's sexual harassment prevention policy by investigating the allegations through actions including:

- Speaking with the complainant
- Speaking with the alleged harasser
- Interviewing witnesses
- Collecting and reviewing any related documents

While the process may vary from case to case, all allegations should be investigated promptly and resolved as quickly as possible. The investigation should be kept confidential to the extent possible.

Document findings of the investigation and basis for your decision along with any corrective actions taken, and notify the complainant and the individual(s) against whom the complaint was made (if the alleged harasser is a student, also notify the parent/guardian). This may be done via email.

SEXUAL HARASSMENT OF EMPLOYEES REGULATION

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

Sexual Harassment Defined

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of perceived or self-identified sex, sexual orientation, gender identity, gender expression, and transgender status.

Sexual harassment is unlawful when it subjects an individual to inferior terms, conditions or privileges of employment. Such harassment need not be severe or pervasive to be unlawful, and can be any harassing conduct that consists of more than petty slights or trivial inconveniences.

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

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

Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, or verbal, nonverbal or physical aggression, intimidation or hostility that is based on sex, gender and sexual orientation stereotypes.

Unacceptable Conduct

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

1. rape, attempted rape, sexual assault, attempted sexual assault, forcible sexual abuse, hazing, and other sexual and gender-based activity of a criminal nature as defined under the State Penal Law;
2. unwelcome sexual advances or invitations or requests for sexual activity, including but not limited to those in exchange for promotions, preferences, favors, selection for job assignments, etc., or when accompanied by implied or overt threats concerning the target's work evaluations, other benefits or detriments;
3. unwelcome or offensive public sexual display of affection, including kissing, hugging, making out, groping, fondling, petting, inappropriate touching of one's self or others (e.g., pinching, patting, grabbing, poking), sexually suggestive dancing, and massages;
4. any unwelcome communication that is sexually suggestive, sexually degrading or derogatory or implies sexual motives or intentions, such as sexual remarks or innuendoes about an individual's clothing, appearance or activities; sexual jokes; sexual gestures; public conversations about sexual activities or exploits; sexual rumors and "ratings lists;" howling, catcalls, and whistles; sexually graphic computer files, messages or games, etc.;
5. unwelcome and offensive name calling or profanity that is sexually suggestive or explicit, sexually degrading or derogatory, implies sexual intentions, or that is based on sexual stereotypes or sexual orientation, gender identity or expression;
6. unwelcome physical contact or closeness that is sexually suggestive, sexually degrading or derogatory, or sexually intimidating such as the unwelcome touching of another's body parts, cornering or blocking an individual, standing too close, spanking, pinching, following, stalking, frontal body hugs, etc.;
7. unwelcome and sexually offensive physical pranks or touching of an individual's clothing, such as hazing and initiation, "streaking" (running naked in public), "mooning" (exposing one's buttocks), "snuggies" or "wedgies" (pulling underwear up at the waist so it goes in between the buttocks), bra-snapping, skirt "flip-ups," "pantsing" or "spiking" (pulling down someone's pants or swimming suit); pinching; placing hands inside an individual's pants, shirt, blouse, or dress, etc.;
8. unwelcome leers, stares, gestures, or slang that are sexually suggestive; sexually degrading or derogatory or imply sexual motives or intentions;
9. clothing with sexually obscene or sexually explicit slogans or messages;
10. unwelcome and offensive skits, assemblies, and productions that are sexually suggestive, sexually degrading or derogatory, or that imply sexual motives or intentions, or that are based on sexual stereotypes;
11. unwelcome written or pictorial display or distribution (including via electronic devices) of pornographic or other sexually explicit materials such as signs, graffiti, calendars, objects, magazines, videos, films, Internet material, etc.;
12. other hostile actions taken against an individual because of that person's perceived or self-identified sex, sexual orientation, gender identity or transgender status, such as interfering with, destroying or damaging a person's work area or equipment; sabotaging that person's work activities; bullying, yelling, or name calling; or otherwise interfering with that person's ability to work or participate in school functions and activities; and
13. any unwelcome behavior based on sexual stereotypes and attitudes that is offensive, degrading, derogatory, intimidating, or demeaning, including, but not limited to:
14.
 - a. disparaging remarks, slurs, jokes about or aggression toward an individual because the person displays mannerisms or a style of dress inconsistent with stereotypical characteristics of the person's sex;
 - b. ostracizing or refusing to participate in group activities with an individual (including, but not limited to, projects or trips) because of the individual's perceived or self-identified sex, sexual orientation, gender identity or expression or transgender status;
 - c. taunting or teasing an individual because they are participating in an activity not typically associated with the individual's sex, sexual orientation or gender.

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

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

Determining if Prohibited Conduct is Sexual Harassment

Complaints of sexual harassment will be thoroughly investigated to determine whether the totality of the behavior and circumstances meet any of the elements of the above definition of sexual harassment and should therefore be treated as sexual harassment. Not all unacceptable conduct with sexual connotations or based on sex may constitute sexual harassment. Such conduct must rise above what a reasonable victim of discrimination with the same protected characteristics would consider petty slights or trivial inconveniences to be considered sexual harassment. If the behavior doesn't rise to the level of sexual harassment, but is found to be objectionable behavior, the individual will be educated and counseled in order to prevent the behavior from continuing.

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

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

Reporting Complaints

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

Complaints should be filed with the Principal or the Title IX coordinator; however, employees and "non-employees" can report complaints to any supervisor or manager.

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

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

Confidentiality

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

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

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

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

Investigation and Resolution Procedure

The Principal or the Title IX coordinator will conduct a preliminary review when they receive a verbal or written complaint of sexual harassment, or if they observe sexual harassment. Except in the case of severe or criminal conduct, the Principal or the Title IX coordinator should make all reasonable efforts to resolve complaints informally at the school level. The goal of informal investigation and resolution procedures is to end the harassment and obtain a prompt and equitable resolution to a complaint. All persons involved in an investigation (complainants, witnesses and alleged harassers) will be accorded due process to protect their rights to a fair and impartial investigation. This investigation shall be prompt and thorough, and shall be completed as soon as possible.

Immediately, but no later than two working days following receipt of a complaint, the Principal or Title IX coordinator shall begin an investigation of the complaint according to the following steps:

1. Interview the target and document the conversation. Instruct the target to have no contact or communication regarding the complaint with the alleged harasser. Ask the target specifically what action they want taken in order to resolve the complaint. Refer the target, as appropriate, to school social workers, school psychologists, crisis team managers, other school staff, or appropriate outside agencies for counseling services.
2. Review any written documentation of the harassment prepared by the target. If the target has not prepared written documentation, ask the target to do so, providing alternative formats for individuals with disabilities who may need accommodation. If the complainant refuses to complete a complaint form or written documentation, the Principal or Title IX coordinator shall complete a complaint form (see exhibit 0110.2-E) based on the verbal report.
3. Request, review, obtain and preserve relevant evidence of harassment (e.g., documents, emails, phone records, etc.), if any exist.
4. Interview the alleged harasser regarding the complaint and inform the alleged harasser that if the objectionable conduct has occurred, it must cease immediately. Document the conversation. Provide the alleged harasser an opportunity to respond to the charges in writing.
5. Instruct the alleged harasser to have no contact or communication regarding the complaint with the target and to not retaliate against the target. Warn the alleged harasser that if they make such contact with or retaliate against the target, they will be subject to immediate disciplinary action.

6. Interview any witnesses to the complaint. Where appropriate, obtain a written statement from each witness. Caution each witness to keep the complaint and their statement confidential. Employees may be required to cooperate as needed in investigations of suspected sexual harassment.
7. Review all documentation and information relevant to the complaint.
8. Where appropriate, suggest mediation as a potential means of resolving the complaint. In addition to mediation, use appropriate informal methods to resolve the complaint, including but not limited to:
 - a. discussion with the accused, informing them of the district's policies and indicating that the behavior must stop;
 - b. suggesting counseling and/or sensitivity training;
 - c. conducting training for the department or school in which the behavior occurred, calling attention to the consequences of engaging in such behavior;
 - d. requesting a letter of apology to the complainant;
 - e. writing letters of caution or reprimand; and/or
 - f. separating the parties.
9. Involvement and Notification
 - a. If the alleged harasser is a student, their parents/guardians will be notified within one school day of allegations that are serious or involve repeated conduct.
10.
 - b. If the alleged harasser is a student receiving special education services under an IEP or section 504/Americans with Disabilities Act accommodations, the committee on special education will be consulted to determine the degree to which the student's disability caused the discrimination or policy violation. In addition, due process procedures required for persons with disabilities under state and federal law will be followed.
 - c. The Principal or Title IX Coordinator (i.e., the investigator) will submit a copy of all investigation and interview documentation to the Superintendent.
 - d. The investigator will report back to both the target and the accused, notifying them in writing, and also in person as appropriate regarding the outcome of the investigation and the action taken to resolve the complaint. The investigator will instruct the target to report immediately if the objectionable behavior occurs again or if the alleged harasser retaliates against them.
 - e. The investigator will notify the target that if they desire further investigation and action, they may request a district level investigation by contacting the Superintendent of Schools. The investigator will also notify the target of their right to contact the U.S. Department of Education's Office for Civil Rights, the U.S. Equal Employment Opportunity Commission, the New York State Division of Human Rights, and/or a private attorney.
11. Create a written documentation of the investigation, kept in a secure and confidential location, containing:
 - b. A list of all documentation and other evidence reviewed, along with a detailed summary;
 - c. A list of names of those interviewed along with a detailed summary of their statements;
 - d. A timeline of events;
 - e. A summary of prior relevant incidents, reported or unreported; and
 - f. The final resolution of the complaint, together with any corrective action(s).

If the initial investigation results in a determination that sexual harassment did occur, the investigator will promptly notify the Superintendent, who will then take prompt disciplinary action in accordance with district policy, the applicable collective bargaining agreement or state law.

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

Any party who is not satisfied with the outcome of the initial investigation by the Principal or the Title IX coordinator may request a district-level investigation by submitting a written complaint to the Superintendent within 30 days.

B. District-level Procedure

The Superintendent will promptly investigate and resolve all sexual harassment complaints that are referred by a Principal or Title IX coordinator, as well as those appealed to the Superintendent following an initial investigation by a Principal or Title IX coordinator. In the event the complaint of sexual harassment involves the Superintendent, the complaint will be filed with or referred to the Board President, who will refer the complaint to a trained investigator not employed by the district for investigation.

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

In conducting the formal district level investigation, the district will use investigators who have received formal training in sexual harassment investigation or that have previous experience investigating sexual harassment complaints.

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

No later than 30 days following receipt of the complaint, the Superintendent (or in cases involving the Superintendent, the Board-appointed investigator) will notify the target and alleged harasser, in writing, of the outcome of the investigation. If additional time is needed to complete the investigation or take appropriate action, the Superintendent or Board-appointed investigator will provide all parties with a written status report within 30 days following receipt of the complaint.

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

External Remedies

Employee targets have the right to register sexual harassment complaints with the U.S. Department of Education's Office for Civil Rights (OCR), the federal Equal Employment Opportunity Commission (EEOC) and the New York State Division of Human Rights (DHR). The OCR can be contacted at (800) 421-3481, 400 Maryland Avenue SW, Washington, DC 20202-1100, or at <https://www2.ed.gov/about/offices/list/ocr/docs/howto.html>. The EEOC can be contacted at (800) 669-4000, <https://www.eeoc.gov/employees/howtofile.cfm>, info@eeoc.gov, or at 33 Whitehall Street, 5th Floor, New York, NY 10004 or 300 Pearl Street, Suite 450, Buffalo, NY 14202. The DHR can be contacted at (888) 392-3644, www.dhr.ny.gov/complaint, or at 1 Fordham Plaza, Fourth Floor, Bronx, NY 10458.

Nothing in these regulations limits the right of the complainant to file a lawsuit in either state or federal court, or to contact law enforcement officials if the sexual harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, or other acts which may constitute a crime.

Nondisclosure agreements

The district may include nondisclosure agreements (to not disclose the underlying facts and circumstances of a sexual harassment complaint) in any sexual harassment settlement agreement or resolution only if it is the complainant's preference. Any such nondisclosure agreement will be provided in writing to all parties in plain English and, if applicable, in the primary language of the complainant. Complainants have twenty-one days to consider any such nondisclosure provision before it is signed by all parties, and have seven days to revoke the agreement after signing. Nondisclosure agreements only become effective after this seven-day period has passed.

Retaliation Prohibited

Any act of retaliation against any person who opposes sexually harassing behavior, or who has filed a complaint in good faith, is prohibited and illegal, and therefore subject to disciplinary action. Likewise, retaliation against any person who has, in good faith, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing of a sexual harassment complaint is prohibited. For purposes of this policy, retaliation includes but is not limited to: verbal or physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls, discipline, discrimination, demotion, denial of privileges, any action that would keep a person from coming forward to make or support a sexual harassment claim, and any other form of harassment. Such actions need not be job- or education-related, or occur in the workplace or educational environment, to constitute unlawful retaliation. Any person who retaliates is subject to immediate disciplinary action, up to and including suspension or termination.

Discipline/Penalties

Any individual who violates the sexual harassment policy by engaging in prohibited sexual harassment will be subject to appropriate disciplinary and/or remedial action. Measures available to school authorities include, but are not limited to the following:

Students: Discipline may range from a reprimand up to and including suspension from school, to be imposed consistent with the student conduct and discipline policy and applicable law.

Employees: Discipline may range from a warning up to and including termination, to be imposed consistent with all applicable contractual and statutory rights.

Volunteers: Penalties may range from a warning up to and including loss of volunteer assignment.

"Non-employees" (i.e., contractors, subcontractors, vendors, consultant and other persons providing services pursuant to a contract, or their employees): Penalties may range from a warning up to and including loss of district business.

Other individuals: Penalties may range from a warning up to and including denial of future access to school property.

False Complaints

False or malicious complaints of sexual harassment may result in corrective or disciplinary action taken against the complainant.

Training

All employees will be informed of this policy and regulation in employee handbooks, on the district website and other appropriate materials. A poster summarizing the policy will also be posted in a prominent location at each school. The district will provide all existing employees with either a paper or electronic copy of the district's sexual harassment policy and regulation, and will provide the same to new employees before the employee starts their job. These materials will be provided in English and in an employee's primary language, for those languages for which the NYS Department of Labor has provided a translated template policy.

All students will be informed of the basic provisions of this policy and regulation (e.g., that sexual harassment of employees and "non-employees" is prohibited, as well as what is appropriate and inappropriate behavior) in student handbooks, on the district website and student registration materials. In addition, age-appropriate curricular materials will be made available so that it can be incorporated in instruction K-12 to ensure that all students are educated on appropriate and inappropriate behavior.

All new employees will receive training on this policy and regulation at new employee orientation or as soon as possible after starting their job, unless they can demonstrate that they have received equivalent training within the past year from a previous employer. All other employees will be provided training at least once a year regarding this policy and the district's commitment to a harassment-free working environment. Principals, Title IX coordinators, and other administrative employees who have specific responsibilities for investigating and resolving complaints of sexual harassment will receive yearly training on this policy, regulation and related legal developments. Training will be provided in English and in an employee's primary language, for those languages for which the NYS Department of Labor has provided translated model training.

Annual employee training programs will be interactive and include: (i) an explanation of sexual harassment consistent with guidance issued by the NYS Department of Labor and the NYS Division of Human Rights; (ii) examples of conduct that is unlawful sexual harassment; (iii) information on federal and state laws about sexual harassment and remedies available to victims of sexual harassment; (iv) information concerning employees' right to make complaints and all available forums for investigating complaints; and (v) address the conduct and responsibilities of supervisors.

Principals in each school and program directors are responsible for informing students and staff on a yearly basis of the terms of this policy, including the procedures established for investigation and resolution of complaints, general issues surrounding sexual harassment, the rights and responsibilities of students and employees, and the impact of sexual harassment on the target.

Personnel

SUBJECT: COMPLAINTS AND GRIEVANCES BY EMPLOYEES

In accordance with the provisions of General Municipal Law and the collective bargaining agreements, all District personnel shall have the opportunity to present their complaints or grievances free from interference, coercion, restraint, discrimination or reprisal. The District shall provide at least two (2) procedural stages and an appellate stage for the settlement of any grievance.

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

Complaints and Grievances Coordinator

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

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

The Title IX/Section 504/ADA Coordinator shall also be responsible for handling complaints and grievances regarding discrimination based on race, color, creed, religion, national origin, political affiliation, sexual orientation, age, military status, veteran status, marital status, predisposing genetic characteristics, or domestic violence victim status.

Civil Penalties in Employment Discrimination Matters

Effective July 6, 2009, the New York Human Rights Law was amended to provide for civil fines and penalties, payable to the State, of up to \$50,000 for unlawful acts of employment discrimination, and up to \$100,000 for willful, wanton, or malicious discrimination. With the enactment of the new law, these penalties may now be assessed in all cases of employment discrimination. Under the legislation, an employer with fewer than fifty (50) employees may be allowed to pay the civil fines and penalties in installments.

The new civil fines do not replace or limit other relief under New York Human Rights Law that may be awarded to a prevailing complainant which includes, but is not limited to, affirmative relief from the employer (e.g., an order that the individual be hired, promoted or reinstated by the employer), back pay and other compensatory damages (e.g., emotional distress damages). Punitive damages and attorneys' fees are not currently payable to a prevailing complainant. These remedies, however, may be available to a prevailing plaintiff in a court action.

(Continued)

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

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

Americans With Disabilities Act,
42 United States Code (USC) Section 12101 et seq.
Prohibits discrimination on the basis of disability.

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

Title VI of the Civil Rights Act of 1964,
42 United States Code (USC) Section 2000d et seq.
Prohibits discrimination on the basis of race, color or
national origin.

Title VII of the Civil Rights Act of 1964,
42 United States Code (USC) Section 2000e et seq.
Prohibits discrimination on the basis of race, color,
religion, sex or national origin.

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

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

Executive Law Section 290 et seq.
Prohibits discrimination on the basis of age, race, creed,
color, national origin, sex, sexual orientation, disability,
military status, or marital status.

Military Law Sections 242 and 243

NOTE: Refer also to Policy #3420 -- Anti-Harassment in the School District

Adopted: 7/30/07
Revised: 4/20/2010

2015

6123

Personnel

***POSTING REQUIREMENT OF CORRECTION LAW ARTICLE 23-A**

The District shall post, in a place accessible to employees and in a visually conspicuous manner, a copy of Article 23-A of the Correction Law and any regulations promulgated under that statute. Article 23-A addresses the licensure and employment of persons previously convicted of one or more criminal offenses.

Labor Law Section 201-f

Attached

Adopted: April 21, 2009
Revised: January 26, 2015

NEW YORK CORRECTION LAW ARTICLE 23-A
LICENSURE AND EMPLOYMENT OF PERSONS PREVIOUSLY CONVICTED
OF ONE OR MORE CRIMINAL OFFENSES

- Section 750. Definitions.
751. Applicability.
752. Unfair discrimination against persons previously convicted of one or more criminal offenses prohibited.
753. Factors to be considered concerning a previous criminal conviction; presumption.
754. Written statement upon denial of license or employment.
755. Enforcement.

§750. Definitions. For the purposes of this article, the following terms shall have the following meanings:

- (1.) "Public agency" means the state or any local subdivision thereof, or any state or local department, agency, board or commission.
- (2.) "Private employer" means any person, company, corporation, labor organization, or association which employs ten or more persons.
- (3.) "Direct relationship" means that the nature of criminal conduct for which the person was convicted has a direct bearing on his fitness or ability to perform one or more of the duties or responsibilities necessarily related to the license, opportunity, or job in question.
- (4.) "License" means any certificate, license, permit, or grant of permission required by the laws of this state, its political subdivisions, or instrumentalities as a condition for the lawful practice of any occupation, employment, trade, vocation, business, or profession. Provided, however, that "license" shall not, for the purposes of this article, include any license or permit to own, possess, carry, or fire any explosive, pistol, handgun, rifle, shotgun, or other firearm.
- (5.) "Employment" means any occupation, vocation or employment, or any form of vocational or educational training. Provided, however, that "employment" shall not, for the purposes of this article, include membership in any law enforcement agency.

§751. Applicability.

The provisions of this article shall apply to any application by any person for a license or employment at any public or private employer, who has previously been convicted of one or more criminal offenses in this state or in any other jurisdiction, and to any license or employment held by any person whose conviction of one or more criminal offenses in this state or in any other jurisdiction preceded such employment or granting of a license, except where a mandatory forfeiture, disability or bar to employment is imposed by law, and has not been removed by an executive pardon, certificate of relief from disabilities or certificate of good conduct. Nothing in this article shall be construed to affect any right an employer may have with respect to an intentional misrepresentation in connection with an application for employment made by a prospective employee or previously made by a current employee.

§752. Unfair discrimination against persons previously convicted of one or more criminal offenses prohibited.

No application for any license or employment, and no employment or license held by an individual, to which the provisions of this article are applicable, shall be denied or acted upon adversely by reason of the individual's having been previously convicted of one or more criminal offenses, or by reason of a finding of lack of "good moral character" when such finding is based upon the fact that the individual has previously been convicted of one or more criminal offenses, unless:

(1.) There is a direct relationship between one or more of the previous criminal offenses and the specific license or employment sought or held by the individual; or

(2.) The issuance or continuation of the license or the granting or continuation of the employment would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.

§753. Factors to be considered concerning a previous criminal conviction; presumption.

1. In making a determination pursuant to section seven hundred fifty-two of this chapter, the public agency or private employer shall consider the following factors:

(a.) The public policy of this state, as expressed in this act, to encourage the licensure and employment of persons previously convicted of one or more criminal offenses.

(b.) The specific duties and responsibilities necessarily related to the license or employment sought or held by the person.

(c.) The bearing, if any, the criminal offense or offenses for which the person was previously convicted will have on his fitness or ability to perform one or more such duties or responsibilities.

(d.) The time which has elapsed since the occurrence of the criminal offense or offenses.

(e.) The age of the person at the time of occurrence of the criminal offense or offenses.

(f.) The seriousness of the offense or offenses.

(g.) Any information produced by the person, or produced on his behalf, in regard to his rehabilitation and good conduct.

(h.) The legitimate interest of the public agency or private employer in protecting property, and the safety and welfare of specific individuals or the general public.

2. In making a determination pursuant to section seven hundred fifty-two of this chapter, the public agency or private employer shall also give consideration to a certificate of relief from disabilities or a certificate of good conduct issued to the applicant, which certificate shall create a presumption of rehabilitation in regard to the offense or offenses specified therein.

§754. Written statement upon denial of license or employment.

At the request of any person previously convicted of one or more criminal offenses who has been denied a license or employment, a public agency or private employer shall provide, within thirty days of a request, a written statement setting forth the reasons for such denial.

§755. Enforcement.

1. In relation to actions by public agencies, the provisions of this article shall be enforceable by a proceeding brought pursuant to article seventy-eight of the civil practice law and rules.

2. In relation to actions by private employers, the provisions of this article shall be enforceable by the division of human rights pursuant to the powers and procedures set forth in article fifteen of the executive law, and, concurrently, by the New York city commission on human rights.

HLCS POLICY

2013
6124

STAFF REQUESTS FOR ACCOMMODATIONS UNDER THE AMERICAN WITH DISABILITIES ACT AS AMENDED (ADAAA)

The Board of Education is committed to equal opportunity and nondiscrimination (6120, Equal Opportunity and Nondiscrimination) for staff and students. The Superintendent or his/her designee is authorized to provide reasonable accommodations for qualified employees who require such in order to perform the essential functions of their job under the provisions of federal and state law.

Under the law, employees are responsible for notifying the district that an accommodation is needed.

In order to expedite the process, requests for such accommodations should be made in writing to ADA Compliance Officer and include the following:

- reasonable documentation showing that the employee has a disability as defined by the ADAAA,
- a statement describing how this disability impacts job performance ability, and
- a statement of the accommodation the employee is seeking and explanation of how the accommodation will impact or benefit the disability.

It should be noted that while efforts will be made to comply with specific accommodation requests, some requests may impose an undue hardship on the district. The district will collaborate with the employee to attempt to find a suitable accommodation. The district will respond to requests for accommodation in a timely manner.

If an employee is dissatisfied with the district's response, complaints or grievances related to this matter shall be pursued in accordance with policy 0100, Equal Opportunity and Nondiscrimination.

Cross-ref: 6120, Equal Opportunity and Nondiscrimination

Ref: Americans with Disabilities Act, 42 U.S.C. §12101 *et seq.*
Rehabilitation Act of 1973, 29 USC §§705, 794 *et seq.* (Section 504)
Executive Law §290 *et seq.* (New York State Human Rights Law)

Adoption date: 11/18/2013

HLCS Policy

2013
6130

Page 1 of 2

EVALUATION OF STAFF (NOT COVERED BY 3012-c OF EDUCATION LAW)

The Board of Education believes that the regular, rigorous and meaningful evaluation of all staff is necessary to continuously improve the achievement of students and the operation of the district. To this end, the Superintendent of Schools shall be responsible for ensuring that all district employees are evaluated annually and receive appropriate levels of support based upon that evaluation, if necessary, to improve their skills.

Administrators

All administrators, other than building principals who are covered by policy 9240.1, shall be evaluated annually by the Superintendent in accordance with this policy, applicable state law, regulation and collective bargaining agreements.

Professional Employees (not covered by 3012-c)

All professional employees (non-classroom teachers providing instructional services or pupil personnel services, counselors, school psychologists and social workers) shall be evaluated annually in accordance with state law and regulation, as well as any applicable collective bargaining agreement and the district's Part 100.2(o) Professional Performance Review Plan. The plan shall include the required regulatory elements such as: (a) criteria for evaluating teachers and other professional employees, (b) assessment methods, (c) how quality rating categories/criteria will be used to differentiate professional development, compensation and promotion; (d) how timely and constructive feedback from evaluations will be provided; (e) plans to improve teacher performance for those rated ineffective, and; (f) training for evaluators.

The Superintendent shall collaborate with teachers, pupil personnel professionals, administrators and parents in developing the plan, which may be a multi-year plan. The Superintendent shall be responsible for selecting those individuals with whom he or she will collaborate in the development of the plan. The Superintendent shall meet with a group of such individuals at least once each year to determine if changes are necessary after its initial adoption.

The Superintendent shall submit the district's Professional Performance Review Plan, with any recommended changes, to the Board at its organizational meeting. At that meeting, the Board may request that the Superintendent reconsider or reexamine certain aspects of the plan, in which case, the Superintendent will resubmit the plan at the Board's first regular meeting in August.

The Board will provide members of parent organizations and the president of the applicable bargaining units the opportunity to comment on the plan, prior to its adoption, at a meeting at which the plan is considered. The Board must approve the plan before it becomes effective. The approved plan for each school year will be available in the district offices by September 10 of each year.

Each year, the Superintendent shall provide a report to the State Education Department on information related to the district's efforts to address the performance of non-classroom teachers rated ineffective.

Support Staff

HLCS Policy

2013
6130

Page 2 of 2

Support staff (those staff not required to be evaluated under the Professional Performance Review Plan) shall be evaluated annually in accordance with any applicable collective bargaining agreement and this policy.

Reporting

The Superintendent will prepare an annual report for the Board that provides data on the evaluation ratings so that the Board can assess the effectiveness of the district's evaluation program. Data may include the number of employees evaluated, a summary of the final evaluation ratings, the rates of staff turnover and other relevant information. Personally identifiable data will not be released to the public.

Training

The Superintendent shall ensure that all staff that are required to evaluate other staff are provided appropriate and sufficient training in assessment and evaluation, in accordance with state law and regulation.

Cross-ref: Personnel Records
Building Principal and Classroom Teacher Evaluation
Staff Development

Ref: Education Law §3012-c
8 NYCRR § 100.2(o) (Professional Performance Review Plans)

Adoption date: 7/30/2007
Revised date: 11/18/2013

BUILDING PRINCIPAL AND CLASSROOM TEACHER EVALUATION

In accordance with state law and regulation, it is the goal of the Board of Education to have a high quality evaluation program for staff including building principals and classroom teachers which results in an effective teacher in every classroom and an effective leader in every building in the district. In order to achieve that goal, the Superintendent of Schools shall be responsible for ensuring that building principals and classroom teachers are evaluated annually, in accordance with state law and regulation. Evaluations will be a significant factor in employment decisions, including, but not limited to, promotion, retention, tenure determination, termination and supplemental compensation.

Annual Professional Performance Review Plan

The district will submit the required annual professional performance review plan to the State Education Department in a timely manner, in conformance with state law, Regents Rules and Commissioner's Regulations. The Superintendent will provide periodic reports to the Board of Education on the progress of negotiations regarding the negotiable parts of the plan, salient information about the preparation of the plan, present the plan for Board approval and apprise the Board when the plan has been approved by the State.

The plan shall include a description of the required elements, including the following:

- (a) the process for transmitting accurate data to the State Education Department,
- (b) scoring methods that ensures the integrity of the testing process,
- (c) how quality rating categories/criteria will be used to differentiate professional development, compensation and promotion;
- (d) how timely and constructive feedback from evaluations will be provided;
- (e) plans to improve teacher performance for those rated ineffective, and
- (f) training for evaluators.

Once the district has received approval of the plan by the State Education Department, the plan will be posted on the district's website within 10 days, or by September 10th, whichever is later.

Classroom Teachers and Principals (covered by Education Law §3012-c)

Classroom teachers and buildings principals will receive a composite performance rating as part of the annual professional performance review, in accordance with state law, by September 1st of the following school year. The composite performance rating will fall into one of four categories: highly effective; effective; developing and ineffective. This composite rating will be made up of multiple measures of effectiveness and will include student performance on state and local tests, in accordance with the terms of the annual professional performance review plan.

Teacher and Principal Improvement Plans

When a teacher or principal is rated as developing or ineffective as a result of the annual performance review, the Superintendent or his/her designee must formulate and commence an improvement plan (TIP/PIP). The improvement plan will be developed in accordance with negotiated agreements, but must be in place no later than 10 school days from the opening of classes in the school year following the school year for which the performance was rated. The Superintendent will prepare an annual summary report for the Board on the number of TIPs/PIPs issued and other relevant data to support assessment of the effectiveness of the district's approach to improvement plans. In the event that the assessment reveals that progress isn't being made, the administration will recommend changes to the approach.

HLCS Policy

2013
6131

Page 2 of 2

Appeals

For classroom teachers and principals, an appeal of an evaluation may be commenced once the composite evaluation score has been received. The right to appeal and the process of the appeal is prescribed by the annual professional performance review plan.

Training

The Superintendent is the lead evaluator for the district and shall plan his/her own professional development in order to maintain his/her expertise in this area. The Superintendent shall ensure that all staff that are required to evaluate other staff are provided appropriate and sufficient training in assessment and evaluation, in accordance with state law and regulation.

Reporting and Public Disclosure

In accordance with state law, the district will make aggregate information from the classroom teacher and building principal annual professional performance system available on the district website. This summary information will not include personally identifiable data.

Upon request from a parent or legal guardian, the district will provide the final quality rating and composite effectiveness score for each of the classroom teachers and for the building principal to which the student is assigned. The district will take reasonable steps to review the request to verify that the parent/guardian is entitled to the information. The Superintendent will develop procedures to implement this provision of the policy.

Cross-ref: Employee Complaints and Grievances
 Staff Evaluation
 Personnel Records
 Staff Development

Ref: Education Law §3012-c
 8 NYCRR Subpart 30-2
8 NYCRR § 100.2(o)(2) (Professional Performance Review Plans)
Guidance on New York State's Annual Professional Performance Review for Teachers and Principals to Implement Education law §3012-c and the Commissioner's Regulations, Updated, August 30, 2013

Adoption date: 11/18/2013

Personnel

SUBJECT: HEALTH EXAMINATIONS

The Board reserves the right to request a health examination at any time during employment, at School District expense, in order to determine whether 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 (4) weeks prior to the beginning of service. In no case shall the interval between physical examinations exceed a thirteen-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).

Health Insurance Portability and Accountability Act of 1996
(HIPAA), Public Law 104-191
45 Code of Federal Regulations (CFR) Parts 160 and 164
Education Law Sections 913 and 3624
8 New York Code of Rules and Regulations (NYCRR)
Section 156.3(2)
10 New York Code of Rules and Regulations (NYCRR)
Part 14
15 New York Code of Rules and Regulations (NYCRR)
Part 6

Adopted: 7/30/07

Personnel

SUBJECT: ALCOHOL, DRUGS AND OTHER SUBSTANCES (SCHOOL PERSONNEL)

The Board of Education, recognizing that students are often influenced by teachers and other members of a school's staff, impresses upon staff members the importance of maintaining a high level of professionalism appropriate to their position, which, in turn, shall set a positive example for students.

The Board, therefore, prohibits the consumption, sharing and/or selling, use and/or possession of illegal drugs, counterfeit and designer drugs or alcoholic beverages in the workplace, or when the effects of such drugs and/or alcohol use may impair an employee's job performance.

Information about any drug and alcohol counseling and/or rehabilitation programs shall be made available to employees. Data will also include the range of penalties (consistent with local, state and federal law) up to and including termination of employment and referral for prosecution that will be imposed on employees who have transgressed the terms of this policy.

Additionally, confidentiality shall be ensured as required by state and federal law.

The Superintendent/designee shall periodically review the drug and alcohol abuse prevention program to determine its effectiveness and support appropriate modifications, as needed.

Drug-Testing of Employees

No employee shall be subjected to urinalysis or other form of drug testing without reasonable individualized suspicion that the employee has been using an illegal drug(s). The school attorney shall be consulted before any implementation of such testing. Failure to submit to required drug testing based upon reasonable individualized suspicion that the employee has been using an illegal drug(s) is grounds for disciplinary action up to and including dismissal.

In its effort to maintain a drug-free environment, the District shall cooperate to the fullest extent possible with local, state and/or federal law enforcement agencies.

Safe and Drug-Free Schools and Communities Act,
as reauthorized by the No Child Left Behind Act of 2001
20 United States Code (USC) Section 7101 et seq.
Civil Service Law Section 75
Education Law Sections 913, 1711(2)(e), 2508(5)
and 3020-a

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property
#6151 -- Drug-Free Workplace
#7320 -- Alcohol, Tobacco, Drugs and Other Substances (Students)
District Code of Conduct on School Property

Adopted: 7/30/07

Personnel

SUBJECT: DRUG-FREE WORKPLACE

It shall be the general policy of the Board of Education to affirm that all programs in the District that receive Federal funds shall guarantee that their workplaces are free of controlled substances. "Controlled substance" means a controlled substance in schedules I through V of Section 202 of the Controlled Substances Act (21 USC 812) and as further defined in regulation at 21 Code of Federal Regulations (CFR) 1308.11-1308.15. An acknowledgment form shall be signed by the Superintendent indicating that the District is in full compliance with the Drug-Free Workplace Act. This policy shall guarantee that not only Federally funded programs, but the entire District is free of controlled substances.

"Workplace" is defined as a school building or other school premises; any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities; off school property during any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the School District.

The Board of Education directs the administration to develop regulations to comply with this policy, and further supports such actions and activities of the administration as shall be required to maintain a drug-free workplace.

Drug-Free Workplace Act

20 United States Code (USC) Section 7101 et seq.

21 United States Code (USC) Section 812

21 Code of Federal Regulations (CFR) 1308.11-1308.15

34 Code of Federal Regulations (CFR) Part 85

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property
#6150 -- Alcohol, Drugs and Other Substances (School Personnel)
#7320 -- Alcohol, Tobacco, Drugs and Other Substances (Students)
District Code of Conduct on School Property

Adopted: 7/30/07

STAFF DEVELOPMENT

The Board of Education believes that staff training and development help ensure the success of educational programs and improve the efficiency of the district. Therefore, the district will provide development opportunities to staff to increase their effectiveness and job performance. The Superintendent of Schools shall be responsible for implementing and administering staff development programs for the district's employees.

Administrators

All administrators in the school district will receive appropriate training and professional development in accordance with law, regulation or any applicable collective bargaining agreement. The Superintendent will be responsible for providing such training and development.

Teachers

All teachers will be provided with substantial professional development opportunities directly related to student learning in accordance with any applicable collective bargaining agreement and the district's Professional Development Plan. Level III teaching assistants and long-term substitute teachers (employed for more than 40 days in a school year) shall have the opportunity to participate in the district's professional development program. The plan shall include:

- A needs analysis, goals, objectives, strategies, activities and evaluation standards for professional development in the district and a description of how the district will provide all teachers substantial professional development activities directly related to student learning needs identified in school report cards and other sources.
- A description of how the professional development provided will align with New York standards and assessments, teacher capacities and student needs, including linguistic, cultural diversity and special needs. Activities must be articulated across grade levels and subject areas and show how they will be provided and measured in a continuous manner.
- A description of how it will provide teachers and Level III teaching assistants with opportunities to maintain their certificate in good standing by successfully completing 100 hours of professional development every five years.
- A mentoring program to provide support for new teachers in order to ease the transition from teacher preparation to practice, thereby increasing retention of teachers in the public schools, and to increase the skills of new teachers in order to improve student achievement.
- Unless granted an exemption by the Commissioner of Education, a description of how the district will provide professional development to teachers and Level III teaching assistants to address the needs of English Language Learners.

The Board shall establish a Professional Development Team to review and revise the district's Professional Development Plan annually. The Board shall appoint members to the team at the first regular Board meeting in September.

The Professional Development Team shall meet on or before October 1. The Superintendent or his/her designee will serve as the chair of the team and will be responsible for ensuring the timely review and revision of the district's Professional Development Plan, and ensure all CTLE hours are recorded by all staff on the Individual Record (attached).

The Professional Development Team will submit any recommended revisions to the Professional Development Plan to the Board by April 1. The Board will consider the recommendations at its first regular meeting thereafter. The Board may accept or reject the recommendations of the team in whole or in part. The Board may also request any additional information or data needed to evaluate the success of the program in achieving its objectives.

Any further changes in the plan must be submitted to the Board by June 1. The Board will consider and act on the revised plan by June 30th. The Board reserves the right to make changes to the revised plan.

Other Professional Staff and Support Staff

Holders of professional certificates in educational leadership service (i.e., school building leader, school district leader, school district business leader) are required to complete at least 100 hours of continuing education during every 5 year registration period. Unless the district is granted an exemption by the Commissioner of Education, at least 15 percent of those hours shall address the language acquisition needs of English Language Learners.

The district will provide staff development activities for other professional staff and support staff within the financial constraints of the district budget and in accordance with applicable collective bargaining agreements.

Other Staff Development Opportunities

The Board recognizes that many staff development opportunities are provided through non-school district sources. Within budgetary restraints, district employees may attend conferences, workshops, study councils, in-service courses, summer study grants, school visitations, and other relevant staff development opportunities.

Released time and reimbursement for such activities will be available upon approval of the Superintendent and in accordance with applicable collective bargaining agreements. The Superintendent may establish regulations pursuant to this policy to establish the circumstances under which such released time and reimbursement may be available. Staff members who attend such activities will be required to prepare a report or summary of the activity attended.

Ref: Education Law §§ 3006-a (required hours); 3604(8) (Superintendent conference days)
8 NYCRR §§ 80-6.3 (required hours); 100.2(o)(2)(iii)(b)(5) (required training on conducting staff evaluations); 100.2(dd) (Professional Development Plans)

Adoption date: 7/30/2007

Revised: 12/17/2018

HLCS POLICY

EXPENSE REIMBURSEMENT

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

Only expenses necessary to the purpose of the travel shall be reimbursable. Transportation costs such as taxi cabs are allowable only for essential transportation. Mileage will be paid at the rate fixed by the federal Internal Revenue Service for business travel. Tax exemption certificates shall be issued and utilized as appropriate. The availability of a school vehicle will be checked before using a personal vehicle for school business by instructional staff, instructional support staff and management confidential employees.

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

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

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

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

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

Adopted: 7/30/07
Revised: 4/22/2014

Regulation 6161-R

EXPENSE REIMBURSEMENT REGULATION

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

Transportation

- Travel shall be by the most economical method, whether by private automobile, school vehicle or common carrier such as bus, train or plane.
- If travel is by private automobile, mileage shall be reimbursed at the level approved by the Internal Revenue Service for business travel. Parking and tolls will also be reimbursed but gasoline will not.
- Rental car expenses will be reimbursed only if authorized in advance. Receipts must be attached.
- Air travel is only allowed when determined by the Board President or the Superintendent to be in the district's best interest. Air travel shall be reimbursed at the lowest feasible fare available and shall not exceed regular coach class fare. Travel arrangements should be made as soon as reasonably practicable so as to avoid payment of a higher fare due to a late booking.

Lodging

Note: The district may wish to use the federal travel reimbursement rates, which are also used by the New York State government, to set such a maximum rate. These rates can be found at <http://www.gsa.gov/portal/content/104877>.

- Persons traveling on district-related business are expected to secure the most reasonable rate for necessary hotel accommodations. The district will reimburse for actual lodging fees up to the maximum lodging fee set by the federal government for that location.
- When the rate is pre-determined by the organization sponsoring the event, the traveler shall secure a room rate at no more than the pre-determined rate notwithstanding what the federal travel reimbursement rate is. Hotel accommodations at a rate other than the most reasonable rate or a pre-determined rate described above will be reimbursed only if approved by the Board President (for members of the board and the Superintendent) and the Superintendent (for all others) prior to the stay.

Meals

Refer to Policy #5323 -- Reimbursement for Meals/Refreshments

HLCS POLICY

6161

Page 3 of 3

NOTE: The district may wish to use the federal reimbursement rates as a maximum reimbursement rate for meals, which varies by location of travel. For more information on the meal allowance breakdown for New York rate go to <http://www.gsa.gov/portal/content/104877>.

Reimbursable meal charges, including gratuities, for persons traveling for district-related business shall be a maximum of \$30 per meal, effective starting, July 1, 2014.

Personal Expenses

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

Personnel

SUBJECT: SAFETY OF STUDENTS (FINGERPRINTING CLEARANCE OF NEW HIRES)**"Sunset" Provision for Conditional Appointments/Emergency Conditional Appointments**

Effective July 1, 2010, the provisions in law which permitted the conditional appointment and/or emergency conditional appointment of employees pending full clearance from SED *terminated*; and shall be rescinded as Board policy and procedure as of that date unless subsequent revisions to applicable law provide otherwise.

The District shall not employ or utilize a prospective school employee, as defined below, unless such prospective school employee has been granted a "full" clearance for employment by the State Education Department (SED). The School District shall require a prospective school employee who is not in the SED criminal history file to be fingerprinted for purposes of a criminal history record check by authorized personnel of the designated fingerprinting entity. For purposes of this provision of law, the term "criminal history record" shall mean a record of all convictions of crimes and any pending criminal charges maintained on an individual by the Division of Criminal Justice Services (DCJS) and the Federal Bureau of Investigation (FBI). The District shall, however, obtain the applicant's consent to the criminal history records search.

The District shall utilize SED's Web-based application known as *TEACH for instantaneous access to important information about certification and fingerprinting. Through TEACH, SED provides an individual with the ability to apply for fingerprint clearance for certification and/or employment and view the status of his/her fingerprint clearance request. Through TEACH, the School District is able, among other applications, to submit an online request for fingerprint clearance for a prospective employee, view the status of a fingerprint clearance request, and determine whether a subsequent arrest letter has been issued.

Access to TEACH

Information regarding fingerprinting of new hires, including relevant laws and regulations, frequently asked questions (FAQs), an up-to-date chart for "Who Must be Fingerprinted", and instructions on the fingerprinting process are found on www.highered.nysed.gov/tcert/ospra. To request access to TEACH, e-mail TEACHHELP@mail.nysed.gov.

Correction Law Article 23-A

Education Law Sections 305(30), 305(33), 1604, 1709, 1804, 1950, 2503, 2554, 2590-h, 2854, 3004-b, 3004-c and 3035

Executive Law Section 296(16)

Social Services Law Article 5, Title 9-B

8 New York Code of Rules and Regulations (NYCRR) Sections 80-1.11 and Part 87

Adoption Date: 7/30/2007

Revised: 2/28/2011

Personnel

SUBJECT: STAFF-STUDENT RELATIONS (FRATERNIZATION)

The Board of Education requires that all School District employees maintain a professional, ethical relationship with District students that is conducive to an effective, safe learning environment; and that staff members act as role models for students at all times, whether on or off school property and both during and outside of school hours. Staff must establish appropriate personal boundaries with students and not engage in any behavior that could reasonably lead to even the appearance of impropriety.

Staff members are prohibited, under any circumstances, to date or engage in any improper fraternization or undue familiarity with students, regardless of the student's age and/or regardless of whether the student may have "consented" to such conduct. Further, employees shall not entertain students or socialize with students in such a manner as to create the perception that a dating relationship exists. Similarly, any action or comment by a staff member which invites romantic or sexual involvement with a student is considered highly unethical, in violation of District policy, and may result in the notification of law enforcement officials and the filing of criminal charges and/or disciplinary action by the District up to and including termination of employment.

Inappropriate employee behavior includes, but is not limited to, flirting; making suggestive comments; dating; requests for sexual activity; physical displays of affection; giving inappropriate personal gifts; frequent personal communication with a student (via phone, e-mail, letters, notes, etc.) unrelated to course work or official school matters; providing alcohol or drugs to students; inappropriate touching; and engaging in sexual contact and/or sexual relations. ("Frequent personal communication with a student unrelated to course work or official school matters" means any form in which that personal communication may occur including, but not limited to, voice or text-based communication via phone, e-mail, instant messaging, text messaging or through social networking Web sites.)

Even if the student participated "willingly" in the activity (regardless of the student's age), inappropriate fraternization of staff with students is against District policy and may be in violation of professional standards of conduct and New York State Law. However, inappropriate employee conduct does not need to rise to the level of criminal activity for such conduct to be in violation of District rules and subject to appropriate disciplinary sanctions.

Any student who believes that he/she has been subjected to inappropriate staff behavior as enumerated in this policy, as well as students, school employees or third parties who have knowledge of or witness any possible occurrence of inappropriate staff-student relations, shall report the incident to any staff member or either the employee's supervisor, the student's principal or the District's designated complaint officer. In all events such reports shall be forwarded to the designated complaint officer for further investigation. Anonymous complaints of inappropriate fraternization of staff members with students shall also be investigated by the District. Investigations of allegations of inappropriate staff-student relations shall follow the procedures utilized for complaints of harassment within the School District. Allegations of inappropriate staff-student behavior shall be promptly investigated and will be treated as confidential and private to the extent possible within legal constraints.

(Continued)

Personnel

SUBJECT: STAFF-STUDENT RELATIONS (FRATERNIZATION) (Cont'd.)

Any employee having knowledge of or reasonable suspicion that another employee may have engaged in inappropriate conduct with a student that may constitute child abuse (specifically, child abuse in an educational setting) must *also* follow the District's reporting procedures for such allegations; and such information will be reported by the designated administrator as required by state law to law enforcement officials, the State Education Department and/or Child Protective Services as may be applicable.

If a student initiates inappropriate behavior toward a staff member, that employee shall document the incident and report it to his/her building principal or supervisor.

The District shall promptly investigate all complaints of inappropriate staff-student relations, and take prompt corrective action to stop such conduct if it occurs.

Prohibition of Retaliation

The Board of Education prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of inappropriate staff-student relations. Follow-up inquiries and/or appropriate monitoring shall be made to ensure that the alleged conduct has not resumed and that all those involved in the investigation have not suffered retaliation. Any act of retaliation is subject to appropriate disciplinary action by the District.

District Responsibility/Training

The principal of each school and/or program supervisor shall be responsible for informing students, staff and volunteers of the requirements of this policy, including the duty to report and the procedures established for investigation and resolution of complaints. Further, staff training shall be provided to facilitate staff identification of possible behavior that may constitute inappropriate staff-student relationships. Students shall be provided such training in an age appropriate manner.

The District's policy (or a summary thereof) shall be disseminated as appropriate to staff, students and parents. Further, this topic shall be addressed in the District Code of Conduct.

Disciplinary Sanctions

Any staff member who engages in inappropriate conduct with a student, prohibited by the terms of this policy, shall be subject to appropriate disciplinary measures up to and including termination of employment in accordance with legal guidelines, District policy and regulation, and the applicable collective bargaining agreement. A violation of this policy may also subject the employee to criminal and/or civil sanctions as well as disciplinary action by the State Education Department.

Title IX of the Education Amendments of 1972,
20 United States Code (USC) Section 1681 et seq.
Education Law Article 23-B
Social Services Law Sections 411-428
8 New York Code of Rules and Regulations (NYCRR) Part 83

Adopted: 7/30/07
Revised: 9/20/2010

CHILD ABUSE IN AN EDUCATIONAL SETTING

Board of Education recognizes that children have the right to an educational setting that does not threaten their physical and emotional health and development. Child abuse by school personnel and school volunteers violates this right and therefore is strictly prohibited.

Allegations of child abuse by school personnel and school volunteers shall be reported in accordance with the requirements of Article 23-B of the Education Law.

Required Reporters

Any person holding any of the following positions shall be required to promptly report written and oral allegations of child abuse by an employee or volunteer in an educational setting:

- school administrator
- teacher
- school nurse
- school guidance counselor
- school psychologist
- school social worker
- other school personnel required to hold a teaching or administrative license or certificate
- licensed and registered physical therapist,
- licensed and registered occupational therapist,
- licensed and registered,
- speech-language pathologist,
- teacher aide,
- school resource officer,
- school board member, and
- any staff whose duties involve direct student contact and who is paid either by a school district or contracted to provide transportation services to children; or
- who is an employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine-B of article five of the social services law.

For purposes of this policy, persons holding these positions shall be referred to as “required reporters.”

Definitions

"Administrator" or "school administrator" shall mean a principal of, or the equivalent title, in a public school, charter school or board of cooperative educational services, or other chief school officer.

“Child” means a person under the age of 21 enrolled in a school

“Child abuse” means any one of the following acts committed in an educational setting by an employee or volunteer against a child:

- intentionally or recklessly inflicting physical injury, serious physical injury or death; or
- intentionally or recklessly engaging in conduct that creates a substantial risk of physical injury, serious physical injury or death; or
- any child sexual abuse as prohibited by sections 130 or 235 of the Penal Law; or
- the commission or attempted commission against a child of the crime of disseminating indecent materials to minors pursuant to Article 235 of the Penal Law.

“Educational setting” means the buildings and grounds of the school, the vehicles provided by directly or by contract the school for the transportation of students to and from school buildings, field trips, co-curricular and extra-curricular activities both on and off school grounds, all co-curricular and extra-curricular activity sites, and any other location where direct contact between an employee and volunteer and a child has allegedly occurred.

"Employee" means any person who is receiving compensation from a school district. Additionally, for the purpose of this policy, one whose duties involve direct student contact and is receiving compensation from any person or entity that contracts with a school to provide transportation services to children or is an employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine-B of article five of the social services law, whereby such services performed by such person involve direct student contact.

"Law enforcement authorities" means any officer or office of municipal, sheriffs, or division of the state police department.

"Parent" means either both of a child's parents or other persons legally responsible for the child.

"School" generally means any school district, public school, charter school, non-public school board of cooperative educational series or special act school district and additional entities as defined by section 1125(10) of Education Law.

"Volunteer" means any person, other than an employee, who has direct student contact and provides services to a school or school district which involve direct student contact and who provides services to any person or entity which contracts with a school to provide transportation services to children

Reporting Requirements

In any case where a written or oral allegation of child abuse by an employee or volunteer in an educational setting is made to a required reporter, the required reporter shall:

1. promptly complete the required State Education Department report form; and
2. personally deliver it to the Principal of the school in which the child abuse allegedly occurred.

If the allegation involves a child who was allegedly abused by an employee or a volunteer of a school in another school district, the required reporter must promptly forward the report form to the Superintendent of the district of attendance and the Superintendent of the school district where the abuse allegedly occurred (if different).

If an allegation is made to a school bus driver employed by a person or entity that contracts with a school to provide transportation services to children that a child has been subjected to child abuse by an employee or volunteer in an educational setting, such driver shall promptly report to his or her supervisor.

If an allegation is made to a supervisor of a school bus driver employed by a person or entity that contracts with a school to provide transportation services to children, that a child has been subjected to child abuse by an employee or volunteer in an educational setting, such supervisor shall promptly complete a written report on the attached form (9620-E.1) and shall personally deliver it to the school district superintendent employed by the school district where the child abuse occurred.

If an allegation is made which involves a school that is not a school district or public school, the appropriate school administrator or administrators, in addition to any appropriate superintendent of schools, shall be notified if the allegation.

Upon receiving a written report, the Principal shall determine whether there is reasonable suspicion to believe that an act of child abuse has occurred. In those circumstances where the Superintendent receives the written report directly, he or she will be responsible for making the reasonable suspicion determination.

In any case where the employee the allegation is being made against is the superintendent or the administrator, the report of such allegations shall be made to Building principal.

If the Principal/Superintendent determines there is reasonable suspicion to believe that an act of child abuse has occurred, he or she shall promptly notify the parent of the alleged child victim (assuming that the parent is not the person who originally reported the alleged abuse) that an allegation of child abuse in an educational setting has been

made and promptly provide the parent with the written statement setting forth parental rights, responsibilities and procedures prepared in accordance with the Regulations of the Commissioner of Education.

If the person making the allegation of abuse is someone other than the child or the child's parent, the Principal/Superintendent shall contact the person making the report to learn the source and basis for the allegation.

The Principal shall also promptly provide a copy of the written report to the Superintendent and send a copy to the appropriate law enforcement authorities. In no event shall the Principal delay in sending the report to law enforcement because of an inability to contact the Superintendent.

The Superintendent shall send to the Commissioner of Education any written report forwarded to the local law enforcement authorities where the employee or volunteer alleged to have committed an act of child abuse holds a certification or license issued by the department.

Rights of Employees and Volunteers

Any employee or volunteer against whom an allegation of child abuse has been made and against whom the district intends to take adverse action shall be entitled to receive a copy of the report and to respond to the allegations. In addition, such persons are entitled to seek disclosure of reports involving them under the Freedom of Information Law.

Confidentiality

All reports, photographs, and other written material submitted pursuant to this policy and Article 23-B of the Education Law shall be confidential and may not be redisclosed except to law enforcement authorities involved in investigating the alleged abuse or except as expressly authorized by law or pursuant to a court-ordered subpoena. The Principal and Superintendent shall exercise reasonable care to prevent unauthorized disclosure.

Willful disclosure of a written record required to be kept confidential to a person not authorized to receive or review such record is a class A misdemeanor.

Penalties

Willful failure of an employee to prepare and submit a written report of alleged child abuse required by Article 23-B of the Education Law shall be a class A misdemeanor.

Willful failure of any Principal or Superintendent to submit a written report of alleged child abuse to an appropriate law enforcement authority, as required by Article 23-B of the Education Law, shall be a class A misdemeanor. In addition, the Commissioner of Education may, following an administrative determination, impose a civil penalty of up to five thousand dollars on any administrator who fails to submit a report of child abuse to an appropriate law enforcement authority.

The law further prohibits any Principal or Superintendent from agreeing to withhold from the appropriate law enforcement authorities, a superintendent or the Commissioner of Education, where appropriate, an allegation of child abuse in an educational setting on the part of any employee or volunteer as required by law, in return for the resignation or voluntary suspension of the alleged perpetrator. Violation of this prohibition can result in a class E felony charge and a civil penalty of up to \$20,000.

Record Retention

Any report of child abuse by an employee or volunteer that does not result in a criminal conviction shall be expunged from the records kept by the district with respect to the subject of the report after five years from the date the report was made.

Training

The Superintendent shall be responsible for establishing and implementing on an ongoing basis a training program for all current and new required reporters on the procedures required under Article 23-B. The program shall include at a minimum include information regarding the physical and behavioral indicators of child abuse and maltreatment, reporting requirements including but not limited to, when and how a report must be made, what other actions the reporter is can and should take, the legal protections afforded reporters, and the consequences for failing to report, and any other elements as specified in Commissioner's regulations.

Further, all persons employed on or after July 1, 2019 as a school bus driver employed by any person or entity that contracts with a school to provide transportation services to children shall be required to complete two hours of coursework or training (from an approved provider) regarding the identification and reporting of child abuse and maltreatment. The coursework or training shall include information regarding the physical and behavioral indicators of child abuse and maltreatment, reporting requirements including but not limited to, when and how a report must be made, what other actions the reporter is can and should take, the legal protections afforded reporters, and the consequences for failing to report. Each employee in such titles shall provide the school administrator of the school with documentation showing that he or she completed the required training. In addition, each school bus driver shall provide such contracting person or entity with documentation showing that he or she completed the required training. The department shall be authorized to request such records on a periodic basis and may publish a list of any persons or schools who are not in compliance with this subdivision on its website.

The coursework or training required by this section shall not apply to those persons already required to undergo coursework or training regarding the identification and reporting of child abuse and maltreatment pursuant to sections three thousand three and three thousand four of this chapter.

Ref: Education Law §§1125-1133

Penal Law §§130, 235, 263

8 NYCRR §100.2 (hh) (Reporting of Child Abuse in an Educational Setting)

Appeal of S.S., 42 EDR 273 (2003)

Adoption date: February 24, 2020

2007

6210

Personnel

SUBJECT: CERTIFIED PERSONNEL

The Board of Education shall, upon the recommendation of the Superintendent, create, abolish, maintain and/or consolidate positions involving certified persons as necessary for the proper and efficient achievement of its goals.

All assignments and transfers shall be made in accordance with the provisions of law, Board of Education policies, and the employee's negotiated agreement.

Education Law Sections 2510 and 3013
8 New York Code of Rules and Regulations (NYCRR)
Part 30

Adopted: 7/30/07

Personnel

SUBJECT: RECRUITMENT

The District will attempt to employ the best qualified personnel for any position.

Professional personnel shall be recruited and selected by, or at the direction of, the Superintendent of Schools, who shall recommend appointment to the Board of Education.

The District shall provide equal opportunity in employment for all qualified persons in accordance with Federal and State legislation.

Age Discrimination in Employment Act,
29 United States Code (USC) Section 621
Americans With Disabilities Act,
42 United States Code (USC) Section 12101 et seq.
Section 504 of the Rehabilitation Act of 1973,
29 United States Code (USC) Section 794 et seq.
Title VI of the Civil Rights Act of 1964,
42 United States Code (USC) Section 2000d et seq.
Title VII of the Civil Rights Act of 1964,
42 United States Code (USC) Section 2000e et seq.
Title IX of the Education Amendments of 1972,
20 United States Code (USC) Section 1681 et seq.
Civil Rights Law Section 40-c
Education Law Section 3012
Executive Law Section 290 et seq.
Military Law Sections 242 and 243

Personnel

SUBJECT: CERTIFICATION AND QUALIFICATIONS

- a) In accordance with applicable statutes, Rules of the Board of Regents, and Regulations of the Commissioner of Education, each employee whose employment requires certification or other licensure shall inform the Superintendent of Schools immediately of any change in the status of his/her certification or licensure. The changes shall include, but not be limited to, the granting, revocation, upgrading, expiration, conversion and/or extension of these documents as to their periods of validity or their titles.
- b) The original certificates and/or licenses must be presented for examination and copying in the office of the Superintendent of Schools as soon as they are available to the employee. The copies will be maintained in the employee's personnel file in support of the legitimate employment of each affected employee. The failure of any such employee to possess the required certification or other licensure may result in the discharge of that employee.
- c) Whether or not the District verifies an individual's certification or licensure does not waive the responsibility of the employee to maintain what is required for his/her assignment.

Qualifications of Teachers

- a) The District must ensure that all newly hired teachers in Title I programs who teach core academic subjects are highly qualified per Regulations of the Commissioner of Education. The term "core academic subjects" means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography. A "highly qualified" teacher is one who has obtained full state certification as a teacher, or has passed the state teacher licensing examination, holds a license to teach in the state and has at least a bachelor's degree, and also must show subject matter competency in the subjects they teach.
- b) The District is also required to provide to teachers who are not new to the profession the opportunity to meet the NCLB requirement to be highly qualified, in part, through passing a High Objective Uniform State Standard of Evaluation (HOUSSE). The HOUSSE shall be an evaluation, prescribed by the New York State Education Department and conducted locally either during a pre-employment review or at the time of an Annual Professional Performance Review (APPR), that enables a teacher who is beyond the first year of teaching to demonstrate subject matter competency in all core academic subjects that the teacher teaches. The evaluation shall be based upon objective, coherent information as prescribed by the department, and shall include, but not be limited to, information on the teacher's education, credentials, professional experience, and professional development.

Education Law Sections 3001, 3001-a, 3004, 3006 and 3008
8 New York Code of Rules and Regulations (NYCRR)
Subparts 80-1, 80-2, 80-3, 100.2(dd) and 100.2(o)
34 Code of Federal Regulations (CFR) Sections 200.55
and 200.56
20 United States Code (USC) Section 7801(23)

Adopted: 7/30/07

Personnel

SUBJECT: INCIDENTAL TEACHING

The Superintendent may assign a teacher to teach a subject not covered by such teacher's certificate or license for a period not to exceed five (5) classroom hours a week, when no certified or qualified teacher is available after extensive and documented recruitment efforts, and provided that approval of the Commissioner of Education is obtained in accordance with the requirements as enumerated in Commissioner's Regulations.

Not later than twenty (20) business days after such an assignment, the Superintendent shall submit for approval an application, in a form satisfactory to the Commissioner, containing the following information:

- a) Evidence of extensive recruitment of a teacher certified in the appropriate area;
- b) The name and certification status of the teacher given such assignment;
- c) The subject which the teacher is being assigned to teach on an incidental basis and the total number of classes in the subject being taught on an incidental basis;
- d) The qualifications of the teacher to teach such subject on an incidental basis;
- e) The specific reasons why an incidental assignment is necessary;
- f) The anticipated duration of the incidental teaching assignment; and
- g) The number of applications, approved or pending, for authorization to make incidental teaching assignments in the same certification area for which the current authorization is being sought.

To be approved, the application shall demonstrate to the satisfaction of the Commissioner that an incidental teaching assignment is necessary, that the teacher assigned is the best qualified to teach the subject on an incidental basis, and that the requirements of Commissioner's Regulations have been met.

The Commissioner will issue a determination within twenty (20) business days of receipt of the District's application.

In the event that the application is disapproved, the Superintendent, within seven (7) business days of receipt of the notice of disapproval, shall terminate the incidental assignment. In the event that the application is approved, such approval shall be deemed to have commenced on the date of the incidental teaching assignment and shall terminate on the last day of the school year for which it is granted.

(Continued)

2007

6213
2 of 2

Personnel

SUBJECT: INCIDENTAL TEACHING (Cont'd.)

The Superintendent may renew an incidental teaching assignment, in accordance with the requirements of Commissioner's Regulations, for any subsequent school year. In addition to submitting to the Commissioner the information noted above for initial approval of an incidental teaching assignment, a renewal application must provide a number of assurances, including that the teacher assigned a course on an incidental basis has completed, or has agreed to complete, within the prescribed time period, at least three (3) semester hours of credit or the equivalent leading to certification in the subject area of the incidental assignment.

8 New York Code of Rules and Regulations (NYCRR)
Section 80-5.3

Adopted: 7/30/07

SUBJECT: PROBATION AND TENURE**Probation**

Certified staff members shall be appointed to a probationary period by a majority vote of the Board of Education upon recommendation of the Superintendent of Schools.

Full-time certified staff members shall be appointed to a probationary period of three (3) years. However, the probationary period shall not exceed two (2) years for teachers previously appointed to tenure in this or another school district or BOCES within the state, provided the teacher was not dismissed from the former district. Additionally, up to two (2) years of service as a regular substitute teacher may be applied towards probationary service. This is sometimes referred to as Jarema Credit.

During the probationary period, a staff member shall be given assistance in adjusting to the new position, but the essential qualifications for acceptable performance shall be assumed because of the possession by the staff member of the required certification or license.

Tenure

Certified staff members successfully completing a probationary period in the Hadley-Luzerne Central School District may be recommended (by the Superintendent of Schools) to the Board of Education for tenure appointment.

The Board will follow all applicable statutes regarding tenure.

Education Law Sections 2509, 3012 and 3031

2007

6215

Personnel

SUBJECT: DISCIPLINING OF A TENURED TEACHER OR CERTIFIED PERSONNEL

Tenured teachers and certain certified personnel may be subject to disciplinary charges that are set forth in Section 3012 of the Education Law.

Procedures for a hearing regarding these disciplinary measures will be in accordance with Section 3020-a of the Education Law and/or in accordance with applicable contractual provisions.

Education Law Sections 3012 and 3020-a
8 New York Code of Rules and Regulations (NYCRR)
Subpart 82-1

Adopted: 7/30/07

Personnel

SUBJECT: PROFESSIONAL STAFF: SEPARATION

A probationary professional staff member may be discontinued at any time during his/her probationary period on the recommendation of the Superintendent and by a majority vote of the Board of Education.

If the Superintendent will be submitting to the Board a negative recommendation for tenure or a recommendation to discontinue the services of a probationary professional staff member, the Superintendent must give the probationary employee written notice thirty (30) days prior to the Board meeting at which such recommendation will be considered. If a majority of the Board accepts the recommendation and votes to dismiss, the professional staff member must then be given a written notice at least thirty (30) days prior to the effective date of termination of services. The District will adhere to all other statutory timeframes.

The Board shall expect any professional staff member desiring to terminate his/her services to provide the Board with a minimum of thirty (30) days notice before the effective termination date.

When possible, a professional staff member shall make every effort to terminate employment at the end of the school year. Resignations must be in writing and include the effective date.

Education Law Sections 2509, 3012, 3019-a and 3031

2007

6217

Personnel

SUBJECT: EMPLOYMENT OF RELATIVES OF BOARD OF EDUCATION MEMBERS

The appointment of a teacher who is related by bloodline or legal process (including marriage) to any member of the Board of Education shall be subject to the consent of two-thirds (2/3) of the members of the Board of Education to be determined at a Board meeting and to be entered upon the proceedings of the Board.

The Board shall take the same stance in the hiring of professional staff other than teachers.

Education Law Section 3016
General Municipal Law Sections 800-809

Adopted: 7/30/07

HLCS POLICY

2015 6220

TEMPORARY PERSONNEL

District's needs may sometimes require temporary appointments. The terms of these appointments shall be defined by the Board of Education on a case-by-case basis.

Student Teachers

The Hadley-Luzerne Central School District shall cooperate with teacher training institutions in the placement of student teachers in order to provide beginning teachers with the best possible student teaching experience.

Applicants for student teaching shall be screened carefully by the School Principal and placed in a situation that is most likely to be of benefit to all concerned. Student teachers shall perform their responsibilities under the supervision of an experienced teacher of demonstrated competence.

The agreement between the School District and the college or university must demonstrate the active role the college or university is to play.

Student teachers shall be protected from liability for negligence or other acts resulting in accidental injury to any person by the School District, as provided by law.

Substitute Teachers

1) The Hadley-Luzerne Central School participates in the WSWHE Substitute Teacher Registry and placement system. The Substitute Teacher Registry is a centralized service that enables districts to obtain substitute teachers and other staff to fill short- and long-term openings. The service includes recruiting, fingerprinting, reference checking, and training. BOCES currently places substitute teachers, teaching assistants, teacher aides and nurses. The service uses an automated system called AESOP to identify and place substitutes.

2)

3) The Substitute Teacher Registry recruits and selects substitutes who have completed the screening process and have met the requirements to perform in a substitute capacity. Annually, the school board considers and authorizes the school superintendent to enter into and execute agreements with BOCES, including the Substitute Teacher Registry. The district has the right to deselect a substitute teacher by notifying the registry in writing.

Substitute salary and other terms and conditions of employment are established by the agreement between the HLCS Superintendent of Schools representing the HLCS Board of Education and the Southern Adirondack Substitute Teacher Alliance (SASTA).

In order to allow adequate time for the school to procure a substitute, professional staff members should notify the Principal of their absence in advance whenever possible. The teacher who will be absent should leave a detailed lesson plan for the substitute to follow.

Education Law Section 3023
8 New York Code of Rules and Regulations (NYCRR)
Section 80-5.4

Adopted: 7/30/07
Revised Date: 1/26/2015

2007

6310

Personnel

SUBJECT: APPOINTMENT - SUPPORT STAFF

The probationary period for all new civil service employees shall be for the maximum period established by the local Civil Service Commission.

The time, place, conditions of employment, and transfer of support staff shall be vested in the Superintendent of Schools who shall conduct such actions in compliance with all applicable contract provisions. The duties for each Civil Service employee shall be clearly defined.

Civil Service Law Section 63

Adopted: 7/30/07

SUBJECT: SUPPLEMENTARY SCHOOL PERSONNEL**Teacher Aides**

In accordance with the Regulations of the Commissioner, the Board of Education may employ teacher aides to assist in the daily operation of the school through **non-teaching duties**.

The duties and responsibilities to be assumed by teacher aides shall be outlined by the Superintendent in accordance with Civil Service guidelines. Teacher aides shall be responsible to the Building Principal/designee.

A teacher aide may be assigned to assist teachers in such non-teaching duties as:

- a) Managing records, materials and equipment;
- b) Attending to the physical needs of children; and
- c) Supervising students and performing such other services as support teaching duties when such services are determined and supervised by a teacher.

Teaching Assistants

In accordance with the Regulations of the Commissioner, the Board of Education may employ teaching assistants to provide, under the general supervision of a licensed or certified teacher, **direct instructional service** to students.

Teaching assistants assist teachers by performing duties such as:

- a) Working with individual students or groups of students on special instructional projects;
- b) Providing the teacher with information about students that will assist the teacher in the development of appropriate learning aspects;
- c) Assisting students in the use of available instructional resources and assisting in the development of instructional materials;
- d) Utilizing their own special skills and abilities by assisting in instructional programs in such areas as foreign language, arts, crafts, music, and similar subjects; and
- e) Assisting in related instructional work as required.

(Continued)

Personnel

SUBJECT: SUPPLEMENTARY SCHOOL PERSONNEL (Cont'd.)

Teaching assistants who hold a pre-professional teaching assistant certificate shall have the same scope of duties as enumerated above for other teaching assistants. Within that scope of duties, teaching assistants holding a pre-professional teaching assistant certificate may, at the discretion of the District, and while under the general supervision of a teacher, perform such duties as:

- a) Working with small groups of students so that the teacher can work with a large group or individual students;
- b) Helping a teacher to construct a lesson plan;
- c) Presenting segments of lesson plans, as directed by the teacher;
- d) Communicating with parents of students at a school site or as otherwise directed by a teacher; and
- e) Helping a teacher to train other teaching assistants.

Licensure and certification requirements shall be as mandated pursuant to Commissioner's Regulations.

8 New York Code of Rules and Regulations (NYCRR)
Section 80-5.6

2007

6410

Personnel

SUBJECT: MAINTAINING DISCIPLINE AND CONDUCT

All personnel employed by the District are responsible for maintaining student discipline and appropriate conduct during school hours and at extracurricular events on and off school property.

School property shall mean in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus as defined in Vehicle and Traffic Law Section 142. A school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state.

Education Law Section 2801(1)

Adopted: 7/30/07

Personnel

SUBJECT: EMPLOYEE PERSONNEL RECORDS AND RELEASE OF INFORMATION**Personnel Records**

Administrative regulations will be developed to implement the terms of this policy to maintain a personnel file for each teacher, administrator and support staff member employed by the District.

Regulations and procedures will be developed addressing the inspection by District employees of their personnel files.

Release of Personnel Information

All steps should be taken to protect the privacy of the employees of the Board of Education. To ensure the individual's privacy, directory or confidential information should not be shared with a third party except in the following situations:

- a) When members of the Board of Education need information from the employee's personnel record to aid them in performing their legal responsibilities in such matters as appointments, assignments, promotions, demotions, remuneration, discipline, dismissal or to aid in the development and implementation of personnel policies.
- b) When the employee grants permission.

Procedures for obtaining consent for release of records to third parties shall be developed by the administration.

Release of Information Concerning Former Employees

The District shall not release information concerning the employment records, personnel file or past performance of a former employee, unless such information is required to be disclosed by law. Only the initial and final dates of employment and the position held shall be provided through a written response to a written request. The former employee may authorize the release of any additional information.

Public Officers Law Section 87
8 New York Code of Rules and Regulations (NYCRR)
Part 84

SUBJECT: EMPLOYEE ACTIVITIES**Political Activities**

The Board of Education recognizes the right of its employees, as citizens, to engage in political activities and to exercise their constitutionally-protected rights to address matters of public concern.

However, a District employee's constitutional rights to raise matters of public concern are limited when the speech or action occurs on school grounds and/or during school times. When such speech or action occurs on school grounds and/or during school time, the Board of Education can impose reasonable restrictions on the time, place and manner of the speech or action, and can further regulate the content of such speech when it materially imperils the efficient operation of the school.

Teachers may not use their classrooms or school surroundings as a means to promote their personal political views and beliefs. However, teachers are encouraged to address issues of current events for their instructional and informational value to students, to invite public and/or political figures to visit the classroom as a community resource, and to motivate students to participate in the political process.

Solicitations by Staff

Staff members shall not be engaged in advertising or commercial solicitations on school time, except as authorized by the Superintendent and/or designee.

NOTE: Refer also to Policy #5560 -- Use of Federal Funds for Political Expenditures

2007

6440

Personnel

SUBJECT: NEGOTIATIONS

Legal Status

The legal status for negotiations is the Public Employees' Fair Employment Law (Taylor Law), Article 14 of the Civil Service Law.

Organizations recognized for the purposes of collective bargaining include:

- a) Hadley-Luzerne Teachers' Association;
- b) Hadley-Luzerne Central School District Unit of the Warren County Local of CSEA, Inc. Local 1000, AFSCME, AFL-CIO;
- c) Southern Adirondack Substitute Teacher Alliance: New York State United Teachers, AFT, AFL-CIO.

NOTE: Refer also to Policy #6441 -- Board Negotiating Agents

Adopted: 7/30/07

Personnel

SUBJECT: BOARD NEGOTIATING AGENTS

Prior to commencement of any negotiations, the Board of Education with the assistance of the Superintendent of Schools will decide whether to appoint a labor lawyer, a BOCES negotiator or other professional negotiator, or to appoint representatives from within the School District to serve as the Board's chief spokesperson. The balance of the team will be selected by the Board with the assistance of the Superintendent. The fee or salary for a professional negotiator will be established by the Board at the time of appointment.

Negotiations will be conducted only as directed by the Board.

For pertinent information about negotiations, refer to the appropriate article in the various collective bargaining agreements.

2007

6450

Personnel

SUBJECT: THEFT OF SERVICES OR PROPERTY

The theft of services or property from the District by an employee will result in immediate disciplinary action that can lead to dismissal or other penalty, and shall not preclude the filing of criminal or civil charges by the District.

Adopted: 7/30/07

2007

6460

Personnel

SUBJECT: JURY DUTY

A District employee called for jury duty shall receive his/her full day's pay from the School District plus mileage from the State. No employee shall be entitled to receive the per diem allowance from the Unified Court System for any regularly scheduled workday on which jury duty is rendered if on such a day his/her wages are not withheld on account of such service.

Judiciary Law Section 521(b)

Adopted: 7/30/07

SUBJECT: STAFF USE OF COMPUTERIZED INFORMATION RESOURCES

The Board of Education will provide staff with access to various computerized information resources through the District's computer system (DCS hereafter) consisting of software, hardware, computer networks and electronic communication systems. This may include access to electronic mail, so-called "on-line services" and the "Internet." It may also include the opportunity for some staff to have independent access to the DCS from their home or other remote locations. All use of the DCS, including independent use off school premises, shall be subject to this policy and accompanying regulations.

The Board encourages staff to make use of the DCS to explore educational topics, conduct research and contact others in the educational world. The Board anticipates that staff access to various computerized information resources will both expedite and enhance the performance of tasks associated with their positions and assignments. Toward that end, the Board directs the Superintendent or his/her designee(s) to provide staff with training in the proper and effective use of the DCS.

Staff use of the DCS is conditioned upon written agreement by the staff member that use of the DCS will conform to the requirements of this policy and any regulations adopted to ensure acceptable use of the DCS. All such agreements shall be kept on file in the District office.

Generally, the same standards of acceptable staff conduct which apply to any aspect of job performance shall apply to use of the DCS. Employees are expected to communicate in a professional manner consistent with applicable District policies and regulations governing the behavior of school staff. Electronic mail and telecommunications are not to be utilized to share confidential information about students or other employees.

This policy does not attempt to articulate all required and/or acceptable uses of the DCS; nor is it the intention of this policy to define all inappropriate usage. Administrative regulations will further define general guidelines of appropriate staff conduct and use as well as proscribed behavior.

District staff shall also adhere to the laws, policies and rules governing computers including, but not limited to, copyright laws, rights of software publishers, license agreements, and rights of privacy created by federal and state law.

Staff members who engage in unacceptable use may lose access to the DCS and may be subject to further discipline under the law and in accordance with applicable collective bargaining agreements. Legal action may be initiated against a staff member who willfully, maliciously or unlawfully damages or destroys property of the District.

(Continued)

SUBJECT: STAFF USE OF COMPUTERIZED INFORMATION RESOURCES (Cont'd.)

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 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: Web sites, Web logs (blogs), wikis, social networks, online forums, virtual worlds, and any other social media generally available to the school district community which do not fall within the District's electronic technology network (e.g., Facebook, MySpace, Twitter, LinkedIn, Flickr, blog sites, etc.). The definition of District approved password-protected social media tools are those that fall within the District's electronic technology network or which the District has approved for educational use. Within these internal forums, the District has greater authority and ability to protect minors from inappropriate content and can limit public access within these internal forums.

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. They have responsibility for addressing inappropriate behavior or activity on these networks, including requirements for mandated reporting and compliance with all applicable District Policies and Regulations.

(Continued)

SUBJECT: STAFF USE OF COMPUTERIZED INFORMATION RESOURCES (Cont'd.)

Privacy Rights

Staff data files and electronic storage areas shall remain District property, subject to District control and inspection. The Computer Coordinator may access all such files and communication without prior notice to ensure system integrity and that users are complying with requirements of this policy and accompanying regulations. Staff should **NOT** expect that information stored on the DCS will be private.

Implementation

Administrative regulations will be developed to implement the terms of this policy, addressing general parameters of acceptable staff conduct as well as prohibited activities so as to provide appropriate guidelines for employee use of the DCS.

NOTE: Refer also to Policy #8271 -- Children's Internet Protection Act: Internet Content Filtering/Safety Policy

Adoption Date: 7/30/2010
Revised: 9/20/2010
Revised II: 12/19/2011
Revised III: 3/19/2012

SUBJECT: USE OF EMAIL IN THE SCHOOL DISTRICT

Electronic mail or email is a valuable business communication tool, and users shall use this tool in a responsible, effective and lawful manner. Every employee/ authorized user has a responsibility to maintain the District's image and reputation, to be knowledgeable about the inherent risks associated with email usage and to avoid placing the School District at risk. Although email seems to be less formal than other written communication, the same laws and business records requirements apply. School District employees/authorized users shall use the District's designated email system, such as Lotus Notes or Microsoft Exchange, for all business email, including emails in which students or student issues are involved.

Employee Acknowledgement

All employees and authorized users shall acknowledge annually and follow the District's policies and regulations on acceptable use of computerized information resources, including email usage.

Classified and Confidential

District employees and authorized users may not:

- a) Provide lists or information about District employees or students to others and/or classified information without approval. Questions regarding usage should be directed to a Principal/supervisor.
- b) Forward emails with confidential, sensitive, or secure information without Principal/supervisor authorization. Additional precautions 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, if possible. File protection passwords shall not be communicated via email correspondence in any event.
- d) Send or forward email with comments or statements about the District that may negatively impact it.

Personal Use

Employees and authorized users may use the District's email system for limited personal use. However, there is no expectation of privacy in email use. Personal use should not include chain letters, junk mail, and jokes. Employees and authorized users shall not use the District's email programs to conduct job searches, post personal information to bulletin boards, blogs, chat groups and list services, etc. without specific permission from the Technology Coordinator/Superintendent. The District's email system shall not be used for personal gain or profit.

(Continued)

2011 6480
2 of 3
Personnel

SUBJECT: USE OF EMAIL IN THE SCHOOL DISTRICT (Cont'd.)

Email Accounts

All email accounts on the District's system are the property of the School District. Employees and authorized users shall not access any other email account or system (Yahoo, Hotmail, AOL, etc.) via the District's network. Personal accounts and instant messaging shall not be used to conduct official business.

Receiving Unacceptable Mail

Employees and authorized users who receive offensive, unpleasant, harassing or intimidating messages via email or instant messaging shall inform their Principal/supervisor immediately.

Records Management and Retention

Retention of email messages are covered by the same retention schedules as records in other formats, but are of a similar program function or activity. Email shall be maintained in accordance with the NYS Records Retention and Disposition Schedule LGS-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 LGS-1 schedule.

Archival of Email

All email sent and received to an employee's email account should be archived by the District for a period of no less than six (6) years. This time period was determined based on the possibility of emails that are the official copy of a record according to schedule LGS-1. Depending on the District's archival system, employees may have access to view their personal archive, including deleted email.

Training

Employees/authorized users should receive regular training on the following topics:

- a) The appropriate use of email with students, parents and other staff to avoid issues of harassment and/or charges of fraternization.
- b) Confidentiality of emails.
- c) Permanence of email: email is never truly deleted, as the data can reside in many different places and in many different forms.
- d) No expectation of privacy: email use on District property is NOT to be construed as private.

(Continued)

2011

6480
3 of 3

Personnel

SUBJECT: USE OF EMAIL IN THE SCHOOL DISTRICT (Cont'd.)

Sanctions

The Computer Coordinator may report inappropriate use of email by an employee/authorized user to the employee/authorized user's Principal/supervisor who will take appropriate disciplinary action. Violations may result in a loss of email use, access to the technology network and/or other disciplinary action. When applicable, law enforcement agencies may be involved.

Notification

All employees/authorized users will be required to access a copy of the District's policies on staff and student use of computerized information resources and the regulations established in connection with those policies. Each user will acknowledge this employee/designated user agreement before establishing an account or continuing in his/her use of email.

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 -- Anti-Harassment in the School District
#5670 -- Records Management
#6410 -- Staff Use of Computerized Information Resources
#8271 -- Children's Internet Protection Act: Internet Content Filtering/Safety Policy

Adopted: February 28, 2011

HEALTH INSURANCE**Health Insurance Coverage for Substitutes and Other Variable and Part-Time District Employees**

The School District acknowledges that health insurance coverage through Health Insurance Plans offered by the School District is made available to employees of the School District pursuant to various collective bargaining agreements and/or existing School District policies. However, for employees who are not eligible for health insurance coverage pursuant to the eligibility requirements in the applicable collective bargaining agreements or pursuant to existing policies, and who are determined by the School District to be eligible per the Affordable Care Act by having met the minimum criteria of hours worked during the measurement period as determined by the District, the School District will offer such employees health insurance coverage through the WSWHE Counties Health Insurance Consortium Trust Alternate PPO Plan, or similar School District selected plan, provided such employees pay 100% of the premiums for such health insurance coverage. Such coverage will be available for as long as the employee remains eligible during the stabilization period.

Payment of the premiums shall be made directly to the School District or in the School District's sole discretion, may be made by payroll deduction, but must be made prior to the month for which the employee will have such health insurance coverage. The School District reserves its right to modify or eliminate this policy at any time.

Continuation of Medical Insurance Coverage at Termination of Employment

Under the provisions of the federal Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), employees and their dependents are eligible to continue their insurance coverage when termination of their insurance is due to a reduction in their hours worked, or upon termination of their employment.

Under COBRA, employees generally may continue their group health insurance coverage for up to eighteen (18) months. In addition, with the exception of those in self-funded or self-insured plans, employees who have exhausted their federal COBRA coverage may extend their coverage for up to an additional eighteen (18) months, for a total period of thirty-six (36) months, under New York Insurance law.

Dependents of employees are eligible to continue their insurance for up to thirty-six (36) months upon occurrence of one (1) of the following events:

- a) Death of the covered employee; or
- b) Divorce or legal separation from the covered employee; or
- c) An employee becomes eligible for Medicare and ceases to participate in the employer-sponsored plan; or
- d) The dependents of a covered employee reach the maximum age for dependent coverage.

Those who are eligible to continue coverage have up to sixty (60) days to complete the Continuation of Coverage Election Form. Premiums and administrative costs will be paid in accordance with law.

American Recovery and Reinvestment Act of 2009, Public Law 111-5
Consolidated Omnibus Budget Reconciliation Act of 1985
Insurance Law Section 3221(m)(4)(5) and (6)

Adoption Date: 12/21/2009
Revised: 4/16/2012
Revised: 12/5/2016

2007

6520

Personnel

SUBJECT: WORKERS' COMPENSATION

Employees injured in the performance of their duties are covered by Workers' Compensation Insurance. Employees shall report work-related injuries immediately to their immediate supervisor. Delay in reporting, if necessary, must be justified to the satisfaction of the Board of Education and/or the insurance agency.

Reimbursement for Workers' Compensation Insurance benefits shall be in accordance with their respective negotiated agreements.

Education Law Sections 1604(31), 1709(34) and 2503(10)

Adopted: 7/30/07

2007

6530

Personnel

SUBJECT: PAYROLL DEDUCTIONS

Payroll deductions may be made when authorized by employees or when required by law or negotiated agreements.

Education Law Sections 1604 and 1709

Adopted: 7/30/07

SUBJECT: DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS AND EMPLOYEES**Liability Protection Pursuant to Education Law**

The Board of Education recognizes its statutory obligation to indemnify School District employees (and in certain circumstances, Board of Education members and volunteers) pursuant to the provisions of Sections 3023, 3028 and 3811 of the Education Law. For the purposes of this policy, the term "employee" shall be as defined in the applicable statute(s).

The District shall not be subject to the duty to defend unless the employee, within the time prescribed by statute, delivers appropriate notice of the claim to the Board of Education.

- a) For purposes of Education Law Section 3811, the employee must give written notice within five (5) days after service of process upon him/her. The statute mandates only written notice of the claim to the Board of Education; however, submission of relevant legal documents by the employee to the Board is also encouraged.
- b) For purposes of Education Law Sections 3023 and 3028, the employee must deliver the original or a copy of the relevant legal documents to the Board within ten (10) days after service of process upon him/her.

The District will provide legal defense and/or indemnification for all damages, costs, and reasonable expenses incurred in the defense of an action or proceeding if authorized pursuant to statute and provided that the alleged action or omission which occurred or allegedly occurred is covered by the appropriate statute(s). Furthermore, the District will not be required to provide indemnification protection and/or legal defense unless the employee was, at the time of the alleged incident, acting in the discharge of his/her duties within the scope of his/her employment or authorized volunteer duties and/or under the direction of the Board of Education.

Public Officers Law Section 18

The Board of Education hereby also confers the benefits of Section 18 of the New York State Public Officers Law upon the "employees" of the District, as defined in Section 18 of the Public Officers Law; and the District assumes the liability for the costs incurred in accordance with the provisions of Section 18. The benefits accorded to District employees under Section 18 of the Public Officers Law shall supplement and be available in addition to defense or indemnification protection conferred by other 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 (10) days after he/she is served with such document. Pursuant to Section 18, the full cooperation of the employee in the defense of such action or proceeding and in the defense of any action or proceeding against the District based upon the same act or omission, and in the prosecution of any appeal, shall also be required as a condition for the District's duty to defend and/or indemnify and save harmless to exist.

Exceptions to Liability Coverage

Indemnification coverage and/or provision of legal defense by the District will not apply unless the actionable claim is of the type covered by the statute(s) and/or is not otherwise exempt from coverage pursuant to law. Additionally, indemnification coverage and/or the duty to provide a defense shall not arise where such action or proceeding is brought by or on behalf of the School District.

Paul D. Coverell Teacher Protection Act of 2001, as
authorized by the No Child Left Behind Act of 2001,
20 United States Code (USC) Section 6731 et seq.
Education Law Sections 1604(25), 1604(31-b), 1709(26),
1709(34-b), 2560, 3023, 3028 and 3811
General Municipal Law Sections 6-n and 52
Public Officers Law Section 18

Personnel

SUBJECT: LEAVES OF ABSENCE

- a) In general, leaves of absence:
1. Shall be administered by the Superintendent.
 2. The Board reserves the right to grant leaves of absence for purposes or under conditions not contemplated or considered in the policy statement.
 3. Under laws and rules governing such action, the Board may undertake appropriate disciplinary action where a leave of absence is falsely requested or improperly used.
 4. Except by permission of the Superintendent, as expressed in writing, the purpose or conditions of a leave of absence may not be altered.
- b) Leaves of absence, contractual, et al:
1. Employees who are members of a negotiating unit:
Authorization is granted to approve requests for leaves of absence submitted pursuant to provisions of contracts in effect between the District and each bargaining unit.
 2. Employees who are not members of a negotiating unit:
Authorization is granted to approve requests for leaves of absence submitted by such employees where such requests are consistent with provisions of contracts in effect between the District and the bargaining unit most compatible with the employment status of the employee.
 3. Employees who are under contract to the District:
Authorization is granted to implement provisions for leaves of absence contained in each such contract.
- c) Leaves of absence, unpaid, not covered in b) 1. above:
1. Subject to limitations enumerated in this policy statement, authorization is granted for the following unpaid leaves of absence.
 - (a) For a period of time not to exceed one (1) school year for approved graduate study, such leave to include any required internship experience.

(Continued)

Personnel

SUBJECT: LEAVES OF ABSENCE (Cont'd.)

- (b) At the expiration of a paid sick leave of absence, to extend such a leave of absence for a period of time not to exceed the end of the school year next succeeding the school year in which the paid leave of absence commenced.
 - 2. Unpaid leaves of absence shall not be used to extend vacation periods, to take vacations, to engage in other occupations, or to provide additional personal leaves, except that the Superintendent shall have discretion, where circumstances warrant, to approve leaves of absence for such purposes.
 - 3. Unpaid leaves of absence shall not be granted unless the services of a substitute employee, satisfactory in the discretion of the Superintendent, can be secured.
 - 4. Except where it interferes with an employee's legal or contractual rights, the timing of unpaid leaves of absence will be granted at the convenience of the District.
- d) Other leaves of absence:
- 1. Emergency Service Volunteer Leave

Upon presentation of a written request from the American Red Cross and with the approval of the Superintendent, employees certified by the American Red Cross as disaster volunteers shall be granted leave from work with pay for up to twenty (20) days in any calendar year to participate in specialized disaster relief operations. This leave shall be provided without loss of seniority, compensation, sick leave, vacation leave or other overtime compensation to which the volunteer is otherwise entitled.
 - 2. Screenings for Breast Cancer and Prostate Cancer

Employees shall be granted up to four (4) hours of paid leave on an annual basis to undertake a screening for breast cancer; employees shall be granted up to four (4) hours of paid leave on an annual basis to undertake a screening for prostate cancer (i.e., male employees are entitled to a total of eight (8) hours for both screenings). This leave shall be excused leave and shall not be charged against any other leave to which the employee is entitled.
 - 3. Blood donation

The School District must either, at its option:

 - (a) Grant three (3) hours of leave of absence in any twelve (12) month period to an employee who seeks to donate blood. According to Commissioner's Guidelines, leave granted to employees for off-premises blood donation is not required to be paid leave.

(Continued)

Personnel

SUBJECT: LEAVES OF ABSENCE (Cont'd.)

The leave may not exceed three (3) hours unless agreed to by the Superintendent/designee; or

- (b) Allow its employees without use of accumulated leave time to donate blood during work hours at least two (2) times per year at a convenient time and place set by the Superintendent/designee, including allowing an employee to participate in a blood drive at the District.

Leave taken by employees at a District-designated donation alternative (such as a District-sponsored blood drive at the workplace) must be paid leave that is provided without requiring the employee to use accumulated vacation, personal, sick, or other leave time.

The District shall not retaliate against an employee for requesting or obtaining a leave of absence under this section. Additional leaves for the purpose of blood donation under any other provision of law shall not be prevented.

4. Bone Marrow donation

Employees seeking to undergo a medical procedure to donate bone marrow shall be granted leaves to do so, the combined length of the leaves to be determined by the physician, but may not exceed twenty-four (24) work hours unless agreed to by the Superintendent/designee. The District shall require verification for the purpose and length of each leave requested by the employee for this purpose.

5. Nursing Mothers

The District shall provide reasonable unpaid break time or permit the use of paid break time or meal time each day to allow an employee to express breast milk for her nursing child for up to three (3) years following child birth. The District shall make reasonable efforts to provide a room or other location in close proximity to the work area where the nursing mother can express milk in privacy. The District shall not discriminate against an employee who chooses to express breast milk in the workplace.

Reasonable unpaid break time is generally no less than twenty (20) minutes and no more than thirty (30) minutes dependent upon on the proximity of the designated location for expressing breast milk. In most situations, the District is required to provide unpaid break time at least once every (3) hours if requested by the employee. At the employee's option, the District shall allow the employee to work before or after her normal shift to make up the amount of time used during the unpaid break time(s) so long as such additional time requested falls within the District's normal work hours.

(Continued)

SUBJECT: LEAVES OF ABSENCE (Cont'd.)

The District shall provide written notice to employees who are returning to work following the birth of a child of their right to take unpaid leave for the purpose of expressing breast milk. Such notice may either be provided individually to affected employees or to all employees generally through publication of such notice in the employee handbook or posting of the notice in a central location.

Any employee wishing to avail herself of this benefit is required to give the District advance notice, preferably prior to her return to work, to allow the District an opportunity to establish a location and schedule leave time to accommodate employees as needed.

6. Victims of Domestic Abuse

Employers are required to provide employees with an unpaid leave to appear as a witness, consult with the district attorney, or exercise the employee's statutory rights as the victim of, or witness to a crime of domestic violence. In addition, a victim of domestic violence may need one or more of these types of leave.

To use this leave, the employee shall provide notice of the need for leave at any time prior to the actual day of leave. Employers are permitted to ask the employee who sought the attendance or testimony of the employee to provide verification of the employee's service. Penalizing or discharging an employee for absences by reason of a required appearance as a witness in a criminal proceeding, or consultation with the district attorney, or exercising his/her rights as provided under the law constitutes a Class B misdemeanor by the employer.

7. Military Leave

The District will comply with state and federal laws regarding military leave and re-employment.

Leaves of absence for military spouses are granted in accordance with law and regulation.

Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 United States Code (USC) Sections 4301-4333

Civil Service Law Sections 71-73, 159-b and 159-c

Education Law Sections 1709(16), 3005, 3005-a and 3005-b

General Municipal Law Section 92-c

Labor Law Sections 202-a, 202-c, 202-i, 202-j and 206-c

Military Law Sections 242 and 243

New York Penal Law Section 215.4

Adopted: 7/30/07

Revised: 9/20/2010

FAMILY AND MEDICAL LEAVE ACT POLICY

I. PURPOSE:

The purpose of this policy is to outline the conditions and procedures under which an employee may obtain leave for a limited period as required by the federally enacted Family and Medical Leave Act ("FMLA").

Hadley-Luzerne Central School District will grant family and medical leave to eligible employees for up to 12 work weeks per 12 month period under appropriate circumstances. The District adopts as its benefit year the period of the school year July 1 to June 30. Regulations promulgated by the U.S. Department of Labor regarding the FMLA shall be utilized to interpret and govern aspects of FMLA leave not specifically addressed herein.

II. ENTITLEMENT TO LEAVE:

An eligible employee shall be entitled to a total of 12 work weeks of leave during a designated 12 month period for one or more of the following:

- A. Because of the birth of a son or daughter of the employee and in order to care for such son or daughter;
- B. Because of the placement of a son or daughter with the employee for adoption or foster care, and to care for the newly placed child;
- C. In order to care for the spouse, son, daughter, or parent of the employee, if such spouse, son, daughter, or parent has a serious health condition; or
- D. Because of a serious health condition that makes the employee unable to perform the functions of the position of such employee.
- E. For a qualifying exigency as defined by law and regulation, arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty).

An eligible employee who is the spouse, son, daughter, parent or next of kin of a covered service member is entitled to a total of 26 workweeks of leave in a single 12 month period to care for the service member who is seriously ill or injured in the line of duty.

III. DEFINITIONS:

- A. Eligible Employee: To be eligible for FMLA coverage, a District employee must meet three requirements:
 - 1. Employment with the District for at least 12 months prior to the commencement of the leave (need not be continuous);
 - 2. Employment with the District for at least 1,250 hours of service during the 12 months immediately preceding the leave; and

3. Employment on a work site where 50 or more employees are employed by the District within 75 miles of the work site.

Note: Full-time Instructional Employees/Teachers are presumed to meet the 1,250 hour test.

- B. Serious Health Condition: A "serious health condition" means any illness, injury, impairment or physical or mental condition that involves:

1. Inpatient care in a hospital, hospice, or residential medical care facility, including any period of incapacity (defined to mean an inability to work or perform other regular daily activities due to a serious health condition), or any subsequent treatment in connection with such inpatient care; or
2. Continuing treatment by a health care provider,

Note: A serious health condition involving continuing treatment by a health care provider includes one or more of the following:

- a. Any period of incapacity of more than three consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also involves:
 - (1) Treatment two or more times by a health care provider or, in some instances, individuals under direct supervision or orders of a health care provider; or by a provider of health services (e.g., physical or occupational therapist) on referral from a health care provider; or
 - (2) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.
- b. Any period of incapacity due to pregnancy or for pre-natal care.
- c. Any period of incapacity due to a chronic serious health condition, which is defined as:
 - (1) A condition which requires periodic visits for treatment to a health care provider; and
 - (2) Continues over an extended period of time; and
 - (3) May cause episodic rather than a continuing period of incapacity.
- d. A period of incapacity which is permanent or long term for which treatment may not be effective (e.g., Alzheimer's, severe stroke). The employee or family member need not be receiving active care from a health care provider when the leave is taken.
- e. Any period of absence to receive multiple treatments by or under orders of a health care provider either for:
 - (1) Restorative surgery after an injury; or

- (2) For a condition that will result in a period of incapacity of more than 3 consecutive calendar days in the absence of medical intervention.

Note: Cosmetic treatments which are not medically necessary are not "serious health conditions" unless inpatient hospital care is required or complications develop.

Note: Substance abuse may be a serious health condition. However, absence because of an employee's use of the substance, rather than for treatment, does not qualify for FMLA leave.

C. Health Care Provider:

1. A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State in which the doctor practices; or
2. Any other person deemed by the U.S. Secretary of Labor to be capable of providing health care services.
 - a. "Others capable of providing health care services" include only those specifically set forth in the regulations, and those specifically designated by the Secretary of Labor.
 - i. "Others capable of providing health care services" are podiatrists, dentists, clinical psychologists, optometrists, chiropractors (limited to treatment consisting of manual manipulation of the spine to correct subluxation as demonstrated by x-ray to exist); clinical social workers, nurse practitioners, nurse mid-wives who are authorized to practice within the State and who are performing within the scope of their practice; Christian Science Practitioners listed with the First Church of Christ, Scientist, in Boston, Massachusetts; provided, that an employee or family member may not object to an employer's requirement that the employee or family member submit to an examination (but not treatment) to obtain secondary certification from a health care provider who is not a Christian Science practitioner; and
 - ii. Any health care provider from whom a group health plan's benefit manager will accept certification of a serious health condition to substantiate a claim for benefits.

D. Spouse: A spouse is defined as a husband or a wife under State law for purposes of marriage. Unmarried domestic partners are not included.

E. Parent: Parent means biological parent or an individual who stands or stood in the place of a parent to an employee when the employee was a child. "Parents in law" are not included.

F. Son or Daughter: Son or daughter means a biological, adopted, or foster child, a step child, a legal ward, or a child of a person standing in loco parentis, who is under 18 years of age. This term includes individuals 18 years or older who are incapable of self-care due to a mental and/or physical disability.

G. Instructional Employee/Teacher: Instructional Employee/Teacher means an employee whose principal function is to teach and instruct students in a class, a small group, or an individual setting, and includes not only teachers but also athletic coaches, driving instructors, and special education assistants such as signers for the hearing impaired. The term does not include teacher assistants or aides who do not have as their principal function actual teaching or instructing, nor

does it include auxiliary personnel such as counselors, psychologists, curriculum specialists, cafeteria workers, maintenance workers, bus drivers or other primarily non-instructional employees.

H. **12-Month Period:** The following 12 month period is being adopted: July 1 to June 30

IV. FMLA LEAVE OF ABSENCE - PAID OR UNPAID:

Any FMLA leave taken in accordance with Section II of this policy shall be taken in accordance with the following:

1. Paid vacation and/or personal leave, as provided for in the various collective bargaining agreements and/or in accordance with District procedures, may, at either the District's or employee's discretion, be utilized for designated FMLA leave for the birth or placement of a child or to care for a family member with a serious health condition as set forth in and taken pursuant to Section II, paragraphs (A), (B) and/or (C) of this policy.
2. In addition to vacation and/or personal leave, sick and/or medical leave (if permitted under the appropriate CBA and/or in accordance with District practice and procedure) may, at either the District's or employee's discretion, be utilized for any leave designated as FMLA leave taken to care for a family member with a serious health condition as set forth in and taken pursuant to Section II, paragraph (C) of this policy. The use of sick leave to care for a family member with a serious health condition is limited to the number of days allowed for such care under the applicable collective bargaining agreement or by District procedure.
3. Paid vacation, personal, sick and/or medical leave, as provided for in the various collective bargaining agreements and/or in accordance with District procedures, will be utilized for any leave designated as FMLA leave taken for the employee's own serious health condition as set forth in and pursuant to Section II, paragraph (D) of this policy.
4. In the event an eligible employee has no accrued leave to his/her credit, or any such accrued leave is extinguished during designated FMLA leave, the remainder of the leave entitlement provided under this policy shall be unpaid.

V. BENEFITS WHILE ABSENT ON FMLA LEAVE:

District employees are entitled to the continuation of health insurance coverage under the District's "group health insurance plan" while on FMLA leave on the same basis as coverage would have been provided had the employee remained at work. Employees shall be required to continue to contribute any share of health insurance premiums which had been paid by the employee prior to the start of the FMLA leave or which may be negotiated during the time the employee is on leave.

For employees utilizing paid leave during the FMLA period, health insurance contributions shall be made in accordance with normal practice and procedure of the District.

Employees absent on unpaid FMLA leave shall make health insurance contributions by making monthly payments to the payroll office at 27 Hyland Drive, Lake Luzerne, NY 12846.

Upon 15 days' notice to the employee, the District may discontinue health insurance benefits to employees on unpaid FMLA leave if the employee's premium payment contribution is more than thirty (30) days late. If the District pays the employee contributions missed by the employee while on

leave, the employee will be required to reimburse the District for delinquent payments (on a payroll deduction schedule) upon return from leave. The employee will be required to sign a written statement at the beginning of the leave period authorizing the payroll deduction for delinquent payments and acknowledging that if (s)he does not return to the District following FMLA leave, (s)he must reimburse the District for all health insurance premium payments made by the District on behalf of the employee.

The District's obligation to continue health insurance benefits ceases if and when the employee informs the District of his/her intent not to return from leave at the conclusion of the 12 weeks of FMLA leave entitlement. Thus, if an employee takes an unpaid leave of absence with a duration in excess of 12 weeks, and a portion of such (i.e., 12 weeks) is designated as FMLA leave, then the District shall not continue health insurance coverage for any part of that leave, except as required by COBRA or any applicable collective bargaining agreement or policy. The employee shall be required to notify the District prior to the leave, if possible, whether the duration of the leave will be in excess of 12 weeks.

The District may recover its portion of health insurance premiums paid during unpaid FMLA leave from an employee if the employee fails to return to work at the conclusion of the FMLA leave entitlement unless the failure to return to work is due to:

- (1) The continuation, recurrence or onset of a serious health condition which would entitle the employee to leave under the FMLA; or
- (2) Other circumstances beyond the employee's control.

The District may recover from an employee the cost of health insurance premiums, as well as other types of insurance or benefits (i.e., life insurance, disability insurance, etc.), paid during unpaid FMLA leave if the employee fails to return to work at the conclusion of the FMLA leave entitlement unless the failure to return to work is due to:

- (1) The continuation, recurrence or onset of a serious health condition which would entitle the employee to leave under the FMLA; or
- (2) Other circumstances beyond the employee's control.

VI. RIGHTS UPON RETURN TO WORK:

Upon return to work from unpaid FMLA leave, an employee shall be placed in the same position the employee held when the leave commenced, or to an equivalent position with equivalent benefits, pay and other terms and conditions of employment at the District's discretion.

An "equivalent position" will have equivalent pay, benefits and working conditions and must involve the same or substantially similar duties and responsibilities. "Equivalent Pay" shall include any unconditional pay increases which occurred during the FMLA leave period, but shall not include pay increases conditioned upon seniority, length of service, or work performed. Thus, where a pay increase would be granted based on the employee's seniority, length of service, work performed, etc., a period of unpaid FMLA leave shall be excluded unless required by the applicable collective bargaining agreement or policy. "Equivalent benefits" shall include all benefits provided or made available to similar employees by the District, including group life insurance, health insurance, disability insurance, sick leave, annual leave, and educational benefits. Employees on unpaid FMLA leave shall not accrue any additional benefits or seniority during any unpaid FMLA leave, unless required by applicable collective bargaining agreement or policy.

Notwithstanding the foregoing, the District's obligation to place an employee in the same position the employee held when the unpaid FMLA leave commenced, or to an equivalent position with equivalent benefits, pay and other terms and conditions of employment, ceases if and when an employee informs the District of his/her intent not to return from leave at the conclusion of the 12 weeks of FMLA leave entitlement, except as required by the applicable collective bargaining agreement or policy. Thus, if an employee takes an unpaid leave of absence for a period in excess of 12 weeks, and a portion of the unpaid leave of absence (i.e., 12 weeks) is designated as FMLA leave, then the District shall not be required to place the employee in the same or an equivalent position upon return from that leave, except as required by any applicable collective bargaining agreement or policy.

VII. SPOUSES WHO WORK FOR THE DISTRICT:

Spouses who work for the District are entitled to a combined total of 12 weeks of FMLA leave per 12 month period for the birth of a child, or placement of a child for adoption or foster care, or to care for the individual employee's own parent (but not a parent-in-law) with a serious health condition as that leave entitlement is set forth in and taken pursuant to Section II, paragraphs (A) and/or (B), and/or the pertinent portions of paragraph (C) of this policy. Each spouse is entitled to 12 weeks of leave individually (for a potential total of 24 weeks between the two) to care for a spouse, son or daughter with a serious health condition or for the employee's own serious health condition as that leave entitlement is set forth in and taken pursuant to Section II paragraph (D) and/or the pertinent portions of paragraph (C) of this policy.

VIII. KEY EMPLOYEES:

All salaried FMLA-eligible employees who are among the highest paid 10 percent of the District are key employees. The District may deny restoration to the same or an equivalent position for key employees out on FMLA unpaid leave if the District determines that the restoration of the employee will cause "substantial and grievous economic injury" to the operations of the District.

IX. PROCEDURES:

A. Notice - Any employee who will be absent from work for three or more days due to personal illness or any FMLA reason as set forth herein or who wishes to request FMLA leave must complete the "Request for Family/Medical Leave Form" attached hereto as Attachment "A."

1. Foreseeable Leave: - An employee should give at least 30 days advance notice before FMLA leave is to begin if the need for leave is foreseeable. "Foreseeable leave" includes, but is not limited to, leave for an expected birth, placement for adoption or foster care and a planned medical treatment for a serious health condition of the employee or of a family member. When leave is foreseeable, the employee must consult with the District and make a reasonable effort to schedule the leave so as not to unduly disrupt the District's educational operation. Notice of the need for leave need only be given once, but an employee remains under a continuing obligation to inform the District of any changes in the need for leave or the scheduling of leave.

An employee who fails to provide 30 days notice for foreseeable leave with no reasonable excuse for the delay may have the start of the leave delayed until up to 30 days after the date of actual notice.

2. Unforeseeable Leave: - When the need for leave is unforeseeable, an employee must give notice to the employer of the need for FMLA leave as soon as practicable under the facts and circumstances of the particular case. It is expected that the employee will give notice to

the District within one or two working days of learning of the need for leave, except in extraordinary circumstances.

Notice may be provided by the employee's representative (e.g., a spouse, family member or other responsible party) if the employee is unable to do so personally.

B. Medical Certification:

1. An employee who takes leave due to the employee's own serious health condition or to care for the employee's seriously ill spouse, son, daughter or parent, as that leave entitlement is set forth in Section II paragraphs (C) and/or (D) of this policy, is required to submit a completed "Physician or Practitioner Certification" form attached hereto as Attachment "B." If the leave is foreseeable, then the "Physician or Practitioner Certification" form must be completed and returned to the District within 15 days before the start of the FMLA leave. If the leave is not foreseeable, then the "Physician or Practitioner Certificate" form must be completed as soon as practicable following the start of the leave, but in no event shall said form be completed and returned more than 15 calendar days following the start of the leave.
2. The District may require additional medical certification(s) and periodic reports of the employee's status and intent to return to work, as well as second and/or third medical opinion(s) at District expense.
3. Failure to provide the medical certification may result in the delay of the determination of the leave request, if said leave is foreseeable, until such time as the employee provides the required certification, or in discontinuation of the leave if the leave is in progress.
4. Except in the case of intermittent leave taken pursuant to Article X of this policy, prior to returning to work following FMLA leave taken due to an employee's own serious health condition as set forth in Section II paragraph (D), an employee must submit a "Fitness for Duty Certification" statement from his/her treating physician stating that the employee is capable of performing the essential functions of his/her position. Failure to provide such certification may result in a delay in restoring the employee to work.
5. All documentation related to the employee's or family member's medical condition will be held in strict confidence and maintained in the employee's medical records file. Said documentation shall not be maintained in an employee's personnel file.

X. INTERMITTENT OR REDUCED LEAVE:

- A. An employee may take leave intermittently or on a reduced leave schedule to care for a spouse, son, daughter and/or parent with a serious health condition or because of the employee's own serious health condition as set forth in Section II, paragraphs (C) and/or (D) of this policy, when it is medically necessary and taken under the supervision of a health care provider, for recovery from a serious health condition, or to provide care or psychological comfort to an immediate family member with a serious health condition. Employees taking intermittent leave or leave on a reduced leave schedule which is foreseeable must attempt to schedule their leave in coordination with the District so as not to disrupt the District's operations.
- B. An employee may take leave intermittently or on a reduced leave schedule for birth or placement of a child as set forth in Section II, paragraphs (A) and (B) of this policy, only with the express written consent of the District.

- C. The District may require any employee desiring to take or currently on intermittent leave or leave on a reduced leave schedule to transfer temporarily to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position as determined by the District. Said alternative position will have proportionately equivalent pay and benefits, but may not have equivalent duties. Employees on intermittent leave or working pursuant to a reduced leave schedule may be transferred to part-time positions with equivalent hourly pay rates and benefits. The employee shall not be required to take more leave than is medically necessary. Earned benefits for employees on intermittent leave or working pursuant to a reduced leave schedule (e.g., vacation leave) shall be proportionately reduced.
- D. Only the amount of leave actually taken shall be counted toward the 12 weeks of leave to which an employee is entitled while on intermittent leave or working pursuant to a reduced leave schedule.

XI. SPECIAL RULES FOR INSTRUCTIONAL EMPLOYEES:

A. Intermittent Leave or Leave On A Reduced Leave Schedule for Instructional Employees:

If an eligible instructional employee requests intermittent leave or leave on a reduced leave schedule and will not be absent from work for more than 20% of the working days on which the leave extends, then the above referenced provisions of Article X of this policy shall govern except as specified herein.

If an eligible instructional employee requests intermittent leave or leave on a reduced leave schedule, which (i) is foreseeable based on planned medical treatment; and (ii) requires the instructional employee to be placed on leave for more than 20 percent of the total number of working days during the period over which the leave would extend, then the District may require the employee to choose either to:

- a. Take full-time leave for a period or periods of particular duration not to exceed the duration of the planned treatment; or
- b. Temporarily transfer to an available alternative position for which the employee is qualified and which has equivalent pay and benefits and which better accommodates recurring periods of leave than does the employee's regular position.

"Periods of a particular duration" means a block or blocks of time beginning no earlier than the first day for which leave is needed and ending no later than the last day on which leave is needed. The total amount of leave taken by an employee for "periods of a particular duration" shall be counted against the employee's FMLA leave entitlement.

B. Leave Taken Near the End of an Academic Term by Instructional Employees:

- a. If an instructional employee begins FMLA leave more than 5 weeks before the end of a term/semester, then the District may require the instructional employee to continue taking leave until the end of the term if:
 - (i) The leave will last at least three weeks; and
 - (ii) The employee would return to work during the three week period before the end of the term.

- b. If an instructional employee begins FMLA leave for a purpose other than the employee's own serious health condition as set forth in Section II, paragraph (D) of this policy, during the 5 week period prior to the end of a term/semester, then the District may require the instructional employee to continue taking leave until the end of the term/semester if:
 - (i) The leave will last more than two weeks; and
 - (ii) The employee would return to work during the two week period before the end of the term.

- c. If an instructional employee begins FMLA leave for purposes other than the employee's own serious health condition as set forth in Section II, paragraph D of this policy, during the 3 week period before the end of a term/semester, and the leave will last for more than 5 working days, then the District may require the instructional employee to continue taking leave until the end of the term/semester.

For the purpose of these provisions, "term/semester" means the school semesters which typically end near the end of the calendar year and the end of spring each school year.

If an instructional employee is required to take FMLA leave until the end of an academic term/semester, then the entire period of leave taken will count as FMLA leave. If an instructional employee is required to take leave until the end of an academic term/semester, and the employee's leave entitlement ends prior to the conclusion of the required leave, then the employee will be provided the rights and privileges of FMLA leave until the conclusion of the required leave.

Family and Medical Leave Act of 1993
Public Law 103-3
29 Code of Federal Regulations (CFR) Part 825

Adopted: 7/30/07
Revised: 4/7/14

Personnel

SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)/MILITARY LEAVES OF ABSENCE

In accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) and State Law, the School District, upon advance notice by the employee, shall grant leaves of absence for service in the uniformed services and/or military duty (hereinafter referred to as "military service" or "military duty") to its employees who are ordered to duty or volunteer for qualifying military service. The employee's notice may be either verbal or written. No advance notice is required if military necessity prevents the giving of notice, or the giving of notice is otherwise impossible or unreasonable under all the circumstances.

Employment Rights

Time during which an employee is absent pursuant to military leave shall not constitute an interruption of continuous employment in the School District and no such employee shall be subjected, directly or indirectly, to any loss or diminution of time service, increment, vacation or holiday privileges, or any other right or privilege, by reason of such absence; nor shall any employee be prejudiced by reason of such absence with reference to continuance in employment, reemployment, reinstatement, transfer or promotion.

Salary/Compensation

Every employee shall be paid his/her salary or other compensation for any and all periods of absence while engaged in the performance of ordered military duty, and while going to and returning from such duty. This payment of salary/compensation shall not exceed a total of 30 days or 22 working days, whichever is greater, in any one calendar year; and shall not exceed 30 days or 22 working days, whichever is greater, in any one continuous period of such absence.

The employee must be permitted, upon request, to use any accrued vacation, annual, or similar leave with pay during the period of military service in order to continue his/her civilian pay. The School District may not require the employee to use accrued leave.

The employee is not entitled to use accrued sick leave during the period of military service, unless the District allows employees to use sick leave for any reason or allows other similarly situated employees on comparable furlough or leave of absence to use accrued paid sick leave.

Employee Benefits**Health Plan Coverage**

If the employee has coverage under a health plan in connection with his/her employment with the District, the employee must be permitted to elect to continue the coverage for a certain period of time as designated in law.

(Continued)

Personnel

SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)/MILITARY LEAVES OF ABSENCE (Cont'd.)

When the employee is performing military service, he/she is entitled to continuing coverage for himself/herself (and dependents if the plan offers dependent coverage) under a health plan in connection with the employment. The plan must allow the employee an opportunity to continue coverage for a period of time that is the lesser of:

- a) The 24-month period beginning on the date on which the employee's absence for the purpose of performing military service begins; or
- b) The period beginning on the date on which the employee's absence for the purpose of performing military service begins, and ending on the date on which the employee fails to return from service or apply for a position of reemployment.

Health plan administrators may develop reasonable requirements addressing how continuing coverage may be elected, consistent with the terms of the plan and USERRA's exceptions to the requirement that the employee give advance notice of military service. Further, health plan administrators may develop reasonable procedures for employee payment to continue coverage, consistent with USERRA and the terms of the plan.

Pension/Retirement Plans

While on military duty, any School District employee who is a member of any pension or retirement system may elect to contribute to such pension or retirement system the amount which he/she would have contributed had such employment been continuous. Upon making such contribution, the employee shall have the same rights in respect to membership in the retirement system as he/she would have had if the employee had been present and continuously engaged in the performance of his/her position. To the extent that such contributions are paid, absence while engaged in the performance of military duty shall be counted in determining the length of total service under such pension or retirement system.

Alternatively, employees will have an opportunity to make up contributions to the pension or retirement system upon return to employment in the District in accordance with law and the individual employee's pension/retirement system.

Time during which an employee is absent on military duty shall not constitute an interruption of continuous employment, but such time shall not be counted or included in determining the length of total service in the pension or retirement system unless the employee contributes to the pension or retirement system the amount he/she would have been required to contribute if the employee had been continuously employed during the period of military duty.

(Continued)

SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)/MILITARY LEAVES OF ABSENCE (Cont'd.)

Reemployment/Restoration Rights ("Escalator Principle")

Per USERRA, as a general rule, the employee is entitled to reemployment in the job position that he/she would have attained with reasonable certainty if not for the absence due to military service. The position to which the returning service member should be restored has become known as the "escalator position." The escalator principle requires that the employee be reemployed in a position that reflects with reasonable certainty the pay, benefits, seniority, and other job benefits that he/she would have attained if not for the period of military service.

Depending on the circumstances/intervening events, the escalator principle may cause an employee to be reemployed in a higher or lower position, transferred, laid off, or even terminated.

The employee must be qualified for the reemployment position. The District shall make reasonable efforts to help the employee become qualified to perform the duties of this position. The District is not required to reemploy the employee on his/her return from military service if the employee cannot, after reasonable efforts by the District, qualify for the appropriate reemployment position.

Per State law, an employee restored to his/her position after the termination of military duty shall be entitled to the rate of compensation he/she would have received had the employee remained in his/her position continuously during the period of military duty; and the employee shall be deemed to have rendered satisfactory and efficient service in the job position during the period of military leave of absence. Further, the employee shall not be subjected directly or indirectly to any loss of time service, increment, or any other right or privilege; nor shall an employee be prejudiced in any way with reference to promotion, transfer, reinstatement or continuance in employment.

All other rights, benefits, and responsibilities of a District employee serving in the military shall be in accordance with law, regulations, and/or the applicable contract/collective bargaining agreement.

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.

(Continued)

SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)/MILITARY LEAVES OF ABSENCE (Cont'd.)Teachers/Supervisory Staff

In any case where a "teacher" (*as defined in State Education Law Section 3101, the term "teacher" encompasses a broad category of full-time members of the teaching and supervisory staff of the District, and is not limited to "instructional" employees*) enters military duty before the expiration of the probationary period to which he/she may have been appointed, the time the "teacher" is absent on military duty shall be credited as satisfactory service during this probationary period. If the end of such probationary service occurs while the "teacher" is on military duty or within one year following the termination of military duty, the period of the probationary service may be extended by the Board of Education for a period not to exceed one year from the date of termination of military duty. However, in no event shall the period of probationary service in the actual performance of teaching services extend beyond that required by the School District at the time of the "teacher's" entry into military service.

Collective Bargaining Agreements/Contracts/Plans/Practices

In accordance with USERRA, any State or local law, contract, agreement, policy, plan, or practice that establishes an employment right or benefit that is more beneficial than, or is in addition to, a right or benefit under USERRA, such greater employment right or benefit will supersede this Federal Law.

Notice of Rights and Duties

The District shall provide a notice of the rights, benefits and obligations of employees and the District under USERRA. The District may provide the notice by posting it where employee notices are customarily placed. The District may also provide such notice to its employees in other ways that will minimize costs while ensuring that the full text of the notice is provided (e.g., by handing or mailing out the notice, or distributing the notice via electronic mail).

The U.S. Department of Labor has developed and made available on its web site <http://www.dol.gov/vets/programs/userra/poster.htm> a poster for use by private and State employers (including school districts) that can be posted in order to comply with the notification mandate.

The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA)
38 United States Code (USC) Sections 4301-4333
Public Law 108-454
20 Code of Federal Regulations (CFR) Part 1002
Military Law Sections 242 and 243
Education Law Section 3101

Adopted: 7/30/07

Hadley-Luzerne Central School District

NUMBER

ATTENDANCE

- 1.1 Comprehensive Student Attendance Policy.....7110
 - 1.1.1 Released Time of Students7111
 - 1.1.2 Students over Compulsory Attendance Age Withdrawal from School7112
 - 1.1.3 Release of Students to Custodial/Noncustodial Parents7113
- 1.2 Age of Entrance7120
 - 1.2.1 Diagnostic Screening of Students7121
- 1.3 Entitlement to Attend -- Age and Residency7130
 - 1.3.1 Education of Homeless Children and Youth7131
 - 1.3.2 Non-Resident Students7132
- 1.4 Involuntary Transfer of Students7140
- 1.5 Educational Services for Married/Pregnant Students7150
- 1.6 School Census.....7160

STUDENT PROGRESS

- 2.1 Student Evaluation.....7210
 - 2.1.1 Provision of Interpreter Services to Parents
Who Are Hearing Impaired7211
- 2.2 Graduation Requirements/Early Graduation/Accelerated Programs7220
 - 2.2.1 Early Graduation.....7221
 - 2.2.2 Credential Options for Students with Disabilities7222
 - 2.2.3 Graduation Ceremonies.....7223
- 2.3 Dual Credit for College Courses.....7230
 - 2.3.1 New Online Learning.....7231
- 2.4 Student Records: Access and Challenge.....7240
 - 2.4.1 Release of Information to the Noncustodial Parent.....7241
 - 2.4.2 Student Directory Information.....7242
 - 2.4.3 Military Recruiters' Access to Secondary School Students and
Information on Students.....7243
- 2.5 Student Privacy, Parental Access to Information, and Administration
of Certain Physical Examinations to Minors7250
- 2.6 Designation of Person in Parental Relation7260

STUDENT CONDUCT

- 3.1 School Conduct and Discipline.....7310
 - 3.1.1 Loss or Destruction of District Property or Resources7311
 - 3.1.2 Student Dress Code.....7312
 - 3.1.3 Suspension of Students7313
 - 3.1.4 Students Presumed to Have a Disability for Discipline Purposes7314
 - 3.1.5 Student Use of Computerized Information Resources
(Acceptable Use Policy)7315
 - 3.1.6 Use of Time Out Rooms.....7316

| | | |
|-------|---|------|
| 3.1.7 | Students and Personal Electronic Devices..... | 7317 |
|-------|---|------|

2007 7000

Students

Hadley-Luzerne Central School District

NUMBER

STUDENT CONDUCT (Cont'd.)

| | | |
|-----|--|------|
| 3.2 | Alcohol, Tobacco, Drugs and Other Substances (Students)..... | 7320 |
| 3.3 | Searches and Interrogations..... | 7330 |
| 3.4 | Bus Rules and Regulations..... | 7340 |
| 3.5 | Corporal Punishment..... | 7350 |
| 3.6 | Weapons in School and the Gun-Free Schools Act..... | 7360 |

STUDENT ACTIVITIES

| | | |
|-------|--|------|
| 4.1 | Extracurricular Activities..... | 7410 |
| 4.1.1 | Student Publications..... | 7411 |
| 4.1.2 | Academic Eligibility Policy..... | 7412 |
| 4.2 | Sports and the Athletic Program..... | 7420 |
| 4.3 | Contests for Students, Student Awards and Scholarships..... | 7430 |
| 4.4 | Musical Instruments..... | 7440 |
| 4.5 | Fund Raising by Students..... | 7450 |
| 4.6 | Constitutionally Protected Prayer in the Public Schools..... | 7460 |

STUDENT WELFARE

| | | |
|-------|--|------|
| 5.1 | School Health Services..... | 7510 |
| 5.1.1 | Immunization of Students..... | 7511 |
| 5.1.2 | Student Physicals..... | 7512 |
| 5.1.3 | Administration of Medication..... | 7513 |
| 5.1.4 | Health Records..... | 7514 |
| 5.1.5 | Licensed School-Based Health, Dental or Mental Health Clinics..... | 7515 |
| 5.2 | Accidents and Medical Emergencies..... | 7520 |
| 5.2.1 | Students with Life Threatening Allergies..... | 7521 |
| 5.2.2 | Concussion Management..... | 7522 |
| 5.3 | Child Abuse..... | 7530 |
| 5.4 | Suicide..... | 7540 |
| 5.5 | Complaints and Grievances by Students..... | 7550 |
| 5.5.1 | Sexual Harassment of Students..... | 7551 |
| 5.5.2 | Bullying: Peer Abuse in the Schools..... | 7552 |
| 5.5.3 | Hazing of Students..... | 7553 |
| 5.5.4 | Dignity For All Students..... | 7554 |
| 5.6 | Notification of Sex Offenders..... | 7560 |
| 5.7 | Supervision of Students..... | 7570 |
| 5.8 | Safe Public School Choice Option to Students who are Victims of a Violent Criminal Offense..... | 7580 |

Hadley-Luzerne Central School District

NUMBER

STUDENTS WITH DISABILITIES

- 6.1 Special Education: District Plan7610
 - 6.1.1 Children with Disabilities7611
 - 6.1.2 Grouping by Similarity of Needs.....7612
 - 6.1.3 The Role of the Board in Implementing a Student's Individualized Education Program7613
 - 6.1.4 Preschool Special Education Program7614
 - 6.1.5 Least Restrictive Environment.....7615
 - 6.1.6 Prereferral Intervention Strategies in General Education (Prior to a Referral for Special Education)7616
 - 6.1.7 Declassification of Students with Disabilities7617
 - 6.1.8 Response to Intervention (RTI) Process.....7618
- 6.2 Students with Disabilities Participating in School District Programs7620
 - 6.2.1 Section 504 of the Rehabilitation Act of 19737621
- 6.3 Appointment and Training of CSE and CPSE Members
 - 6.3.1 Appointment and Training of Committee on Special Education (CSE)/ Subcommittee on Special Education Members7631
 - 6.3.2 Appointment and Training of Committee on Preschool Special Education (CPSE) Members7632
- 6.4 Student Individualized Education Program (IEP): Development and Provision.....7640
 - 6.4.1 Transition Services7641
 - 6.4.2 Twelve Month Special Services and/or Programs7642
 - 6.4.3 Transfer Students with Disabilities.....7643
- 6.5 Identification and Register of Children with Disabilities (Child Find)7650
- 6.6 Parent Involvement for Children with Disabilities7660
- 6.7 Impartial Due Process Hearings/Selection of Impartial Hearing Officers7670
- 6.8 Independent Educational Evaluations.....7680
- 6.9 Special Education Mediation7690

STUDENT ATTENDANCE

The Board of Education recognizes that regular school attendance is a major component of academic success. Through implementation of this policy, the Board expects to minimize the number of unexcused absences, tardiness, and early departures (referred to in this policy as “ATEDs”), encourage full attendance by all students, maintain an adequate attendance recordkeeping system, identify patterns of student ATEDs and develop effective intervention strategies to improve school attendance.

Notice

To be successful in this endeavor, it is imperative that all members of the school community are aware of this policy, its purpose, procedures and the consequences of non-compliance. To ensure that students, parents, teachers and administrators are notified of and understand this policy, the following procedures will be implemented.

- A plain language summary of this attendance policy will be included in student handbooks and will be reviewed with students at the start of the school year.
- Parents will receive a plain language summary of this policy by mail at the start of the school year. Parents will be asked to sign and return a statement indicating that they have read and understand the policy.
- When a student is absent, tardy, or leaves early from class or school without excuse, designated staff member(s) will notify the student’s parent(s) by phone and mail of the specific ATED, remind them of the attendance policy, and review ATED intervention procedures with them.
- A back-to-school event will be held at the beginning of each school year to emphasize that every day of attendance counts, explain this policy, and stress the parent’s responsibility for their ensuring their children’s attendance.
- School newsletters and publications will include periodic reminders of the components of this policy.
- The district will provide a copy of the attendance policy and any amendments thereto to faculty and staff. New staff will receive a copy upon their employment.
- All faculty and staff will meet at the beginning of each school year to review the attendance policy to clarify individual roles in its implementation.
- Copies of this policy will also be made available to any community member, upon request.
- The district will share this policy with local Child Protective Services (CPS) to ensure a common understanding of excused and unexcused ATED’s and to work toward identifying and addressing cases of educational neglect.

Excused and Unexcused Absences

Excused ATEDs are defined as absences, tardiness, and early departures from class or school due to personal illness, illness or death in the family, impassable roads or weather, religious observance, quarantine, required court appearances, attendance at health clinics, approved college visits, approved cooperative work programs, military obligations, or such other reasons as may be approved by the appropriate building administrator (including, but not limited to, absences due to circumstances related to homelessness).

All other ATEDs are considered unexcused absences.

All ATEDs must be accounted for. It is the parent’s responsibility to notify the school office within 24 hours of the ATED and to provide a written excuse upon the student’s return to school. For homeless students, the homeless liaison will assist the student in providing or obtaining documentation if needed.

General Procedures/Data Collection

- Attendance will be taken during each class period.

- At the conclusion of each class period or school day, all attendance information will be compiled and provided to the designated staff member(s) responsible for attendance.
- The nature of an ATED will be coded on a student's record.
- Student ATED data will be available to and must be reviewed by the designated school personnel in an expeditious manner.
- Where additional information is received that requires corrections to be made to a student's attendance records, such correction will be made immediately. Notice of such a change will be sent to appropriate school personnel subject to applicable confidentiality rules.
- Attendance data will be analyzed periodically to identify patterns or trends in student absences. If patterns emerge, district resources will be targeted to understand and eliminate barriers to attendance.
- Where consistent with other school practices, teachers and staff will detain students in the hallways who are absent from a class period without excuse and refer the students to the Building Principal.
- Continuous monitoring will be conducted to identify students who are absent, tardy, or leave class or school early. A student will be considered chronically absent if they miss ten percent or more of the school year. Satisfactory attendance is missing five percent or less of school over the course of the year. If a pattern of ATED's for an individual student is identified a designated staff person(s) will follow-up in accordance with this policy.

Attendance Incentives

The district will design and implement systems to acknowledge a student's efforts to maintain or improve school attendance. For example:

- In elementary grades, weekly certificates or other small rewards (including fun activities) recognizing perfect or improved attendance (not counting absences due to illness/injury).
- In elementary grades, monthly lottery drawings to award prizes for weekly perfect or improved attendance (not counting absences due to illness/injury). Three prizes will be awarded each month at each grade level. Names of students with perfect or improved attendance (not counting absences due to illness/injury) will be placed in the drawing by grade and three names will be drawn for the award of prizes each month, subject to parental consent and applicable confidentiality rules.
- In elementary grades, an attendance honor roll will be maintained and published weekly identifying those students with perfect attendance as well as those students whose attendance has improved significantly (not counting absences due to illness/injury), subject to parental consent and applicable confidentiality rules.
- At the building and classroom levels, Building Principals and teachers are encouraged to schedule special events (quizzes, game days, debates, etc.) for days of chronically high absenteeism, like Mondays and Fridays.
- At the classroom levels, teachers are encouraged to assign special responsibilities (distribute and collect materials, lead groups, assist the teacher, etc.) to students who may need extra motivation to come to school.
- At all grade levels, improving the school climate through student surveys in order to provide a safe, supportive school environment and engage students in school.
- Engaging students and families, determine whether systemic barriers to attendance exist for students, and develop solutions to remove those barriers.

Consequences of Excessive ATEDs

A designated staff member(s) will contact the student's parents and the student's guidance counselor in the event that a student's record reveals excessive ATED's, excused and/or unexcused. Excessive ATED's is defined as: ____ (insert number of consecutive absences, and/or total absences, or tardies). Such staff member(s) will remind parents of the attendance policy, explain the ramifications of excessive ATEDs, stress the importance of class attendance and discuss appropriate intervention strategies to correct the situation. Students identified as chronically absent will be considered for a mentor program.

Unexcused ATEDs may result in disciplinary action consistent with the district's code of conduct. Those penalties may include, for example, detention or denial of the privilege of participating in or attending extracurricular events. However, absences related to

homelessness will not result in negative consequences where the district determines that it would be in the best interests of the student in retaining the student in school.

In addition, the designated staff member will contact local Child Protective Services (CPS) if they suspect that the child is being educationally neglected. The designated staff member will provide CPS with the information necessary to initiate a report. If other staff members suspect education neglect, they must follow the procedures outlined in Board policy and regulation 7530, Child Abuse in a Domestic Setting, and advise the **Building Principal**.

Attendance/Grade Policy

The Board of Education recognizes an important relationship between class attendance and student performance. Consequently, each marking period a student's final grade may be based on classroom participation as well as student performance on homework, tests, papers, projects, etc.

Students are expected to attend all scheduled classes. Consistent with the importance of classroom participation, unexcused ATEDs will affect a student's class participation grade for the marking period.

At the high school level, any student with more than nine unexcused ATEDs for one-half year or 18 unexcused ATEDs for a full year will not receive credit for that course. However, students with properly excused ATEDs may make up the work for each ATED, and those ATEDs will not count toward the minimum attendance standard.

To ensure that parents and students are aware of the implications of this minimum attendance requirement, the teacher or other designated staff member(s) will advise the student and contact the parent(s) by telephone and mail at appropriate intervals prior to the student reaching nine or 18 unexcused ATEDs.

In implementing the policy set forth above, students who are unable to attend school or a class on a given day due to their participation in a school-sponsored activity (i.e., music lessons, field trips), may arrange with their teachers to make up any work missed. This also applies to any student who is absent, tardy or leaves early from school or a class due to illness or any other excused reason.

All students with an excused ATED are expected upon their return to consult with their teachers regarding missed work.

Only those students with excused ATEDs will be given the opportunity to make up a test or other missed work and/or turn in a late assignment for inclusion in their final grade. Make up opportunities must be completed by a date specified by the student's teacher for the class in question.

Annual Review

The Board will annually review building-level student attendance records and, if such records show a decline in student attendance, the Board will revise this comprehensive attendance policy and make any revisions to the plan it deems necessary to improve student attendance.

Ref:

42 USC §11432(g)(1)(I) (McKinney-Vento Homeless Assistance Act)

Education Law §§1709; 3024; 3025; 3202; 3205-3213; 3225

8 NYCRR §§104.1; 175.6

Social Service Law §34-a

Adoption date: 10/19/2009

Revised dates: 4/13/2015, 12/5/2016, 2/22/2021

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.

No student may be released from school to anyone other than the parent, guardian or child protective services personnel and law enforcement officers pursuant to law, unless the individual's name seeking release of the student appears on a list provided by the parent or guardian.

Parents are urged to make appointments with physicians, dentists, special tutors, etc., after school hours. If a request is necessary, parents should make note of the date, time and reason for the release. Children cannot be excused without advanced written request by parent/guardian, and must be released in care of parent/guardian, unless otherwise noted.

The Superintendent shall develop procedures to enable parents and guardians to amend the list of persons authorized to obtain the release of their children.

Released Time for Religious Instruction

A student will be released for religious instruction for a maximum of one hour each week upon the presentation to his/her Building Principal of a parental request in writing.

Education Law Section 3210
8 New York Code of Rules and Regulations (NYCRR)
Section 109.2

Adopted: 7/30/07

Students

SUBJECT: STUDENTS OVER COMPULSORY ATTENDANCE AGE WITHDRAWAL FROM SCHOOL

Before a student who is over the compulsory attendance age may be dropped from enrollment, he/she must have been absent twenty (20) consecutive school days and statutory procedures must be followed. It is the responsibility of the Principal to ensure that the procedures set forth below are followed:

- a) The Principal and/or the Superintendent of Schools shall schedule and notify in writing both the student and his/her parents/guardians of an informal conference.
- b) At such conference, the Principal and/or the Superintendent shall determine the reasons for the student's absence and ascertain whether reasonable changes in the student's educational program would encourage and facilitate his/her re-entry or continuance of study.
- c) The student and his/her parents/guardians shall be informed orally and in writing of the student's right to re-enroll at any time in the school if qualified under law.
- d) If the student or his/her parents/guardians fail after reasonable notice to attend the informal conference, the student will be dropped from the rolls of the school, provided that he/she and the parents/guardians have been notified that the student may re-enter at any time if qualified under the law.

Education Law Section 3202(1-a)

Students

SUBJECT: RELEASE OF STUDENTS TO CUSTODIAL/NONCUSTODIAL PARENTS

When parents of a student are separated, involved in divorce proceedings, or are divorced, the Building Principal will consider the rights of custodial and noncustodial parents to be equal with respect to access to their children, except when a court order or other legally binding document exists which contains special restrictions.

Unless restricted by a legally binding document (e.g., a final divorce decree which includes specific denial of visitation and/or access rights or a restraining order denying visitation and/or access rights), both parents have the right to access to their child; to view their child's school records; to receive school progress reports; to visit their child briefly at school; and to participate in parent-teacher conferences, although not necessarily together in the same conference.

Certified copies of all legally binding documents pertaining to child custody and visitation including, but not limited to, Judgments of Divorce and Separation, temporary and permanent court orders, and legally enforceable written agreements between the parties will be maintained in the appropriate school office. It is the responsibility of the custodial parent to provide the building principal with a certified copy of such court order or other legally binding document, if restricted access to the student or student information is requested.

In the alternative, written authorization from the custodial parent allowing the release of the child to the noncustodial parent will also be honored by the District.

Education Law Section 3210

Adopted: 7/30/07

2007

7120

Students

SUBJECT: AGE OF ENTRANCE

Kindergarten

Students who are legal residents of the School District and who reside with parents or guardians within the School District at the time of the opening day of school must be five (5) years of age or more on December 1 in order to register for Kindergarten.

A child who transfers into the School District at any time during the school year may be considered for admission to Kindergarten by the Superintendent provided:

- a) The parents were not legal residents of the School District on the opening day of school, and
- b) The child has been registered and enrolled in kindergarten in the District in which his/her parents were legal residents.

Other Grades

Admission of children to other grades shall involve a consideration of both chronological age and the readiness of the children to do the work of those grades.

Proof of Age

A student's birth certificate or other satisfactory evidence of age shall be presented at the time of initial registration. The child shall be entered under his/her legal name.

Education Law Sections 1712, 3202 and 3212

NOTE: Refer also to Policy #7131 -- Education of Homeless Children and Youth

Adopted: 7/30/07

Students

SUBJECT: DIAGNOSTIC SCREENING OF STUDENTS

The School District has developed a plan for the diagnostic screening of all new entrants and students with low test scores.

A new entrant means a student entering the New York State public school system, pre-kindergarten through grade 12, for the first time, or re-entering a New York State public school with no available record of a prior screening.

Students with low test scores are students who score below level two on either the third grade English language arts or mathematics assessment for New York State elementary schools.

Such diagnostic screening will be utilized to determine which students:

- a) Have or are suspected of having a disability;
- b) Are possibly gifted; or
- c) Are possibly limited English proficient.

Such diagnostic screening shall be conducted:

- a) By persons appropriately trained or qualified;
- b) By persons appropriately trained or qualified in the student's native language if the language of the home is other than English;
- c) In the case of new entrants, prior to the school year, if possible, but no later than December 1 of the school year of entry or within fifteen (15) days of transfer of a student into a New York State public school should the entry take place after December 1 of the school year;
- d) In the case of students with low test scores, within thirty (30) days of the availability of the test scores.

New Entrants

For new entrants, diagnostic screening shall include, but not be limited to the following:

- a) A health examination by a physician/physician's assistant or nurse practitioner or submission of a health certificate in accordance with Education Law Sections 901, 903, and 904;

(Continued)

Students

SUBJECT: DIAGNOSTIC SCREENING OF STUDENTS (Cont'd.)

- b) Certificates of immunization or referral for immunization in accordance with Section 2164 of the Public Health Law;
- c) Vision, hearing and scoliosis screenings as required by Section 136.3 of Commissioner's Regulations;
- d) A determination of development in oral expression, listening comprehension, written expression, basic reading skills and reading fluency and comprehension, mathematical calculation and problem solving, motor development, articulation skills, and cognitive development using recognized and validated screening tools; and
- e) A determination whether the student is of foreign birth or ancestry and comes from a home where a language other than English is spoken as determined by the results of a home language questionnaire and an informal interview in English and the native language.

Students with Low Test Scores

For students with low test scores, diagnostic screening shall include, but not be limited to:

- a) Vision and hearing screenings to determine whether a vision or hearing impairment is impacting the student's ability to learn; and
- b) A review of the instructional programs in reading and mathematics to ensure that explicit and research validated instruction is being provided in reading and mathematics.

No screening examination for vision, hearing or scoliosis condition is required where a student, parent, or person in parental relation objects on the grounds that such examination conflicts with their genuine and sincere religious beliefs.

Results and Reports

The results of the diagnostic screening shall be reviewed and a written report of each student screened shall be prepared by appropriately qualified School District staff. The report shall include a description of diagnostic screening devices used, the student's performance on those devices and, if required, the appropriate referral.

If such screening indicates a possible disability, a referral, with a report of the screening, shall be made to the Committee on Special Education (CSE) or the Committee on Preschool Special Education (CPSE) no later than fifteen (15) calendar days after completion of such diagnostic screening.

(Continued)

Students

SUBJECT: DIAGNOSTIC SCREENING OF STUDENTS (Cont'd.)

If such screening indicates a possibly gifted child, the name and finding shall be reported to the Superintendent of Schools and to the parents/legal guardians no later than fifteen (15) calendar days after completion of such screening. The term gifted child is defined as a child who shows evidence of high performance capability and exceptional potential in areas such as general intellectual ability, special academic aptitude and outstanding ability in visual and performing arts. Such definition shall include those children who require educational programs or services beyond those normally provided by the regular school program in order to realize their full potential.

If such screening indicates a child identified as possibly being of limited English proficiency, such child shall be referred for further evaluation in accordance with Part 154 of the Regulations of the Commissioner of Education to determine eligibility for appropriate transitional bilingual or free-standing English as a Second Language (ESL) programs.

Reporting to Parents

Parents/guardians of children to be screened shall receive information in advance regarding the purpose of screening, the areas to be screened and the referral process. The information shall be communicated either orally or in writing in the parents' primary language(s). This information will be provided during the registration interview.

Parents/guardians have the right to request information regarding their child's performance on screenings. They shall have access to the screening results and obtain copies upon request. The results of all mandated screening examinations shall be in writing and shall be provided to the child's parent/guardian and to any teacher of the child within the school while the child is enrolled in the school. A letter will be sent to the parent/guardian of any child failing a screening.

Confidentiality of Information

The Board of Education's policy and administrative regulations in accordance with the Family Educational Rights and Privacy Act of 1974 (FERPA) shall apply to all information collected about a child through the screening program. In accordance with the policy and regulations, parents shall be informed of their right to privacy, their right to access to the records and their right to challenge those records should they be inaccurate, misleading or otherwise inappropriate.

Family Educational Rights and Privacy Act of 1974, 20 United States Code (USC) Section 1232(g)
Education Law Sections 901, 903, 904, 905, 914 and 3208(5)
Public Health Law Section 2164
8 New York Code of Rules and Regulations (NYCRR) Parts 117, 136, 142.2 and 154

NOTE: Refer also to Policies #7131 -- Education of Homeless Children and Youth
#7512 -- Student Physicals
#8240 -- Instructional Programs: Driver Education, Gifted and Talented Education and Physical Education

Adoption Date: April 21, 2009

HLCS POLICY

2015 7130

Page 1 of 2

SCHOOL ADMISSIONS (ENTITLEMENT TO ATTEND)

The district shall provide a public education to all persons residing in the district between the ages of five and twenty-one who have not received a high school diploma. Residence is defined as both physical presence and intent to remain in the district. Eligibility of homeless children to attend district schools shall be determined in accordance with federal and state law and regulation..

A veteran of any age who has not yet received his/her high school diploma and who has been discharged under conditions other than dishonorable is eligible to attend school. A non-veteran under twenty-one years of age who has received a high school diploma shall be permitted to attend school or BOCES upon payment of tuition.

Upon registration, all new students shall be enrolled and begin attendance the next school day or as soon as practicable. Students or their parents/guardians/persons in parental relation are required to present within three business days:

1. Documentation of age: a birth certificate (original or certified transcript, including a foreign birth certificate) or baptismal record is sufficient, if provided no other form of evidence may be requested. If neither of these is available, a passport (including a foreign passport) may be used. If a passport is not available, the district may consider other evidence, which has been in existence for at least two years, such as: an official driver's license, government-issued identification, school photo I.D. with date of birth, consulate identification card, hospital or health records, military dependent I.D. card, documents issued by government agencies, court-issued documents, Native American tribal documents, or records from non-profit international aid agencies or voluntary agencies; or other documents such as an entry in a family bible, an adoption record, or previously verified school records;
2. Record of immunizations (see 5420-R for more on immunizations) and a health certificate from a licensed physician, physician assistant, or nurse practitioner; and
3. Documentation of district residency: examples of acceptable forms of documentation include, but are not limited to, mortgage/deed or lease documents to a house/condominium/apartment, a statement by the parent/guardian's landlord, property owner or co-tenant, or a statement by a third party relating to physical presence in the district, a pay stub, income tax form, telephone or utility bills or other bills, membership documents based upon residency, official driver's license, learner's permit, or non-driver identification, rent payment receipts, a copy of a money order for payment of rent, a letter from a parent's employer that is written on company letterhead, voter registration document, or a state- or other government-issued ID, documents issued by federal, state, or local agencies, or judicial custody orders or guardianship papers showing residency. The district may require multiple forms of residency documentation sufficient to establish both physical presence in the district and intent to remain.

The district shall not request or require a Social Security card or number, or any information which would tend to reveal the immigration status of the child, the parent, or the person in

HLCS POLICY

2015 7130

Page 2 of 2

parental relation, in any forms, meetings or other communication, at the time of and/or as a condition of enrollment.

The district shall review all submitted documentation, and make a determination of a student's eligibility to attend district schools as soon as possible, but within three business days of initial enrollment, or four days if the documentation is presented on the third day. The district may verify documentation of age from a foreign country, but will not delay enrollment during verification. At any time during the school year, notwithstanding any prior determination to the contrary, the district may make a determination that a student is not eligible to attend the district's schools, subject to the procedures outlined in the regulations of the Commissioner of Education.

The district shall post its student enrollment/registration forms, procedures instructions and requirements, including the examples of acceptable documentation, on the district website, and shall provide such materials to all parents/guardians/children who request enrollment in the district.

If the parent/guardian of a student seeking to enroll is limited English proficient, the district will meaningfully communicate material information about enrollment as required by federal law. The district will also provide parents/guardians of all newly enrolled students with appropriate information, including student handbooks, and information about access to special education services.

Ref: Education Law §§903; 904; 3202; 3208; 4402(8)

Public Health Law §2164

8 NYCRR §100.2(y)

Student Registration Guidance, New York State Department of Education, August 26, 2010,

www.emsc.nysed.gov/sss/pps/residency/studentregistrationguidance082610.pdf

Educational Services for Recently Arrived Unaccompanied Children, New York State Education Department, September 10, 2014

Information on the Rights of All Children to Enroll in School, U.S. Departments of Education and Justice, Revised May 8, 2014, <https://www2.ed.gov/about/offices/list/ocr/docs/qa-201405.pdf>

Fact Sheet I and II: Information on the Rights of All Children to Enroll in School, U.S. Departments of Education and Justice, May 2014,

<http://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-201405.pdf>

Plyler v. Doe, 457 US 202 (1982)

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Revised date: 2/28/2011

Revised date II: 4/13/2015

Revised III: 10/19/2015

HLCS POLICY

2019

7131

Students

Page 1 of 6

7131 EDUCATION OF HOMELESS CHILDREN AND YOUTH

The parent/person in parental relation to a homeless child; or the homeless child, together with the homeless liaison designated by the School District in the case of an unaccompanied youth; or the director of a residential program for runaway and homeless youth established pursuant to Executive Law Article 19-H, in consultation with the homeless child, where such homeless child is living in such program, may designate either the school district of current location, the school district of origin, or a school district participating in a regional placement plan as the district the homeless child shall attend.

Pursuant to Commissioner's Regulations, a "homeless child" means a child or youth who lacks a fixed, regular, and adequate nighttime residence, including a child who is:

- a) Sharing the housing of other persons due to a loss of housing, economic hardship or a similar reason;
- b) Living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations;
- c) Abandoned in hospitals;
- d) Awaiting foster care placement; or
- e) A migratory child who qualifies as homeless in accordance with Commissioner's Regulations. As defined in the No Child Left Behind Act of 2001, the term "migratory child" *includes* a child who is, or whose parent or spouse is, a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, and who has moved from one school district to another in the preceding 36 months, in order to obtain, or accompanies such parent or spouse in order to obtain, temporary or seasonal employment in agricultural or fishing work.
- f) A child or youth who has a primary nighttime location that is:
 1. A supervised, publicly or privately operated shelter designed to provide temporary living accommodations including, but not limited to, shelters operated or approved by the state or local department of social services, and residential programs for runaway and homeless youth established pursuant to Executive Law Article 19-H; or
 2. A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; including a child or youth who is living in a car, park, public space, abandoned building, substandard housing, bus or train station or similar setting.
- g) Considered an "unaccompanied youth":
 1. An unaccompanied youth is a homeless child (for whom no parent or person in parental relation is available) or youth not in the physical custody of a parent or legal guardian.

HLCS POLICY

2019
7131

Students

Page 2 of 6

2. An unaccompanied youth **shall not include** a child or youth who is residing with someone other than a parent or legal guardian for the sole reason of taking advantage of the schools of the district.

The **term "homeless child" shall not include** a child in foster care or receiving educational services pursuant to Education Law Sections 3202(4), (5), (6), (6a) or (7) or pursuant to Articles 81, 85, 87 or 88. For example, a child in a family home at board, a school for the mentally retarded, a hospital or other institution for the care, custody and treatment of children; youths under the direction of the Division for Youth incarcerated in county correctional facilities or youth shelters; or children residing in child care institutions or schools for the deaf or blind would not be considered "homeless."

Enrollment, Retention and Participation in the Educational Program

Enrollment of homeless children shall not be delayed and their ability to continue or participate in the educational program shall not be restricted due to issues such as:

- a) Transportation;
- b) Immunization requirements;
- c) Residency requirements;
- d) Birth certificates, medical records, individualized education programs (IEPs), school records and other documentation;
- e) Guardianship issues;
- f) Comprehensive assessment and advocacy referral processes;
- g) Resolution of disputes regarding school selection;
- h) Proof of social security numbers;
- i) Attendance requirements;
- j) Sports participation rules;
- k) Inability to pay fees associated with extracurricular activities such as club dues and sports uniforms; or
- l) Other enrollment issues.

Educational Programs and Services

The School District shall provide homeless children and youth with access to all of its programs, activities and services to the same extent that they are provided to resident students.

HLCS POLICY

2019
7131

Students

Page 3 of 6

Homeless children and youth shall be educated as part of the school's regular academic program. Services must be provided to homeless children and youth through programs and mechanisms that integrate homeless children and youth with their non-homeless counterparts, including programs for special education, vocational and technical education, gifted and talented students, before and after school, English language learners/limited English proficiency, Head Start, Even Start, and school nutrition. Services provided with McKinney-Vento funds must expand upon or improve services provided as part of the regular school program. Consequently, the School District shall ensure that homeless children and youth are not segregated in a separate school, or in a separate program within the school, based on their status as homeless; and to the extent feasible consistent with the requirements of Commissioner's Regulations, keep a homeless child or youth in the school of origin except when doing so is contrary to the wishes of the child's or youth's parent or guardian. Further, the School District shall review and revise policies and practices, including transportation guidelines, that may act as barriers to the enrollment, attendance, school success, and retention of homeless children and youth in the School District.

All homeless children and youth are automatically eligible for Title I Part A services whether or not they meet the academic standards or live in a Title I school attendance area. Homeless students may receive Title I educational or support services from schoolwide and targeted-assistance school programs.

Transportation

If the local social service district or the Office of Children and Family Services is not required to provide transportation, the designated district is responsible for the provision and the cost of the student's transportation. Where a homeless student designates the school district of current location as the district the student will attend, then that district shall provide transportation to the student on the same basis as a resident student. Where the homeless student designates the school district of origin or a school district participating in a regional placement plan, then that district must provide transportation to and from the homeless child's temporary housing and school, within a fifty mile radius.

Transportation responsibilities apply to all school districts regardless of whether or not they receive McKinney-Vento funds. Transportation must be provided during the pendency of enrollment disputes. If the designated district provides transportation for non-homeless preschool children, it must also provide comparable transportation services for homeless preschool children.

School District Liaison for Homeless Children and Youth

The School District shall designate an appropriate staff person, who may also be a coordinator for other federal programs, as the local educational agency liaison for homeless children and youth to carry out the duties as enumerated in law, Commissioner's Regulations and applicable guidance issued by the U.S. and New York State Education Departments. The District will inform school personnel, local service providers and advocates of the office and duties of the local homeless liaison.

Training

The District will train all school enrollment staff, secretaries, school counselors, school social

HLCS POLICY

2019

7131

Students

Page 4 of 6

workers, and Principals on the legal requirements for enrollment. School nutrition staff, school registered professional nurses, teachers, and bus drivers will receive training on homelessness that is specific to their field.

Outreach

The District will make every effort to inform the parents or guardians of homeless children and youth of the education, transportation and related opportunities available to their children including transportation to the school of origin. The parent(s)/guardian(s) will be assisted in accessing transportation to the school they select, and will be provided with meaningful opportunities to participate in the education of their children. Public notice of educational rights of homeless children and youth will be disseminated by the District in places where families and youth are likely to be present (e.g., schools, shelters, soup kitchens), and in comprehensible formats (e.g., geared for low literacy or other community needs).

Dispute Resolution

The District shall establish procedures for the prompt resolution of disputes regarding school selection or enrollment of a homeless child or youth and provide a written explanation, including a statement regarding the right to appeal to the parent or guardian if the School District sends the student to a school other than the school of origin or the school requested by the parent or guardian. These disputes shall include, but are not limited to, disputes regarding transportation and/or a child's or youth's status as a homeless child or unaccompanied youth.

If there is a factual dispute over whether a student is homeless, the District will immediately enroll the student and then provide the parent/guardian the opportunity to submit verification of homelessness. The student will remain enrolled until a final determination is made by the District and for a minimum of thirty (30) days after the final determination to allow the parent/guardian opportunity to appeal to the Commissioner of Education. If the student files an appeal that contains a request for a stay within thirty (30) days of such final determination, the District must continue to enroll the student until the Commissioner rules on the stay request.

Record and Reporting Requirement

If the District, as the school district of origin, receives a request to forward student records to a receiving district, the records must be forwarded within five (5) days.

The School District shall maintain documentation regarding all aspects of the District's contact with and services provided to homeless students and youth for possible on-site monitoring by the State Education Department.

The District shall collect and transmit to the Commissioner of Education, at such time and in the manner as the Commissioner may require, a report containing such information as the Commissioner determines is necessary to assess the educational needs of homeless children and youths within the state.

HLCS POLICY

2019

7131

Students

Page 5 of 6

McKinney-Vento Homeless Education Assistance Act, as reauthorized by the No Child Left Behind Act
of 2001, 42 United States Code (USC) Section 11431 et seq.
Education Law Sections 902(b) and 3209
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(x)

Adopted: 09/15/08
Revised date: 5/13/13

REGULATION

Homeless Student Enrollment Process

Students who are identified as homeless shall be enrolled as follows:

1. The standard enrollment package shall be used by the Homeless Liaison and/or the appropriate support staff personnel in the district to enroll the homeless student or student(s).
2. The standard enrollment package shall include language and options referencing the McKinney-Vento Act and identifying the student or student(s) as a Homeless Student or Student(s) in the following forms:
 - a. Registration/Verification Form
 - b. Residency Questionnaire
3. Transportation: The standard transportation form shall be used to arrange for transportation for transportation for the student or student(s).
4. Upon determination by the Homeless Liaison that the student is a homeless student, the student or student(s) shall be entered into the school's computerized student information system by the appropriate support staff member at the direction of the Homeless Liaison. This information will then be transferred by the appropriate support staff member to the food service computer system so that the student may receive free breakfast and lunch.
5. The Homeless Liaison will fill out a STAC form for each homeless student.
6. Food Service/Free Lunch: A copy of each STAC form filled out for each homeless student will be immediately sent to the Food Service Director, who will use this STAC form as the basis to provide free breakfast and free lunch to the homeless student.
7. The Homeless Liaison will make every effort to follow the requirements of the McKinney-Vento Act in registering the student or student(s), providing them with services, and accommodating their needs.
8. If a student shall become homeless or shall become identified as homeless after enrolling, so much of the above guidelines as shall be necessary shall be followed.

ADMISSION OF NON-RESIDENT STUDENTS

The Board of Education affirms that its primary responsibility is to provide the best possible educational opportunities for the children who are legal district residents and who are of legal age to attend school.

However, a non-resident student may be admitted to district schools upon payment to the district of the Board-adopted tuition charge, if and only if, in the judgment of the Superintendent of Schools:

1. there is sufficient space to accommodate the non-resident student;
2. no increase in the size of faculty or staff will be necessary to accommodate them;
3. the non-resident student meets the district's criteria for admission; and
4. the admission of such non-resident student is and continues during the enrollment period to be in the best interests of the district.

This policy is not applicable to homeless students entitled to attend district schools under federal and state law and regulations, who may not be currently residing in the district (see policy 7131, Homeless Children). Homeless students who are not entitled to attend district schools under federal and state laws may be considered for non-resident enrollment under this policy. This policy is also not intended to cover students who are placed in district programs by agreement with, and paid for by, another school district.

Future Residents

The children of families who have signed a contract to buy or build a residence in the school district may be enrolled during the semester in which they expect to become residents, without payment of tuition.

Former Residents

Students whose families have moved out of the district may continue to attend district schools for the remainder of the school year. However, students who are no longer district residents due to homelessness are addressed in the Homeless Children policy Homeless Children.

Transportation

Transportation will be provided for non-resident students if and only if existing bus routing is used, and there is sufficient room on the bus.

Cross-ref: 7131, Homeless Children

Ref: Education Law §3202(2)

Adoption date:7/30/07

Revised: 9/20/2010

Revised: 12/5/2016, 2/24/2020

2007

7140

Students

SUBJECT: INVOLUNTARY TRANSFER OF STUDENTS

Involuntary transfer of a student from regular classroom instruction to an appropriate educational setting in another school shall be in accordance with Education Law.

Education Law Sections 1709(3) and 3214(5)

Adopted: 7/30/07

Students

SUBJECT: EDUCATIONAL SERVICES FOR MARRIED/PREGNANT STUDENTS**Married Students**

The Board of Education will comply with state law in reference to married students attending school.

Pregnant Students

New York State Education Law provides that resident students over five (5) and under twenty-one (21) who have not received a high school diploma are entitled to attend school in the district in which they reside. The law further requires that a school district provide for this instruction and also to provide for home instruction for those students of legal age who are unable to profit from instruction in school.

In view of the above, administrative regulations will be developed to implement the terms of this policy to provide instruction as required by the New York State Education Law for students who become pregnant. The Superintendent, or his/her designee, is directed to consult with the school physician and the student's personal physician in determining the form of instruction.

The form of instruction may be any of the following or a combination of the following:

- a) Remain in school with provisions for special instruction, scheduling, and counseling where needed.
- b) Receive home instruction.
- c) Attend BOCES programs.

Adopted: 7/30/07

SUBJECT: SCHOOL CENSUS

Although not required by law, the Hadley-Luzerne Central School District may take a census of all children from birth to eighteen (18) years of age. Census data shall be reported as required by law.

The census must indicate the names of all children between birth and eighteen (18) years of age, and of children with disabilities between birth and twenty-one (21) years of age; their respective residences by street and number; the day of the month and the year of their birth; the names of the parents/persons in parental relation to them; such information relating to physical or mental disabilities, to illiteracy, to employment and to the enforcement of the law relating to child labor and compulsory education as the State Education Department and the Board of Education shall require; and also such further information as the Board shall require.

On written request and in such form as prescribed by the Commissioner of Education, the Board shall provide to the Commissioner a report containing the names, ages and addresses of those children who are blind or deaf, and those children having serious physical or mental disabilities. Additionally, such report shall further indicate whether such children are being educated within the public schools of the District or, if they are not, where such education is being furnished to them.

Parents/persons in parental relation to those children within the prescribed census age ranges are to make such reports as the Board of Education shall require, including, but not limited to, providing two (2) weeks before the child reaches compulsory school age, the name of the child; the child's residence; the name of the person or persons in parental relation to the child; the name and location of the school to which the child shall have been or shall be sent as a student; and such other information as required by law or as the Board may require.

A parent, guardian or other person having under his/her control or charge a child between birth and eighteen (18) years of age who withholds or refuses to give information in his/her possession relating to such census data as required by law pertaining to the child; or, in the alternative, gives false information in relation to such census data, shall be liable to and punished by a fine or imprisonment as established by law.

Count of Immigrant Children and Youth, 2006

As a provision of the federal Title III Part A – English Language Acquisition, Language Enhancement, and Academic Achievement Act under the No Child Left Behind Act of 2001, the U.S. Secretary of Education requires that **all local agencies (LEAs)** count the number of "immigrant children and youth" enrolled in the public and nonpublic schools in the geographic area under the jurisdiction of, or served by, the LEA. All "immigrant children and youth" who initially enrolled in schools in the United States between February 1, 2003 and January 31, 2006 must be counted and reported.

(Continued)

2007 7160
2 of 2

Students

SUBJECT: SCHOOL CENSUS (Cont'd.)

For purposes of this count, the term "immigrant children and youth" shall include those individuals who:

- a) Are ages three (3) through twenty-one (21);
- b) Were **NOT** born in any state or from the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the U.S. Virgin Islands, the Northern Mariana Islands, or the Trust Territory of the Pacific Islands; and
- c) Have **NOT** been attending schools in any one or more States for more than three (3) full academic years.

The results of this count have important implications for the receipt of supplemental federal funds to eligible LEAs in New York State for services to recently arrived immigrant children and youth.

Each nonpublic school shall report its data to the public school district in which it is located. It is the responsibility of each public school district to report its immigrant count as well as the counts for all nonpublic schools within its jurisdiction.

In accordance with law, the District shall conduct its survey and submit the information on the appropriate form to the New York State Education Department by the specified deadline date.

Education Law Sections 3240-3243 and 4402(1)(a)
8 New York Code of Rules and Regulations (NYCRR)
Section 200.2(a)
20 United States Code (USC) Section 6811

NOTE: Refer also to Policy #7650 -- Identification and Register of Children With Disabilities

Adopted: 7/30/07

STUDENT EVALUATION

Placement

Placement within the system, with respect to building, teacher, and grade or special class, shall be at the discretion of the school administration and shall be subject to review and change at any time. In making such decisions, the administrator will be guided by performance in class, past records, parent/guardian and teacher recommendations, standardized test scores, and any other appropriate sources of information, but the final decision shall rest with the school administration.

Promotion and Retention of Students

It is essential that each child experience both challenge and success from school activities. To this end, the district will make every effort to place each student in the most appropriate learning level for a successful educational experience.

District curriculum guides indicate goals for achievement by the "average" student at each grade level. However, academic growth, like physical growth, does not take place at the same pace or time for all individuals. Certain students may achieve mastery in a shorter period, while others need additional time. Early identification and intervention, promotion and retention are methods of meeting the needs of such children.

The following guidelines shall govern student progression:

Early Identification/Intervention

Classroom teachers are expected to make every effort, consistent with the district's implementation of response to intervention (RTI), to identify early those students at risk of failing. The Building Principal and the parents/guardian must be notified promptly if retention is anticipated, and a special support program shall be designed for each child identified as in danger of failing. Such support services may include, but are not limited to, individualized assistance before, during or after the school day; a change in instructional approach, remedial classes; and, where appropriate, referral to the Committee on Special Education for evaluation.

Promotion/Retention

Elementary schools: At the elementary level, students who pass all subjects will be promoted. Students who do not make satisfactory progress in one or more basic subjects -- Reading, English, Mathematics, Spelling, Social Studies and Science -- shall have their cases considered on an individual basis and may be retained. Retention shall be limited to those situations where the best interest of the child is reasonably assured. Diligent effort shall be made to use all available resources to determine the child's appropriate placement.

Students

Middle schools: Students who pass all subjects but one shall have the failure evaluated and a determination made as to the reason for the failure. The student may be required to repeat the subject, but in typical cases shall be promoted with recommendation for either summer school or assignment to a lower academic ability group. The decision shall be arrived at by consensus from a case conference approach involving teacher, Principal and guidance counselor. If a consensus cannot be reached, the decision of the Building Principal shall be final.

Students who fail two subjects shall have their cases considered on an individual basis through a case conference approach described above.

Senior High School: In general, promotion from one class to the next shall be contingent upon the passing of all required subjects and the accumulation of 4 or 5 units of credit at each level.

Academic standards. Building Principals shall be responsible for ensuring that written standards for student progress at each grade level are available to parents and others upon request. Such academic standards are to be forwarded to the Superintendent of Schools each year.

Retention. A decision to retain shall be arrived at by consensus from a case conference approach involving the teacher, Building Principal, school psychologist, and parent/guardian. Factors to be considered include teacher recommendation; classroom achievement and attitude; standardized test scores; social and emotional development; results of the family conference; and, for identified students, recommendations by the Committee on Special Education. Standardized test scores will not be the sole or primary factor in the decision. If a consensus cannot be reached, the decision of the Building Principal shall be final.

No student will be retained without an appropriate educational plan defining what will occur that is instructionally different for the student. Once the educational plan has been implemented, the student will be monitored regularly. The educational plan will be revised until the student demonstrates acceptable performance.

In order to inform parents/guardians about the district's approach to promotion and retention, this policy will be posted on the district website and included in student and/or parent handbooks.

Testing Program

The Board of Education endorses and supports the use of ability, achievement, diagnostic, readiness, interest and guidance tests as part of the total educational process to the degree to which tests help the District to serve its students.

Alternative Testing Procedures

The use of alternative testing procedures shall be limited to:

Students

- 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/Legal Guardians

Parents/guardians shall receive an appropriate report of student progress at regular intervals.

Report cards shall be used as a standard vehicle for the periodic reporting of student progress and appropriate school related data. Report cards, however, are not intended to exclude other means of reporting progress, such as interim reports, conferences, phone conversations, etc.

When necessary, attempts will be made to provide interpreters for non-English speaking parents/guardians.

Section 504 of the Rehabilitation Act of 1973,
29 United States Code (USC) Section 794 et seq.
8 New York Code of Rules and Regulations (NYCRR)
Sections 100.2(g), 117 and 154
Education Law Section 1709(3)

Adopted: 7/30/07
Revised: 11/17/2014

Students

SUBJECT: PROVISION OF INTERPRETER SERVICES TO PARENTS WHO ARE HEARING IMPAIRED

The Board of Education assures parents or persons in parental relation who are hearing impaired the right to meaningful access to school initiated meetings or activities pertaining to the academic and/or disciplinary aspects of their children's education. School initiated meetings or activities are defined to include, but are not limited to, parent-teacher conferences, child study or building-level team meetings, planning meetings with school counselors regarding educational progress and career planning, suspension hearings or any conferences with school officials relating to disciplinary actions. The term "hearing impaired" shall include any hearing impairment, whether permanent or fluctuating, which prevents meaningful participation in School District meetings or activities.

Parents or persons in parental relation shall be notified of the availability of interpreter services to be provided at no charge, provided that a written request is made to the School District within fourteen (14) days of the scheduled event. Exceptions to the time frame request may be made for unanticipated circumstances as determined by the Principal/designee. The District shall also notify appropriate school personnel as to the terms and implementation of this policy.

If interpreter services are requested, the District shall appoint an interpreter for the hearing impaired to interpret during the meeting or activity. The District will arrange for interpreters through a District-created list or through an interpreter referral service. The District shall also develop interagency agreements, as appropriate, to ensure that sign language interpreters are provided for eligible parents or persons in parental relation when District students attend out-of-District schools or programs.

In the event that an interpreter is unavailable, the School District shall make other reasonable accommodations which are satisfactory to the parents or persons in parental relation. Examples of what constitutes reasonable accommodations in the event an interpreter cannot be located may include, but are not limited to, the use of:

- a) Written communications, transcripts, note takers, etc; and
- b) Technology, such as: a decoder or telecommunication device for the deaf, assistive listening devices, and closed or open captioning.

Education Law Section 3230
8 New York Code of Rules and Regulations (NYCRR)
Section 100.2(aa)

Adopted: 7/30/07

Students

SUBJECT: GRADUATION REQUIREMENTS/EARLY GRADUATION/ACCELERATED PROGRAMS

In order to graduate from Hadley-Luzerne School District, a student must complete or may exceed the requirements set forth in Part 100 of the Commissioner's Regulations. The Board of Education reserves the right to establish requirements for graduation which exceed the minimum standards as defined by the New York State Regents. All students must be in compliance with Commissioner's Regulations for graduation in achieving a minimum of a Regents diploma unless otherwise indicated.

Regents Diploma with Honors

The District may award a Regents diploma with honors to students who receive an average of ninety percent (90%) on all Regents examinations required for the honors diploma. These exams include mathematics, science, US History and Government, Global History and Geography. This "honors" diploma may also be given to a student who has substituted no more than two (2) alternative assessments for a Regents examination as approved by Commissioner's Regulations Section 100.2(f). However, the student's actual score on the substituted alternative assessment will not be factored into the ninety percent (90%) calculation.

Regents Diplomas with Advanced Designation with Honors

The District may award a Regents diploma with advanced designation with honors. A student needs to have an average score of ninety percent (90%) on all Regents examinations required for the advanced diploma. These Regents examinations are: ELA, three mathematics, two sciences (one in physical science/the other in life science), US History and Government, Global History and Geography.

Appeal of Regents Examination Score Option

School Districts must provide unlimited opportunities for all students (students with and without disabilities) to retake required Regents examinations to improve their scores so that the student may graduate with a Regents diploma. A student with or without a disability who fails, after at least two (2) attempts, to attain a score of 65 or above on a required Regents examination for graduation must be given an opportunity to appeal such score in accordance with the provisions of Section 100.5(d)(7)(i) of the Regulations of the Commissioner of Education. No student may appeal his/her score on more than two (2) of the five (5) required Regents examinations. A student whose appeal is accepted for one (1) required Regents examination, and who has attained a passing score of 65 or above on each of the four (4) remaining required Regents examinations, and who has attained a passing score of 65 or above on each of the three (3) remaining required Regents examinations, earns a local diploma.

(Continued)

Students

SUBJECT: GRADUATION REQUIREMENTS/EARLY GRADUATION/ACCELERATED PROGRAMS (Cont'd.)**Early Graduation**

Upon request from the student's parent/guardian, a student shall be eligible for early graduation in fewer than eight (8) semesters upon completion of all requirements for graduation, excluding physical education, as mandated by Commissioner's Regulations. A student shall not be required to continue enrollment for the sole purpose of completing physical education requirements.

Accelerated ProgramsEighth Grade Acceleration for Diploma Credits

Individual students in eighth grade only may be afforded the opportunity to take high school courses in mathematics and in at least one of the following areas: English, social studies, languages other than English, art, music, career and technical education subjects, or science courses. The Superintendent or his/her designee is responsible for determining that an eighth grade student is eligible to take high school courses. The District shall utilize a set of criteria to determine each student's readiness for acceleration. Students who are accelerated for diploma credit must have been provided instruction designed to facilitate their attainment of, by the end of Grade 7, the State intermediate learning standards in each subject area in which they are accelerated.

Advanced Placement

Advanced Placement (AP) examinations are administered by the District under strict guidelines by the College Board as to their implementation. In addition to entering a universe of knowledge that might otherwise remain unexplored in high school, Advance Placement examinations afford students the opportunity to earn credit or advanced standing in most of the nation's colleges and universities. The District shall utilize a set of criteria to determine a student's readiness for enrollment in the Advanced Placement classes.

Online Coursework

Section 100.5(d) of NYCRR amends the Commissioner's Regulations to allow school districts and BOCES to offer students the ability to complete general education and diploma requirements for a specific subject through online instruction or blended coursework that combines online and classroom-based instruction.

To receive credit students shall successfully complete an online or blended course and demonstrate mastery of the learning outcomes for the subject by passing the Regents exam and/or other assessment in the subject area.

8 New York Code of Rules and Regulations (NYCRR) Sections 100.1(i), 100.2(f), 100.4(d) and 100.5

NOTE: Refer also to Policy #7222 -- Credential Options for Students with Disabilities

Adoption Date: 4/21/2009

Revised: June 18, 2012

2007

7221

Students

SUBJECT: EARLY GRADUATION

A student shall be eligible for early graduation in fewer than eight (8) semesters upon completion of all requirements for graduation, excluding physical education, as mandated by Commissioner's Regulations. A student shall not be required to continue enrollment for the sole purpose of completing physical education requirements. The District, upon request from the student's parent/guardian, shall grant the student a high school diploma prior to his/her completion of the eighth (8th) semester in accordance with Commissioner's Regulations.

8 New York Code of Rules and Regulations (NYCRR)
Sections 100.5(a) and 100.5(e)

Adopted: 7/30/07

HLCS POLICY

2013

#7222

DIPLOMA AND CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES

The Board of Education is committed to supporting all students so they are college- and career-ready upon graduation. The Committee on Special Education (CSE), which includes parents/guardians, will work with students with disabilities to attain the appropriate diploma or credential based on their Individualized Education Plan (IEP).

Regents Diploma or Regents Diploma with Advanced Designation

Students with disabilities are encouraged to work toward the completion of requirements for a Regents diploma or Regents diploma with an advanced designation, as established by New York State and the Board.

Local Diploma

Students with disabilities may work toward completion of the requirements of a local diploma. The local diploma may be earned by meeting the standards set forth in state regulations.

Career Development and Occupational Studies Commencement Credential

Students with disabilities, who are not students with severe disabilities under Commissioner's Regulations, may be issued a New York State Career Development and Occupational Studies Commencement Credential (CDOS), pursuant to the requirements of those regulations. The student may pursue a CDOS either in addition to or instead of a high school diploma. The district shall ensure that such students have been provided with appropriate opportunities to earn a high school diploma.

Skills and Achievement Commencement Credential

A student who meets the state definition of a student with severe disabilities, who has taken the State assessment for students with severe disabilities, may be issued a skills and achievement commencement credential pursuant to the requirements of Commissioner's Regulations 8 NYCRR §100.6.

Continued Right to Educational Services

If a student receiving a Career Development and Occupational Studies Commencement Credential or a Skills and Achievement Commencement Credential is less than twenty-one years of age, the credential shall be accompanied by a written assurance of the student's continued right to attend public school until the end of the school year in which the student reaches the age of twenty-one or until the student has earned a high school diploma, whichever is earlier.

Ref: 8 NYCRR §§100.1; 100.5; 100.6; 100.9

Adoption Date: 7/30/2007

Revised Date: 2/28/2011

Revised Date II: 11/21/2011

Revised Date III: 11/18/2013

HLCS POLICY

2018

#7223

1 OF 2

GRADUATION CEREMONIES

The Board of Education of the Hadley-Luzerne Central School District recognizes that students with disabilities, receiving special education and related or other services pursuant to an Individualized Education Program (IEP) as defined by the Individuals with Disabilities Education Act (IDEA) and the Commissioner's Regulations at 200.1 (zz), must be afforded and opportunity for participation in graduation ceremonies and activities with their high school graduating class, provided they qualify to receive a skills and achievement commencement credential or a career development commencement credential within four years of commencing high school.

Definition:

High School Graduating Class – for purposes of this policy, a student's high school graduating class is the twelfth grade class with which the student with a disability entered into ninth grade.

Criteria:

A student with a disability who has 1) completed four years of high school attendance; 2) is receiving special education and related services through an individualized education program (IEP) pursuant to state and federal law; and 3) will continue to receive such services between the ages of 18 and 21, may participate in a district-wide formal graduation ceremony and all related activities with their high school graduating class: provided 4) the Student is eligible to be awarded either a skills and achievement commencement credential (SACC) or a career development and occupational studies (CDOS) commencement credential at the time of the graduation ceremony.

A student may participate (and be identified as a participant in all formal notices and programs) with one school-district wide graduation ceremony. Any future graduation credentials earned will be issued; however the student will not be listed as a member of a graduating member of the school district in a second school-wide ceremony and graduation program announcement.

Participation in graduation events and activities by a student with a disability with their designated high school graduating class is optional, not mandatory.

A student with a disability's participation in graduation ceremonies and events pursuant to this Policy shall not preclude or limit the student's continuing eligibility to attend school in the District and to receive special education supports, related services and transition services while pursuing their local or regent's diploma or other exiting credentials, provided the student remains a resident of the district, continues to be a student with a disability receiving services through an IEP, and has not completed the school year in which he or she turned 21.

Annual Notification:

Annual written notification will be provided to all eligible students with disabilities and their parents or guardian regarding the District's policy and procedures regarding graduation participation. Such notification will include a reference to this policy. The student and their parent(s)/guardian(s) shall be notified in the Fall of the school year in which the student with a disability's designated high school class will graduate. Such notice shall include applicable deadlines to advise parents and students of the

date by which they must indicate their preference to participate in the ceremony with their designated high school class, as well as the manner in which such notice must be made.

If the Student is receiving special education and related and other services pursuant to their IEP within the District's schools, it shall be the responsibility of the Student's guidance counselor and case manager to ensure that the Student is informed of their rights, and if they request to participate with their designated class, notice of all graduation activities, including, but not limited to: gown fittings, rehearsals, awards ceremonies, and the graduation event itself.

If the Student is placed in out-of-District program to receive special education and related services pursuant to their IEP, it shall be the responsibility of the Committee on Special Education Chairperson or their designee to ensure that the Student is informed of his/her rights, and if they elect to participate in graduation with their designated class, notice of all graduation activities, including, but not limited to: gown fittings, rehearsals, awards ceremonies, and the graduation event itself.

Ref:

Laws of 2017, Chapter 410, A1595-A/S4729-A

Education Law §4402

Adoption date: 11/19/2018

Students

SUBJECT: DUAL CREDIT FOR COLLEGE COURSES

The Board of Education recognizes the value that college courses can add to a student's educational program.

Students who wish to enroll in college level coursework shall meet all academic, grade level and coursework requirements as set forth by administrative guidelines. Students who have demonstrated intellectual and social maturity may choose to matriculate at any one (1) of the colleges that have a cooperative agreement with our School District. Such opportunities may include early admission to college, collegiate-level work offered in the high school, or other means of providing advanced work. Review and approval by the administration are necessary before any college courses may be taken during the school day.

Accordingly, high school credit will be awarded to students who enroll in approved college courses pursuant to the following criteria:

- a) The number of college courses a student may participate in each school year shall be subject to the approval of the High School Principal. The course content, equivalency of instruction, and time requirements shall be approved in advance by the Principal and the Superintendent. In the case of students with disabilities, the above must also be approved by the Committee on Special Education (CSE).
- b) One (1) semester of college course work (3 credit hours) shall be equivalent to one (1) unit of high school credit.
- c) For purposes of this policy, a "unit" is a year's work in a subject requiring 180 minutes of instruction per week throughout the school year or the equivalent.
- d) Tuition and other related costs for any and all such higher education shall be borne by the individual student.
- e) High school credit shall not be granted for any college course for which a student receives a failing grade.
- f) Students who wish to participate in college courses must meet specific academic, grade level and coursework requirements as set forth by the Superintendent.

Students Completing Grade 12 at College

Students who desire to complete grade 12 requirements at college must comply with administrative guidelines.

(Continued)

Students

SUBJECT: DUAL CREDIT FOR COLLEGE COURSES (Cont'd.)**Students with Disabilities**

The Board recognizes its responsibility to provide students with disabilities a free appropriate public education and recognizes its responsibilities to provide all such children with any and all of the same opportunities that other children are provided, including the opportunity to participate in college courses when appropriate.

The Board shall provide students with disabilities with appropriate related services to allow them to take college courses. Examples of such accommodations might include providing a tutor, sign language interpreter, notetaker, or alternative testing.

Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446 Section 614(a)]
21 United States Code (USC) 812(c)
Education Law Sections 3208 and 4401-4407
20 United States Code (USC) 9101(23)
8 New York Code of Rules and Regulations (NYCRR)
Sections 100.5, 100.9, 200.2(b)(3), 200.2(c)(2)(v),
200.4(e)(9) and 200.6(a)(1)
Section 504 of the Rehabilitation Act of 1973,
29 United States Code (USC) Section 794 et seq.

Adopted: 7/30/07

ONLINE LEARNING AND COURSE CREDIT

The Board of Education recognizes that new technologies are changing the way instructional material can be delivered to students. These technologies may permit the district to more effectively reach all students and provide expanded and enriched curriculum opportunities. Therefore, the Board encourages teachers and administrators to utilize online instructional opportunities for students. The use of distance learning opportunities (e.g., through BOCES), where students attend class in the district with instruction provided remotely by a teacher at another location, may be utilized but is not covered by this policy.

In accordance with Commissioner's regulations, the Board authorizes the use of district-approved online courses which enable students to earn course credit toward a Regent's Diploma, in accordance with this policy. Such online course instruction may be used to supplement a class offered by the district ("blended course") or it may be the sole mechanism for delivering the subject matter ("online course"). Online courses may be provided either with district instructional staff, through a BOCES contract, or through a shared services contract with another school district.

The Superintendent is directed to develop the following:

1. a mechanism for reviewing and approving online educational programming that can be used to enable students to earn course credit as either part of a blended or online course in accordance with Commissioner's Regulations and policy 4200, Curriculum Management;
2. criteria and procedures for admitting students to online courses; and
3. methods for monitoring the efficacy of online courses. In developing the procedures above, the Superintendent, with the assistance of appropriate staff, will consider:
 - the equitable access of students to blended and/or online courses;
 - the adequacy of instructional support for students utilizing blended and/or online courses;
 - the budgetary impact of use of blended and/or online courses; and
 - the fit of online education resources to New York State learning standards.

Emergency Utilization During School Closures

During emergency situations such as extended school closures, the district may utilize online learning platforms and other electronic technology to deliver instruction to students at all grade levels in an age-appropriate manner, in order to maintain continuity of the instructional program. The district will consider the technological capacity of students and staff to access online learning with respect to devices and internet access. The district may take steps to increase technological capacity during the emergency school closures, such as providing computing devices and temporary internet access devices.

Ref:

8 NYCRR §100.5(d)(10)

Matter of Boyd, Decision No. 16364, June 28, 2012

Adoption date: 2/22/2021

STUDENT RECORDS

The Board of Education recognizes its legal responsibility to maintain the confidentiality of student records. As part of this responsibility, the Board will ensure that eligible students and parents/guardians have the right to inspect and review education records, the right to seek to amend education records and the right to have some control over the disclosure of information from the education record. The procedures for ensuring these rights will be consistent with state and federal law, including the Family Educational Rights and Privacy Act of 1974 (FERPA) and its implementing regulations.

The Board also recognizes its responsibility to ensure the orderly retention and disposition of the district's student records in accordance with Schedule ED-1 as adopted by the Board in policy 1120.

The District will use reasonable methods to provide access to student educational records only to those authorized under the law and to authenticate the identity of the requestor. The district will document requests for and release of records, and retain the documentation in accordance with law. Furthermore, pursuant to Chapter 56 of the Laws of 2014, the district will execute agreements with third-party contractors who collect, process, store, organize, manage or analyze student personally identifiable information (PII) to ensure that the contractors comply with the law in using appropriate means to safeguard the data.

The Superintendent of Schools is responsible for ensuring that all requirements under law and the Commissioner's regulations are carried out by the district.

Definitions

Authorized Representative: an authorized representative is any individual or entity designated by a State or local educational authority or a Federal agency headed by the Secretary, the Comptroller General or the Attorney General to carry out audits, evaluations, or enforcement or compliance activities relating to educational programs.

Education Record: means those records, in any format, directly related to the student and maintained by the district or by a party acting on behalf of the district, except:

- (a) records in the sole possession of the individual who made it and not accessible or revealed to any other person except a substitute (e.g. memory joggers);
- (b) records of the district's law enforcement unit;
- (c) grades on peer-graded papers before they are collected and recorded by a teacher.

Eligible student: a student who has reached the age of 18 or is attending postsecondary school.

Legitimate educational interest: a school official has a legitimate educational interest if they need to review a student's record in order to fulfill their professional responsibilities.

Personally identifiable information (PII): as it pertains to students, is information that would allow a reasonable person in the school or its community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty. Such data might include social security number, student identification number, parents' name and/or address, a biometric record, etc. This term is fully defined in federal regulations at 34 CFR 99.3.

School official: a person who has a legitimate education interest in a student record who is employed by the district as an administrator, supervisor, instructor or support staff member (including health or medical staff and law enforcement unit personnel); a member of the Board of Education; a person or company with whom the district has contracted to perform a special task (such as attorney, auditor, medical consultant or therapist); or a parent or student serving on an official committee, such as disciplinary or grievance committee, or assisting another school official performing their tasks. *Optional text for volunteers:* Volunteers may be considered school officials for purposes of access to personally identifiable information if they are under the direct control of the district, are trained in the requirements of law under this policy, have a legitimate educational interest, and the district uses reasonable methods to limit access to only the information that is necessary to fulfill their volunteer duties. Volunteers may only access the information necessary for the assignment, and must not disclose student information to anyone other than a school official with a legitimate educational interest. The Building Principal will provide adequate training on confidentiality of student records.

Third party contractor: is any person or entity, other than an educational agency (which includes schools, school districts, BOCES, or the State Education Department), that receives student or teacher/principal PII from an educational agency pursuant to a contract or other written agreement for purposes of providing services to such educational agency, including but not limited to data management or storage services, conducting studies for or on behalf of such educational agency, or audit or evaluation of publicly funded programs. This includes educational partnership organizations that receive student or teacher/principal PII from a school district to carry out responsibilities under Education Law §211-e (for persistently lowest-achieving schools or schools under registration review) and is not an educational agency. This also includes not-for-profit corporations or other nonprofit organizations, other than an educational agency.

Annual Notification

At the beginning of each school year, the district will publish a notification that informs parents, guardians and students currently in attendance of their rights under FERPA and New York State Law and the procedures for exercising those rights. A 'Parents' Bill of Rights for Data Privacy and Security' will be posted on the district website and included in any agreements with third-party contractors. The notice and 'Bill of Rights' may be published in a newspaper, handbook or other school bulletin or publication. The notice and 'Bill of Rights' will also be provided to parents, guardians, and students who enroll during the school year.

The notice and Parents' Bill of Rights will include a statement that the parent/guardian or eligible student has a right to:

1. inspect and review the student's education records;
2. request that records be amended to ensure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy rights;
3. consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent; and
4. file a complaint with the United States Department of Education alleging failure of the district to comply with FERPA and its regulations; and/or file a complaint regarding a possible data breach by a third party contractor with the district and/or the New York State Education Department's Chief Privacy Officer for failure to comply with state law.

The annual notice and Parents' Bill of Rights will inform parents/guardians and students:

1. that it is the district's policy to disclose personally identifiable information from student records, without consent, to other school officials within the district whom the district has determined to have legitimate educational interests. The notice will define 'school official' and 'legitimate educational interest.'
2. that, upon request, the district will disclose education records without consent to officials of another school district in which a student seeks to or intends to enroll or is actually enrolled.
3. that personally identifiable information will be released to third party authorized representatives for the purposes of educational program audit, evaluation, enforcement or compliance purposes.
4. that the district, at its discretion, releases directory information (see definition below) without prior consent, unless the parent/guardian or eligible student has exercised their right to prohibit release of the information without prior written consent. The district will not sell directory information.
5. that, upon request, the district will disclose a high school student's name, address and telephone number to military recruiters and institutions of higher learning unless the parent or secondary school student exercises their right to prohibit release of the information without prior written consent.
6. of the procedure for exercising the right to inspect, review and request amendment of student records.
7. that the district will provide information as a supplement to the 'Parents' Bill of Rights' about third parties with which the district contracts that use or have access to personally identifiable student data.

The district may also release student education records, or the personally identifiable information contained within, without consent, where permitted under federal law and regulation. For a complete list of exceptions to FERPA's prior consent requirements see accompanying regulation.

The district will effectively notify parents, guardians and students who have a primary or home language other than English.

In the absence of the parent or secondary school student exercising their right to opt out of the release of information to the military, the district is required to, under federal law, release the information indicated in number five (5) above.

Directory Information

The district has the option under FERPA of designating certain categories of student information as "directory information." The Board directs that "directory information" include a student's [*choose which items to include:*]

- Name
- ID number, user ID, or other unique personal identifier used by a student for purposes of accessing or communicating in electronic systems (only if the ID cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the student's identity),
- Address (except information about a homeless student's living situation, as described below)
- Telephone number
- Date and place of birth
- Major course of study
- Participation in school activities or sports
- Weight and height if a member of an athletic team
- Dates of attendance,
- Degrees and awards received
- Most recent school attended
- Grade level

- Photograph
- E-mail address
- Enrollment status

Information about a homeless student's living situation will be treated as a student educational record, and will not be deemed directory information. A parent/guardian or eligible student may elect, but cannot be compelled, to consent to release of a student's address information in the same way they would for other student education records. The district's McKinney-Vento liaison will take reasonable measures to provide homeless students with information on educational, employment, or other postsecondary opportunities and other beneficial activities. [***Optional sentence:*** The district permits the parent/guardian to select the school's address as the student's address for purposes of directory information.]

Social security numbers or other personally identifiable information will not be considered directory information.

Students who opt out of having directory information shared are still required to **disclose** their student ID cards.

Once the proper FERPA notification is given by the district, a parent/guardian or student will have 14 days to notify the district of any objections they have to any of the "directory information" designations. If no objection is received, the district may release this information without prior approval of the parent/guardian or student for the release. Once the student or parent/guardian provides the "opt-out," it will remain in effect after the student is no longer enrolled in the school district.

The district may elect to provide a single notice regarding both directory information and information disclosed to military recruiters and institutions of higher education.

Ref:

Family Educational Rights and Privacy Act, as amended, 20 USC 1232g; 34 CFR Part 99

No Child Left Behind Act, 20 USC §7908 (Military Recruiter Access)

10 USC §503 as amended by §544 of the National Defense Reauthorization Act for FY 2002

Education Law §§ 2-a; 2-b; 2-c; 2-d; 225;

Public Officers Law §87(2)(a)

Arts and Cultural Affairs Law, Article 57-A (Local Government Records Law)

8 NYCRR Part 121 (Data Privacy)

8 NYCRR §185.12 (Appendix I) Records Retention and Disposition, Schedule ED-1 for Use by School Districts and BOCES

"Guidance for Reasonable Methods and Written Agreements,"

http://www2.ed.gov/policy/gen/guid/fpco/pdf/reasonablemt_d_agreement.pdf

Parents' Bill of Rights for Data Privacy and Security, July 29, 2014: <http://www.p12.nysed.gov/docs/parents-bill-of-rights.pdf>

Family Policy Compliance Office/Student Privacy Policy Office website: <http://www2.ed.gov/policy/gen/guid/fpco/index.html>

Adoption Date: 4/21/09
Revised dates: 6/18/12, 4/7/14, 2/22/2021

Policy: 7240-R

STUDENT RECORDS REGULATION

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

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

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

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

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

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

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

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

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

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

1. To other school officials within the district who have been determined to have legitimate educational interests.
2. To officials of another school, school system or post secondary institution where the student seeks or intends to enroll.
3. To authorized representatives of the Comptroller General of the United States, the U.S. Secretary of Education, the U.S. Attorney General, or state and local education authorities in connection with an audit or evaluation of a federal- or state-supported education program or in compliance with legal requirements related to those programs.
4. In connection with the student's application for or receipt of financial aid.
5. To state and local officials or authorities in compliance with state law that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are being released.
6. To organizations conducting studies for, or on behalf of, education agencies or institutions, in order to develop tests, administer student aid, or improve instruction.
7. To accrediting organizations to carry out their accrediting functions.
8. To parents of a dependent student, as defined by the Internal Revenue Code.
9. To comply with a judicial order or lawfully issued subpoena, including ex parte court orders under the USA Patriot Act. Prior to complying with a judicial order or subpoena, the district will make a reasonable effort to notify the parent/guardian or eligible student, unless the district has been ordered not to disclose the existence or content of the order or subpoena, or unless the parent is the subject of a court proceeding involving child dependency or child abuse and neglect matters, and the order is issued in context of that proceeding.
10. In connection with a health or safety emergency, the district will disclose information when, taking into account the totality of circumstances, a determination is made that there is an articulable and significant threat to the health or safety of the student or other individuals.
11. To teachers and school officials in other schools who have legitimate educational interests in the behavior or the student when the information concerns disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community.
12. To provide information that the district has designated as "directory information."
13. To provide information from the school's law enforcement unit records.
14. To a court, when the district is involved in legal action against a parent or student, those records necessary to proceed with the legal action.
15. To the U.S. Secretary of Agriculture, its authorized representatives from the Food and Nutrition Service, or contractors acting on its behalf, to monitor, evaluate and measure performance of federally-subsidized school food programs, subject to certain privacy protections.
16. To any caseworker or representative of a state or local child welfare agency or tribal organization who has the right to access a student's case plan, where the agency or organization is legally responsible for the care and protection of that student, not to be redisclosed except as permitted by law.

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

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

1. training of vendor employees regarding confidentiality requirements;
2. limiting access to PII to those individuals who have a legitimate educational interest or need access to provide the contracted services;
3. prohibiting the use of PII for any other purpose than those authorized under the contract;
4. prohibiting the disclosure of PII without the prior written consent of the parent/guardian or eligible student, unless it is to a subcontractor in carrying out the contract, or unless required by statute or court order, in which case they must provide notification to the district (unless notice is prohibited by the statute or court order);

5. maintaining reasonable administrative, technical and physical safeguards to protect PII;
6. using encryption technology to protect PII while in motion or in its custody to prevent unauthorized disclosure;
7. breach and notification procedures.

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

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

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

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

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

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

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

Retention and Disposition of Student Records

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

2007

7241

Students

SUBJECT: RELEASE OF INFORMATION TO THE NONCUSTODIAL PARENT

The District may presume that the noncustodial parent has the authority to request information concerning his/her child and release such information upon request. If the custodial parent wishes to limit the noncustodial parent's access to the records, it would be his/her responsibility to obtain and present to the school a legally binding instrument that prevents the release of said information.

Family Educational Rights and Privacy Act of 1974
20 United States Code (USC) 1232(g)(b)(4)(A)
34 Code of Federal Regulations (CFR) Part 99

Adopted: 7/30/07

Students

SUBJECT: STUDENT DIRECTORY INFORMATION

The District shall publish an annual public notice informing parents or eligible students of their right to refuse the release of student directory information.

In accordance with the Family Educational Rights and Privacy Act (FERPA), the District defines student directory information as the following: name; address; telephone listing; date and place of birth, enrollment status (e.g., undergraduate or graduate, full time or part time); major field of study; grade level; participation in officially recognized activities and sports; weight and height (if members of athletic teams); dates of attendance; honors, degrees and awards received; electronic mail address; photograph; and the name of the educational agency or institution most recently previously attended by the student.

Once the proper FERPA notification is given by the District, a parent/guardian or eligible student will have fourteen (14) days to notify the District of any objections they have to any of the "directory information" designations. If no objection is received, the District may release this information without prior approval of the parent/guardian or eligible student for the release.

The release of student directory information is not to be confused with the release of secondary school students' names, addresses and telephone listings to Military Recruiters (Policy #7243 -- Military Recruiters' Access To Secondary School Students and Information on Students). In compliance with the Elementary and Secondary Education Act of 1965 as amended by the No Child Left Behind Act of 2001 (NCLB), the National Defense Authorization Act and in accordance with FERPA, the School District shall comply with the request by a military recruiter for this information unless a parent has "opted out" of providing such information.

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

Adopted: 7/30/07

Students

**SUBJECT: MILITARY RECRUITERS' ACCESS TO SECONDARY SCHOOL STUDENTS
AND INFORMATION ON STUDENTS**

In compliance with the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001 (NCLB); and the National Defense Authorization Act, and in accordance with the Family Educational Rights and Privacy Act (FERPA), the School District shall comply with a request by a military recruiter for secondary students' names, addresses, and telephone listings, **unless a parent has "opted out" of providing such information.**

Further, in compliance with the NCLB, the District shall give military recruiters the same access to secondary school students as they provide to postsecondary institutions or to prospective employers.

Under FERPA, the School District must provide notice to parents of the types of student information that it releases publicly. This type of information, commonly referred to as "directory information," which is released by the District includes -- but is not limited to -- such items as students' names, addresses, and telephone listings. The notice must include an explanation of a parent's right to request that the information not be disclosed without prior written parental consent; and further requires that parents be notified that the School District routinely discloses students' names, addresses, and telephone listings to military recruiters upon request, subject to a parent's request not to disclose such information without written parental consent.

A single notice provided through a mailing, student handbook, or other method that is reasonably calculated to inform parents of the above information is sufficient to satisfy the parental notification requirements of both FERPA and the NCLB. The notification shall advise the parent of how to opt out of the public, nonconsensual disclosure of directory information and the method and timeline within which to do so.

If a parent opts out of providing directory information (or any subset of such information) to third parties, the opt-out relating to their child's name, address, or telephone listing applies to request for military recruiters as well. For example, if the opt-out states that telephone numbers will not be disclosed to the public, the District may not disclose telephone numbers to military recruiters.

The Superintendent/designee shall ensure that appropriate notification is provided to parents informing them of their right to opt-out of the release of designated directory information without prior written parental consent.

Elementary and Secondary Education Act of 1965,
Section 9528
20 United States Code (USC) Section 7908
as amended by the No Child Left Behind Act of 2001
Family Educational Rights and Privacy Act of 1974
20 United States Code (USC) Section 1232(g)

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2007

7243
2 of 2

Students

**SUBJECT: MILITARY RECRUITERS' ACCESS TO SECONDARY SCHOOL STUDENTS
AND INFORMATION ON STUDENTS (Cont'd.)**

National Defense Authorization Act Section 544
10 United States Code (USC) Section 503
34 Code of Federal Regulations (CFR) Section 300.571
Education Law Section 2-a
8 New York Code of Rules and Regulations (NYCRR)
Section 3.33

Adopted: 7/30/07

Students

SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS

The Protection of Pupil Rights Amendment (PPRA) governs the administration to students of a survey, analysis, or evaluation that concerns one or more of the following **eight protected areas**:

- a) Political affiliations or beliefs of the student or the student's parent/guardian;
- b) Mental or psychological problems of the student or the student's family;
- c) Sex behavior or attitudes;
- d) Illegal, anti-social, self-incriminating, or demeaning behavior;
- e) Critical appraisals of other individuals with whom respondents have close family relationships;
- f) Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
- g) Religious practices, affiliations, or beliefs of the student or student's parent/guardian; or
- h) Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

PPRA also concerns marketing surveys and other areas of student privacy, parental access to information, and the administration of certain physical examinations to minors.

General Provisions

The requirements of PPRA do not apply to a survey administered to a student in accordance with the Individuals with Disabilities Education Act (IDEA). Further, PPRA does not supersede any of the requirements of the Family Educational Rights and Privacy Act (FERPA).

The rights provided to parents/guardians under PPRA transfer from the parent/guardian to the student when the student turns eighteen (18) years old or is an emancipated minor under applicable State law.

The School District may use funds provided under Part A of Title V of the Elementary and Secondary Education Act of 1965 to enhance parental/guardian involvement in areas affecting the in-school privacy of students.

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:

(Continued)

Students

SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS (Cont'd.)

- a) The administration of **any survey** containing one or more of the **eight protected areas**.
 1. **U.S. Department of Education-Funded Surveys: Prior written consent from parents must be obtained** before students are required to submit to the survey.
 2. **Surveys funded by sources other than U.S. Department of Education:** Notification may indicate the specific or approximate dates during the school year when surveys will be administered and provide an opportunity for the parent to opt his/her child out of participating upon receipt of the notification.
- b) Activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose).
- c) Any non-emergency, invasive physical examination or screening that is required as a condition of attendance; administered by the school and scheduled by the school in advance; and not necessary to protect the immediate health and safety of the student, or of other students. The term "*invasive physical examination*" means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but *does not include a hearing, vision or scoliosis screening*.

Specific Notification

In the event that the District does not identify the specific or approximate dates of the activities or surveys to be administered in the general annual notification, it shall "directly" notify, such as through U.S. Mail or e-mail, the parents of students who are scheduled to participate in the specific activities or surveys prior to participation and provide an opportunity for the parent to opt his/her child out of participation.

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).

(Continued)

Students

SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS (Cont'd.)

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 (10) days prior to the administration or distribution of any survey. Further, the District shall grant a request by the parent/guardian for reasonable access to such survey within a reasonable period of time after the request is received by the District.
- b) Arrangements shall be provided by the District to protect student privacy in the event of the administration or distribution of a survey to a student containing one 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 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.*

(Continued)

Students

SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS (Cont'd.)

- 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.*

- b) Book clubs, magazines, and programs providing access to low-cost literary products;

(Continued)

Students

**SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND
ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO
MINORS (Cont'd.)**

- c) Curriculum and instructional materials used by elementary schools and secondary schools;
- d) Tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments;
- e) The sale by students of products or services to raise funds for school-related or education-related activities;
- f) Student recognition programs.

Family Educational Rights and Privacy Act of 1974, as
amended by the No Child Left Behind Act of 2001
20 United States Code (USC) Sections 1232h(b) and
1232h(c)
34 Code of Federal Regulations (CFR) Part 98

NOTE: Refer also to Policies #7121 -- Diagnostic Screening of Students
#7243 -- Military Recruiters' Access to Secondary School Students
and Information on Students
#7511 -- Immunization of Students
#7512 -- Student Physicals
#7513 -- Administration of Medication

Adopted: 7/30/07

SUBJECT: DESIGNATION OF PERSON IN PARENTAL RELATION

In accordance with General Obligations Law Title 15-A, a parent of a minor or incapacitated person may designate another person as a person in parental relation to such minor or incapacitated person for certain health care and educational decisions for a period not exceeding six (6) months. However, such parental designation is conditioned upon there being no prior order of any court in any jurisdiction currently in effect that would prohibit the parent from himself/herself exercising the same or similar authority; and provided further that, in the case where a court has ordered that both parents must agree on education or health decisions regarding the child, a designation pursuant to this law shall not be valid unless both parents have given their consent.

The designation of a person in parental relation must be in writing in the form prescribed by General Obligations Law Title 15-A, and shall include specified information as enumerated in law for designations of thirty (30) days or less, as well as additional information required for designations of more than thirty (30) days. The designation of a person in parental relation may be presented to any school that requires such designation by either the parent or designee. The designation may specify a period of time less than six (6) months for which such designation shall be valid unless earlier revoked by the parent in accordance with law. *However, a designation specifying a period of more than thirty (30) days shall be notarized.*

If no time period is specified in the designation, it shall be valid until the earlier of revocation; or

- a) The expiration of thirty (30) days from the date of signature if the designation does not meet the requirements for designations of more than thirty (30) days, or
- b) Six (6) months from the date of commencement specified in the designation if the designation meets the requirements for designations of more than thirty (30) days.

Scope of Designation

A designation made pursuant to this law may specify:

- a) The treatment, diagnosis or activities for which consent is authorized;
- b) Any treatment, diagnosis or activity for which consent is not authorized; or
- c) Any other limitation on the duties and responsibilities conveyed by the designation.

Revocation of Designation

A parent may revoke a designation by notifying, either orally or in writing, the designee or a school to which the designation has been presented, or by any other act evidencing a specific intent to revoke the designation. A designation shall also be revoked upon the execution by the parent of a

(Continued)

SUBJECT: DESIGNATION OF PERSON IN PARENTAL RELATION (Cont'd.)

subsequent designation. Revocation by one parent authorized to execute such a designation shall be deemed effective and complete revocation of a designation pursuant to law.

A designee who receives notification from a parent of any such revocation shall immediately notify any school to which a designation has been presented. A parent may directly notify any such school of the revocation, in which case the failure of the designee to notify the school of such revocation shall not make revocation ineffective.

Effect of Designation

- a) A designee shall possess all the powers and duties of a person in parental relation pursuant to Public Health Law Sections 2164 and 2504 and Education Law Sections 2 and 3212, unless otherwise specified in the designation.
- b) A designation shall not impose upon a designee a duty to support pursuant to Family Court Act Section 413.
- c) A designation shall not cause a change in the school district of residence of the child for purposes of the Education Law, and during the period of validity of the designation, the child shall be presumed to be a resident of the school district in which the parent resided at the time the designation was made.
- d) A designation shall terminate and be revoked upon the death or incapacity of the parent who signed the designation.
- e) The decision of a designee shall be superseded by a contravening decision of a parent.

A person who acts based upon the consent of a designee reasonably and in the good faith belief that the parent has in fact authorized the designee to provide such consent may not be deemed to have acted negligently, unreasonably or improperly in accepting the designation and acting upon such consent. However, any such person may be deemed to have acted negligently, unreasonably or improperly if he/she has knowledge of facts indicating that the designation was never given, or did not extend to an act or acts in question, or was revoked.

No provision of Title 15-A of the General Obligations Law shall be construed to require designation of a person in parental relation as provided within the statute where such designation is not otherwise required by law, rule or regulation.

General Obligations Law Title 15-A
Education Law Sections 2 and 3212
Public Health Law Sections 2164 and 2504
Family Court Act Section 413
Mental Hygiene Law Section 80.03

Adopted: 7/30/07

HLCS POLICY

2014

#7310

STUDENTS

Page 1 of 8

7310 CODE OF CONDUCT

DEFINITIONS

For purposes of this code, the following definitions apply.

"Disruptive student" means an elementary or secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.

"Gender" means actual or perceived sex and shall include a person's gender identity or expression.

"Gender expression" is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyle, activities, voice or mannerisms.

"Gender identity" is one's self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth.

"Parent" means parent, guardian or person in parental relation to a student.

"School property" means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus, as defined in Vehicle and Traffic Law §142.

"School function" means any school-sponsored extra-curricular event or activity.

"Sexual orientation" means actual or perceived heterosexuality, homosexuality or bisexuality.

"Violent student" means a student under the age of 21 who:

1. Commits an act of violence upon a school employee, or attempts to do so.
2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so.
3. Possess, while on school property or at a school function, a weapon.
4. Displays, while on school property or at a school function, what appears to be a weapon.
5. Threatens, while on school property or at a school function, to use a weapon.
6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
7. Knowingly and intentionally damages or destroys school district property.

"Weapon" means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutters, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

STUDENT RIGHTS AND RESPONSIBILITIES

A. Student Rights

The district is committed to safeguarding the rights given to all students under federal and state law and district policy. In addition, to promote a safe, healthy, orderly and supportive school environment, all district students have the right to:

1. Take part in all district activities on an equal basis regardless of race, weight, color, creed, national origin, ethnic group, religion, religious practice, gender or sexual orientation or disability.
2. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
3. Access school policies, regulations and rules and, when necessary, receive an explanation of those rules from school personnel.

B. Student Responsibilities

All district students have the responsibility to:

1. Contribute to maintaining a safe, supportive and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Be familiar with and abide by all district policies, rules and regulations dealing with student conduct.
3. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
6. Work to develop mechanisms to manage their anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems.
9. Dress appropriately for school and school functions.
10. Accept responsibility for their actions.
11. Conduct themselves as representatives of the district when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.

ESSENTIAL PARTNERS

A. Parents

All parents are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community and collaborate with the district to optimize their child's educational opportunities.
2. Send their children to school ready to participate and learn.
3. Ensure their children attend school regularly and on time.
4. Ensure absences are excused.

HLCS POLICY

2014

#7310

STUDENTS

Page 3 of 8

5. Ensure their children are dressed and groomed in a manner consistent with the student dress code.
6. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
7. Know school rules and help their children understand them so that their children can help create a safe, supportive school environment.
8. Convey to their children a supportive attitude toward education and the district.
9. Build positive, constructive relationships with teachers, other parents and their children's friends.
10. Help their children deal effectively with peer pressure.
11. Inform school officials of changes in the home situation that may affect student conduct or performance.
12. Provide a place for study and ensure homework assignments are completed.

B. Teachers

All district teachers are expected to:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules, and enforce them in a fair and consistent manner.
5. Maintain confidentiality in conformity with federal and state law.
6. Communicate to students and parents:
 - a. Course objectives and requirements
 - b. Marking/grading procedures
 - c. Assignment deadlines
 - d. Expectations for students
 - e. Classroom discipline plan.
7. Communicate regularly with students, parents and other teachers concerning growth and achievement.
8. Participate in school-wide efforts to provide adequate supervision in all school spaces, in conformity with the Taylor Law.
9. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
10. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.

C. Guidance Counselors

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Assist students in coping with peer pressure and emerging personal, social and emotional problems.

HLCS POLICY

2014

#7310

STUDENTS

Page 4 of 8

3. Initiate teacher /student /counselor conferences and parent/ teacher/ student/ counselor conferences, as necessary, as a way to resolve problems.
4. Regularly review with students their educational progress and career plans.
5. Maintain confidentiality in accordance with federal and state law.
6. Provide information to assist students with career planning.
7. Encourage students to benefit from the curriculum and extracurricular programs.
8. Make known to students and families the resources in the community that are available to meet their needs.
9. Participate in school-wide efforts to provide adequate supervision in all school spaces.
10. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
11. Address personal biases that may prevent equal treatment of all students.

D. Other School Personnel

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Maintain confidentiality in accordance with federal and state law.
3. Be familiar with the code of conduct.
4. Help children understand the district's expectations for maintaining a safe, orderly environment.
5. Participate in school-wide efforts to provide adequate supervision in all school spaces.
6. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
7. Address personal biases that may prevent equal treatment of all students.

E. Principals/Administrators

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Ensure that students and staff have the opportunity to communicate regularly with the principal/administrators and have access to the principal/administrators for redress of grievances.
3. Maintain confidentiality in accordance with federal and state law.
4. Evaluate on a regular basis all instructional programs to ensure infusion of civility education in the curriculum.
5. Support the development of and student participation in appropriate extracurricular activities.
6. Provide support in the development of the code of conduct, when called upon. Disseminate the code of conduct and anti-harassment policies.
7. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
8. Participate in school-wide efforts to provide adequate supervision in all school spaces.
9. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
10. Address personal biases that may prevent equal treatment of all students and staff.

HLCS POLICY

2014

#7310

STUDENTS

Page 5 of 8

F. The Dignity Act Coordinators

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Oversee and coordinate the work of the district-wide and building-level bullying prevention committees.
3. Identify curricular resources that support infusing civility in classroom instruction and classroom management; and provide guidance to staff as to how to access and implement those resources.
4. Coordinate, with the Professional Development Committee, training in support of the bullying prevention committee.
5. Be responsible for monitoring and reporting on the effectiveness of the district's bullying prevention policy.
6. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
7. Address personal biases that may prevent equal treatment of all students and staff.

G. Superintendent

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Inform the Board about educational trends relating to student discipline
3. Review with district administrators the policies of the Board of education and state and federal laws relating to school operations and management.
4. Maintain confidentiality in accordance with federal and state law.
5. Work to create instructional programs that minimize incidence of misconduct and are sensitive to student and teacher needs.
6. Work with district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
7. Participate in school-wide efforts to provide adequate supervision in all school spaces.
8. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
9. Address personal biases that may prevent equal treatment of all students and staff.

H. Board of Education

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Maintain confidentiality in accordance with federal and state law.

3. Develop and recommend a budget that provides programs and activities that support achievement of the goals of the code of conduct.
3. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a code of conduct that clearly defines expectations for the conduct of students, district personnel and visitors on school property and at school functions.
4. Adopt and review at least annually the district's code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
5. Lead by example by conducting Board meetings in a professional, respectful, courteous manner.
6. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
7. Address personal biases that may prevent equal treatment of all students and staff.

PROHIBITED STUDENT CONDUCT

The Board of Education expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, district personnel and other members of the school community, and for the care of school facilities and equipment.

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. District personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on educating students so that they may grow in self-discipline.

The Board recognizes the need to make its expectations for student conduct while on school property or engaged in a school function specific and clear. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others. Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the consequences for their conduct.

Students may be subject to disciplinary action, up to and including suspension from school, when they:

- A. Engage in conduct that is disorderly. Examples of disorderly conduct include, but are not limited to:
 1. Running in hallways.
 2. Making unreasonable noise.
 3. Using language or gestures that are profane, lewd, vulgar or abusive.
 4. Obstructing vehicular or pedestrian traffic.
 5. Engaging in any willful act which disrupts the normal operation of the school community.
 6. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
 7. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the district's acceptable use policy.

HLCS POLICY

2014

#7310

STUDENTS

Page 7 of 8

B. Engage in conduct that is insubordinate. Examples of insubordinate conduct include, but are not limited to:

1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
2. Lateness for, missing or leaving school without permission.
3. Skipping detention.

C. Engage in conduct that is disruptive. Examples of disruptive conduct include, but are not limited to:

1. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students.
2. Inappropriate public sexual contact.
3. Display or use of personal electronic devices, such as, but not limited to, cell phones, I-pods, digital cameras, in a manner that is in violation of district policy.

D. Engage in conduct that is violent. Examples of violent conduct include, but are not limited to:

1. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator or other school employee or attempting to do so.
2. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon another student or any other person lawfully on school property or attempting to do so.
3. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
4. Displaying what appears to be a weapon.
5. Threatening to use any weapon.
6. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
7. Intentionally damaging or destroying school district property.

E. Engage in any conduct that endangers the safety, physical or mental health or welfare of others. Examples of such conduct include, but are not limited to:

1. Subjecting other students, school personnel or any other person lawfully on school property or attending a school function to danger by recklessly engaging in conduct which creates a substantial risk of physical injury.
2. Stealing or attempting to steal the property of other students, school personnel or any other person lawfully on school property or attending a school function.
3. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
4. Discrimination, which includes using race, color, creed, national origin, ethnic group, religion, religious practice, sex, gender (identity and expression), sexual orientation, weight or disability to deny rights, equitable treatment or access to facilities available to others.
5. Harassment (or Bullying), is the creation of a hostile environment by conduct or threats, intimidation or abuse. (See policy, 7554, Student Harassment and Bullying Prevention and Intervention for a more complete definition.)
6. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.

HLCS POLICY

2014

#7310

STUDENTS

Page 8 of 8

7. Hazing, which includes an induction, initiation or membership process involving harassment (see policy 7554 for a more complete definition).
 8. Selling, using, distributing or possessing obscene material.
 9. Using vulgar or abusive language, cursing or swearing.
 10. Smoking a cigarette, cigar, pipe, electronic cigarette, or using chewing or smokeless tobacco.
 11. Possessing, consuming, selling, offering, manufacturing, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. "Illegal substances" include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any synthetic version thereof, whether specifically illegal or not, commonly referred to as "designer drugs" which are substances designed and synthesized to mimic the intended effects and usages of, which are chemically substantially similar to, illegal drugs, which may or may not be labeled for human consumption.
 12. Inappropriately using or sharing prescription and over-the-counter drugs.
 13. Gambling.
 14. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
 15. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
- F. Engage in misconduct while on a school bus. It is crucial for students to behave appropriately while riding on district buses, to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting will not be tolerated.
- G. Engage in any form of academic misconduct. Examples of academic misconduct include, but are not limited to:
1. Plagiarism.
 2. Cheating.
 3. Copying.
 4. Altering records.
 5. Assisting another student in any of the above actions.
- H. Engage in off-campus misconduct that interferes with, or can reasonably be expected to substantially disrupt the educational process in the school or a school function. Such misconduct includes, but isn't limited to, threatening or harassing students or school personnel through any means off-campus, including cyberbullying (for a complete definition of harassment, bullying and cyberbullying refer to policy 7554, Student Harassment and Bullying Prevention and Intervention).

Adoption date: 7/30/07

Public Hearing: 1/7/13

Revised date: 2/25/13

Public Hearing: 3/24/14

Revised date II: 4/7/14

SUBJECT: LOSS OR DESTRUCTION OF DISTRICT PROPERTY OR RESOURCES

The District is authorized to seek restitution, through civil action when necessary, from the parent or guardian of an unemancipated student over the age of ten (10) and under the age of eighteen (18) where such student:

- a) Has willfully, maliciously, or unlawfully damaged, defaced or destroyed real or personal property in the care, custody and/or ownership of the District; or
- b) Has knowingly entered or remained in a District building, and wrongfully taken, obtained or withheld personal property owned or maintained by the District.

In instances where the District has sought and obtained a judgment from a court of competent jurisdiction, parent/guardian liability for civil damages shall not exceed five thousand dollars (\$5,000). Under certain circumstances, prior to the entering of a judgment in the sum total of five hundred dollars (\$500) or more, a court may consider the parent's or guardian's financial inability to pay any portion or all of the amount of damages which are in excess of five hundred dollars (\$500), and enter a judgment in an amount within the financial capacity of the parent or guardian. However, no such judgment shall be entered for an amount which is less than five hundred dollars (\$500).

False Reporting of an Incident and/or Placing a False Bomb

A School District is also authorized to seek restitution, as described in law, from a parent or guardian of an unemancipated student over the age of ten (10) and under the age of eighteen (18) where such student:

- a) Has falsely reported an incident; or
- b) Has placed a false bomb as defined in the New York State Penal Law.

Damages for falsely reporting an incident or placing a false bomb shall mean the funds reasonably expended by the School District in responding to such false report of an incident or false bomb, less the amount of any funds which have been or will be recovered from any other source as enumerated in law.

In seeking restitution, the School District shall file with the court, the County District Attorney and defense counsel an affidavit stating that the funds reasonably expended for which restitution is being sought have not been and will not be recovered from any other source or in any other civil or criminal proceeding, except as provided for pursuant to General Obligations Law Section 3-112.

General Obligations Law Section 3-112
 Penal Law Sections 60.27, 240.50, 240.55, 240.60 and
 240.61

Adopted: 7/30/07

Students

SUBJECT: STUDENT DRESS CODE

The responsibility for the dress and appearance of students shall rest with individual students and parents. They have the right to determine how the student shall dress, provided that such attire does not interfere with the operation of the school or infringe upon the general health, safety and welfare of District students or employees. Student dress and appearance must be in accordance with the *District Code of Conduct*. The administration is authorized to take action in instances where individual dress does not meet these stated requirements.

While the school administration may require students participating in physical education classes to wear certain types of clothing such as sneakers, socks, shorts, and tee shirts, they may not prescribe a specific brand which students must wear.

This policy does not mean that student, faculty, or parent groups may not recommend appropriate dress for school or special occasions. It means that a student shall not be prevented from attending school or a school function, or otherwise be discriminated against, so long as his/her dress and appearance meet the above requirements. A school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state.

Education Law Section 2801(1)
--definition of school function

NOTE: Refer also to *District Code of Conduct on School Property*

Adopted: 7/30/07

Students

SUBJECT: SUSPENSION OF STUDENTS

The Superintendent and/or the Principal may suspend the following students from required attendance upon instruction:

- a) A student who is insubordinate or disorderly; or
- b) A student who is violent or disruptive; or
- c) A student whose conduct otherwise endangers the safety, morals, health or welfare of others.

SuspensionFive School Days or Less

The Superintendent and/or the Principal of the school where the student attends shall have the power to suspend a student for a period not to exceed five (5) school days. In the absence of the Principal, the designated "Acting Principal" may then suspend a student for a period of five (5) school days or less.

When the Superintendent or the Principal (the "suspending authority") proposes to suspend a student for five (5) school days or less, the suspending authority shall provide the student with **notice** of the charged misconduct. If the student denies the misconduct, the suspending authority shall provide an **explanation** of the basis for the suspension.

When suspension of a student for a period of five (5) school days or less is proposed, administration shall also immediately notify the parent/person in parental relation in writing that the student *may be* suspended from school.

Written notice shall be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of such notice within twenty-four (24) hours of the decision to propose suspension at the last known address or addresses of the parents/persons in parental relation. Where possible, notification shall also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents/persons in parental relation.

The notice shall provide a description of the incident(s) for which suspension is proposed and shall inform the student and the parent/person in parental relation of their right to request an immediate informal conference with the Principal in accordance with the provisions of Education Law Section 3214(3)(b). Both the notice and the informal conference shall be in the dominant language or mode of communication used by the parents/persons in parental relation. At the informal conference, the student and/or parent/person in parental relation 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

In situations where the Superintendent determines that a suspension in excess of five (5) school days may be warranted, the student and parent/person in parental relation, upon reasonable notice, shall have had an opportunity for a fair hearing. At the hearing, the student shall have the right of representation by counsel, with the right to question witnesses against him/her, and the right to present witnesses and other evidence on his/her behalf.

Where the basis for the suspension is, in whole or in part, the possession on school grounds or school property by the student of any firearm, rifle, shotgun, dagger, dangerous knife, dirk, razor, stiletto or any of the weapons, instruments or appliances specified in Penal Law Section 265.01, the hearing officer or Superintendent shall not be barred from considering the admissibility of such weapon, instrument or appliance as evidence, notwithstanding a determination by a court in a criminal or juvenile delinquency proceeding that the recovery of such weapon, instrument or appliance was the result of an unlawful search or seizure.

Minimum Periods of Suspension

Pursuant to law, Commissioner's Regulations and the *District's Code of Conduct*, minimum periods of suspension shall be provided for the following prohibited conduct, subject to the requirements of federal and state law and regulations:

- a) Consistent with the federal Gun-Free Schools Act, any student who is determined to have brought a weapon to school or possessed a weapon on school premises shall be suspended for a period of not less than one (1) calendar year. However, the Superintendent has the authority to modify this suspension requirement on a case-by-case basis.
- b) A minimum suspension period for students who repeatedly are substantially disruptive of the educational process or substantially interfere with the teacher's authority over the classroom, provided that the suspending authority may reduce such period on a case-by-case basis to be consistent with any other state and federal law. The definition of "repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority" shall be determined in accordance with the Regulations of the Commissioner.

(Continued)

Students

SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

- c) A minimum suspension period for acts that would qualify the student to be defined as a violent student pursuant to Education Law Section 3214(2-a)(a), provided that the suspending authority may reduce such period on a case-by-case basis to be consistent with any other state and federal law.

Suspension of Students with Disabilities

Generally, should a student with a disability infringe upon the established rules of the schools, disciplinary action shall be in accordance with procedures set forth in the *District's Code of Conduct* and in conjunction with applicable law and the determination of the Committee on Special Education (CSE).

For suspensions or removals up to ten (10) school days in a school year that do not constitute a disciplinary change in placement, students with disabilities must be provided with alternative instruction or services on the same basis as non-disabled students of the same age.

If suspension or removal from the current educational placement constitutes a disciplinary change in placement because it is for more than ten (10) consecutive school days or constitutes a pattern because the suspensions or removals cumulate to more than ten school days in a school year, a manifestation determination must be made.

Manifestation Determinations

A review of the relationship between the student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the disability must be made by a manifestation team immediately, if possible, but in no case later than ten (10) school days after a decision is made:

- a) By the Superintendent to change the placement to an interim alternative educational setting (IAES);
- b) By an Impartial Hearing Officer (IHO) to place the student in an IAES; or
- c) By the Board, District Superintendent, Superintendent or building principal to impose a suspension that constitutes a disciplinary change of placement.

The manifestation team shall include a representative of the District knowledgeable about the student and the interpretation of information about child behavior, the parent and relevant members of the CSE as determined by the parent and the District. The parent must receive written notice prior to the meeting to ensure that the parent has an opportunity to attend. This notice must include the purpose of the meeting, the names of those expected to attend and notice of the parent's right to have relevant members of the CSE participate at the parent's request.

(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.

Finding of Manifestation

If it is determined, as a result of this review, that the student's behavior is a manifestation of his/her disability the CSE shall conduct a functional behavioral assessment and implement or modify a behavioral intervention plan. Unless the change in placement was due to behavior involving serious bodily injury, weapons, illegal drugs or controlled substances, the student must be returned to the placement from which the student was removed unless the parent and the District agree to a change of placement as part of the modification of the behavioral intervention plan.

No Finding of Manifestation

If it is determined that the student's behavior is not a manifestation of his/her disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner and for the same duration for which they would be applied to students without disabilities, subject to the right of the parent/person in parental relation to request a hearing objecting to the manifestation determination and the District's obligation to provide a free, appropriate public education to such student.

Provision of Services Regardless of the Manifestation Determination

Regardless of the manifestation determination, for subsequent suspensions or removals for ten (10) consecutive school days or less that in the aggregate total more than ten (10) school days in a school year but do not constitute a disciplinary change of placement, and for suspensions or other disciplinary removals in excess of ten (10) school days in a school year which do constitute a disciplinary change in placement for behavior, the CSE shall determine the services to be provided to students with a disability necessary for them to continue to participate in the general education curriculum and progress toward meeting the goals set out in their IEP, and shall conduct or provide, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur.

Interim Alternative Educational Setting (IAES)

Students with disabilities who have been suspended or removed from their current placement for more than ten (10) school days may, as determined by the CSE, be placed in an IAES which is a temporary educational setting other than the student's current placement at the time the behavior precipitating the IAES placement occurred.

(Continued)

Students

SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

Additionally, the District may seek an order from a hearing officer for a change in placement of a student with a disability to an appropriate IAES for up to forty-five (45) school days if the District establishes, in accordance with law, that such student is substantially likely to injure himself/herself or others.

There are three (3) specific instances when a student with a disability may be placed in an IAES for up to forty-five (45) school days without regard to a manifestation determination:

- a) Where the student carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of the District; or
- b) Where a student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of the District; or
- c) Where a student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the District. Serious bodily harm has been defined in law to refer to one of the following:
 1. Substantial risk of death;
 2. Extreme physical pain; or
 3. Protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

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

School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a student with a disability who violates a code of student conduct.

In all cases, the student placed in an IAES shall:

- a) Continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress towards the goals set out in the student's IEP, and
- b) Receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

(Continued)

Students

SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

The period of suspension or removal may not exceed the amount of time a non-disabled student would be suspended for the same behavior.

Suspension From BOCES

The BOCES Principal may suspend School District students from BOCES classes for a period not to exceed five (5) school days when student behavior warrants such action.

In-School Suspension

In-school suspension will be used as a lesser discipline to avoid an out-of-school suspension. The student shall be considered present for attendance purposes. The program is used to keep each student current with his/her class work while attempting to reinforce acceptable behavior, attitudes and personal interaction.

BOCES Activities

BOCES activities, such as field trips and other activities outside the building itself, are considered an extension of the school program. Therefore, an infraction handled at BOCES is to be considered as an act within the School District itself.

A student who is ineligible to attend a District school on a given day may also be ineligible to attend BOCES classes. The decision rests with the Superintendent or his/her designee.

Exhaustion of Administrative Remedies

If a parent/person in parental relation wishes to appeal the decision of the Building Principal and/or Superintendent to suspend a student from school, regardless of the length of the student's suspension, the parent/person in parental relation must appeal to the Board of Education prior to commencing an appeal to the Commissioner of Education.

Procedure after Suspension

When a student has been suspended and is of compulsory attendance age, immediate steps shall be taken to provide alternative instruction which is of an equivalent nature to that provided in the student's regularly scheduled classes.

When a student has been suspended, the suspension may be revoked by the Board of Education whenever it appears to be for the best interest of the school and the student to do so. The Board of Education may also condition a student's early return to school and suspension revocation on the student's voluntary participation in counseling or specialized classes, including anger management or dispute resolution, where applicable.

(Continued)

Students

SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

Individuals with Disabilities Education Improvement Act of
2004 [Public Law 108-446 Section 615(k)(1)]
18 United States Code (USC) Section 921
Individuals with Disabilities Education Act (IDEA)
20 United States Code (USC) Sections 1400 et seq.
20 United States Code (USC) Section 7151, as reauthorized
by the No Child Left Behind Act of 2001
34 Code of Federal Regulations (CFR) Part 300
Education Law Sections 2801(1), 3214 and 4402
Penal Law Section 265.01
8 New York Code of Rules and Regulations (NYCRR)
Section 100.2(1)(2) and Part 201

Adopted: 7/30/07

Students

SUBJECT: STUDENTS PRESUMED TO HAVE A DISABILITY FOR DISCIPLINE PURPOSES

The parent of a student who has violated any rule or code of conduct of the School District and who was not identified as a student with a disability at the time of such behavior may assert several protections provided for under the Individuals with Disabilities Education Act (IDEA) and State regulations *if the School District is deemed to have had knowledge (as determined in accordance with law and/or regulations and referenced below) that the student was a student with a disability before the behavior that precipitated the disciplinary action occurred.*

Basis of Knowledge

The School District shall be deemed to have knowledge that the student had a disability if prior to the time the behavior occurred:

- a) The parent of the student has expressed concern in writing to supervisory or administrative personnel, or to a teacher of the student, that the student is in need of special education and related services. However, expressions of concern may be oral if the parent does not know how to write or has a disability that prevents a written statement;
- b) The parent of the student has requested an evaluation of the student; or
- c) A teacher of the student, or other District personnel, has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the Director of Special Education or to other supervisory personnel in accordance with the District's established child find or special education referral system.

Exception

A student is not a student presumed to have a disability for discipline purposes if, as a result of receiving the information specified above (i.e., subheading "Basis of Knowledge"):

- a) The parent of the student has not allowed an evaluation of the student pursuant to law and/or regulations;
- b) The parent of the student has refused services under law and/or regulations; or
- c) The student has been evaluated and it was determined that the student is not a student with a disability.

(Continued)

Students

SUBJECT: STUDENTS PRESUMED TO HAVE A DISABILITY FOR DISCIPLINE PURPOSES (Cont'd.)**Responsibility for Determining Whether a Student is a Student Presumed to Have a Disability**

If it is claimed by the parent of the student or by School District personnel that the District had a basis for knowledge, in accordance with law and/or regulation, that the student was a student with a disability prior to the time the behavior subject to disciplinary action occurred, it shall be the responsibility of the Superintendent of Schools, Building Principal or other school official imposing the suspension or removal to determine whether the student is a student presumed to have a disability.

Conditions That Apply if There is No Basis of Knowledge

If it is determined that there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other nondisabled student who engaged in comparable behaviors.

However, if a request for an individual evaluation is made during the time period in which such nondisabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted in accordance with law and/or regulations. Pending the results of the evaluation, the student shall remain in the educational placement determined by school authorities.

If the student is determined to be a student with a disability, taking into consideration information from the evaluation and information provided by the parents, the District shall provide special education and related services in accordance with law and/or regulations.

Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446, Section 615(k)(5)]
Individuals with Disabilities Education Act (IDEA)
20 United States Code (USC) Section 1400 et seq.
34 Code of Federal Regulations (CFR) Part 300
8 New York Code of Rules and Regulations (NYCRR)
Section 201.5

NOTE: Refer also to Policy #7313 -- Suspension of Students

Adopted: 7/30/07

**SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES
(ACCEPTABLE USE POLICY)**

The Board of Education will provide access to various computerized information resources through the District's computer system ("DCS" hereafter) consisting of software, hardware, computer networks and electronic communications systems. This may include access to electronic mail, so-called "on-line services" and the "Internet." It may include the opportunity for some students to have independent access to the DCS from their home or other remote locations. All use of the DCS, including independent use off school premises, shall be subject to this policy and accompanying regulations. Further, all such use must be in support of education and/or research and consistent with the goals and purposes of the School District.

Access to Inappropriate Content/Material and Use of Personal Technology or Electronic Devices

This policy is intended to establish general guidelines for the acceptable student use of the DCS and also to give students and parents/guardians notice that student use of the DCS will provide student access to external computer networks not controlled by the School District. The District cannot screen or review all of the available content or materials on these external computer networks. Thus some of the available content or materials on these external networks may be deemed unsuitable for student use or access by parents/guardians.

Despite the existence of District policy, regulations and guidelines, it is virtually impossible to completely prevent access to content or material that may be considered inappropriate for students. Students may have the ability to access such content or material from their home, other locations off school premises and/or with a student's own personal technology or electronic device on school grounds or at school events. Parents and guardians must be willing to establish boundaries and standards for the appropriate and acceptable use of technology and communicate these boundaries and standards to their children. The appropriate/acceptable use standards outlined in this policy apply to student use of technology via the DCS or any other electronic media or communications, including by means of a student's own personal technology or electronic device on school grounds or at school events.

(Continued)

Students

**SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES
(ACCEPTABLE USE POLICY) (Cont'd.)****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 Section 3-112.

Student data files and other electronic storage areas will be treated like school lockers. This means that such areas shall be considered to be School District property subject to control and inspection. The Computer Coordinator may access all such files and communications without prior notice to ensure system integrity and that users are complying with the requirements of this policy and accompanying regulations. Students should **NOT** expect that information stored on the DCS will be private.

Notification

The District's Acceptable Use Policy and Regulations will be disseminated to parents and students in order to provide notice of the school's requirements, expectations, and students' obligations when accessing the DCS.

(Continued)

2012

7315
3 of 3

Students

**SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES
(ACCEPTABLE USE POLICY) (Cont'd.)**

Regulations will be established as necessary to implement the terms of this policy.

NOTE: Refer also to Policy #8271 -- Internet Safety/ Internet Content Filtering Policy
District Code of Conduct on School Property

Adoption Date: 7/30/2007
Revised: 9/20/2010
Revised II: 11/21/2011
Revised III: June 18, 2012

USE OF TIME OUT ROOMS, PHYSICAL RESTRAINTS AND AVERSIVES

The Board of Education recognizes that students with disabilities sometimes exhibit inappropriate behaviors that impede learning. As a result, students with disabilities may require unique approaches to discipline so that they can continue to benefit from their educational program. The Board further acknowledges that the use of aversive behavioral intervention, as defined in §19.5 of the Commissioner's regulations, is prohibited unless the district has followed the procedures outlined below to allow for their use in a child-specific case.

The use of a time out room, physical restraint or aversive intervention will be in conformance with a child's individual education program (IEP). Staff will adhere to federal and state statute and regulation in the administration of these measures.

Time Out Room

A time out room is an area for a student to safely deescalate, regain control and prepare to meet expectations to return to his/her educational program. The room will only be used in conjunction with a behavioral intervention plan, as part the student's IEP, or when it is necessary to remove a student from a potentially dangerous situation in unanticipated situations that pose an immediate concern for the physical safety of a student or others. The room will provide a supervised area in order to facilitate self-control the location, size and access to the time out room will be in conformance with applicable laws and regulations. The **Director of Special Education** will be responsible for the development and implementation of regulations covering the use of a time out room, as well as monitoring compliance with those regulations.

The **Director of Special Education** will inform parents prior to the initiation of a behavioral intervention plan that will incorporate the use of a time out room. Upon request, the parent will be shown the space that will be utilized. In addition, the parent will be provided a copy of this policy.

Physical Restraint: Emergency Interventions

Staff will not use physical restraint as a substitute for systematic intervention to modify inappropriate behavior. Staff who may be called upon to physically restrain a student will be trained on safe and effective ways to do so. Physical restraint may be used in an emergency where no other approach would be effective in controlling the student's behavior.

During emergencies, immediate intervention by staff involving the use of reasonable physical force may be necessary, either to protect people or property from injury or damage, or to restrain or remove a student whose behavior is interfering with the orderly functioning of the school, if that student has refused to comply with a request to refrain from further disruptive acts.

The district shall document the use of emergency interventions for each student. This shall include the student's name and date of birth, the setting and location of the incident, the staff members involved, other persons involved, a description of the incident and the intervention used, the duration

of the incident, a statement as to whether the student has a current behavioral intervention plan, and details of any injuries sustained by either the student or others as a result of the incident. Documentation of emergency interventions shall be reviewed by school supervisory personnel and, as necessary, the school nurse or other medical personnel. The student's parents/guardians shall be notified of each incident of emergency intervention.

Aversive Behavioral Intervention

Aversive behavioral intervention, as defined in §19.5 of the Commissioner's regulations, shall not be the sole or primary approach to modifying inappropriate behavior, and is generally prohibited, unless a child-specific exception was granted by the Commissioner of Education in the 2008-2009 school year, and each subsequent year thereafter, and incorporated into the student's IEP. This approach will be limited to self-injurious or aggressive behaviors identified on the child's IEP.

The IEP shall identify the specific targeted behavior, the aversive intervention to be used and, if applicable, the device to be utilized. The parent must provide informed written consent for the use of the aversive intervention.

The district will establish a Human Rights Committee to monitor the use of aversive behavior interventions. The committee will be comprised of individuals not employed by the school district and its membership will be in conformance with Commissioner's regulations.

Training

Training for staff on the policies and procedures related to the use of time out rooms, physical restraint, aversives, and related behavior management practices, will be provided annually or as needed.

The **Director of Special Education through the Superintendent** will be responsible for implementation and oversight of this policy.

Ref: 8 NYCRR §§19.5; 200.15; 200.22

Adoption date: 1/26/2009

Revised: 12/17/2018

USE OF TIME OUT ROOMS REGULATION

A time out room is a supervised area for a student to safely deescalate, regain control and prepare to meet expectations to return to his/her educational program. Time out rooms may only be used when needed for unanticipated situations that pose an immediate concern for the physical safety of a student or others, or in conjunction with a behavioral intervention plan in a student's Individualized Education Program (IEP). The district's use of time out rooms shall conform to applicable state regulations.

1. Physical requirements

Time out rooms shall allow for continuous visual and auditory monitoring of the student. The room shall be large enough to allow a student to move freely and lay down comfortably. Wall and floor coverings shall be designed to prevent student injury where possible, and there shall be adequate lighting and ventilation. The temperature of the room shall be within the normal comfort range, and consistent with the rest of the building. The room shall be clean and free of objects and fixtures that could be potentially dangerous to a student, and shall meet all local fire and safety codes.

2. Monitoring, Observation and Supervision

School staff shall continuously monitor the student in a time out room. The staff must be able to see and hear the student at all times.

3. Prohibition on Locks

Time out rooms or spaces shall be unlocked, and the door must be able to be opened from the inside.

4. IEP Requirements

A student's IEP shall specify when a behavioral intervention plan includes the use of a time out room for a student with a disability, including the maximum amount of time a student will need to be in a time out room as a behavioral consequence, as determined on an individual basis, in consideration of the student's age and individual needs. The behavioral intervention plan shall be designed to teach and reinforce alternative appropriate behaviors.

5. Precipitating Factors

The factors that may lead to a student being temporarily placed in a time out room will depend on the particular student. Generally, time out rooms are to be used when a student needs to deescalate, regain control and prepare to meet expectations to return to his or her education program. A student in need of a time out room may be unable to control his/her actions, overwhelmed, overstimulated, exhibiting violent actions, or posing a danger to self or others.

6. Time Limitations

The amount of time a student may spend in a time out room will vary with the student's age, individual needs, behavioral intervention plan, and the specific circumstances. Students shall spend only as much time in the time out room as is necessary for them to deescalate, regain control, return to their educational programs, or no longer pose a concern for the physical safety of themselves or others. Students shall not be in a time out room for more than the maximum amount of time specified in their behavioral intervention plans. For emergency use, where a time out room is not specified in a student's behavioral intervention plan, but where such emergency use is not inconsistent with the student's IEP, the maximum time to be spent in a time out room shall be 30 minutes. If a student is not ready to return to the educational program after that period of time, he/she shall be provided with further interventions consistent with his/her behavioral intervention plan or IEP, or actions reasonably calculated to assist the student.

7. Staff Training

All staff authorized to place a student in a time out room shall receive training on the procedures for placing a student in a time out room, including situations warranting use of a time out room, IEP requirements, continuous monitoring, time limitations, and data collection. Only trained staff authorized by the school principal may place a student in a time out room. Staff not authorized to place a student in a time out room shall receive training on what to do and who to contact if a student is exhibiting behaviors indicating the need for use of the time out room.

8. Data Collection to Monitor Effectiveness

The district shall document the use of time out rooms, and monitor the effectiveness of the use of time out rooms to decrease the behaviors that led to the use of the rooms. Such documentation will include a record for each student placed in a time out room. Each record shall show, for each use of the time out room, the date, time, duration of stay, precipitating factors, staff members involved, and the student's behaviors/condition before, during and after use of the time out room. Copies of these records shall be sent to the student's teachers, CSE chairperson, Director of Special Education, and Building Principal. Appropriate staff shall meet regularly as needed to review the effectiveness of the time out room for each student placed in one. Building Principals shall periodically report on the use and effectiveness of time out rooms to the Director of Special Education and Superintendent, who shall report to the Board annually.

9. Parent/Guardian Rights and Information

The district shall inform parents/guardians prior to the initiation of a behavioral intervention for their child which will incorporate the use of a time out room. Parents/guardians shall be given the opportunity to see the physical space used as a time out room. Parents/guardians shall be given a copy of this policy and regulation on time out rooms. The district shall notify parents/guardians each time a student is placed in the time out room.

HLCS POLICY

2012

#7317

STUDENTS

Page 1 of 2

7317 STUDENTS AND PERSONAL ELECTRONIC DEVICES

The Board of Education recognizes that there are personal electronic devices that have educational applications such as calculators, voice recorders, digital cameras and music listening devices. In some instances a “smart phone” may include applications that permit these functions. These devices shall be allowed to be used in classrooms only when they are included as part of a lesson under the direction of a teacher.

The Board acknowledges that cellular phones, pagers, and 2-way communication systems can be a positive means to facilitate communication; however, the display and/or use of such devices can cause disruption to the educational process.

Therefore, to prevent such disruption, the display and/or use by students of cellular phones (including “smart phones”), pagers, and 2-way communication systems and/or other electronic devices shall be prohibited from the time students arrive at school until the end of the regular school day, unless specifically permitted to be used by a teacher or administrator. Such devices must be turned off and stored out of sight during this time period. The district is not responsible for stolen, lost or damaged personal electronic devices.

In emergency situations, exceptions to the prohibition of the use of cellular phones, pagers, and 2-way communication systems may be granted by teachers or administrators.

Misuse of any of these electronic devices will result in its confiscation until 1) the end of the school day or 2) returned/picked up by a parent/guardian, as outlined in the code of conduct. Some uses of personal electronic devices constitute violation of the school district code of conduct and in some instances, the law. The school district will cooperate with law enforcement officials as appropriate.

Cellular Telephones and Testing

In order to ensure the integrity of testing, in accordance with state guidelines, students are not allowed to bring cell phones or other electronic devices into classrooms or other exam locations during The exception to this policy is if a teacher gives specific permission for a cell phone or other electronic device to be used during a classroom, non-state assessment.

Test proctors, monitors and school officials shall have the right to collect cell phones and other prohibited electronic devices prior to the start of the test and to hold them for the duration of the test taking time. Admission to the test will be prohibited to any student who has a cell phone or other electronic device in their possession and does not relinquish it.

HLCS POLICY

2012
#7317

STUDENTS
Page 2 of 2

Students with individualized education plans (IEPs), 504 Plans, or documentation from a medical practitioner that specifically requires the use of an electronic device may do so as specified.

Cross-ref: 7310, Code of Conduct

Ref: *Price v. New York City Board of Education*, 16 Misc.3d 543 (2007).

Adoption date: 2/25/2013

HLCS POLICY

2012

#7320

STUDENTS

Page 1 of 5

7320 ALCOHOL, TOBACCO, DRUGS AND OTHER SUBSTANCES (STUDENTS)

The Board of Education recognizes that the misuse of drugs, alcohol and/or tobacco is a serious problem with legal, physical, emotional and social implications for the entire community. Therefore, the consumption, sharing and/or selling, use and/or possession of alcoholic beverages, tobacco products, illegal drugs, counterfeit and designer drugs, or paraphernalia for the use of such drugs is prohibited at any school-sponsored event or on school property at all times. The inappropriate use of prescription and over-the-counter drugs shall also be disallowed. Persons shall be banned from entering school grounds or school-sponsored events when exhibiting behavioral, personal or physical characteristics indicative of having used or consumed alcohol or other substances.

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.

Through the collaborative efforts of staff, students, parents/guardians and the community as a whole, a comprehensive program shall be developed addressing alcohol, tobacco, drugs, and other substances to include the following elements:

Primary Prevention

Preventing or delaying alcohol, tobacco, drugs, and other substance use/abuse by students shall be the major focus of a comprehensive K through 12 program in which proactive measures of prevention and early intervention are emphasized. This program shall include:

- a) A sequential K through 12 curriculum based on recognized principles of effectiveness that is developed and incorporated into the total educational process. This curriculum shall be concerned with education and prevention in all areas of alcohol, tobacco, drugs, and other substances use/abuse;
- b) Training school personnel and parents/guardians to reinforce the components of the policy through in-service and community education programs with up-to-date factual information and materials;
- c) An effort to provide positive alternatives to alcohol, tobacco, drugs, and other substances use/abuse through the promotion of drug/tobacco/alcohol-free special events, service projects and extracurricular activities that will develop and support a positive peer influence.

HLCS POLICY

2012

#7320

STUDENTS

Page 2 of 5

Intervention

School-based intervention services shall be made available to all students, grades K through 12, and provided by prevention professionals who are appropriately trained in this area. The purpose of intervention is to eliminate any existing use/abuse of alcohol, tobacco, drugs, and other substances and to identify students considered to be at risk for use/abuse. Intervention programming shall include:

- a) Counseling of students in groups and as individuals on alcohol, tobacco, drugs, and other substance use/abuse. Counselors shall be appropriately trained and skilled school staff assigned for this purpose;
- b) Referring students to community or other outside agencies when their use/abuse of alcohol, tobacco, drugs, and other substances requires additional counseling or treatment. Referral is a key link in school and community efforts and the process is basic to the dissemination of information regarding available counseling and health services;
- c) Providing a supportive school environment designed to continue the recovery process for students returning from treatment. A re-entry program may include continuing student and/or family counseling and emphasizing positive alternatives to alcohol, tobacco, drugs, and other substance use/abuse;
- d) Developing a parent network to serve as a support group and provide a vehicle of communication for parent education;
- e) Ensuring confidentiality as required by state and federal law.

Disciplinary Measures

Disciplinary measures for students consuming, sharing and/or selling, using and/or possessing alcoholic beverages, tobacco products, illegal drugs, counterfeit and designer drugs, or paraphernalia for the use of such drugs shall be outlined in the *District's Code of Conduct on School Property*.

Staff Development

There shall be ongoing training of District staff about the components of an effective alcohol, tobacco and other substances program. Training shall include, but not be limited to, District policies and regulations and the staff's role in implementing such policies and regulations. Teachers shall be trained to implement the District's K through 12 alcohol, tobacco, drugs and other substance prevention curricula; intervention staff shall be suitably trained to carry out appropriate services.

HLCS POLICY

2012
#7320

STUDENTS
Page 3 of 5

Implementation, Dissemination and Monitoring

It shall be the responsibility of the Superintendent to implement the alcohol, tobacco, drugs, and other substances Board policy by collaboration with school personnel, students, parents/guardians and the community at large.

Additionally, copies of Board policy shall be disseminated to District staff, parents/guardians and community members. The Superintendent/designee shall periodically review the tobacco, drugs and alcohol abuse prevention program to determine its effectiveness and support appropriate modifications, as needed.

The Board of Education is committed to the prevention of alcohol and other substance use/abuse. This policy describes the philosophy of the district and the program elements the district will use to promote healthy life styles for its students and to inhibit the use/abuse of alcohol and other substances.

No student may use, possess, sell, offer, manufacture, or distribute alcohol or other substances, nor may use or possess drug paraphernalia, on school grounds or at school-sponsored events, except drugs as prescribed by a physician. The term "alcohol and/or other substances" shall be construed throughout this policy to refer to the use of all substances including, but not limited to, alcohol, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any synthetic version thereof (whether or not specifically illegal or labeled for human consumption), commonly referred to as "designer drugs." Designer drugs are those substances which have been designed and synthesized to mimic the intended effects and usages of, and which are chemically substantially similar to, substances controlled by federal and/or state law as exemplified above. The inappropriate use of prescription and over-the-counter drugs shall also be prohibited.

Additionally, the following persons shall be prohibited from entering school grounds or school-sponsored events: any person exhibiting behavior, conduct, or personal or physical characteristics indicative of having used or consumed alcohol and/or other substances, or any person who school personnel have reasonable grounds to suspect has used alcohol and/or other substances.

In order to educate students on the dangers associated with substance abuse, the health education curriculum shall include instruction concerning drug abuse for grades K-12.

Any staff member observing narcotics possession or usage by students shall report the incident immediately to the Superintendent of Schools or his/her designee. The Superintendent or his/her designee shall then seek immediate action. Any narcotics found shall be confiscated immediately, followed by notification of the parent(s)/guardian(s) of the student(s) involved and the appropriate

HLCS POLICY

2012
#7320

STUDENTS
Page 4 of 5

disciplinary action taken, up to and including permanent suspension and referral for prosecution. In its effort to maintain a drug-free environment, the district shall cooperate to the fullest extent possible with local, state and/or federal law enforcement agencies.

The district will use the following principles as guides for the development of its substance use/abuse prevention efforts and for any disciplinary measures related to alcohol and other substances:

- Alcohol and other substance use/abuse is preventable and treatable.
- Alcohol and other substance use/abuse inhibits the district from carrying out its central mission of educating students.
- The behavior of the Board, the administration, and all school staff should model the behavior asked of students.
- While the district can and must assume a leadership role in alcohol and other substance use/abuse prevention, this goal will be accomplished only through coordinated, collaborative efforts with parents, students, staff, and the community as a whole.

NOTE: Refer also to Policies #3280 -- Community Use of School Facilities
#3410 -- Code of Conduct on School Property
#5640 -- Smoking/Tobacco Use
#7310 -- School Conduct and Discipline
#8211 -- Prevention Instruction
District Code of Conduct on School Property

Ref:

20 United States Code (USC) Section 7101 et seq.

Education Law Section 2801(1)

Drug-Free Schools and Communities Act, 20 U.S.C. §§3171 et seq.

20 USC §114-5g

21 USC §812(c)

42 USC §§5101, 11841

34 CFR Part 86

Education Law §§804; 912-a; 3214

General Municipal Law §239-u

Mental Hygiene Law §19.07(c)

Penal Law §§220.00 et seq.

Public Health Law, Article 33

8 NYCRR §§100.2(c); 135.3

10 NYCRR Part 9

HLCS POLICY

2012
#7320

STUDENTS
Page 5 of 5

New Jersey v. T.L.O., 469 U.S. 325 (1985)

Odenheim v. Carlstadt-East Rutherford Region School District, 211 N.J. Super. 54, 510 AD2d 709 (1985)

People v. Scott D., 34 NY2d 483 (1974)

Matter of Wilson, 28 EDR 254 (1988)

Matter of Pollnow, 22 EDR 547 (1983)

Matter of Vetter, 20 EDR 547 (1981)

Matter of Rodriguez, 8 EDR 214 (1969)

Adoption date: 7/30/07

Revised date: 2/25/2013

HLCS POLICY

2015 7330
Page 1 of 4

STUDENT SEARCHES AND INTERROGATIONS

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the district code of conduct. Students are not entitled to any sort of "Miranda"-type warning before being questioned by school officials, nor are school officials required to contact a student's parent before questioning the student. However, school officials will tell all students why they are being questioned.

The Board authorizes the Superintendent of Schools, Building Principals, the school nurse and district security officials to conduct searches of students and their belongings, in most instances, with exceptions set forth below in A. and B., if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the district code of conduct.

An authorized school official may conduct a search of a student's belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion, so long as the school official has a legitimate reason for the very limited search.

An authorized school official may search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than the district employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

Before searching a student or the student's belongings, the authorized school official should attempt to get the student to admit that he or she possesses physical evidence that they violated the law or the district code, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.

Whenever practicable, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.

A. Student Lockers, Desks and other School Storage Places

The rules in this code of conduct regarding searches of students and their belongings do not apply to student lockers, desks and other school storage places. Students have no reasonable

HLCS POLICY

2015 7330
Page 2 of 4

expectation of privacy with respect to these places and school officials retain complete control over them. This means that student lockers, desks and other school storage places may be subject to search at any time by school officials, without prior notice to students and without their consent.

B. Treatment of Cell Phones

Teachers and administrators are authorized to confiscate student cell phones that are being used in violation of the code of conduct and/or policy 5695, Student Use of Electronic Devices. Teachers and administrators are permitted to look at the screen of the cell phone and can request the student's cooperation to search the cell phone further. Without a student's permission, teachers and administrators should not undertake a more extensive search until conferring with the Superintendent or school attorney for guidance.

C. Documentation of Searches

The authorized school official conducting the search shall be responsible for promptly recording the following information about each search:

1. Name, age and grade of student searched.
2. Reasons for the search.
3. Name of any informant(s).
4. Purpose of search (that is, what item(s) were being sought).
5. Type and scope of search.
6. Person conducting search and his or her title and position.
7. Witnesses, if any, to the search.
8. Time and location of search.
9. Results of search (that is, what items(s) were found).
10. Disposition of items found.
11. Time, manner and results of parental notification.

The Principal or the Principal's designee shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The Principal or his or her designee shall clearly label each item taken from the student and retain control of the item(s), until the item is turned over to the police. The Principal or his or her designee shall be responsible for personally delivering dangerous or illegal items to police authorities.

D. Police Involvement in Searches and Interrogations of Students

District officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Police officials, however, have limited authority to interview or search students in schools or at school functions, or to use school facilities in connection with police work. Police officials may enter school property or a school function to question or search

HLCS POLICY

2015 7330
Page 3 of 4

a student or to conduct a formal investigation involving students only if they have:

1. A search or an arrest warrant; or
2. Probable cause to believe a crime has been committed on school property or at a school function.

Before police officials are permitted to question or search any student, the Principal or his or her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted, unless the student is 16 years of age or older. The Principal or designee will also be present during any police questioning or search of a student on school property or at a school function.

Students who are questioned by police officials on school property or at a school function will be afforded the same rights they have outside the school. This means:

1. They must be informed of their legal rights.
2. They may remain silent if they so desire.
3. They may request the presence of an attorney.

E. Child Protective Services Investigations

Consistent with the district's commitment to keep students safe from harm and the obligation of school officials to report to child protective services when they have reasonable cause to suspect that a student has been abused or maltreated, the district will cooperate with local child protective services workers who wish to conduct interviews of students on school property relating to allegations of suspected child abuse, and/or neglect, or custody investigations.

All requests by child protective services to interview a student on school property shall be made directly to Principal or his or her designee. The Principal or designee shall set the time and place of the interview. The Principal or designee shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing in order for the child protective services worker to verify the allegations, the school nurse or other district medical personnel must be present during that portion of the interview. No student may be required to remove his or her clothing in front of a child protective services worker or school district official of the opposite sex.

A child protective services worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if not he or she were not removed from school before a court order can reasonably be obtained. If the worker believes the student would be subject to danger of abuse, the worker may remove the student without a court order and without the parent's consent.

HLCS POLICY

2015 7330
Page 4 of 4

Ref: *Safford Unified School District #1 et al. v. Redding*, 129 S. Ct. 2633 (2009)
Vassallo v. Lando, 591 F.Supp.2d 172 (E.D.N.Y. (2008)
Phaneuf v. Fraikin 448 F.3rd 591 (2006)
New Jersey v. TLO, 469 U.S. 325 (1985)
In re Gregory, 82 N.Y.2d 588 (1993)
People v. Scott D., 34 N.Y.2d 483 (1974)
People v. Singletary, 37 N.Y.2d 310 (1975))
People v. Overton, 20 N.Y.2d 360 (1969)
M.M. v. Anker, 607 F.2d 588 (2d Cir. 1979)
Opinion of Counsel, 1 EDR 800 (1959)

Adopted: 7/30/07
Revised: 10/19/2015

Students

SUBJECT: BUS RULES AND REGULATIONS

The Hadley-Luzerne Central School District furnishes transportation to those students whose disability or distance from the school make the service essential. Except as otherwise mandated in a student's Individualized Education Program (IEP), riding these buses is a privilege and may be withdrawn if the student does not comply with the rules and regulations set forth in this District.

Bus drivers shall be held responsible for reasonable and acceptable behavior of students while riding the school bus. Students riding school buses are expected to conform to the rules of conduct in order to permit the bus driver to transport his/her passengers safely.

The Board of Education, the Superintendent and/or his/her designee has the authority to suspend the transportation privileges of children who are disorderly and insubordinate on buses. Generally, parent(s)/guardian(s) will be required to make alternative transportation arrangements for their children who have been suspended from riding the bus. However, the effect of a suspension from transportation on the student's ability to attend school will be considered. If a suspension from transportation effectively results in a suspension from attendance because of the distance between the home and the school and the absence of alternative public or private means of transportation, the District shall make appropriate arrangements to provide for the student's education.

If a student with a disability who receives transportation as a related service as part of his/her Individualized Education Program is being considered for suspension from transportation, and that suspension would effectively result in a change in placement, the student shall be referred to the Committee on Special Education.

The Board directs the administration to establish rules and regulations for student conduct on buses, including applicable due process rights to be afforded students suspended from transportation privileges. These rules and regulations shall be promulgated to all concerned, including the non-public schools to which students are transported.

Individuals With Disabilities Education Act (IDEA)
20 United States Code (USC) Sections 1400-1485
8 New York Code of Rules and Regulations (NYCRR)
Section 156

Adopted: 7/30/07

Students

SUBJECT: CORPORAL PUNISHMENT

Corporal punishment as a means of discipline shall not be used against a student by any teacher, administrator, officer, employee or agent of this School District.

However, if alternative procedures and methods which would not involve physical force do not work, then the use of reasonable physical force is not prohibited for the following reasons:

- a) Self-protection;
- b) Protection of others;
- c) Protection of property; or
- d) Restraining/removing a disruptive student.

Whenever a school employee uses physical force against a student, the school employee shall, within the same school day, make a report to the Superintendent describing in detail the circumstances and the nature of the action taken.

The Superintendent of Schools shall submit a written report semi-annually to the Commissioner of Education, with copies to the Board of Education, by January 15 and July 15 of each year, setting forth the substance of each written complaint about the use of corporal punishment received by the Hadley-Luzerne Central School District authorities during the reporting period, the results of each investigation, and the action, if any, taken by the school authorities in each case.

8 New York Code of Rules and Regulations (NYCRR)
Section 100.2(1)(3)

Adopted: 7/30/07

Students

SUBJECT: WEAPONS IN SCHOOL AND THE GUN-FREE SCHOOLS ACT**Weapons in School**

The possession of a weapon on school property, in District vehicles, in school buildings, or at school sponsored activities or settings under the control and supervision of the District regardless of location, is strictly prohibited, except by law enforcement personnel. Any person possessing a weapon for educational purposes in any school building must have written authorization of the Superintendent of Schools or his/her designee.

The Penal Code of the State of New York shall be used to determine what is considered a weapon.

Penal Law Sections 265.01-265.06

Specific Penalties Imposed by the Gun-Free Schools Act

No student shall bring or possess any "firearm" as defined in federal law on school premises (including school buildings and grounds, District vehicles, school settings and/or school sponsored activities under the control and supervision of the District regardless of location). For purposes of this policy, the term "firearm" includes any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of such weapon; any firearm muffler or silencer; or any "destructive device" (e.g., any explosive, incendiary, or poison gas, including bombs, grenades, rockets or other similar devices). The term does not include a rifle which the owner intends to use solely for sporting, recreational or cultural purposes; antique firearms; or Class C common fireworks.

In accordance with the Gun-Free Schools Act and Section 3214(3)(d) of the Education Law, any student who brings or possesses a firearm, as defined in federal law, on school property, will be referred by the Superintendent to the appropriate agency or authority for a juvenile delinquency proceeding in accordance with Article 3 of the Family Court Act when the student is under the age of sixteen (16) except for a student fourteen (14) or fifteen (15) years of age who qualifies for juvenile offender status under the Criminal Procedure Law, and will be referred by the Superintendent to the appropriate law enforcement officials when the student is sixteen (16) years of age or older or when the student is fourteen (14) or fifteen (15) years of age and qualifies for juvenile offender status under the Criminal Procedure Law.

In addition, any student attending a District school who has been found guilty of bringing a firearm to or possessing a firearm on school property, after a hearing has been provided pursuant to Section 3214 of the Education Law, shall be suspended for a period of not less than one (1) calendar year and any student attending a non-district school who participates in a program operated by the School District using funds from the Elementary and Secondary Education Act of 1965 who is determined to have brought a firearm to or possessed a firearm at a District school or on other premises used by the School District to provide such programs shall be suspended for a period of not

(Continued)

Students

SUBJECT: WEAPONS IN SCHOOL AND THE GUN-FREE SCHOOLS ACT (Cont'd.)

less than one (1) calendar year from participation in such program. The procedures of Education Law Section 3214(3) shall apply to such a suspension of a student attending a non-district school. Further, after the imposition of the one (1) year penalty has been determined, the Superintendent of Schools has the authority to modify this suspension requirement for each student on a case-by-case basis. In reviewing the student's one (1) year suspension penalty, the Superintendent may modify the penalty based on factors as set forth in Section 100.2 of the Regulations of the Commissioner of Education and in Commissioner's Decisions. The determination of the Superintendent shall be subject to review by the Board of Education in accordance with Education Law Section 3214(3)(c) and by the Commissioner of Education in accordance with Education Law Section 310.

Student with a Disability

A student with a disability who is determined to have brought a firearm to school or possessed a firearm at school may be placed in an interim alternative educational setting, in accordance with federal and state law, for not more than forty-five (45) calendar days. If the parent or guardian requests an impartial hearing, the student must remain in the interim alternative placement until the completion of all proceedings, unless the parent or guardian and District can agree on a different placement.

A student with a disability may be given a long term suspension pursuant to the Gun-Free Schools Act only if a group of persons knowledgeable about the student, as defined in federal regulations implementing the IDEA, determines that the bringing of a firearm to school or possessing a firearm at school was not a manifestation of the student's disability, subject to applicable procedural safeguards.

If it is determined that the student's bringing of a firearm to school or possessing a firearm at school was a manifestation of the student's disability, the Superintendent must exercise his/her authority under the Gun-Free Schools Act to modify the long term suspension requirement, and determine that the student may not be given a long term suspension for the behavior. The Committee on Special Education may review the student's current educational placement and initiate change in placement proceedings, if appropriate, subject to applicable procedural safeguards.

The District may offer home instruction as an interim alternative educational setting during the pendency of review proceedings only if the student's placement in a less restrictive alternative educational setting is substantially likely to result in injury either to the student or to others.

The District may also seek a court order to immediately remove a student with a disability from school if the District believes that maintaining the student in the current educational placement is substantially likely to result in injury to the student or to others.

(Continued)

Students

SUBJECT: WEAPONS IN SCHOOL AND THE GUN-FREE SCHOOLS ACT (Cont'd.)

Students with disabilities continue to be entitled to all rights enumerated in the Individuals With Disabilities Education Act and Article 89 of the Education Law; and this policy shall not be deemed to authorize suspension of students with disabilities in violation of these laws.

This policy does not prohibit the District from utilizing other disciplinary measures including, but not limited to, out-of-school suspensions for a period of five days or less, or in-school suspensions, in responding to other types of student misconduct which infringe upon the established rules of the school. Additionally, this policy does not diminish the authority of the Board of Education to offer courses in instruction in the safe use of firearms pursuant to Education Law Section 809-a.

The District will continue to provide the suspended student who is of compulsory attendance age with appropriate alternative instruction during the period of the student's suspension.

Gun-Free Schools Act as reauthorized by the No Child Left Behind Act of 2001
18 United States Code (USC) Section 921(a)
Individuals With Disabilities Education Act (IDEA)
20 United States Code (USC) Sections 1400-1485
and 7151
Criminal Procedure Law Section 1.20(42)
Education Law Sections 310, 809-a, 3214 and Article 89
Family Court Act Article 3
8 New York Code of Rules and Regulations (NYCRR)
Section 100.2 and Part 200

NOTE: Refer also to Policies #3411 -- Unlawful Possession of a Weapon Upon School Grounds

Adopted: 7/30/07

Students

SUBJECT: EXTRACURRICULAR ACTIVITIES

The Board of Education recognizes the educational values inherent in student participation in the extracurricular life of the school, and encourages such participation. It is committed to the assignment of staff for the formation of student groups for such purposes as building social relationships, developing interests in an academic area, and gaining an understanding of the elements and responsibilities of good citizenship.

Recognizing that student activities are a part of the school program, the Board has established the following criteria, which all student activity programs must meet:

- a) Student activities must have educational value for students;
- b) Student activities must be in balance with other curricular offerings in the schools; and
- c) Student activities must be managed in a professional manner.

Limited Open Forum

The Board of Education maintains a limited open forum where secondary students may meet for voluntary student-initiated activities unrelated directly to the instructional program, regardless of religious, political or philosophical content.

To provide "a fair opportunity" to students who wish to conduct a meeting, the Board of Education, in accordance with the provisions of the Equal Access Act, shall ensure that:

- a) The meeting is voluntary and student-initiated;
- b) There is no sponsorship of the meeting by the school, the government, or its agents or employees;
- c) Employees or agents of the school or government are present at religious meetings only in a nonparticipatory capacity;
- d) The meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school; and
- e) Nonschool persons may not direct, conduct, control, or regularly attend activities of student groups (20 USC Section 4071[c]).

The Board prohibits student organizations whose activities may be unlawful or may cause disruption or interference with the orderly conduct of the educational process.

Administration is responsible for establishing regulations governing the use of school facilities by student organizations.

(Continued)

Students

SUBJECT: EXTRACURRICULAR ACTIVITIES (Cont'd.)**Eligibility for Extracurricular Activities**

The Board of Education shall establish reasonable standards as prerequisites for eligibility for co-curricular and extracurricular activities. These standards apply to entry qualifications as well as to continued participation in such activities. Advisors/Coaches must disseminate a copy of the expected standards of conduct to all students and parents at the start of each school year, and participating students should be individually informed of the application and scope of such standards.

Eligibility requirements should include academic standards, behavioral standards, and training standards. These standards should be applied equally to all student participants. All student participants, including athletes, should be informed that they have the obligation to act in a responsible manner because of the leadership roles they play in the school environment.

The Board must specify minimum school attendance requirements, and the minimum grade point average (GPA) they expect student participants to maintain. All such standards must be reasonable. The relationship between a student's GPA and his/her eligibility must be clearly explained to all student participants.

Behavioral standards must include a ban on consumption/use of alcoholic beverages; illegal, counterfeit, and designer drugs; and/or tobacco products. The inappropriate use of prescription and over-the-counter drugs is also prohibited. These standards also extend to student conduct off school grounds, including student attendance at parties off school grounds where alcohol and/or illegal drugs are present.

"Training rules" are generally accepted as a condition of participation in student athletics, and may include attendance at practices, individual training programs, etc.

Although suspension from participation in an extracurricular activity does not require a full hearing pursuant to Section 3214 of the Education Law, a student must be given the opportunity to appear informally before the disciplinarian and/or disciplinary committee, and present his/her side of the story as part of a general discussion of the conduct under review.

Eligibility for Attendance

- a) Students who are suspended from school on a day of an athletic game or practice session, party, school dance, or other school affair scheduled after regular school hours are not eligible for participation or attendance at such events.
- b) In order for students to attend a school-sponsored function, it is necessary that students attend classes for at least one half (1/2) of the school day on the day of the activity, unless otherwise excused by the building administrator. One-half (1/2) of the school day is defined as follows: from 8:30 a.m. until noon or from noon until the end of the school day.

(Continued)

Students

SUBJECT: EXTRACURRICULAR ACTIVITIES (Cont'd.)

School property shall mean in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus as defined in Vehicle and Traffic Law Section 142. A school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state.

Equal Access Act,
20 United States Code (USC) Sections 4071-4074
Education Law Sections 1709 and 1709-a, 2503-a,
2554-a and 2801(1)
Vehicle and Traffic Law Section 142
8 New York Code of Rules and Regulations (NYCRR)
Part 172

NOTE: Refer also to Policy #7412 -- Academic Eligibility Policy

Adopted: 7/30/07

Students

SUBJECT: STUDENT PUBLICATIONS

Students shall enjoy the constitutional right of freedom of expression. They shall have the right to express their views in speech, writing, or through any other medium or form, limited solely by those restrictions imposed on all citizens generally and those specifically applicable to children and youth in a school setting.

The Board of Education encourages student publications not only because they offer an educational activity through which students gain experience in reporting, writing, editing, and understanding responsible journalism, but also because they provide an opportunity for students to express their views and a means of communicating both within and beyond the school community.

All student publications will comply with the rules for responsible journalism. Libelous statements; unfounded charges and accusation; obscenity; false statements; materials advocating racial or religious prejudice, hatred, violence; the breaking of laws and school policies and/or regulations; or materials designed to disrupt the educational process will not be permitted. Expressions of personal opinion must be clearly identified as such, and bear the name of the author. Opportunity for the expression of opinions differing from those of the student publishers must be provided.

In addition, student newspapers and/or publications which are paid for by the School District and/or produced under the direction of a teacher as part of the school curriculum are not considered a public forum. In such cases, the Board reserves the right to edit or delete such student speech which it feels is inconsistent with the District's basic educational mission.

Distribution of Literature

Students have a right to distribute literature on school grounds and in school buildings provided such distribution does not interfere with or disrupt the educational process. No literature may be distributed unless a copy is submitted in advance to the Superintendent of Schools.

The Superintendent shall establish guidelines that are in keeping with the above and shall provide for the review of the content of all student publications prior to their distribution.

Adopted: 7/30/07

**SUBJECT: HIGH SCHOOL ACADEMIC ELIGIBILITY POLICY
(This Pertains to Students grades 7-8 in High School Activities)**

The Board of Education recognizes that extracurricular activities and interscholastic sports are an important part of an educational program. In order for students to earn the privilege of participating in these activities, a student must maintain satisfactory grades in his/her academic work. Failure to maintain satisfactory grades will result in the student being declared ineligible to participate in extracurricular activities and interscholastic sports.

The following policy will need to be approved by the Board of Education in order to determine a student's eligibility for participation in extracurricular activities and interscholastic sports:

- a) Grade reports are issued every two (2) weeks
- b) Students failing two (2) or more classes both for the two weeks and for the year will be declared ineligible.
- c) Identified students will be placed on an ineligible list.
- d) All identified students will remain ineligible for two (2) weeks (until the next failing list is issued).
- e) All extracurricular activities, interscholastic sports and senior privileges will be governed by this policy.
- f) Athletes who are ineligible may participate in practices only. They must attend games which involve other schools, but will be ineligible to participate.
- g) Dropping a class to avoid ineligibility will result in a ten school day ineligibility period.

TEACHER RESPONSIBILITY:

Submit to the Guidance Office a list of all students failing that particular two-week period, by 9:00 a.m., according to the established schedule. Thus Each Teacher will delineate those in their class by Friday morning on a bi-weekly basis, students who do not meet the criteria.

Post the established schedule of when lists are due and the period of ineligibility in a prominent place in his/her classroom.

NOTE: Grades will reflect the two-week period, and the cumulative average. If school is not in session on one of the indicated dates, the failures lists will be due at 8:00 a.m. the following school day.

2008

7412
2 of 2

Students

Vacation weeks are excluded as “ineligible periods” so that students may receive assistance during the two weeks that school is in session.

PARENT & STUDENT INVOLVEMENT:

Parents and students will be informed by phone and correspondence on Friday and the time period will begin the subsequent Monday and will be in effect through Sunday.

APPEAL PROCESS:

Anyone wishing to appeal may present his/her case to the Building Principal.

The Principal will advise as to the viability of the appeal.

The formal appeal, submitted in writing, will be presented by the student and parents, to a committee consisting of the student’s teachers and counselor.

If the committee determines that the student should be removed from the list, a plan of action will be established to monitor the student’s progress.

Adopted: 08/18/08

INTERSCHOLASTIC ATHLETICS

Athletics are an integral part of a well-balanced educational program. Therefore, the Board supports within its resources a broad sports program with equal access for both males and females, with an emphasis on maximum participation, through interscholastic and intramural activity. The District will comply with recommendations from the U.S. Department of Education's Office for Civil Rights (OCR) regarding Title IX equal opportunity for males and females in the District's total athletic program regarding any of the following factors which may be applicable:

- a) The nature and extent of the sports program to be offered (including the levels of competition, such as varsity, club, etc.);
- b) The provision of equipment and supplies;
- c) The scheduling of games and practice time;
- d) The provision of travel and per diem allowances;
- e) The nature and extent of the opportunity to receive coaching and academic tutoring;
- f) The assignment and compensation of coaches and tutors;
- g) The provision of locker rooms, practice and competitive facilities;
- h) The provision of medical and training facilities and services;
- i) The provision of housing and dining facilities and services; and
- j) The nature and extent of support, publicity and promotion including cheerleading, bands, published programs distributed at games, and booster club activities.

The interscholastic athletic program shall conform to the Regulations of the Commissioner of Education as well as the established rules of the New York State Public High Schools Athletic Association and the State Education Department.

Eligibility for interscholastic athletic competition requires that the students:

- a) Provide written parental/guardian consent. A consent form for a student's participation in interscholastic sports must contain information regarding mild traumatic brain injuries (concussions) as specified in Commissioner's Regulations;

HLCS POLICY

2015 7420
Page 2 of 4

- b) Pass satisfactorily the medical examination administered by the school physician/nurse practitioner or the student's personal physician. The school physician/nurse practitioner retains final approval on all physicals performed by the student's personal physician; and
- c) Meet the requirements for interscholastic competition as set forth by the Commissioner's Regulations and the New York State Public High School Athletic Association.

Student Athletic Injuries

No student should be allowed to practice or play in an athletic contest if he/she is suffering from an injury. The diagnosis of and prescription of treatment for injuries is strictly a medical matter and should under no circumstances be considered within the province of the coach. A coach's responsibility is to see that injured players are given prompt and competent medical attention, and that all details of a doctor's instructions concerning the student's functioning as a team member are carried out. No student will be allowed to practice or compete if there is a question whether he/she is in adequate physical condition.

A physician's certificate may be required before an athlete is permitted to return to practice or competition.

Concussions

A student who has sustained or is believed to have sustained a mild traumatic brain injury (concussion) must be immediately removed from athletic activities. If there is any doubt, it shall be presumed that the student is so injured until proven otherwise. Before being permitted to return to athletic activity, a student must be symptom free for not less than twenty-four (24) hours and have been evaluated by and received written and signed authorization from a licensed physician. Additionally, for extra class athletic activities, a student must have received clearance from the School District Medical Director to participate in such activity.

Athletic Program - Safety

The District will take reasonable steps to see that physical risks to students participating in the interscholastic athletic program shall be kept at a minimum by:

- a) Requiring medical examinations of participants;
- b) Obtaining appropriately certified and/or licensed staff to coach all varsity, junior varsity, and modified games, along with certified and/or licensed officials to referee all such competitions;
- c) Ensuring that equipment is both safe and operative within approved guidelines.; and
- d) Providing professional development and training opportunities for all coaching staff.

HLCS POLICY

2015 7420
Page 3 of 4

Student eligibility for participation on interscholastic teams shall include:

1. authorization by the school physician;
2. written parent or guardian consent (the written consent will contain information for parents on mild traumatic brain injury (TBI) and will provide a link to the State Education Department's web page on TBI); and
3. endorsement by the Building Principal based on established rules and various league and State Education Department regulations.

Although the district will take reasonable care to protect student athletes, students may still sustain injuries. In order to most effectively ensure student safety, open communication between students, parents and coaches about the child's medical condition is critical. Coaches, and other appropriate staff, will receive guidance and training regarding recognition of injury and removal of the student athlete from play in the event of injury. Parents and/or students are expected to report injuries so that student health can be protected.

In the case of a suspected or actual head injury, a student must be removed from play immediately. In order to resume participation following injury, including head injury, the student needs to receive medical clearance. The Superintendent, in consultation with appropriate district staff, including the school physician, will develop regulations and procedures to guide the process of return to play.

Athletic Placement Process (formerly Selection/Classification)

The Board permits students grades 7 and 8 who wish to play at the freshman, junior varsity or varsity level in all sports to do so provided they can complete the entire Athletic Placement Process (APP). A description of the APP is available from the district's Athletic Director.

The Board permits students from within 9-12 who wish to play at the modified or freshman level in all sports to do so provided they can demonstrate it

is an appropriate level based on physical and emotional maturity, in conformance with the APP.

Course Credit

In accordance with existing Regulations of the Commissioner of Education, the Board of Education will permit students in grades 10-12 to receive credit towards high school graduation equivalent to physical education for participation in interscholastic athletics. Such credit will, in addition to other requirements, be contingent upon proven cardiovascular and physical fitness and

HLCS POLICY

2015 7420

Page 4 of 4

competency in lifetime or carry-over sports. Standards for such fitness and competency shall be developed by the administration.

Ref: Education Law §§ 305(42), 1709 (8-a); 3001-b
8 NYCRR §§135.4, 136.5
Santa Fe Indep. Sch. Dist. V. Doe, 520 U.S. 290 (2000) (constitutionality of student-led prayers at interscholastic athletic activities)
Concussion Management Support Materials, www.nysphsaa.org
Athletic Placement Process for Interschool Athletic Programs.
<http://www.p12.nysed.gov/sss/documents/AthleticPlacementProcess2-11-15Revised.pdf>

Adoption Date: 7/30/2012

Revised: 11/19/2012

Revised II: 10/19/2015

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 Hadley-Luzerne Central School District and shall apply the same and/or their interest and proceeds according to the instruction of the donors and according to the procedures established by the administration.

Education Law Sections 1604(30), 1709(12-a) and 2503(1)

Adopted: 7/30/07

Students

SUBJECT: MUSICAL INSTRUMENTS

- a) All instrumental music students shall be expected to own or rent their instrument - particularly the common and less expensive instruments (flute, clarinet, trumpet, saxophone, etc.).
- b) Students will not be required to own or rent the less common and more expensive instruments. Instruments in this category are as follows: oboe, bassoon, tuba, French horn, trombone, baritone horn, tenor and baritone saxophones, bass trombone and percussion instruments. School-owned instruments in this classification will be disbursed upon decisions by the instrumental music staff. Decisions will be dependent upon the individual student's talent and merit and the need for a balanced instrumentation at each grade level.
- c) Students and parents/guardians will assume responsibility for proper care of school-owned instruments and will pay for damages to same.
- d) The District will only transport in its vehicles those instruments meeting certain safety standards as indicated in the New York State Department of Transportation Regulations.

17 New York Code of Rules and Regulations (NYCRR)
Section 720.22

Adopted: 7/30/07

Students

SUBJECT: FUND RAISING BY STUDENTS

Fund raising projects in which students sell merchandise, provide services, or in other ways solicit money for school activities may be sponsored by school organizations with the express approval of the Building Principal. Any such plan shall have a clearly defined purpose and, in general, shall contribute to the educational experience of students and shall not conflict with instructional programs or state mandates. Fund raising activities away from school property shall be held to a minimum. All participation shall be voluntary.

Door to door sales projects undertaken by any organization using the Hadley-Luzerne Central School District name shall require previous approval of the Board of Education. Profits shall be used to enhance school programs by providing money for expenditures not normally funded by the District.

Employees are cautioned against giving the impression to students that the purpose of selling items (e.g., "scratch off" cards, holiday wrappings, etc.) or paying a fee is to defray a portion of the District's educational program. At no time should a student's participation in an educational activity include such sales or fees. In addition, it is imperative that employees not deposit the proceeds of any legitimate sales activity in their own personal accounts. These activities may jeopardize a student's right to participate in the educational program on a tuition and/or fee-free basis. Further, employees engaged in such activities may be held personally liable.

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

NOTE: Refer also to Policy #3271 -- Solicitation of Charitable Donations From School Children

Adopted: 7/30/07

Students

SUBJECT: CONSTITUTIONALLY PROTECTED PRAYER IN THE PUBLIC SCHOOLS

In accordance with the most recent Guidance Document issued by the U.S. Department of Education implementing the requirements of the No Child Left Behind Act of 2001, the Board of Education affirms the responsibilities of the School District, consistent with applicable statutory/case law pertaining to the First Amendment of the United States Constitution, to allow students and staff to engage in constitutionally protected prayer within the District schools.

Accordingly, no Board of Education policy shall prevent, or otherwise deny participation in, constitutionally protected prayer in District schools, consistent with the Guidance Document and applicable law as enumerated above.

The Board rescinds any other policy that may be inconsistent with the mandates of this policy, which shall supersede any and all Board policies to the contrary.

United States Constitution, First Amendment
Elementary and Secondary Education Act of 1965,
as amended by the No Child Left Behind Act of 2001,
Section 9524
Equal Access Act,
20 United States Code (USC) Sections 4071-4074

NOTE: Refer also to Policy #8360 -- Religious Expression in the Instructional Program

Adopted: 7/30/07

STUDENT HEALTH SERVICES

The Board of Education recognizes that good student health is vital to successful learning and acknowledges its responsibility, along with that of parent(s) or guardian(s), to protect and foster a safe and healthful environment for the students.

The school will work closely with students' families to provide detection and preventive health services. In accordance with law, the school will provide vision, hearing, dental inspection and scoliosis screening. Results will be referred to the parent(s) or guardian(s) who will be encouraged to have their family physician/dentist provide appropriate care.

In order to enroll in school a student must have a health exam and submit a health certificate within 30 calendar days after entering school, and upon entering prekindergarten or kindergarten, and first, third, fifth, seventh, ninth and eleventh grades. The examination, which must conform to state requirements, must have been conducted no more than 12 months before the first day of the school year in question. If a student is unable to furnish the health certificate, the school will provide a physical examination by a licensed provider. A request for exemption from the physical examination, or the requirement to provide a health certificate, must be made in writing to the school principal or designee, who may require documents supporting the request. The only basis for exemption is a claim that the physical examination is in conflict with the parent or guardian's genuine and sincere religious belief.

In order to enroll in school, students must also furnish documentation of required immunizations against certain communicable diseases, as set forth in state law and regulations, unless exempted from immunizations for medical reasons as permitted by state law and regulation.

Homeless students will be admitted to school even if they do not have the required health or immunization records, but may be temporarily excluded if they show actual symptoms of a communicable disease that poses a significant risk of transmission to others (see "Communicable Diseases" below).

The McKinney-Vento liaison will assist homeless students covered by that law in accessing health services described in this policy and accompanying regulation, including removing barriers for unaccompanied youth caused by a lack of parent/guardian permission.

The Board recognizes that the State of New York may authorize and require the collection of data from health certificates in furtherance of tracking and understanding health care issues that affect children. The Board supports these efforts and expects administrators to cooperate and to observe the appropriate laws and regulations in carrying out those responsibilities, including those that relate to student privacy.

In addition, students will be asked to provide a dental health certificate when they enroll in school and in accordance with the same schedule as the health certificate.

A permanent student health record will be part of a student's cumulative school record and should follow the student from grade to grade and school to school along with ~~his/her~~ the academic record. This record folder will be maintained by the school nurse.

Emergency Care

Each school in the district will include in its emergency plan a protocol for responding to health care emergencies, including anaphylaxis, and head injury. Parents/guardians will be notified of any emergency medical situation as soon as is practicable. Parents/guardians will receive notification of non-emergent medical situations that have been reported to the nurse in a timely manner.

Schools will also provide emergency care for students in accidental or unexpected medical situations. (*Optional language:* The district will stock epinephrine auto-injectors for non-patient specific use. The district will ensure that designated staff are properly trained.)

The district permits emergency administration of opioid antagonists, such as naloxone, by (*select as appropriate:* **trained volunteer responders and/or the school nurse**) to prevent opioid overdose.

Communicable Diseases

It is the responsibility of the Board to provide all students with a safe and healthy school environment. To meet this responsibility, it is sometimes necessary to exclude students who have been diagnosed with or are showing symptoms of any contagious and infectious diseases, as defined in the Public Health Law, from attendance in school. Students will be excluded during periods of contagion for time periods indicated on a chart developed by the school nurse.

During an outbreak of these communicable diseases, if the Commissioner of Health or ~~his/her~~ designee so orders, the district will exclude students from school who have an exemption from immunization or who are in the process of obtaining immunization. The district will provide additional protections to students who are otherwise medically vulnerable.

It is the responsibility of the Superintendent of Schools, working through district health personnel, to enforce this policy and to contact the county or local health department when a reportable case of a communicable disease is identified in the student or staff population.

Administering Medication to Students

Neither the Board nor district staff members are responsible for the diagnosis or treatment of student illness. The administration of prescribed medication to a student during school hours will be permitted only when failure to take such medicine would jeopardize the health of the student, or the student would not be able to attend school if the medicine were not made available to them during school hours, or where it is done pursuant to law requiring accommodation to a student's special medical needs (e.g., Section 504 of the Rehabilitation Act of 1973). "Medication" will include all medicines prescribed by an authorized medical provider.

Before any medication may be administered to or by any student during school hours, the Board requires:

1. the written request of the parent(s) or guardian(s), which gives permission for such administration and relieve the Board and its employees of liability for administration of medication;
2. the written order of the prescribing authorized medical provider, which will include the purpose of the medication, the dosage, the time at which or the special circumstances under which medication will be administered, the period for which medication is prescribed, and the possible side effects of the medication; and
3. that in order for a student to carry and use a rescue inhaler, an epinephrine auto-injector, insulin, or glucagon and associated testing supplies, written permission must be provided both by the parent and the prescribing authorized medical provider in accordance with state law and regulation.

Students are allowed to carry and apply parentally provided sunscreen without a prescription from a medical provider, assuming that the sunscreen is FDA approved and that the sunscreen is not treating a medical condition. Parents need to provide the district with written permission for students to use sunscreen.

Permission slips and medical orders will be kept on file in the office of the school nurse.

The school stocks albuterol in the form of *please specify: metered dose inhalers and/or liquid*] for students who are in need of emergency dosing when their personal prescription is empty. The district will develop procedures in collaboration with school health personnel that is approved by the district medical director and the Board of Education.

Life-Threatening Allergies and Anaphylaxis Management

The Board recognizes its role and responsibility in supporting a healthy learning environment for all students, including those who have, or develop, life-threatening allergies. The district will work cooperatively with the student, their parent/guardian and healthcare provider to allow the child to participate as fully and as safely as possible in school activities. When a student has a known life-threatening allergy reported on their health form or if the district has been informed by the parent of the presence of a life-threatening allergy, the district will assemble a team, which may include the parent, the school nurse, the child's teacher, the building principal and other appropriate personnel, which will be charged with developing an individual health care plan and/or an emergency action plan. The plan(s) will be maintained by the school nurse. The plan(s) will guide prevention and response. If the student is eligible for accommodations based upon the IDEA, Section 504 or the Americans with Disabilities Act, the appropriate procedures will be followed regarding identification, evaluation and implementation of accommodations.

Training

Training to support the fulfillment of staff responsibilities in regard to student health services will be provided as part of the district's ongoing professional development plan and in conformity with Commissioner's regulations.

Regulations

The Superintendent will develop comprehensive regulations governing student health services. Those regulations will include the provision of all health services required by law, procedures for the maintenance of health records, and procedures for the administering of medication to students. The Superintendent will also develop protocols, in consultation with the district medical director and other appropriate district staff, for the management of injury, with particular attention to concussion.

Ref:

Education Law §§310 (provisions for appeal of child denied school entrance for failure to comply with immunization requirements); 901 et seq. (medical, dental and health services, BMI reporting); 916 (student self-administration of rescue inhalers); 916-a (student self-administration of epinephrine); 916-b (students with diabetes); 919 (provide and maintain nebulizers); 921 (epinephrine auto-injectors); training of unlicensed personnel); 922 (naloxone); 6527 (emergency treatment: anaphylaxis; naloxone); 6909 (emergency treatment: anaphylaxis; naloxone)

Public Health Law §§613 (annual survey); 2164 (immunization requirements); 3000-c (emergency epinephrine); 3309 (naloxone)

8 NYCRR §§ 64.7 (anaphylaxis; naloxone); 135.4 (Physical Education); Part 136 (school health services program; concussion, anaphylaxis, medication, naloxone)

10 NYCRR Part 66-1 (immunization requirements); § 80.138 (naloxone)

Guidelines for Medication Management in Schools, State Education Department, December 2017, www.p12.nysed.gov/sss/documents/MedicationManagement-DEC2017.pdf

Immunization Guidelines: Vaccine Preventable Communicable Disease Control, State Education Department, revised August 2000

Making the Difference: Caring for Students with Life-Threatening Allergies, New York State Department of Health, New York State Education Department, New York Statewide School Health Service Center, June 2008

Concussion Management Guidelines and Procedures, www.nysphsaa.org

New Policy for Stocking Albuterol Metered Dose Inhalers (MDIs), State Education Department, August 2011,
www.p12.nysed.gov/sss/schoolhealth/schoolhealthservices/Albuterol2011memo.pdf.

Adoption Date: 7/30/2007

Revised Dates: 2/22/2021

Students

SUBJECT: IMMUNIZATION OF STUDENTS

Every child entering or attending a District school must present proof of immunization in accordance with Section 2164 of Public Health Law unless:

- a) A New York State licensed physician certifies that such immunization may be detrimental to the child's health; or
- b) The student's parent, parents, or persons in parental relation hold genuine and sincere religious beliefs which are contrary to the requirement.

Except for the above two exemptions, the District may not permit a student lacking evidence of immunization to remain in school for more than fourteen (14) days, or more than thirty (30) days for an out-of-state or out-of-country transferee who can show a good faith effort to get the necessary certification or other evidence of immunization.

The administration will notify the local health authority of the name and address of excluded students and provide the parent/person in parental relation a statement of his/her duty regarding immunization as well as a consent form prescribed by the Commissioner of Health. The school shall cooperate with the local health authorities to provide a time and place for the immunization of these students.

Parents, guardians or other persons in parental relation may appeal to the Commissioner of Education if their child is denied school entrance or attendance for failing to meet health immunization standards.

The District will provide an annual summary of compliance with immunization requirements to the Commissioner of Health.

Education Law Section 914
Public Health Law Section 2164
8 New York Code of Rules and Regulations (NYCRR)
Part 136
10 New York Code of Rules and Regulations (NYCRR)
Subpart 66-1

NOTE: Refer also to Policy #7131 -- Education of Homeless Children and Youth

Adopted: 7/30/07

SUBJECT: STUDENT PHYSICALS**Health Examination**

Each student enrolled in District schools must have a satisfactory health examination conducted by the student's physician, physician assistant or nurse practitioner within twelve (12) months prior to the commencement of the school year of:

- a) The student's entrance in a District school at any grade level;
- b) Entrance to pre-kindergarten or kindergarten;
- c) Entry into the 2nd, 4th, 7th and 10th grades.

The District may also require an examination and health history of a student when it is determined by the District that it would promote the educational interests of the student.

In addition, the District requires a certificate of physical fitness for:

- a) All athletes prior to their first sport of the school year, then only those who were injured or ill during their first sport before participating in a second sport during the school year;
- b) All students who need work permits and
- c) All students either suspected of or sustaining a mild traumatic brain injury (concussion) must receive a written and signed authorization from a licensed physician before returning to athletic activities in school.

Health Certificate

Each student must submit a health certificate attesting to the health examination within thirty (30) days after his or her entrance into school and within thirty (30) days after his or her entry into the 2nd, 4th, 7th and 10th grades. The health certificate shall be filed in the student's cumulative record. The health certificate must:

- a) Describe the condition of the student when the examination was given;
- b) State the results of any test conducted on the student for sickle cell anemia;
- c) State whether the student is in a fit condition of health to permit his/her attendance at public school and, where applicable, whether the student has defective sight or hearing, or any other physical disability which may tend to prevent the student from receiving the full benefit of school work or from receiving the best educational results, or which may require a modification of such work to prevent injury to the student;

(Continued)

Students

SUBJECT: STUDENT PHYSICALS (Cont'd.)

- d) Include a calculation of the student's body mass index (BMI) and weight status category. BMI is computed as the weight in kilograms divided by the square of height in meters or the weight in pounds divided by the square of height in inches multiplied by a conversion factor of 703. Weight status categories for children and adolescents shall be defined by the Commissioner of Health. BMI collection is mandatory, effective September 2008. Reporting is random, with districts chosen by the NYS Department of Health. Selected districts must report BMI results on-line using DOH's Health Provider Network (HPN), a secure website;
- e) Be signed by a duly licensed physician, physician assistant, or nurse practitioner, who is authorized by law to practice in New York State consistent with any applicable written practice agreement; or authorized to practice in the jurisdiction in which the examination was given, provided that the Commissioner of Health has determined that such jurisdiction has standards of licensure and practice comparable to those of New York. A certificate signed by a chiropractor is not acceptable except for a scoliosis evaluation.

Dental Certificate

The dental certificate law became effective on September 1, 2008. This law applies to new entrants in PreK, K, Grades 2, 4, 7 and 10. In accordance with this law, a notice of request for a dental health certificate shall be distributed at the same time that the parent/person in parental relation is notified of health examination requirements, such certificate to be furnished at the same time the health certificate is required. At this time, students will be permitted to attend school regardless of whether or not they have a dental certificate.

The dental certificate shall be signed by a duly licensed dentist authorized by law to practice in New York State or one who is authorized to practice in the jurisdiction in which the examination was performed, provided that the Commissioner has determined that the jurisdiction has standards of licensure and practice comparable to New York State. The certificate shall describe the dental health condition of the student upon examination, which shall not be more than twelve (12) months prior to the commencement of the school year in which the examination is requested, and shall state whether the student is in fit condition of dental health to permit his/her attendance at the public schools.

Requests are not to be retroactive (i.e., any physical requested prior to September 1, 2008 does not need to have an additional notice sent requesting the dental certificate). Requests are not required when the student or parent/person in parental relation objects on the grounds of conflict with their genuine and sincere religious beliefs. Within thirty (30) days following the student's entrance in the school or grade, the certificate, if obtained, shall be filed in the student's cumulative health record.

(Continued)

Students

SUBJECT: STUDENT PHYSICALS (Cont'd.)Examination by Health Appraisal

The Principal or the Principal's designee will send a notice to the parents of, or person in parental relation to, any student who does not present a health certificate, that if the required health certificate is not furnished within thirty (30) days from the date of such notice, an examination by health appraisal will be made of such student by the Director of School Health Services.

The Director of School Health Services shall cause such students to be separately and carefully examined and tested to ascertain whether any such student has defective sight or hearing, or any other physical disability which may tend to prevent the student from receiving the full benefit of school work or from receiving the best educational results, or which may require a modification of such work to prevent injury to the student.

The physician, physician assistant or nurse practitioner administering such examination shall determine whether a one-time test for sickle cell anemia is necessary or desirable and, if so determined, shall conduct such test and include the results in the health certificate.

Unless otherwise prohibited by law, if it is ascertained that any students have defective sight or hearing, or a physical disability or other condition, including sickle cell anemia which may require professional attention with regard to health, the Principal or Principal's designee shall notify, in writing, the student's parents or persons in parental relation as to the existence of such disability. If the parents or persons in parental relation are unable or unwilling to provide the necessary relief and treatment for such students, such fact shall be reported by the Principal or Principal's designee to the Director of School Health Services, who then has the duty to provide relief for such students.

Health Screenings

The District will provide:

- a) Scoliosis screening at least once each school year for all students in grades 5 through 9. The positive results of any such screening examinations for the presence of scoliosis shall be provided in writing to the student's parent or person in parental relation within ninety (90) days after such finding;
- b) Vision screening to all students who enroll in school including at a minimum color perception, distance acuity, and near vision within six (6) months of admission to the school. In addition, all students shall be screened for distance acuity in grades Kindergarten, 1, 2, 3, 5, 7 and 10 and at any other time deemed necessary. The results of all such vision screening examinations shall be provided in writing to the student's parent or person in parental relation and to any teacher of the student. The vision report will be kept in a permanent file of the school for at least as long as the minimum retention period for such records;

(Continued)

Students

SUBJECT: STUDENT PHYSICALS (Cont'd.)

- c) Hearing screening to all students within six (6) months of admission to the school and in grades Kindergarten, 1, 3, 5, 7 and 10, as well as at any other time deemed necessary. Screening shall include, but not be limited to, pure tone and threshold air conduction screening. The results of any such hearing tests shall be provided in writing to the student's parent or person in parental relation and to any teacher of the student.

The results of all health screenings (dental, hearing, vision and scoliosis) shall be recorded on appropriate forms signed by the health professional making the examination, include appropriate recommendations, and be kept on file in the school. The health records of individual students will be kept confidential in accordance with the federal Family Educational Rights and Privacy Act (FERPA) and any other applicable federal and State laws.

Accommodation for Religious Beliefs

No health examinations, health history, examinations for health appraisal, screening examinations for sickle cell anemia and/or other health screenings shall be required where a student or the parent or person in parental relation to such student objects thereto on the grounds that such examinations, health history and/or screenings conflict with their genuine and sincere religious beliefs. A written and signed statement from the student or the student's parent or person in parental relation that such person holds such beliefs shall be submitted to the Principal or Principal's designee, in which case the Principal or Principal's designee may require supporting documents.

Homeless Students

For homeless children, the enrolling school must immediately refer the parent or guardian of the student to the District's homeless liaison, who must assist them in obtaining the necessary medical records.

Family Educational Rights and Privacy Act of 1974 (FERPA)
20 USC Section 1232(g)
Education Law Sections 901-905, 912 and 3217
8 NYCRR Parts 135 and 136

NOTE: Refer also to Policies #5690 -- Exposure Control Program
#5691 -- Communicable Diseases
#5692 -- Human Immunodeficiency Virus (HIV)
Related Illnesses
#7121 -- Diagnostic Screening of Students

#7131 -- Education of Homeless Children and Youth

#7511 -- Immunization of Students

#7522 -- Concussion Management

Adoption Date: 7/30/2007

Revised: 4/16/2012

Revised: 11/19/2012

ADMINISTRATION OF MEDICATION (STUDENT HEALTH SERVICES)

The Board of Education recognizes that good student health is vital to successful learning and acknowledges its responsibility, along with that of parent(s) or guardian(s), to protect and foster a safe and healthful environment for the students.

The school shall work closely with students' families to provide detection and preventive health services. In accordance with law, the school will provide vision, hearing, dental inspection and scoliosis screening. Results shall be referred to the parent(s) or guardian(s) who shall be encouraged to have their family physician/dentist provide appropriate care.

In order to enroll in school a student must have a health exam and submit a health certificate within 30 calendar days after entering school, and upon entering prekindergarten or kindergarten, and first, third, fifth, seventh, ninth and eleventh grades. The examination, which must conform to state requirements, must have been conducted no more than 12 months before the first day of the school year in question. If a student is unable to furnish the health certificate, the school will provide a physical examination by a licensed provider. A request for exemption from the physical examination, or the requirement to provide a health certificate, must be made in writing to the school principal or designee, who may require documents supporting the request. The only basis for exemption is a claim that the physical examination is in conflict with the parent or guardian's genuine and sincere religious belief.

In order to enroll in school, students must also furnish documentation of required immunizations against certain communicable diseases, as set forth in state law and regulations, unless exempted from immunizations for medical reasons as permitted by state law and regulation.

Homeless students shall be admitted to school even if they do not have the required health or immunization records, but may be temporarily excluded if they show actual symptoms of a communicable disease that poses a significant risk of transmission to others (see "Communicable Diseases" below).

The McKinney-Vento liaison shall assist homeless students covered by that law in accessing health services described in this policy and accompanying regulation.

The Board recognizes that the State of New York may authorize and require the collection of data from health certificates in furtherance of tracking and understanding health care issues that affect children. The Board supports these efforts and expects administrators to cooperate and to observe the appropriate laws and regulations in carrying out those responsibilities, including those that relate to student privacy.

In addition, students will be asked to provide a dental health certificate when they enroll in school and in accordance with the same schedule as the health certificate.

A permanent student health record shall be part of a student's cumulative school record and should follow the student from grade to grade and school to school along with his/her academic record. This record folder shall be maintained by the school nurse.

Emergency Care

Each school in the district will include in its emergency plan a protocol for responding to health care emergencies, including anaphylaxis, and head injury. Parents/guardians will be notified of any emergency medical situation as soon as is practicable. Parents/guardians will receive notification of non-emergent medical situations that have been reported to the nurse in a timely manner.

Schools shall also provide emergency care for students in accidental or unexpected medical situations. The district will stock epinephrine auto-injectors for non-patient specific use. The district shall ensure that designated staff are properly trained.

The district permits emergency administration of opioid antagonists, such as naloxone, by the school nurse to prevent opioid overdose.

Communicable Diseases

It is the responsibility of the Board to provide all students with a safe and healthy school environment. To meet this responsibility, it is sometimes necessary to exclude students with contagious and infectious diseases, as defined in the Public Health Law, from attendance in school. Students will be excluded during periods of contagion for time periods indicated on a chart developed by the school nurse.

During an outbreak of these communicable diseases, if the Commissioner of Health or his/her designee so orders, the district will exclude students from school who have an exemption from immunization or who are in the process of obtaining immunization.

It is the responsibility of the Superintendent of Schools, working through district health personnel, to enforce this policy and to contact the county or local health department when a reportable case of a communicable disease is identified in the student or staff population.

Administering Medication to Students

Neither the Board nor district staff members shall be responsible for the diagnosis or treatment of student illness. The administration of prescribed medication to a student during school hours shall be permitted only when failure to take such medicine would jeopardize the health of the student, or the student would not be able to attend school if the medicine were not made available to him/her during school hours, or where it is done pursuant to law requiring accommodation to a student's special medical needs (e.g., Section 504 of the Rehabilitation Act of 1973). "Medication" will include all medicines prescribed by an authorized medical provider.

Before any medication may be administered to or by any student during school hours, the Board requires:

1. the written request of the parent(s) or guardian(s), which shall give permission for such administration and relieve the Board and its employees of liability for administration of medication;
2. the written order of the prescribing authorized medical provider, which will include the purpose of the medication, the dosage, the time at which or the special circumstances under which medication shall be administered, the period for which medication is prescribed, and the possible side effects of the medication; and
3. that in order for a student to carry and use a rescue inhaler, an epinephrine auto-injector, insulin, or glucagon and associated testing supplies, written permission must be provided both by the parent and the prescribing authorized medical provider in accordance with state law and regulation.

Students are allowed to carry and apply parentally provided sunscreen without a prescription from a medical provider, assuming that the sunscreen is FDA approved and that the sunscreen is not treating a medical condition. Parents need to provide the district with written permission for students to use sunscreen.

Permission slips and medical orders shall be kept on file in the office of the school nurse.

The school stocks albuterol in the form of metered dose inhalers for students who are in need of emergency dosing when their personal prescription is empty. The district will develop procedures in collaboration with school health personnel that is approved by the district medical director and the Board of Education.

Life-Threatening Allergies and Anaphylaxis Management

The Board recognizes its role and responsibility in supporting a healthy learning environment for all students, including those who have, or develop, life-threatening allergies. The district will work cooperatively with the student, their parent/guardian and healthcare provider to allow the child to participate as fully and as safely as possible in school activities. When a student has a known life-threatening allergy reported on their health form or if the district has been informed by the parent of the presence of a life-threatening allergy, the district will assemble a team, which may include the parent, the school nurse, the child's teacher, the building principal and other appropriate personnel, which will be charged with developing an individual health care plan and/or an emergency action plan. The plan(s) will be maintained by the school nurse. The plan(s) will guide prevention and response. If the student is eligible for accommodations based upon the IDEA, Section 504 or the Americans with Disabilities Act, the appropriate procedures will be followed regarding identification, evaluation and implementation of accommodations.

Training

HLCS POLICY

2020 7513

Page 4 of 4

Training to support the fulfillment of staff responsibilities in regard to student health services will be provided as part of the district's ongoing professional development plan and in conformity with Commissioner's regulations.

Regulations

The Superintendent shall develop comprehensive regulations governing student health services. Those regulations shall include the provision of all health services required by law, procedures for the maintenance of health records, and procedures for the administering of medication to students. The Superintendent shall also develop protocols, in consultation with the district medical director and other appropriate district staff, for the management of injury, with particular attention to concussion.

Ref:

Education Law §§310 (provisions for appeal of child denied school entrance for failure to comply with immunization requirements); 901 et seq. (medical, dental and health services, BMI reporting); 916 (student self-administration of rescue inhalers); 916-a (student self-administration of epinephrine); 916-b (students with diabetes); 919 (provide and maintain nebulizers); 921 (epinephrine auto-injectors; training of unlicensed personnel); 922 (naloxone); 6527 (emergency treatment: anaphylaxis; naloxone); 6909 (emergency treatment: anaphylaxis; naloxone)

Public Health Law §§613 (annual survey); 2164 (immunization requirements); 3000-c (emergency epinephrine); 3309 (naloxone)

8 NYCRR §§ 64.7 (anaphylaxis; naloxone); 135.4 (Physical Education); Part 136 (school health services program; concussion, anaphylaxis, medication, naloxone)

10 NYCRR Part 66-1 (immunization requirements); § 80.138 (naloxone)

Guidelines for Medication Management in Schools, State Education Department, December 2017, www.p12.nysed.gov/sss/documents/MedicationManagement-DEC2017.pdf

Immunization Guidelines: Vaccine Preventable Communicable Disease Control, State Education Department, revised August 2000

Making the Difference: Caring for Students with Life-Threatening Allergies, New York State Department of Health, New York State Education Department, New York Statewide School Health Service Center, June 2008

Concussion Management Guidelines and Procedures, www.nysphsaa.org

New Policy for Stocking Albuterol Metered Dose Inhalers (MDIs), State Education Department, August 2011, www.p12.nysed.gov/sss/schoolhealth/schoolhealthservices/Albuterol2011memo.pdf.

Adoption date: 4/21/2009

Revised date: 2/25/2013, 11/18/2013, 11/17/2014, 10/19/2015, 2/24/2020

Students

SUBJECT: STUDENT HEALTH RECORDS

The School shall keep a convenient, accurate, and up-to-date health record of every student. Insofar as the health records include confidential disclosures or findings, they shall be kept confidential.

The Family Educational Rights and Privacy Act (FERPA) is a federal law that protects the privacy of students' "education records." For Pre-K through grade 12 students, health records maintained by the School District, including immunization records and school nurse records, generally are considered "education records" subject to FERPA. In addition, records that the District or School maintains on special education students, including records on services provided to students under the Individuals with Disabilities Education Act (IDEA) are considered "education records" under FERPA because they are:

- a) Directly related to a student;
- b) Maintained by the School or a party acting for the School; and
- c) Not excluded from the definition of "education records."

Since student health and medical information in education records is protected by FERPA, the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rule excludes such information from its coverage.

Generally, these records may not be shared with third parties without written parental consent unless the disclosure meets one of the exceptions to FERPA's general consent requirement. One exception permits the disclosure of education records, without parental consent, to appropriate parties in connection with an emergency, if knowledge of the information is necessary to protect the health or safety of the student or other individuals.

Parents have a right under FERPA to inspect and review those health and medical records that are considered "education records" under FERPA. Individual records may be interpreted by the school's registered professional nurse to administrators, teachers and other school officials, consistent with law.

Family Educational Rights and Privacy Act of 1974 (FERPA), 20 United States Code (USC) Section 1232g
Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191 34 Code of
Federal Regulations (CFR) Part 99
45 Code of Federal Regulations (CFR) Parts 160, 162 and 164 Education Law Sections 902(b) and 905
8 New York Code of Rules and Regulations (NYCRR) Part 136

Adoption Date: 12/21/2009

SUBJECT: LICENSED SCHOOL-BASED HEALTH, DENTAL OR MENTAL HEALTH CLINICS

In accordance with law, the Hadley-Luzerne Central School District houses a "licensed school-based health, dental or mental health clinic" operated by an entity other than the District which provides health, dental or mental health services during school hours and/or non-school hours to school-age and preschool children residing in the District.

Health professionals who provide services in this licensed clinic shall be duly licensed and shall provide such services to the extent permitted by their respective practice acts.

Except where otherwise authorized by law, the cost of providing health, dental or mental health services shall not be a charge upon the District and shall be paid from federal, state or other local funds available for such purpose. Building space used for this clinic shall be excluded from the rated capacity of the school building for the purpose of computing building aid.

No cause of action shall be justified for damages against the District for acts of negligence or misconduct by the clinic or its officers or employees.

Education Law Section 414

Adopted: 7/30/07

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 for students who are injured or become ill while under school supervision.

In most instances first aid should be rendered, and then the parent should be contacted to come to school and transport the student to the family physician. Beyond first aid, the medical care of the student is the parent's responsibility. However, the student's welfare is always the primary concern, and it is the responsibility of school personnel to exercise good judgment and care under all circumstances.

The Board of Education encourages all staff members to become qualified to give emergency treatment through instruction in first aid, Cardiopulmonary Resuscitation (CPR) and Automated External Defibrillators.

Transporting an Ill or Injured Student

In the event of an illness or injury to a student, an ambulance may be called if warranted. This solution will be used after other alternatives, including parent/person in parental relation contact, have been made.

Insurance

The Board of Education shall approve provisions for all students to be covered by group insurance.

Such student accident insurance policies are to be a co-insurance with family coverage(s) as primary.

Adopted: 7/30/07

Students

SUBJECT: STUDENTS WITH LIFE THREATENING ALLERGIES

Students, parents, school personnel and health care providers must all work together to provide the necessary information and training to allow children with chronic health problems to participate as fully and safely as possible in the school experience.

Particularly for those students with chronic conditions such as asthma and allergies (food, insect sting, etc.) which may result in severe, life-threatening reactions to various environmental triggers, it is necessary that the District work cooperatively with the parent(s) and the healthcare provider to:

- a) Develop an individual health care plan that includes all necessary treatments, medications, training and educational requirements for the student. If the student is eligible for accommodations based upon the Individuals with Disabilities Act (IDEA), Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act, the appropriate procedures will be followed regarding evaluation and identification;
- b) Obtain appropriate health care provider authorization in writing that includes the frequency and conditions for any testing and/or treatment; symptoms and treatment of any conditions associated with the health problem; and directions for emergencies; and
- c) Secure written parent permission and discuss parental responsibility that includes providing the health care provider's orders, providing any necessary equipment, and participation in the education and co-management of the child as he/she works toward self-management.

The District will work toward assisting students in the self-management of their chronic health condition based upon the student's knowledge level and skill by:

- a) Adequately training all staff involved in the care of the child;
- b) Assuring the availability of the necessary equipment and/or medications;
- c) Providing appropriately trained licensed persons as required by law;
- d) Providing additional appropriately trained adults to complete delegated tasks as allowed by law;
- e) Developing an emergency plan for the student; and
- f) Providing ongoing staff and student education.

(Continued)

SUBJECT: STUDENTS WITH LIFE THREATENING ALLERGIES (Cont'd.)**Use of Epinephrine Auto-Injector Devices (Epi-Pens) in the School Setting**

The administration of epinephrine by epi-pen to a student with a known severe allergy needing an anaphylactic treatment agent may be performed by a school staff member responding to an emergency situation when such use has been prescribed by a licensed prescriber. However, a registered professional nurse/nurse practitioner must have trained the staff member to administer the epi-pen and given him/her approval to assist the student in the event of an anaphylactic reaction.

Documentation of training must be maintained in the Anaphylaxis Protocol for Non-Licensed School Staff Members for each affected student. The emergency response by non-licensed school staff members is permitted under the Medical Practice Act (Education Law section 6527(4)(a)) and the Nurse Practice Act (Education Law section 6908 (1)(a)(iv)) and is covered by the "Good Samaritan Law" (Public Health Law section 3000-a).

Americans with Disabilities Act,
42 United States Code (USC) Section 12101 et seq.
Individuals with Disabilities Education Act (IDEA)
20 United States Code (USC) Sections 1400-1485
34 Code of Federal Regulations (CFR) Part 300
Section 504 of the Rehabilitation Act of 1973,
29 United States Code (USC) Section 794 et seq.
Education Law Sections 902(b), 6527 and 6908
Public Health Law Section 3000-a

NOTE: Refer also to Policy #7513 -- Administration of Medication

Students

SUBJECT: CONCUSSION MANAGEMENT

The Board of Education recognizes that concussions and head injuries are the most commonly reported injuries in children and adolescents who participate in sports and recreational activities. The physical and mental well-being of our students is a primary concern. Therefore, the Hadley-Luzerne Central School District adopts the following Policy to support the proper evaluation and management of concussion injuries.

A concussion is a mild traumatic brain injury (MTBI). A concussion occurs when normal brain functioning is disrupted by a blow or jolt to the head or body that causes the head and brain to move rapidly back and forth. Recovery from concussion and its symptoms will vary. Avoiding re-injury and over-exertion until fully recovered are the cornerstones of proper concussion management. Concussions can impact a student's academics as well as their athletic pursuits.

Concussion Management Team (CMT)

In accordance with the Concussion Management and Awareness Act, the School District is authorized, at its discretion, to establish a Concussion Management Team (CMT) which may be composed of the certified athletic director, a school nurse, the school physician, a coach of an interscholastic team, a certified athletic trainer or such other appropriate personnel as designated by the School District. The Concussion Management Team shall oversee and implement the School District's concussion policy and regulations, including the requirement that all school coaches, physical education teachers, nurses and certified athletic trainers who work with and/or provide instruction to pupils engaged in school-sponsored athletic activities complete training relating to mild traumatic brain injuries. Furthermore, every concussion management team may establish and implement a program which provides information on mild traumatic brain injuries to parents and persons in parental relation throughout each school year.

Staff Training/Course of Instruction

Each school coach, physical education teacher, school nurse and certified athletic trainer who works with and/or provides instruction to students in school-sponsored athletic activities (including physical education class and recess) shall complete a course of instruction every two (2) years relating to recognizing the symptoms of concussions or MTBIs and monitoring and seeking proper medical treatment for students who suffer from a concussion or MTBI.

Components of the training will include:

- a) The definition of MTBI;
- b) Signs and symptoms of MTBI;

(Continued)

SUBJECT: CONCUSSION MANAGEMENT (Cont'd.)

- c) How MTBIs may occur;
- d) Practices regarding prevention; and
- e) Guidelines for the return to school and school activities for a student who has suffered an MTBI, even if the injury occurred outside of school.

The course can be completed by means of instruction approved by SED which include, but are not limited to, courses provided online and by teleconference.

Information to Parents

The District shall include the following information on concussion in any permission or consent form or similar document that may be required from a parent/person in parental relation for a student's participation in interscholastic sports. Information will include:

- a) The definition of MTBI;
- b) Signs and symptoms of MTBI;
- c) How MTBIs may occur;
- d) Practices regarding prevention; and
- e) Guidelines for the return to school and school activities for a student who has suffered an MTBI, even if the injury occurred outside of school.

The District will provide a link on its website, if one exists, to the above list of information on the State Education Department's and Department of Health's websites.

Identification of Concussion and Removal from Athletic Activities

The District shall require the immediate removal from all athletic activities of any student who has sustained, or is believed to have sustained, a mild traumatic brain injury (MTBI) or concussion. Any student demonstrating signs, symptoms or behaviors consistent with a concussion while participating in a class, extracurricular activity, or interscholastic athletic activity shall be removed from the class, game or activity and must be evaluated as soon as possible by an appropriate health care professional. Such removal must occur based on display of symptoms regardless of whether such injury occurred inside or outside of school. If there is any doubt as to whether the student has

Students

SUBJECT: CONCUSSION MANAGEMENT (Cont'd.)

sustained a concussion, it shall be presumed that the student has been injured until proven otherwise. The District shall notify the student's parents or guardians and recommend appropriate evaluation and monitoring.

The School District may choose to allow credentialed District staff to use validated Neurocognitive computerized testing as a concussion assessment tool to obtain baseline and post-concussion performance data. These tools are not a replacement for a medical evaluation to diagnose and treat a concussion.

Return to School Activities and Athletics

The student shall not return to physical activity (including athletics, physical education class and recess) until he/she has been symptom-free for not less than twenty-four (24) hours, and has been evaluated and received written authorization from a licensed physician. In accordance with Commissioner's Regulations, the School District's Medical Director will give final clearance on a return to activity for extra-class athletics. All such authorizations shall be kept on file in the student's permanent health record. The standards for return to athletic activity will also apply to injuries that occur outside of school. School staff should be aware that students may exhibit concussion symptoms caused by injuries from outside activities and that these visible symptoms also indicate a removal from play.

The District shall follow any directives issued by the student's treating physician with regard to limitations and restrictions on school and athletic activities for the student. The District's Medical Director formulated a standard protocol for treatment of students with concussions during the school day, as follows:

Concussion Protocol for
HADLEY-LUZERNE CENTRAL SCHOOL SYSTEM
and
EVERGREEN HEALTH CENTER (GFH)

This protocol is designed with the thought that the number one concern in addressing head injuries suffered by a student, regardless of where the injury occurred, is to protect the student from further harm or risk.

Therefore this protocol is to be used in any setting where a student is felt to have suffered a head injury which could be considered a concussion. This applies to injuries within the school, during interscholastic, intramural or physical education activities as well as those head injuries occurring outside school activities but which may affect the ability of the student to safely participate in school activities.

(Continued)

Students

It is the responsibility of all people involved with the student to support the reporting of a potential head injury. This includes parents or guardians when the injury went either unreported to the school or when it occurred outside of normal school related activities.

When a concussion or serious head injury is suspected, school authorities must be informed. This may be via the coach/trainer or school nurse during an athletic event or via the school nurse, athletic director, coach or trainer at other times. This may also be reported to the pupil's teacher. When these authorities are informed of a potential head injury, an appropriate assessment by a school official having been trained in the Concussion Protocol shall occur. ***The list of school authorities trained in this protocol is amended to this document.*** Any evaluation leading to the suspicion that a concussion has occurred shall result in the student's referral to either the school physician or their private provider. The student shall be prohibited from returning to school activities until this assessment has occurred. If, after the evaluation, a concussion is NOT thought to have occurred, the student may return to usual activities without further delay. A diagnosis of concussion will result in the initiation of the Concussion Protocol outlined below.

Conclusion Protocol:

Adhering to this protocol requires the use of pre-approved assessment forms, used to document the assessment of the student at the time of injury, as well as during each stepped increase in activity during the return to play phase of recovery. ***These forms are attached to this policy.***

In Class Activities:

Students recovering from concussion can experience significant academic difficulties due to impaired cognitive abilities. Mental exertion and environmental stimulation can aggravate concussion symptoms such as headache and fatigue, which in turn can prolong recovery. Academic accommodations will be available to the student recovering from concussion to ensure academic progress and to set conditions for medical recovery. Ensuring adequate rest avoiding overexertion and overstimulation, reducing risk of re-injury and providing academic accommodations are the essential components of a return-to-school plan after concussion. Home tutoring may be needed at first in some cases. As the student recovers, he or she may need to attend school part-time or full time with rest breaks. Academic demands should be reduced to essential material as the concussed student will typically take longer and use more mental energy to complete the same amount of work as before injury. Other potential accommodations include extended time and a quiet location for tests, providing the student with copies of class notes, and allowing the student to eat lunch in a quiet room with a few friends instead of in a noisy cafeteria.

(Continued)

Students

Physical education class should be modified to reduce risk of re-injury. After an initial period of rest, to be at least a symptom free period of no less than 24 hours, the student may return to light duty physical education, which may entail walking or similar light activity without substantial exertion. All increases in the demand of physical education class shall occur no more than 24 hour intervals and require an assessment that the patient has remained symptom free. No contact (or potential contact) sports in gym, (including but not limited to: lacrosse, floor hockey, basketball, soccer, flag football volleyball or similar sports) shall be participated in until the student has been cleared by their provider or the school medical director. All stepped increases in physical education activities require a sign off by: the athletic director, trainer, school nurse or physical education teacher as long as the person signing is listed on the attached list of trained personnel. The Return to Play protocol check sheet, attached, shall serve as the documentation tool for this process. It will be considered that Full Return to Play, the final step in the RTP protocol will be the equivalent of return to contact sports in gym, as listed above.

At The Time of Injury:

Any blow to the head or other injury producing changes in behavior, cognitive abilities, sleep disturbances) physical symptoms including balance changes, visual changes, headache, nausea, vomiting, etc. as well as emotional liability or altered level of consciousness should be considered a potential concussion. The student suffering an injury of this type will be assessed by a school official trained in the assessment of concussion, as defined by NYS DOE and school policy. The student will be removed from play, if the injury occurred in a sporting event, or from any school related activities until the assessment is complete. Any injury resulting in:

1. Loss of consciousness at the time of injury or afterwards.
2. Headache that worsens during the period of assessment
3. Seizures
4. Weakness or numbness in an arm, leg or other focalized body region.
5. Drowsiness with difficulty in being aroused
6. Repeated vomiting
7. Slurring of speech
8. Confusion, irritability, difficulty recognizing people or places, or other cognitive changes that are not short lived or get worse during the evaluation period.
9. Neck pain
10. Altered behavior that is not brief and self-limited after the initial injury

Shall require the student be transported, via rescue squad, with EMT protocols in place for head injury, to an emergency room for further more complete assessment.

(Continued)

Students

Return to Play/Return to School:

Return to play following a concussion involves a stepwise progression once the individual is symptom free. There are many risks to premature return to play including:

1. a greater risk for a second concussion because of a lower concussion threshold
2. second impact syndrome (abnormal brain blood flow that can result in death)
3. exacerbation of any current symptoms, and possibly increased risk for additional injury due to alteration in balance.

No student athlete will be allowed to return to play while symptomatic; Students are prohibited from returning to play the day the concussion is sustained. If there is any doubt as to whether a student has sustained a concussion, it should be treated as a concussion. Once the student athlete is symptom free at rest for 24 hours and has a signed release by the treating clinician, she/he may begin the return to play progression below (provided there are no other mitigating circumstances). Under no circumstances shall post-dating of notes be allowed.

The following schedule shall be adhered to and at each step the student's satisfactory completion of that day's step shall be attested to be either the school nurse, the athletic director, the school trainer, the school physician or the student's health care provider.

None of these individuals may be the current coach of the student, should the injury involve return to play for interscholastic sports.

Day 1: Light aerobic activity

Day 2: Sport specific activity

Day 3: Non-contact training drills

Day 4: Full contact practice

Day 5: Return to play, requiring final sign off by the school physician or their representative.

Each step should take 24 hours so that an athlete would take approximately one week to proceed through the full rehabilitation protocol once they are asymptomatic at rest and with provocative exercise. If any post-concussion symptoms occur while in the stepwise program, then the student should drop back to the previous asymptomatic level and try to progress again after a further 24-hour period of rest has passed. All interval steps shall be documented at each increment as noted on the Return to Play/Concussion Assessment sheet.

Analogous steps may be used for Return to Normal Activities for the concussed student, not a current athlete. These academic activity milestones must also be achieved by the student athlete in order to return to the athletic field. Lack of symptoms on the field **MUST** be accompanied by lack of symptoms in the academic setting.

Day 1: return to normal classroom activities including reading, writing and computer use. Gym, recess if applicable and lunch room activities are to be avoided. Homework to be kept to a minimum.

Day 2: inclusion of light homework, and lunchroom activities may begin. Light walking or similar activities in gym may begin, No aerobic activity.

Day 3: homework load may resume, gym activities may include light aerobic activity. If the student participates in any musical activities they may resume at this time.

(Continued)

Students

Day 4: recess, if applicable, may resume. Gym restrictions are reduced to avoidance of any contact or potential contact activities.

Day 5: Full participation may resume all school functions, Final sign off by the student's provider or the school physician is required.

As per the athlete returning to play, the concussed student following these guidelines must have their Return to Play/Concussion Assessment sheet annotated daily to attest to their successful completion of the above noted stages.

In accordance with NYSED guidelines, this Policy shall be reviewed periodically and updated as necessary in accordance with New York State Education Department guidelines. The Superintendent, in consultation with the District's Medical Director and other appropriate staff, may develop regulations and protocols for strategies to prevent concussions, the identification of concussions, and procedures for removal from and return to activities or academics.

Education Law Sections 207; 305(42), and 2854
8 NYCRR 135.4 and 136.5

Guidelines for Concussion Management in the School Setting, SED Guidance Document, June 2012

Adoption Date: November 19, 2012

HLCS POLICY

CHILD ABUSE, MALTREATMENT OR NEGLECT IN A DOMESTIC SETTING

The Board of Education recognizes that because of their sustained contact with school-aged children, employees are in an excellent position to identify abused, maltreated or neglected children and refer them for treatment and protection. The Board further recognizes the specific dictates of law which require school officials to report suspected instances of child abuse, maltreatment (which includes neglect) in a domestic setting.

The purpose of mandatory reporting is to identify suspected abused and maltreated children as soon as possible, so that such children determined to be abused or maltreated can be protected from further harm and, where appropriate, can be offered services to assist him or her and his or her family.

School officials, who have reasonable cause to know or suspect that a child has been subjected to abuse or maltreatment, must immediately report this to the New York State Central Register for Child Abuse and Maltreatment (Central Register), as required by law. No conditions may be imposed which limit their responsibility to report. A school official is defined as:

- Teacher
- Guidance counselor
- Psychologist
- Nurse
- Social Worker
- Full or part-time paid athletic coach
- Administrator
- Any school personnel required to hold a teaching or administrative license or certificate.

The school official will also report the matter to the Building Principal.

The report shall be made by telephone or by telephone facsimile machine on a form supplied by the Commissioner of Social Services. A written report shall be made within forty-eight hours to the appropriate local child protective service, and to the statewide Central Register.

School employees who are not school officials, as defined above, but who have reasonable cause to know or suspect that a child has been subjected to abuse or maltreatment are encouraged to report to the Central Register. However, the school employee must report the matter to the Building Principal. If the matter has not yet been reported to the Central Register, the Building Principal shall

HLCS POLICY

2015 7530

Page 2 of 6

make the report, in accordance with state law. In being required to file such report, the Building Principal does not have discretion.

School employees or officials may not contact the child's family or any other person to determine the cause of the suspected abuse or maltreatment. It is not the responsibility of the school official or employee to prove that the child has been abused or maltreated.

Any school official or employee who has cause to suspect that the death of any child is a result of child abuse or maltreatment must report that fact to the appropriate medical examiner or coroner.

In accordance with the law, any school official who fails to report an instance of suspected child abuse or maltreatment may be guilty of a Class A misdemeanor and may be held liable for the damages caused by the failure to report. The law grants immunity to persons who, in good faith, report instances of child abuse from any liability.

School employees will not be subject to retaliatory action, as defined in state law, as a result of making a report when they reasonably suspect that a child has been abused or maltreated.

The Board recognizes that knowingly reporting a false claim of child abuse is a violation of state law and this policy acknowledges that it is a crime to do so. The district will make every reasonable effort to ensure the integrity of the district's child abuse reporting process and procedure.

School District Relationship with Local Social Service District

The school district will cooperate to the extent possible with authorized child protective services workers in investigations of alleged child abuse. The Superintendent, or his or her designee, will represent the district when collaborating with local social service agencies to address instances of abuse or maltreatment, and in the development of policy and procedures regarding abuse or maltreatment (including educational neglect). In addition, the Superintendent will

share a copy of the district's attendance policy, 7110, with the local social service district.

The school district shall maintain an ongoing training program which will address the identification and reporting of child abuse and maltreatment, including the legal implications of reporting and not reporting. Attendance at sessions of this training program shall be required of all school officials. Attendance records shall be kept, and notations will be made in personnel files as to the dates of attendance.

The Superintendent shall develop, with input from appropriate personnel, a plan for implementation of such a training program, to be approved by the Board. In addition, the policy and regulations will be included in all employee handbooks and distributed annually to all school officials who are not covered under existing

HLCS POLICY

2015 7530

Page 3 of 6

handbooks. The Superintendent will prepare and implement all regulations as are necessary to accomplish the intent of this policy

Ref: Child Protective Services Act of 1973, Social Services Law §§411 et seq.
Social Services Law §34-a
Family Court Act §1012
Family Educational Rights and Privacy Act,
20 U.S.C. §1232g, 45 CFR §99.36
Education Law §§3209-a, 3036
Penal Law 240.50

Adoption date: 7/30/2007

Revised date: 4/13/2015

Regulation 7530-R

CHILD ABUSE, MALTREATMENT OR NEGLECT IN A DOMESTIC SETTINGREGULATION

New York State Law (Child Protective Service Act of 1973, as amended) provides for reporting of suspected cases of child abuse by school officials. These regulations are designed to implement this law within the district and to help protect students from the harmful effects of child abuse.

Definitions

The definition of child abuse and maltreatment is established by law.

Abused Child, according to Social Services Law and the Family Court Act, is a child less than 18 years of age whose parent or other person legally responsible for his or her care:

- a. inflicts or allows to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ; or
- b. creates or allows to be created a substantial risk of physical injury to such a child by other than accidental means which would be likely to cause death or serious or protracted disfigurement, or protracted impairment of physical or emotional health, or protracted loss or impairment of the function of any bodily organ; or
- c. commits, or allows to be committed, a sex offense against such child, as defined in the penal law, provided, however, that the corroboration requirements contained therein shall not apply to proceedings under this article.

Neglected or maltreated child, according to the Family Court Act, is a child less than 18 years of age:

- a. whose physical, mental, or emotional condition has been impaired or is in danger of becoming impaired as a result of the failure of his or her parents or other person legally responsible for his care to exercise a minimum degree of care:
 - (1) in supplying the child with adequate food, clothing, shelter, or education in accordance with provisions of Part One, Article 65 of the Education Law, or medical, dental, optometrical or surgical care though financially able to do so or offered financial or other reasonable means to do so; or
In order for a report of educational neglect to be accepted, three elements need to be established:
 - a. Excessive absence from school by the child
 - b. Reasonable cause to suspect that the parent is aware or should have been aware of the excessive absenteeism and the parent has contributed to the problem or is failing to take steps to effectively address the problem, and;
 - c. Reasonable cause to suspect educational impairment or harm to the child or imminent danger of such impairment or harm.
 - (2) in providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or a substantial risk thereof, including the infliction of excessive corporal punishment; or by using a drug or drugs; or by using alcoholic beverages to the extent that he/she loses self-control of his/her actions; or by any other acts of a similarly serious nature requiring the aid of the court; or
- 6.
7. b. who has been abandoned by his/her parent(s) or other person legally responsible for his/her care.

Person legally responsible includes the child's custodian, guardian, or any other person responsible for the child's care at the relevant time. Custodian may include any person continually or

at regular intervals found in the same household as the child when the conduct of such person causes or contributes to the abuse or neglect of the child.

Impairment of emotional health and impairment of mental or emotional condition includes a state of substantially diminished psychological or intellectual functioning in relation to, but not limited to, such factors as failure to thrive, control of aggressive or self-destructive impulses, ability to think and reason, or acting out of misbehavior, including incorrigibility, un-governability, or habitual truancy; provided, however, that such impairment must be clearly attributable to the unwillingness or inability of the parent, guardian, or custodian to exercise a minimum degree of care toward the child.

Reporting procedures and related information:

1. All school officials must, when they have reasonable cause to suspect that a child is abused or maltreated, report it to the New York State Central Register for Child Abuse and Maltreatment (800-342 3720). A school official, under state law, is defined as:

- Teacher
- Guidance counselor
- Psychologist
- Nurse
- Social Worker
- Full or Part-time athletic coach
- Administrator
- Any school personnel required to hold a teaching or administrative license or certificate.

Personnel have the right to request that information which would identify the individual making the report be withheld if furnishing such data might prove detrimental to the safety or interest of that individual.

2. The school official must also report the matter to the Building Principal who will determine if any additional steps need to be taken by the school district (for instance, contacting the school physician, social worker or other support services).

3. In the event that a school employee, who is not required to report under the law (such as a bus driver, custodian, cafeteria monitor, etc.), has reasonable cause to suspect that a child is abused or neglected, he/she is encouraged to make a report to the Central Register. The employee must, by district policy, report the matter to the Building Principal.

4. If the Building Principal is informed of a case of suspected child abuse or maltreatment that has not yet been reported to the Central Register, the Building Principal is required to:

- (a) phone the New York State Central Register for Child Abuse and Maltreatment (800-342 3720) and inform them verbally of the problem; or
- (b) contact the above agency by telephone facsimile machine on a form supplied by the Commissioner of Social Services; and
- (c) file a written report with the local child protective services agency and the Central Register within forty-eight hours after the above report; and,
- (d) determine if additional steps need to be taken by the school district, as outlined in step 2 above.

5. The Building Principal may take color photographs or cause photographs to be taken of the areas of visible trauma on the child, and/or, if medically indicated, cause an examination to be performed. Such actions may be performed at public expense if they will provide appropriate documentation when filing the report. Photographic equipment shall be kept at the school and be available for this purpose.

6. The written report that must be filed shall include all information which the Commissioner of Social Services may require.

7. If it should be necessary for Child Protective Services to interview a child at school to ascertain whether he/she has been abused or maltreated, or to obtain documentation of such acts, the interview should be conducted in the presence of a school official, unless circumstances require otherwise. The school official shall examine and verify the credentials of Child Protective Services worker(s) before allowing such worker(s) to either interview the child or to examine the child's records.

If sexual abuse is indicated, the presence of a same-sex staff member during the interview is appropriate.

8. The Building Principal shall request a summary report of the investigation of a case referred to Child Protective Services so the district can take appropriate next steps.

9. The district shall maintain an ongoing training program which will address identification and reporting of child abuse and maltreatment. Attendance at sessions of this training program shall be required of all school officials.

10. Employee handbooks shall include a copy of these regulations and the related Board policy concerning child abuse and reporting requirements.

11. Only one report of any suspected abuse is required.

12. School personnel who, in good faith, make a report or take photographs of injuries and bruises have immunity from any liability, civil or criminal. The good faith of any person required to report cases of child abuse or maltreatment is presumed.

13. School personnel who have reasonable cause to suspect that a child has died as a result of child abuse or maltreatment shall report that fact to the appropriate medical examiner or coroner.

14. Any person required to report suspected cases of child abuse or maltreatment and who fails to do so may be found guilty of a class A misdemeanor and may be held civilly liable for the damages caused by this failure.

15. Any school employee who fails to comply with this policy is subject to discipline in accordance with collective bargaining agreements and/or policy.

Students

SUBJECT: SUICIDE

According to national statistics, suicide is the third leading cause of death among young people. It is the policy of the Board to enact clear guidelines for prevention, intervention and post-intervention of suicide, reflecting the District's concern for this serious mental health issue.

The Board recognizes the need for suicide prevention and will instruct the Superintendent to establish a District crisis intervention team whose responsibility will be to develop a suicide response plan. This plan will be integrated into the existing school safety plan. The 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 such a tragic event should it occur.

Suicide prevention will be incorporated into the curriculum to educate students. This will be done in a manner so as not to sensationalize the matter, but to provide students with information and resources on this important mental health issue. The District will also foster interagency cooperation that will enable staff to identify and access appropriate community resources to aid students in times of crisis.

The administration is responsible for informing staff of regulations and procedures of suicide prevention, intervention and post-intervention that have been developed by the District. The District will actively respond to any situation where a student verbally or behaviorally indicates intent to attempt suicide or to do physical harm to himself/herself. Staff training and professional development on suicide and crisis intervention will be made available.

NOTE: Refer also to Policies: #3410 -- Anti-Harassment in the School District
#5681 -- School Safety Plans
#7552 -- Bullying: Peer Abuse in the Schools
#7553 -- Hazing of Students

Adopted: 7/30/2007
Revised: 2/28/2011

Students

SUBJECT: COMPLAINTS AND GRIEVANCES BY STUDENTS

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

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

Complaints and Grievances Coordinator

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

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

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

Age Discrimination in Employment Act,
29 United States Code Section 621
Americans With Disabilities Act,
42 United States Code (USC) Section 12101 et seq.
Prohibits discrimination on the basis of disability.
Section 504 of the Rehabilitation Act of 1973,
29 United States Code (USC) Section 794 et seq.

(Continued)

Students

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

Title VI of the Civil Rights Act of 1964,
42 United States Code (USC) Section 2000d et seq.
Prohibits discrimination on the basis of race, color or
national origin.

Title VII of the Civil Rights Act of 1964,
42 United States Code (USC) Section 2000e et seq.
Prohibits discrimination on the basis of race, color,
religion, sex or national origin.

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

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

Executive Law Section 290 et seq.
Prohibits discrimination on the basis of age, race, creed,
color, national origin, sex, sexual orientation, disability,
military status, or marital status.

NOTE: Refer also to Policy #3420 -- Anti-Harassment in the School District

Adopted: 7/30/07

SEXUAL HARASSMENT OF STUDENTS

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

Sexual harassment is a form of sex discrimination and is unlawful under federal and state law. For purposes of this policy, sexual harassment includes harassment on the basis of actual or perceived sex, sexual orientation, and/or gender identity and expression. Sexual harassment of a student can deny or limit the student's ability to participate in or to receive benefits, services, or opportunities from the school's program.

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

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

Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, or verbal, nonverbal or physical aggression, intimidation or hostility that is based on actual or perceived gender and sexual stereotypes. Examples of sexual harassment can be found in the accompanying regulation (7551-R).

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

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

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

In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all targets of sexual harassment and persons with knowledge of sexual harassment report the harassment immediately. The district will promptly investigate

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

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

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

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

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

A committee of administrators, teachers, parents, students and the school attorney will be convened annually to review this policy's effectiveness and compliance with applicable state and federal law, and to recommend revisions to Board.

Cross-ref: 7552, Student Harassment and Bullying Prevention and Intervention

Ref:

Education Amendments of 1972, Title IX, 20 U.S.C. §1681 *et seq.*; 34 CFR 106 *et seq.*

Education Law §§10-18 (The Dignity for All Students Act)

Davis v. Monroe County Board of Education, 526 U.S. 629, 652 (1999)

Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998)

Franklin v. Gwinnett County Public Schools, 503 U.S. 60 (1992)

Canon v. University of Chicago, 441 U.S. 677 (1979)

Office for Civil Rights *Revised Sexual Harassment Guidance (January 19, 2001)*

Office for Civil Rights, *Dear Colleague Letter: Sexual Harassment Issues (2006)*

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

Adopted: 7/30/07

Revised dates: 11/21/2011, 2/25/2013, 2/22/2021

STUDENT BULLYING AND HARASSMENT COMPLAINT FORM

The purpose of this form is to inform the district of an incident or series of incidents of bullying or harassment so we can investigate and take appropriate steps.

The district prohibits bullying and harassment of students on the basis of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, and gender identity or gender expression.

If the student feels unsafe at school, fill out this form, but we urge you to speak directly with _____ by either visiting room ____ or calling _____ as soon as possible so we can address your concerns.

Student Name: _____ Student ID: _____

Grade: _____ School: _____

Contact information: _____

1. List the name(s) of the individual(s) accused of bullying and/or harassment (use additional sheets if necessary).

| | |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

2. Describe the incident(s). Please include when and where it happened. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. I believe the harassment is based on my (check all that apply):

race ethnic group sex

color religion sexual orientation
 weight religious practice gender identity or expression
 national origin disability other: _____

4. Is the harassment continuing? Yes No

5. Please list the name (if known) of anyone who witnessed the incident or may have information related to your complaint.

| | |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

The following question is optional, but may help the district's investigation.

6. Have you previously complained about or provided information (verbal or written) about bullying, harassment or discrimination or related incidents to the district? Yes No

If yes, when and to whom did you complain or provide information?

7. If you have retained legal counsel and would like us to work with them, please provide their contact information.

| |
|-------|
| _____ |
| _____ |
| _____ |

I certify that all statements on this form are accurate and true to the best of my knowledge.

| | |
|-------|-------------------------|
| _____ | _____ |
| Name | Relationship to student |

| | |
|-----------|-------|
| _____ | _____ |
| Signature | Date |

Preferred contact method (please select one): phone, email, mail, in person

Please attach any supporting documentation (i.e., copies of emails, notes, photos, etc.).

Return this form to: ***Building Level Principal***

Note on confidentiality:

In order to investigate the complaint, the district will disclose the content of the complaint only to those persons who have a need to know. This form will not be shown to the accused student(s)/staff.

SEXUAL HARASSMENT OF STUDENTS REGULATION

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

Sexual Harassment Defined

Sexual harassment is a form of sex discrimination and is unlawful under federal and state law. Sexual harassment includes harassment on the basis of actual or perceived sex, sexual orientation, and/or gender identity and expression.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's actual or perceived sex, gender, or sexual orientation, when:

1. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of a student's education (including any aspect of the student's participation in school-sponsored activities, or any other aspect of the student's education); or
2. submission to or rejection of that conduct or communication by an individual is used as the basis for decisions affecting a student's education; or
3. the conduct or communication has the purpose or effect of substantially or unreasonably interfering with a student's academic performance or participation in school-sponsored activities, or creating an intimidating, hostile or offensive educational environment, even if the complaining individual is not the intended target of the sexual harassment.

Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, or verbal, nonverbal or physical aggression, intimidation or hostility that is based on sex, gender and sexual orientation stereotypes.

Unacceptable Conduct

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

1. rape, attempted rape, sexual assault, attempted sexual assault, forcible sexual abuse, hazing, and other sexual and gender-based activity of a criminal nature as defined under the State Penal Law;

2. unwelcome sexual advances or invitations or requests for sexual activity, including but not limited to those in exchange for grades, preferences, favors, selection for extracurricular activities, homework, etc., or when accompanied by implied or overt threats concerning the target's school evaluations, other benefits or detriments;
3. unwelcome or offensive public sexual display of affection, including kissing, hugging, making out, groping, fondling, petting, inappropriate touching of one's self or others (e.g., pinching, patting, grabbing, poking), sexually suggestive dancing, and massages;
4. any unwelcome communication that is sexually suggestive, sexually degrading or derogatory or implies sexual motives or intentions, such as sexual remarks or innuendoes about an individual's clothing, appearance or activities; sexual jokes; sexual gestures; public conversations about sexual activities or exploits; sexual rumors and "ratings lists;" howling, catcalls, and whistles; sexually graphic computer files, messages or games, etc.;
5. unwelcome and offensive name calling or profanity that is sexually suggestive or explicit, sexually degrading or derogatory, implies sexual intentions, or that is based on sexual stereotypes or sexual orientation, gender identity or expression;
6. unwelcome physical contact or closeness that is sexually suggestive, sexually degrading or derogatory, or sexually intimidating such as the unwelcome touching of another's body parts, cornering or blocking an individual, standing too close, spanking, pinching, following, stalking, frontal body hugs, etc.;
7. unwelcome and sexually offensive physical pranks or touching of an individual's clothing, such as hazing and initiation, "streaking" (running naked in public), "mooning" (exposing one's buttocks), "snuggies" or "wedgies" (pulling underwear up at the waist so it goes in between the buttocks), bra-snapping, skirt "flip-ups," "pantsing" or "spiking" (pulling down someone's pants or swimming suit); pinching; placing hands inside an individual's pants, shirt, blouse, or dress, etc.;
8. unwelcome leers, stares, gestures, or slang that are sexually suggestive; sexually degrading or derogatory or imply sexual motives or intentions;
9. clothing with sexually obscene or sexually explicit slogans or messages;
10. unwelcome and offensive skits, assemblies, and productions that are sexually suggestive, sexually degrading or derogatory, or that imply sexual motives or intentions, or that are based on sexual stereotypes;
11. unwelcome written or pictorial display or distribution (including via electronic devices) of pornographic or other sexually explicit materials such as signs, graffiti, calendars, objects, magazines, videos, films, Internet material, etc.;
12. other hostile actions taken against an individual because of that person's actual or perceived sex, sexual orientation, gender identity or expression, such as interfering with, destroying or damaging a person's school area or equipment; sabotaging that person's school activities; bullying, yelling, or name calling; or otherwise interfering with that person's ability to participate in school functions and activities; and
13. any unwelcome behavior based on sexual stereotypes and attitudes that is offensive, degrading, derogatory, intimidating, or demeaning, including, but not limited to:
 - a. disparaging remarks, slurs, jokes about or aggression toward an individual because the person displays mannerisms or a style of dress inconsistent with stereotypical characteristics of the person's sex;
 - b. ostracizing or refusing to participate in group activities with an individual (for example, during class projects, physical education classes or field trips) because of the individual's actual or perceived sex, sexual orientation, and/or gender identity or expression;
 - c. taunting or teasing an individual because they are participating in an activity not typically associated with the individual's actual or perceived sex, sexual orientation, or gender.

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

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

Determining if Prohibited Conduct is Sexual Harassment

Complaints of sexual harassment will be thoroughly investigated to determine whether the totality of the behavior and circumstances meet any of the elements of the above definition of sexual harassment and should therefore be treated as sexual harassment. Not all unacceptable conduct with sexual connotations may constitute sexual harassment. In many cases (other than quid pro quo situations where the alleged harasser offers academic rewards or threatens punishment as an inducement for sexual favors), unacceptable behavior

must be sufficiently severe, pervasive and objectively offensive to be considered sexual harassment. If the behavior doesn't rise to the level of sexual harassment, but is found to be objectionable behavior, the individual will be educated and counseled in order to prevent the behavior from continuing.

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

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

Reporting Complaints

Students who believe they been the target of sexual harassment related to the school setting are encouraged to report complaints as soon as possible after the incident in order to enable the district to promptly and effectively investigate and resolve the complaint. Any person who witnesses or is aware of sexual harassment of a student is also encouraged to report the incident or behavior to the district. Targets are encouraged to submit the complaint in writing; however, complaints may be filed verbally.

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

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

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

Confidentiality

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

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

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

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

Investigation and Resolution Procedure

A. Initial (Building-level) Procedure

The Principal or the Title IX coordinator will conduct a preliminary review when they receive a verbal or written complaint of sexual harassment, or if they observe sexual harassment. Except in the case of severe or criminal conduct, the Principal or the Title IX coordinator should make all reasonable efforts to resolve complaints informally at the school level. The goal of informal investigation and resolution procedures is to end the harassment and obtain a prompt and equitable resolution to a complaint. All persons involved in an investigation (complainants, witnesses and alleged harassers) will be accorded due process to protect their rights to a fair and impartial investigation. This investigation shall be prompt and thorough, and shall be completed as soon as possible.

Immediately, but no later than two working days following receipt of a complaint, the Principal or Title IX coordinator shall begin an investigation of the complaint according to the following steps:

1. Interview the target and document the conversation. Instruct the target to have no contact or communication regarding the complaint with the alleged harasser. Ask the target specifically what action they want taken in order to resolve the complaint. Refer the target, as appropriate, to school social workers, school psychologists, crisis team managers, other school staff, or appropriate outside agencies for counseling services.
2. Review any written documentation of the harassment prepared by the target. If the target has not prepared written documentation, ask the target to do so, providing alternative formats for individuals with disabilities and young children, who have difficulty writing and need accommodation. If the complainant refuses to complete a complaint form or written documentation, the Principal or Title IX coordinator shall complete a complaint form (see exhibit 0115-E, Student Bullying and Harassment Complaint Form) based on the verbal report.
3. Request, review, obtain and preserve relevant evidence of harassment (e.g., documents, emails, phone records, etc.), if any exist.
4. Interview the alleged harasser regarding the complaint and inform the alleged harasser that if the objectionable conduct has occurred, it must cease immediately. Document the conversation. Provide the alleged harasser an opportunity to respond to the charges in writing.
5. Instruct the alleged harasser to have no contact or communication regarding the complaint with the target and to not retaliate against the target. Warn the alleged harasser that if they make such contact with or retaliate against the target, they will be subject to immediate disciplinary action.
6. Interview any witnesses to the complaint. Where appropriate, obtain a written statement from each witness. Caution each witness to keep the complaint and their statement confidential. Employees may be required to cooperate as needed in investigations of suspected sexual harassment.
7. Review all documentation and information relevant to the complaint.
8. Where appropriate, suggest mediation as a potential means of resolving the complaint. In addition to mediation, use appropriate informal methods to resolve the complaint, including but not limited to:
 - a. discussion with the accused, informing them of the district's policies and indicating that the behavior must stop;
 - b. suggesting counseling and/or sensitivity training;
 - c. conducting training for the department or school in which the behavior occurred, calling attention to the consequences of engaging in such behavior;
 - d. requesting a letter of apology to the complainant;

- e. writing letters of caution or reprimand; and/or
- f. separating the parties.

9. Involvement and Notification

- a. Parents/guardians of student targets and accused students will be notified within one school day of allegations that are serious or involve repeated conduct.
- b. The parents/guardians of students who file complaints are welcome to participate at each stage of both informal and formal investigation and resolution procedures.
- c. If either the target or the accused is a student receiving special education services under an IEP or section 504/Americans with Disabilities Act accommodations, the committee on special education will be consulted to determine the degree to which the student's disability either caused or is affected by the discrimination or policy violation. In addition, due process procedures required for persons with disabilities under state and federal law will be followed.

10.

- d. The Principal or Title IX Coordinator (i.e., the investigator) will submit a copy of all investigation and interview documentation to the Superintendent.
- e. The investigator will report back to both the target and the accused, notifying them in writing, and also in person as appropriate, regarding the outcome of the investigation and the action taken to resolve the complaint. The investigator will instruct the target to report immediately if the objectionable behavior occurs again or if the alleged harasser retaliates against them.
- f. The investigator will notify the target that if they desire further investigation and action, they may request a district level investigation by contacting the Superintendent of Schools. The investigator will also notify the target of their right to contact the New York State Division of Human Rights, the U.S. Department of Education's Office for Civil Rights, and/or a private attorney.

11. Create a written documentation of the investigation, kept in a secure and confidential location, containing:

- g. A list of all documentation and other evidence reviewed, along with a detailed summary;
- h. A list of names of those interviewed along with a detailed summary of their statements;
- i. A timeline of events;
- j. A summary of prior relevant incidents, reported or unreported; and
- k. The final resolution of the complaint, together with any corrective action(s).

If the initial investigation results in a determination that sexual harassment did occur, the investigator will promptly notify the Superintendent, who will then take prompt disciplinary action in accordance with district policy, the applicable collective bargaining agreement or state law.

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

Any party who is not satisfied with the outcome of the initial investigation by the Principal or the Title IX coordinator may request a district-level investigation by submitting a written complaint to the Superintendent within 30 days.

B. District-level Procedure

The Superintendent will promptly investigate and resolve all sexual harassment complaints that are referred by a Principal or Title IX coordinator, as well as those appealed to the Superintendent following an initial investigation by a Principal or Title IX coordinator. In the event the complaint of sexual harassment involves the Superintendent, the complaint will be filed with or referred to the Board President, who will refer the complaint to a trained investigator not employed by the district for investigation.

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

In conducting the formal district level investigation, the district will use investigators who have received formal training in sexual harassment investigation or that have previous experience investigating sexual harassment complaints.

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

No later than 30 days following receipt of the complaint, the Superintendent (or in cases involving the Superintendent, the Board-appointed investigator) will notify the target and alleged harasser, in writing, of the outcome of the investigation. If additional time is needed to complete the investigation or take appropriate action, the Superintendent or Board-appointed investigator will provide all parties with a written status report within 30 days following receipt of the complaint.

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

External Remedies

In addition, targets have the right to register sexual harassment complaints with the U.S. Department of Education's Office for Civil Rights (OCR) and the New York State Division of Human Rights (DHR). The OCR can be contacted at (800) 421-3481, 400 Maryland Avenue SW, Washington, DC 20202-1100, or at <https://www2.ed.gov/about/offices/list/ocr/docs/howto.html>. The DHR can be contacted at (888) 392-3644, www.dhr.ny.gov/complaint, or at 1 Fordham Plaza, Fourth Floor, Bronx, NY 10458.

Nothing in these regulations limits the right of the complainant to file a lawsuit in either state or federal court, or to contact law enforcement officials if the sexual harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, or other acts which may constitute a crime.

Retaliation Prohibited

Any act of retaliation against any person who opposes sexually harassing behavior, or who has filed a complaint in good faith, is prohibited and illegal, and therefore subject to disciplinary action. Likewise, retaliation against any person who has, in good faith, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing of a sexual harassment complaint is prohibited. For purposes of this policy, retaliation includes but is not limited to: verbal or physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls, discipline, discrimination, demotion, denial of privileges, any action that would keep a person from coming forward to make or support a sexual harassment claim, and any other form of harassment. Such actions need not be job- or education-related, or occur in the workplace or educational environment, to constitute unlawful retaliation. Any person who retaliates is subject to immediate disciplinary action, up to and including suspension or termination.

Discipline/Penalties and Consequences

Any individual who violates the sexual harassment policy by engaging in prohibited sexual harassment will be subject to appropriate disciplinary and/or remedial action. Measures available to school authorities include, but are not limited to the following:

Students: Discipline may range from a reprimand up to and including suspension from school, to be imposed consistent with the student conduct and discipline policy and applicable law.

Employees: Discipline may range from a warning up to and including termination, to be imposed consistent with all applicable contractual and statutory rights.

Volunteers: Penalties may range from a warning up to and including loss of volunteer assignment.

“Non-employees” (i.e., contractors, subcontractors, vendors, consultant and other persons providing services pursuant to a contract, or their employees): Penalties may range from a warning up to and including loss of district business.

Other individuals: Penalties may range from a warning up to and including denial of future access to school property.

False Complaints

False or malicious complaints of sexual harassment may result in corrective or disciplinary action taken against the complainant.

Training

All students and employees will be informed of this policy and regulation in student and employee handbooks, on the district website and student registration materials. A poster summarizing the policy will also be posted in a prominent location at each school. All secondary school student body officers will receive district training about the policy at the beginning of each school year.

In addition, age-appropriate curricular materials will be made available so that it can be incorporated in instruction K-12 to ensure that all students are educated to recognize and report sexual harassment, and on appropriate and inappropriate behavior.

Building Principals are responsible for informing students and staff on a yearly basis of the terms of this policy, including the procedures established for investigation and resolution of complaints, general issues surrounding sexual harassment, the rights and responsibilities of students and employees, and the impact of sexual harassment on the target.

Students

SUBJECT: BULLYING: PEER ABUSE IN THE SCHOOLS

The Board of Education is committed to providing a safe and productive learning environment within its schools. Bullying of a student by another student is strictly prohibited on school property, in school buildings, on school buses, and at school sponsored events and/or activities whether occurring on or off campus. The Board of Education shall require the prohibition of bullying - along with the range of possible intervention activities and/or sanctions for such misconduct - to be included in the *District Code of Conduct* for all grade levels.

For purposes of this policy, the term "bullying" among children is defined, in general, as: "a variety of negative acts carried out repeatedly over time. It involves a real or perceived imbalance of power, with a more powerful child or group attacking those who are less powerful." Bullying can take three forms:

- a) Physical (including, but not limited to, hitting, kicking, spitting, pushing, taking personal belongings);
- b) Verbal (including, but not limited to, taunting, malicious teasing, name calling, making threats); and
- c) Psychological (including, but not limited to, spreading rumors; manipulating social relationships; or engaging in social exclusion, extortion, or intimidation).

Although this Policy focuses on the bullying of a student by another student, it should be noted that bullying against any individual is strictly prohibited. This includes bullying of staff members against students, students against staff members, staff members against other staff members, and bullying by or against any parents, persons in parental relation, volunteers, visitors or vendors who may be on school property or at school sponsored events as defined above.

Engages in Cyberbullying Behavior

As with other forms of bullying, cyberbullying is an attempt to display power and control over someone perceived as weaker. Cyberbullying involving District students may occur both on campus and off school grounds and may involve student use of the District Internet system or student use of personal digital devices while at school, such as cell phones, digital cameras, and personal computers to engage in bullying.

Cyberbullying includes, but is not limited to, the following misuses of technology: harassing, teasing, intimidating, threatening, or terrorizing another student or staff member by way of any technological tool, such as sending or posting inappropriate or derogatory e-mail messages, instant messages, text messages, digital pictures or images, or Web site postings (including blogs).

Cyberbullying has the effect of:

- a) Physically, emotionally or mentally harming a student;

(Continued)

Students

SUBJECT: BULLYING: PEER ABUSE IN THE SCHOOLS (Cont'd.)

- b) Placing a student in reasonable fear of physical, emotional or mental harm;
- c) Placing a student in reasonable fear of damage to or loss of personal property; and
- d) Creating an intimidating or hostile environment that substantially interferes with a student's educational opportunities.

Also, cyberbullying that occurs off-campus, that causes or threatens to cause a material or substantial disruption in the school, could allow school officials to apply the "*Tinker* standard" where a student's off-campus "speech" may be subject to formal discipline by school officials when it is determined that the off-campus speech did cause a substantial disruption or threat thereof within the school setting [*Tinker v. Des Moines Indep. Sch. Dist.* 393 U.S. 503 (1969)]. Such conduct could also be subject to appropriate disciplinary action in accordance with the *District Code of Conduct* and possible referral to local law enforcement authorities.

Reports of Allegations of Bullying/Cyberbullying Behavior

Any student who believes that he/she is being subjected to bullying/cyberbullying behavior, as well as any other person who has knowledge of or witnesses any possible occurrence of bullying, shall report the bullying to any staff member or the Building Principal. The staff member/Building Principal to whom the report is made (or the staff member/Building Principal who witnesses bullying behavior) shall promptly, thoroughly and equitably investigate the complaint and take appropriate action to include, as necessary, referral to the next level of supervisory authority and/or other official designated by the District to investigate allegations of bullying. Investigation of allegations of bullying shall follow the procedures utilized for complaints of harassment within the School District. Allegations of bullying shall be promptly and equitably investigated and will be treated as confidential and private to the extent possible within legal constraints.

Prevention and Intervention

Personnel at all levels are responsible for taking corrective action to prevent bullying behavior of which they have been made aware at School District sites or activities and/or reporting such behavior to their immediate supervisor. Further, staff training shall be provided to raise awareness of the problem of bullying within the schools and to facilitate staff identification of and response to such bullying behavior among students.

Prevention and intervention techniques within the District to prevent against bullying behavior and to support and protect victims shall include building-level and classroom-level strategies and activities as determined by administration. Individual intervention will be provided by appropriate staff members to bullies, victims and their parents to help ensure that the bullying stops.

(Continued)

Students

SUBJECT: BULLYING: PEER ABUSE IN THE SCHOOLS (Cont'd.)

Rules against bullying shall be publicized District-wide and shall be disseminated as appropriate to staff, students and parents.

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

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of bullying. Follow-up inquiries and/or appropriate monitoring of the alleged bully and victim shall be made to ensure that bullying behavior has not resumed and that all those involved in the investigation of allegations of bullying have not suffered retaliation.

Civil Service Law Section 75-B

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property
#3420 -- Anti-Harassment in the School District
#7551 -- Sexual Harassment of Students
#7553 -- Hazing of Students
District Code of Conduct

Adoption Date: 12/21/2009
Revised Date: 11/21/2011

Students

SUBJECT: HAZING OF STUDENTS

The Board of Education is committed to providing a safe, productive and positive learning environment within its schools. Hazing activities are demeaning, abusive and/or illegal behaviors that harm victims, and are inconsistent with the educational goals of the District by negatively impacting the school environment. Hazing of a student by another student or group of students is strictly prohibited on school property; in school buildings; on school buses; by school sponsored groups, clubs or teams; and at school sponsored events and/or activities whether occurring on or off-campus. Hazing of a student refers to soliciting, encouraging, aiding, or engaging in "hazing" behavior as defined pursuant to District policy, regulation and/or law. The Board of Education shall require the prohibition of hazing - along with the range of possible intervention activities and/or sanctions for such misconduct - to be included in the *District Code of Conduct* for all grade levels.

For purposes of this policy, the term "*hazing among students is defined as any humiliating or dangerous activity expected of a student to join a group, regardless of their willingness to participate.*" Hazing behaviors include, but are not limited to, the following general categories:

- a) Humiliation: socially offensive, isolating or uncooperative behaviors.
- b) Substance abuse: abuse of tobacco, alcohol or illegal drugs.
- c) Dangerous hazing: hurtful, aggressive, destructive, and disruptive behaviors.

Incorporated within this definition are various forms of physical, emotional and/or sexual abuse which may range in severity from teasing/embarrassing activities to life threatening actions.

Even if the hazing victim participated "willingly" in the activity, or there was no "intent" by the hazer to harm or injure another individual, hazing is still hazing and against District policy, the *District Code of Conduct* and may be in violation of New York State Law. However, hazing of students does not need to rise to the level of criminal activity for such conduct to be in violation of District rules and subject to appropriate disciplinary sanctions. Any hazing activity, whether by an individual or a group, shall be presumed a forced activity and in violation of Board policy, regardless of the "willingness" of the student to participate.

Any student who believes that he/she is being subjected to hazing behavior, as well as students, school employees or third parties who have knowledge of or witness any possible occurrence of hazing, shall report the incident to any staff member or the building principal. Anonymous student complaints of hazing behavior will also be investigated by the District. The staff member/building principal to whom the report is made (or the staff member/building principal who witnesses hazing behavior) shall investigate the complaint/incident and take appropriate action to include, as necessary, referral to the next level of supervisory authority and/or other official designated by the District to investigate allegations of hazing. Investigations of allegations of hazing shall follow the procedures utilized for complaints of harassment within the School District. Allegations of hazing shall be promptly investigated and will be treated as confidential and private to the extent possible within legal constraints.

(Continued)

SUBJECT: HAZING OF STUDENTS (Cont'd.)**Prohibition of Retaliation**

The Board of Education prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of hazing. Follow-up inquiries and/or appropriate monitoring of the alleged hazer(s) and victim(s) shall be made to ensure that hazing behavior has not resumed and that all those involved in the investigation of allegations of hazing have not suffered retaliation. Any act of retaliation is subject to appropriate disciplinary action by the District.

Knowingly Makes False Accusations

Students who *knowingly* make false accusations against another individual as to allegations of hazing may also face appropriate disciplinary action.

District Responsibility/Training

Personnel at all levels are responsible for taking corrective action to prevent hazing behavior of which they have been made aware at School District sites; by school sponsored groups, clubs or teams; and at school sponsored events and/or activities whether occurring on or off-campus. Further, as may be applicable, personnel are to report such hazing behavior to their immediate supervisor. Staff training shall be provided to raise awareness of the problem of hazing within the schools and to facilitate staff identification of, and response to, such hazing behavior among students.

Prevention and intervention techniques within the District to help prevent hazing behavior and to support and protect victims shall include building-level and classroom-level strategies and activities as determined by administration. Individual intervention will be provided by appropriate staff members to hazers, victims and their parents to help ensure that the hazing stops.

Rules against hazing shall be publicized District-wide and shall be disseminated as appropriate to staff, students and parents. Disciplinary sanctions for violation of this policy shall be outlined in the *District Code of Conduct* and may also be incorporated in staff and student handbooks. In addition, allegations of hazing behavior may result in referral to law enforcement officials as necessary.

New York State Penal Law Sections 120.16 and 120.17

Education Law Sections 1709-a, 2503-a, 2554-a and 2801

8 New York Code of Rules and Regulations (NYCRR)

Section 100.2(1)(2)

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property
#3420 -- Anti-Harassment in the School District

#7551 -- Sexual Harassment of Students
#7552 -- Bullying: Peer Abuse in the Schools
District Code of Conduct

Adopted: 7/30/07

7554 DIGNITY FOR ALL STUDENTS - STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION

The Board of Education is committed to providing an educational and working environment that promotes respect, dignity and equality. The Board recognizes that discrimination, such as harassment, hazing and bullying, are detrimental to student learning and achievement. These behaviors interfere with the mission of the district to educate its students and disrupt the operation of the schools. Such behavior affects not only the students who are its targets but also those individuals who participate and witness such acts.

To this end, the Board condemns and strictly prohibits all forms of discrimination, such as harassment, hazing and bullying on school grounds, school buses and at all school-sponsored activities, programs and events.

Discrimination, harassment, hazing or bullying that takes place at locations outside of school grounds which can be reasonably expected to materially and substantially interfere with the requirements of appropriate discipline in the operation of the school or impinge on the rights of other students are prohibited, and may be subject to disciplinary consequences.

Definitions

Bullying

Bullying is understood to be a hostile activity which harms or induces fear through the threat of further aggression and/or creates terror. In order to facilitate implementation of this policy, provide meaningful guidance and prevent behaviors from rising to a violation of law, this policy will use the term bullying (which is usually subsumed under the term "harassment") to describe a range of misbehaviors such as harassment, hazing, intimidation or discrimination. The accompanying regulation provides more guidance regarding the definition and characteristics of bullying.

Discrimination

Discrimination is the act of denying rights, benefits, justice, equitable treatment or access to facilities available to all others, to an individual or group of people because of the group, class or category to which that person belongs (as enumerated in the *Definitions* section, under Harassment, below).

Hazing

Hazing is an induction, initiation or membership process involving harassment which produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur.

Harassment

Harassment has been defined in various ways in federal and state law and regulation. The Board recognizes that these definitions are important standards, but the Board's goal is to prevent misbehavior from escalating in order to promote a positive school environment and to limit liability. The Dignity for All Students Act (§§10-18 of Education Law) defines harassment as the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety. The harassing behavior may be based on any characteristic, including but not limited to a person's actual or perceived:

- race,
- color,
- weight,
- national origin,
- ethnic group,
- religion,
- religious practice,
- disability,
- sex,
- sexual orientation, or
- gender (including gender identity and expression).

In some instances, bullying or harassment may constitute a violation of an individual's civil rights. The district is mindful of its responsibilities under the law and in accordance with district policy regarding civil rights protections.

Prevention

The school setting provides an opportunity to teach children, and emphasize among staff, that cooperation with and respect for others is a key district value. A program geared to prevention is designed to not only decrease incidents of bullying but to help students build more supportive relationships with one another by integrating the bullying prevention program into classroom instruction. Staff members and students will be sensitized, through district-wide professional development and instruction, to the warning signs of bullying, as well as to their responsibility to become actively involved in the prevention of bullying before overt acts occur.

Curricular material that raises awareness and sensitivity to discrimination or harassment and civility in the relationships of people of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, sexes or gender expression or identities will be included in the instructional program K-12.

In order to implement this program the Board will designate at its annual organizational meeting a ***Dignity Act Coordinator***. The role of the **DAC** is to coordinate and enforce this policy. In addition, the Superintendent will establish a district-wide ***Task Force on Bullying Prevention***, as well as ***Bullying Prevention Coordinating Committees*** in each school that will be overseen by the **DAC**. Committees will include representation from staff,

administration, students and parents. The district-wide task force and the school-level committee will assist the administration in developing and implementing specific prevention initiatives, including early identification of bullying and other strategies. In addition, the program will include reporting, investigating, remedying and tracking allegations of bullying. The accompanying regulation provides more detail on the specific programs and strategies implemented by the district.

Intervention

Intervention by adults and bystanders is an important step in preventing escalation and resolving issues at the earliest stages. Intervention will emphasize education and skill-building.

Successful intervention may involve remediation. Remedial responses to bullying and harassment include measures designed to correct the problem behavior, prevent another occurrence of the behavior and protect the target. Remediation may be targeted to the individual(s) involved in the bullying behavior or environmental approaches which are targeted to the school or district as a whole.

In addition, intervention will focus upon the safety of the target. Staff is expected, when aware of bullying, to either refer the student to designated resources for assistance, or to intervene in accordance with this policy and regulation.

Provisions for students who do not feel safe at school

The Board acknowledges that, notwithstanding actions taken by district staff, intervention may require a specific coordinated approach if the child does not feel safe at school. Students who do not feel safe at school are limited in their capacity to learn and reach their academic potential. Staff, when aware of bullying, should determine if accommodations are needed in order to help ensure the safety of the student and bring this to the attention of the building principal. The building principal, other appropriate staff, the student and the student's parent will work together to define and implement any needed accommodations.

The district recognizes that there is a need to balance accommodations which enhance student safety against the potential to further stigmatize the targeted student. Therefore, each case will be handled individually. The student, parent/guardian, and school administration will collaborate to establish safety provisions that best meet the needs of the targeted student. Follow-up discussion and/or meetings will be scheduled, as needed, to ensure that safety concerns have been adequately addressed and to determine when and if accommodations need to be changed or discontinued.

Training

The Board recognizes that in order to implement an effective bullying prevention and intervention program, professional development is needed. The Superintendent, the DAC and the District Professional Development Team will incorporate training to support this program in new teacher orientation and the annual professional development plan, as needed. Training opportunities will be provided for all staff, including but not limited to bus drivers,

cafeteria and hall monitors and all staff who have contact with students. The DAC will be trained in accordance with state requirements and will continue their professional development so as to successfully support this policy and program.

Reporting and Investigation

Although it can be difficult to step forward, the district can't effectively address bullying if incidents are not reported. Students who have been bullied, parents whose children have been bullied or other students or staff who observe bullying behavior are encouraged and expected to make a verbal and/or written complaint to any school personnel in accordance with the training and guidelines provided. At all times, complaints will be documented, tracked and handled in accordance with the regulations and procedures accompanying this policy, or, if applicable, 6120 Equal Opportunity and Nondiscrimination, or 6121 Sexual Harassment and the district's Code of Conduct. If a staff person is unsure of the reporting procedure, he/she is expected to inquire about how to proceed by speaking with their supervisor. Incidents will be included in the Violent and Disruptive Incident Reporting (VADIR) system when applicable.

There shall be a duty for all school personnel to report any incidents of student-to-student and staff-to-student bullying that they observe to their building principal or other administrator who supervises their employment. In addition, there shall be a further duty for all school personnel to report any incidents of student-to-student and staff-to-student bullying of which they are made aware by students to their building principals or other administrator who supervises their employment. Supervisors will refer the information to appropriate district staff for investigation as designated in regulation. A district employee may be deemed to have permitted unlawful discrimination or harassment if he/she fails to report an observed incident, whether or not the target complains.

The results of the investigation shall be reported back to both the target and the accused in accordance with the accompanying regulation. If either of the parties disagrees with the results of the investigation, they can appeal the findings in accordance with the regulations that accompany this policy.

Disciplinary Consequences/Remediation

While the focus of this policy is on prevention, bullying acts may still occur. In these cases, offenders will be given the clear message that their actions are wrong and the behavior must improve. Student offenders will receive in-school guidance in making positive choices in their relationships with others. If appropriate, disciplinary action will be taken by the administration in accordance with the district's Code of Conduct, as applicable. If the behavior rises to the level of criminal activity, law enforcement will be contacted.

Consequences for a student who commits an act of bullying shall be unique to the individual incident and will vary in method and severity according to the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors, and must be consistent with the district's Code of Conduct.

Non-Retaliation

All complainants and those who participate in the investigation of a complaint in conformity with state law and district policies, who have acted reasonably and in good faith, have the right to be free from retaliation of any kind.

Dissemination, Monitoring, Review, and Reporting

This policy, or a plain language summary, shall be published in student registration materials, student, parent and employee handbooks, and posted on the district's website. A bullying complaint form will be available on the district's website. The district will ensure that the process of reporting bullying is clearly explained.

Each year, as part of the annual review of the Code of Conduct, this policy will be reviewed to assess its effectiveness and compliance with state and federal law. If changes are needed, revisions will be recommended to the Board for its consideration.

The Board will receive the annual VADIR report, for each building and for the district as whole, with particular attention to the trends in the incidence of bullying. In addition, the Board will receive on an annual basis a more detailed report of the number of bullying incidents that occur, disaggregated by school, student demographic information and type of incident. Based on the review of the data, the Board may consider further action, including but not limited to modification of this policy and additional training.

The district will ensure that reporting of information to the public will be in a manner that complies with student privacy rights under the Family Educational Rights and Privacy Act (FERPA).

Ref: Dignity for All Students Act, Education Law, §10 – 18
Americans with Disabilities Act, 42 U.S.C. §12101 *et seq.*
Title VI, Civil Rights Act of 1964, 42 U.S.C. §2000d *et seq.*
Title VII, Civil Rights Act of 1964, 42 U.S.C. §2000e *et seq.*; 34 CFR §100 *et seq.*
Title IX, Education Amendments of 1972, 20 U.S.C. §1681 *et seq.*
§504, Rehabilitation Act of 1973, 29 U.S.C. §794
Individuals with Disabilities Education Law, 20 U.S.C §§1400 *et seq.*
Executive Law §290 *et seq.* (New York State Human Rights Law)
Education Law §§313(3), 3201, 3201-a

Tinker v. DesMoines Independent Community School Dist., 393 US 503, (1969) *Davis v.*

Monroe County Board of Education, 526 U.S. 629 (1999)

Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998)

Faragher v. City of Boca Raton, 524 U.S. 775 (1998)

Burlington Industries v. Ellerth, 524 U.S. 742 (1998)

Oncale v. Sundowner Offshore Services, Inc., 523 U.S. 75 (1998)

Franklin v. Gwinnett County Public Schools, 503 U.S. 60 (1992)

Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986)

Adoption date: 6/18/12

Revised date: 2/25/2013

Regulation 7554-R

STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION REGULATION

The Board condemns and strictly prohibits all forms of discrimination, such as harassment, hazing, intimidation and bullying on school grounds, school buses and at all school-sponsored activities, programs and events.

Definitions

Bullying

In order to facilitate implementation, provide meaningful guidance and prevent behaviors from rising to a violation of law, this policy will use the term bullying (which is usually subsumed under the term “harassment”), which is understood to be a hostile activity which harms or induces fear through the threat of further aggression and/or creates terror. Bullying may be premeditated or a sudden activity. It may be subtle or easy to identify, done by one person or a group. Bullying often includes the following characteristics:

1. Power imbalance - occurs when a bully uses his/her physical or social power over a target.
2. Intent to harm - the bully seeks to inflict physical or emotional harm and/or takes pleasure in this activity.
3. Threat of further aggression - the bully and the target believe the bullying will continue.
4. Terror - when any bullying increases, it becomes a “systematic violence or harassment used to intimidate and maintain dominance.”

(Barbara Coloroso, *The Bully, The Bullied*

& *The Bystander*, 2003)

There are at least three kinds of bullying: verbal, physical and social/relational.

- Verbal bullying includes name calling, insulting remarks, verbal teasing, frightening phone calls, violent threats, extortion, taunting, gossip, spreading rumors, racist slurs, threatening electronic communications (“cyberbullying”), anonymous notes, etc.
- Physical bullying includes poking, slapping, hitting, tripping or causing a fall, choking, kicking, punching, biting, pinching, scratching, spitting, twisting arms or legs, damaging clothes and personal property, or threatening gestures.
- Social or relational bullying includes excluding someone from a group, isolating, shunning, spreading rumors or gossiping, arranging public humiliation, undermining relationships, teasing about clothing, looks, giving dirty looks, aggressive stares, etc.

The New York State Education Department provides further guidance on bullying and cyberbullying prevention on the following website:
http://www.p12.nysed.gov/technology/internet_safety/documents/cyberbullying.html

Discrimination

Discrimination is the act of denying rights, benefits, justice, equitable treatment or access to facilities available to all others, to an individual or group of people because of the group, class or category to which that person belongs (as listed under *Harassment* as defined below).

Harassment

Harassment has been defined in various ways in federal and state law (including the penal law) and regulation. The Board recognizes that these definitions are important standards, but the Board's goal is to prevent behaviors from escalating to violations of law and, instead, to promote a positive school environment and limit liability. The Dignity for All Students Act (§§10-18 of Education Law) defines harassment as the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety. The harassing behavior may be based on any characteristic, including but not limited to a person's actual or perceived:

- race,
- color,
- weight,
- national origin,
- ethnic group,
- religion,
- religious practice,
- disability,
- sex,
- sexual orientation, or
- gender (including gender identity and expression).
- Gender identity is one's self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth.

- Gender expression is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice or mannerisms.

Hazing

Hazing is an induction, initiation or membership process involving harassment which produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur.

Prevention

Prevention is the cornerstone of the district's effort to address bullying and harassment. The components of such an effort involve the following:

STUDENTS

Page 8 of 16

- Following the principles and practices of “*Educating the Whole Child Engaging the Whole School: Guidelines and Resources for Social and Emotional Development and Learning (SEDL) in New York State* – Adopted by the Board of Regents July 18, 2011.” District curriculum will emphasize developing empathy, tolerance and respect for others.
- Learning about and identifying the early warning signs and precursor behaviors that may lead to bullying.
- Gathering information about bullying at school directly from students (through surveys and other mechanisms); analyzing and using the data
- gathered to assist in decision-making about programming and resource allocation.
- Establishing clear school wide and classroom rules about bullying consistent with the district’s code of conduct.
- Training adults in the school community to respond sensitively and consistently to bullying.
- Raising awareness among adults, through training, of the school experiences of marginalized student populations (as enumerated in the *Definitions* section above), social stigma in the school environment, gender norms in the school environment, and strategies for disrupting bullying, intimidation, harassment or other forms of violence.
- Providing adequate supervision, particularly in less structured areas such as in the hallways, cafeteria, school bus and playground.
- Raising parental awareness and involvement in the prevention program and in addressing problems.
- Using educational opportunities or curriculum, including, if applicable, the Individual Educational Program (IEP), to address the underlying causes and impact of bullying.

Role of the Building Principal/Bullying Prevention Coordinator (BPC)

The Board of Education will annually designate a staff member, who has been thoroughly trained in human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression), and sex, as the Building Principal/Bullying Prevention Coordinator (BPC), accountable for implementation of this policy. The BPC will be responsible for coordinating and enforcing this policy and regulation in each school building, including but not limited to coordination of:

- the work of the building-level committees;
- professional development for staff members and,
- the complaint process, and
- management of the Dignity Act’s civility curriculum components.

Reporting and Investigation

In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all targets and persons with knowledge of bullying report such behavior immediately to the principal, the principal’s designee as soon as possible after the incident so that it may be effectively investigated and resolved. The district will also make a bullying complaint form available on its website to facilitate reporting. The district will collect relevant data from written and verbal complaints to allow reporting to the Board on an annual basis.

HLCS POLICY

2012

#7554 - R

STUDENTS

Page 9 of 16

The district will promptly and equitably investigate all complaints, formal or informal, verbal or written. To the extent possible, all complaints will be treated in a confidential manner, although limited disclosure may be necessary to complete a thorough investigation.

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

If, after appropriate investigation, the district finds that a student, an employee or a third party has violated this policy, prompt corrective and possibly disciplinary action will be taken in accordance with the code of conduct, applicable collective bargaining agreement, district policy and state law. If the reported behavior constitutes a civil rights violation, the complaint procedure associated with that policy will be followed, as applicable. If either of the parties disagrees with the findings of the initial investigation, an appeal may be made to the Superintendent in accordance with the process described below.

Confidentiality

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

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

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

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

Investigation and Resolution Procedure

A. Initial (Building-level) Procedure

Whenever a complaint of bullying is received whether verbal or written, it will be subject to a preliminary review and investigation. Except in the case of severe or criminal conduct, the principal, the principal's designee shall make all reasonable efforts to resolve complaints informally at the school level. The goal of informal procedures is to end the bullying, prevent future incidents, ensure the safety of the target and obtain a prompt and equitable resolution to a complaint.

As soon as possible, but no later than *three working days* following receipt of a complaint, the principal, the principal's designee should begin an investigation of the complaint by:

- Reviewing any written documentation provided by the target(s).
- Conducting separate interviews of the target(s), alleged perpetrator(s), and witnesses, if any, and documenting the conversations.
- Providing the alleged perpetrator(s) a chance to respond and notify him/her that if objectionable behavior has occurred, it must cease immediately. The individual will be made aware of remediation opportunities as well as potential disciplinary consequences.
- Determining whether the complainant needs any accommodations to ensure his/her safety, and following up periodically until the complaint has been resolved. Accommodations may include, but are not limited to:
 - A "permanent" hall pass that allows the student to visit a designated adult at any time;
 - Access to private bathroom facilities;
 - Access to private locker room facilities;
 - An escort during passing periods;
 - If the student feels unsafe in a specific class, an opportunity for individual tutoring or independent study until the case is resolved;
 - An opportunity for independent study at home with district-provided tutor until the case is resolved;
 - Permission to use personal cell phone in the event that the student feels threatened and needs immediate access to parent or guardian;
 - Assignment of a bus monitor.

The district recognizes that there is a need to balance accommodations which enhance student safety against the potential to further stigmatize the targeted student. Therefore, each case will be handled individually, and the student, parent/guardian, and school administration will collaborate to establish safety provisions that best meet the needs of the targeted student. Follow-up discussion and/or meetings will be scheduled, as needed, to ensure that safety concerns have been adequately addressed and to determine when and if accommodations need to be changed or discontinued.

Parents of student targets and accused students should be notified within one school day of allegations that are serious or involve repeated conduct.

Where appropriate, informal methods may be used to resolve the complaint, including but not limited to:

- a. discussion with the accused, informing him or her of the district's policies and indicating that the behavior must stop;
- b. suggesting counseling, skill building activities and/or sensitivity training; conducting training for the department or school in which the behavior occurred, calling attention to the consequences of engaging in such behavior;
- d. requesting a letter of apology to the target;
- e. writing letters of caution or reprimand; and/or
- f. separating the parties.

Appropriate disciplinary action shall be recommended and imposed in accordance with district policy, the applicable collective bargaining agreement or state law. School districts should make every effort to attempt to first resolve the misconduct through non-punitive measures.

The investigator shall report back to both the target and the accused, within *one week* notifying them in writing, and also in person, as appropriate, regarding the outcome of the investigation and the action taken to resolve the complaint. The actions taken will be in conformance with the *Remediation/Discipline/Penalties* section of this regulation. The target shall report immediately if the objectionable behavior occurs again or if the alleged perpetrator retaliates against him/her.

If a complaint contains evidence or allegations of serious or extreme bullying, or a civil rights violation, the complaint shall be referred promptly to the Superintendent. The complainant will also be advised of other avenues to pursue their complaint, including contact information for state and federal authorities.

In addition, where the principal, the principal's designee has a reasonable suspicion that the alleged bullying incident involves criminal activity, he/she should immediately notify the Superintendent, who shall then contact the school attorney, appropriate child protection and, if appropriate, law enforcement authorities.

Any party who is not satisfied with the outcome of the initial investigation may request a district-level investigation by submitting a written complaint to the Superintendent within 30 days.

B. District-level Procedure

The Superintendent or his/her designee shall promptly investigate and equitably resolve all bullying complaints that are referred to him/her, as well as those appealed to the Superintendent following an initial investigation. In the event the complaint involves the Superintendent, the complaint shall be filed with or referred to the Board President, who shall refer the complaint to an appropriate independent individual for investigation.

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

HLCS POLICY

2012

#7554 - R

STUDENTS
Page 12 of 16

In conducting the formal district level investigation, the district will endeavor to use individuals who have received formal training regarding such investigations or that have previous experience investigating such complaints.

If a district level investigation results in a determination that bullying did occur, prompt corrective action will be taken to end the misbehavior in accordance with the *Remediation/Discipline/Penalties* section of this regulation.

No later than 30 days following receipt of the complaint, the Superintendent (or in cases involving the Superintendent, the Board-appointed investigator) will notify the target and alleged perpetrator, in writing, of the outcome of the investigation. If additional time is needed to complete the investigation or take appropriate action, the Superintendent or Board-appointed investigator will provide all parties with a written status report within 30 days following receipt of the complaint.

Any party who is not satisfied with the outcome of the district-level investigation may appeal to the Board of Education by submitting a written request to the Board President within 30 days.

C. Board-level Procedure

When a request for review by the Board has been made, the Superintendent shall submit all written statements and other materials concerning the case to the President of the Board.

The Board shall notify all parties concerned of the time and place when a hearing will be held. Such hearing will be held within 15 school days of the receipt of the request of the complainant.

The Board shall render a decision in writing within 15 days after the hearing has been concluded.

The district shall retain documentation associated with complaints and investigations in accordance with Schedule LGS-1.

Retaliation Prohibited

Any act of retaliation against any person who opposes bullying behavior, or who has filed a complaint, is prohibited and illegal, and therefore subject to disciplinary action. Likewise, retaliation against any person who has testified assisted, or participated in any manner in an investigation, proceeding, or hearing of a bullying complaint is prohibited. For purposes of this policy, retaliation includes but is not limited to: verbal or physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls, and any other form of harassment. Any person who retaliates is subject to immediate disciplinary action up to and including suspension or termination.

Remediation/Discipline/Penalties

Any individual who violates this policy by engaging in bullying will be subject to appropriate action, which may include disciplinary action. Remedial responses to bullying include measures designed to correct the problem behavior, prevent another occurrence of the behavior, and protect the target of the act. Appropriate remedial measures may include, but are not limited to:

- Restitution and restoration;
- Peer support group;
- Corrective instruction or other relevant learning or service experience;
- Changes in class schedule
- Supportive intervention;
- Behavioral assessment or evaluation;
- Behavioral management plan, with benchmarks that are closely monitored;
- Student counseling;
- Parent conferences; or
- Student treatment or therapy.

Environmental remediation may include, but is not limited to:

- School and community surveys or other strategies for determining the conditions contributing to the relevant behavior;
- Modification of schedules;
- Adjustment in hallway traffic and other student routes of travel;
- Targeted use of monitors;
- Parent education seminars/workshops;
- Peer support groups.

Disciplinary measures available to school authorities include, but are not limited to the following:

Students: Discipline may range from a reprimand up to and including suspension from school, to be imposed consistent with the Code of Conduct and applicable law.

Employees: Discipline may range from a warning up to and including termination, to be imposed consistent with all applicable contractual and statutory rights.

Volunteers: Penalties may range from a warning up to and including loss of volunteer assignment.

Vendors: Penalties may range from a warning up to and including loss of district business.

Other individuals: Penalties may range from a warning up to and including denial of future access to school property.

Policy Dissemination

All students and employees shall be informed of this policy in student and employee handbooks, on the district website and student registration materials. A poster summarizing the policy shall also be posted in a prominent location at each school.

All employees shall receive information about this policy and regulation at least once a year.

HLCS POLICY

2012

#7554 - R

STUDENTS

Page 14 of 16

Principals in each school shall be responsible for informing students and staff on a yearly basis of the terms of this policy, including the procedures for filing a complaint and information about the impact of bullying on the target and bystanders.

Training

Training needs in support of this bullying prevention and intervention program will be reflected in the district's annual professional development plan, new teacher orientation, in curriculum and will be considered in the budget process. The bullying prevention coordinator, administrative employees and other

staff, such as counselors or social workers who have specific responsibilities for investigating and/or resolving complaints of bullying shall receive yearly training to support implementation of this policy, regulation and on related legal developments.

HLCS POLICY

2012
#7554 - R

STUDENTS
Page 15 of 16

HARASSMENT AND/OR BULLYING COMPLAINT FORM

The purpose of this form is to inform the district of an incident or series of incidents of bullying and/or harassment so we can investigate and take appropriate steps. **If you feel unsafe, or if your child feels that way, fill out this form, but we urge you to speak directly with your building principal, Mr. Baker or Mr. Cronin or school psychologist, Mrs. Martin, by either visiting their office or calling 696-2378 x101 as soon as possible so we can address your concerns.**

Student Name: _____ Student ID: _____
Grade: _____ School: _____

Describe the incident(s). Please include when and where it happened.

List the name(s) of the individual(s) accused of bullying and/or harassment.

Were there any witnesses? ___Yes ___No If yes, please list the names of the individual(s).

I certify that all statements on this form are accurate and true to the best of my knowledge.

Signature

Date

Received by*
Date

(*Provide a signed copy to the individual submitting the form)

HLCS POLICY

2012
#7554 - R

STUDENTS
Page 16 of 16

Please attach any supporting documentation (i.e., copies of emails, notes, photos, etc.).

Return this form to: *The Building Level DAC (Building Principal) HLCS, PO BOX 200, Lake Luzerne, NY 12846*

Note on confidentiality:

In order to investigate the complaint, the district will disclose the content of the complaint only to those persons who have a need to know. This form will not be shown to the accused student(s)/staff.

Students

SUBJECT: NOTIFICATION OF SEX OFFENDERS

The Board of Education acknowledges the efforts of local law enforcement to notify the District when a person with a history of sex offenses against a child is being paroled or released into the community, in accordance with the provisions of the Sex Offender Registration Act, commonly known as Megan's Law. The purpose of this notification is to protect members of the community, particularly children, by notifying them of the presence of individuals in their midst who may present a danger. Consistent with its duty to protect students under its care, the District shall cooperate with local law enforcement agencies in this endeavor.

Any information provided by local law enforcement officials pursuant to Megan's Law shall be posted in an appropriate location in all school buildings. In addition, the Superintendent of Schools shall ensure the dissemination of any such information to all staff who might come into contact with the offender in the course of doing their jobs, including Building Principals, staff who issue visitors' passes, bus drivers, custodians, playground monitors, security personnel, and coaches. All other staff members and community residents shall be informed of the posting requirement for such information established by this policy and of the availability of the information, upon request. Community residents shall also be reminded of the security measures and personal safety instruction provided at school. All staff requests for information provided by the law enforcement agencies shall be directed to the Building Principal. Requests for information from community residents shall be directed to the District Clerk.

The Superintendent reserves the right to automatically disseminate such information to additional members of the staff, designated supervisors of non-school groups that regularly use District facilities and have children in attendance, parents/guardians of District students, and other community residents who, in the opinion of the Superintendent, have an immediate need to be notified of such data in order to protect the safety of our students.

Staff members shall inform their immediate supervisor if they observe within the school building, on school grounds, at school activities, or at or near bus routes any individual whose description matches the information which was provided to the District by local law enforcement authorities. Such law enforcement officials will be notified of this information by the District as appropriate.

Information that is disseminated to the School District pursuant to Megan's Law may be disclosed or not disclosed by the District in its discretion. Any information which the School District receives regarding a sex offender from a source other than the Sex Offender Registry, and which is maintained independent of the requirements of Megan's Law, will be available from the District, upon written request, in accordance with the requirements of the Freedom of Information Law.

The Board directs the Superintendent not to release any information that is given to him/her on a confidential basis or that the Superintendent does not believe is reliable without consulting with the District's attorney.

(Continued)

Students

SUBJECT: NOTIFICATION OF SEX OFFENDERS (Cont'd.)**Special Circumstances Whereby Sex Offenders May Enter Upon School Grounds**

As a mandatory condition of the sentence for sex offenders placed on probation or conditional discharge whose victim was under the age of eighteen (18) or who has been designated a Level 3 sex offender, the court requires that such sentenced offender refrain from knowingly entering into or upon school grounds or any other facility or institution primarily used for the care or treatment of persons under the age of 18 (eighteen) while one or more of such persons are present.

However, by exception, entrance upon the premises shall be provided to the sentenced sex offender under the following conditions subject to the written authorization of his/her parole officer and the superintendent or chief administrator of the facility for the limited purposes authorized by that person:

- a)The offender is a registered student, participant or employee of the facility;
- b) The offender is an employee of an entity contracted by the facility; or
- c)The offender has a family member enrolled in the facility.

Implementation

Administrative regulations shall be developed to implement this policy.

Correction Law Article 6-C
Executive Law 259-c(14)
Penal Law 65.10(4-a)
Public Officers Law Section 84 et seq.

Adopted: 7/30/07

Students

SUBJECT: SUPERVISION OF STUDENTS

Students working on any activity must be supervised by the teacher or staff member in charge of the activity. This applies to all in school and extracurricular activities as well as sports activities and events. Permission to hold practices or meetings must not be granted unless a teacher or staff member is definitely in charge.

- a) District personnel will be fully responsible for the supervision of all students in either their class or their after school activities.
- b) Coaches will maintain supervision over the dressing rooms by personally being present during the dressing periods. Coaches are responsible for the supervision of their athletes at the end of practice. This may entail bus duty, or making sure students have transportation home.
- c) Teachers and/or assigned school personnel in the elementary grades will be responsible for the playground supervision of all the children under their jurisdiction during the recess periods and before the regular afternoon sessions. The Principal will distribute the responsibility so that the playground situation will be properly controlled.
- d) Students are not to be sent on any type of errand away from the building without the consent of the Principal.

NOTE: Refer also to Policy #5730 -- Transportation of Students: Transportation to School Sponsored Events

Adopted: 7/30/07

Students

SUBJECT: SAFE PUBLIC SCHOOL CHOICE OPTION TO STUDENTS WHO ARE VICTIMS OF A VIOLENT CRIMINAL OFFENSE

Any District student who is a victim of a violent criminal offense, as defined pursuant to Education Law and Commissioner's Regulations, that occurred on the grounds of the District elementary or secondary school that the student attends, shall be allowed to attend a safe public school within the School District to the extent required by the federal No Child Left Behind Act (NCLB) and state law and regulations.

In accordance with Commissioner's Regulations, a "safe public school shall mean a public school that has not been designated by the Commissioner [of Education] as a persistently dangerous public elementary or secondary school."

Violent Criminal Offense

The Superintendent shall determine if the student has been the victim of a "violent criminal offense." "Violent criminal offense" means a crime that:

- a) Involves infliction of a serious physical injury upon another as defined in New York State Penal Law Section 10.00(10); or
- b) A sex offense that involves forcible compulsion; or
- c) Any other offense defined in State Penal Law Section 10.00(12) that involves the use or threatened use of a deadly weapon.

Determination Whether Student is a Victim

Procedures shall be established for determination by the Superintendent of whether a student is a victim of a violent criminal offense that occurred on school grounds of the school the student attends. The Superintendent shall, prior to making any such determination, consult with any law enforcement agency investigating the alleged violent criminal incident and consider any reports or records provided by such agency. However, a criminal conviction is not required prior to the Superintendent's determination that a student has been a victim of a violent criminal offense. The Superintendent may also consult with the school attorney prior to making such determination.

The Superintendent's determination may be appealed to the Board of Education. However, this determination will not preclude any student disciplinary proceeding brought against the alleged victim or perpetrator of such violent criminal offense.

Notice to Parents/Persons in Parental Relation

A school district that is required to provide school choice in accordance with applicable provisions of the federal No Child Left Behind Act of 2001, Education Law and Commissioner's

(Continued)

Students

SUBJECT: SAFE PUBLIC SCHOOL CHOICE OPTION TO STUDENTS WHO ARE VICTIMS OF A VIOLENT CRIMINAL OFFENSE (Cont'd.)

Regulations, shall establish procedures for notification of parents of, or persons in parental relation to, students who are victims of violent criminal offenses of their right to transfer to a safe public school within the District and procedures for such transfer. Such notice shall be, to the extent practicable, provided in the dominant language or mode of communication used by the parents or persons in parental relation to such student. The School District shall so notify the parents of, or persons in parental relation to, such student within twenty-four (24) hours of the determination that the student has been the victim of a violent criminal offense on school grounds at the school he/she attends.

Written notice shall be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of such notice within twenty-four (24) hours of such determination at the last known address or addresses of the parents/persons in parental relation to the student. 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.

However, **such notification shall not be required** where there are no other public schools within the District at the same grade level or a transfer to a safe public school within the School District is otherwise impossible. Similarly, procedures for such notification of parents/persons in parental relation to students who are victims of violent criminal offenses shall not be required where the School District has only one public school within the District or only one public school at each grade level.

Designation of Safe Public School

It shall be the responsibility of the School District, based on objective criteria, to designate a safe public school or schools within the District to which students may transfer. However, the District is not required to designate a safe public school where there are no other public schools within the District at the same grade level or transfer to a safe public school within the District is otherwise impossible. Similarly, if the District has only one public school within the School System or only one public school at each grade level, the School District shall not be required to designate a safe public school.

Any student who transfers to a safe public school, in accordance with the provisions of this policy and applicable law and regulation, shall be enrolled in the classes and other activities of the public school to which such student transfers in the same manner as all other students at the public school. The receiving school shall be identified by the District and must be at the same grade level as the school from which the student is transferring. To the extent possible the School District shall allow transferring students to transfer to a school that is making adequate yearly progress and has not been identified as requiring school improvement, corrective action, or restructuring. The District shall provide transportation for any student permitted to transfer to the safe public school within the District designated by the School System within the transportation limits established pursuant to Education

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2007

7580
3 of 3

Students

**SUBJECT: SAFE PUBLIC SCHOOL CHOICE OPTION TO STUDENTS WHO ARE
VICTIMS OF A VIOLENT CRIMINAL OFFENSE (Cont'd.)**

Law Sections 3635 and 4401(4). Any student who transfers to a safe public school shall be permitted to remain in such safe public school until the student has completed the highest grade level in the school transferred to, or for such other period prescribed by the U.S. Department of Education, whichever is less.

While the parents/persons in parental relation to the student must be offered the opportunity to transfer their child, they may elect to have the child remain at the school he/she currently attends.

Elementary and Secondary Education Act of 1965,
as amended by the No Child Left Behind Act of 2001,
Section 9532
Education Law Section 2802(7)
8 New York Code of Rules and Regulations (NYCRR)
Section 120.5

Adopted: 7/30/07

Students

SUBJECT: SPECIAL EDUCATION: DISTRICT PLAN

A District plan shall be developed describing the Special Education program in the Hadley-Luzerne Central School District. The District plan shall include the following:

- a) A description of the nature and scope of special education programs and services currently available to students (including preschool students) residing in the District, including but not limited to descriptions of the District's resource room programs and each special class program provided by the District in terms of group size and composition.
- b) Identification of the number and age span of students (school age and preschool) to be served by type of disability and recommended setting.
- c) The method to be used to evaluate the extent to which the objectives of the program have been achieved.
- d) A description of the policies and practices of the Board of Education to ensure the allocation of appropriate space within the District for special education programs that meet the needs of students and preschool children with disabilities.
- e) A description of the policies and practices of the Board of Education to ensure that appropriate space will be continually available to meet the needs of resident students and preschool students with disabilities who attend special education programs provided by Boards of Cooperative Educational Services.
- f) A description of how the District intends to ensure that all instructional materials to be used in the schools of the District will be made available in a usable alternative format for each student with a disability at the same time as such instructional materials are available to non-disabled students. The alternative format must meet the National Instructional Materials Accessibility Standard defined in federal law.
- g) The estimated budget to support such plan.
- h) The date on which such plan was adopted by the Board of Education.
- i) A description of how the District plan is consistent with the special education space requirements plan for the region as developed by the Board of Cooperative Educational Services.

The District plan, with personally identifiable student information deleted, shall be filed and available for public inspection and review by the Commissioner.

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

8 New York Code of Rules and Regulations (NYCRR) Part 155 and Section 200.2(c)(1)

Adoption Date: 7/30/2007

Revised: 4/16/2012

Students

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 or other substance identified as a controlled substance by the federal Controlled Substances Act as a condition of receiving services.
- b) Education in regular classes with or without support services, education in a resource room, education for part of the day in a special class, full time education in a special class, home instruction and education in a residential setting.
- c) Providing for the education of students with disabilities with non-disabled peers to the extent appropriate.
- d) Taking the following measurable steps to recruit, hire, train and retain highly qualified personnel to provide special education programs and services:
 - 1) Utilize established procedures for publication of all potential job openings;
 - 2) Check credentials and requirements listed on applications;
 - 3) Provide training sessions for interview committee;
 - 4) Special Education teachers are required to have subject matter knowledge appropriate to the level of instruction being provided; when teaching two (2) or more core academic subjects exclusively to children with disabilities, the teacher will meet the requirements of "highly qualified" per the No Child Left Behind Act (NCLB) or demonstrate competence in all the core academic subjects taught per state regulations.
- e) Establishing the following guidelines for the provision of appropriate accommodations necessary to measure the academic achievement and functional performance of the student in the administration of District-wide assessments:
 - 1) Ensure that necessary accommodations are specified on individualized education program (IEP);
 - 2) Review the need for accommodations at Committee on Special Education (CSE) evaluations/re-evaluations.

(Continued)

SUBJECT: CHILDREN WITH DISABILITIES (Cont'd.)

- f) To the extent feasible, using universal design principles (defined as a concept or philosophy for designing and delivering products and services that are usable by people with the widest range of functional capabilities, which include products and services that are directly usable without requiring assistive technologies and products and services that are made usable with assistive technologies) in developing and administering District-wide assessment programs by:
1. Addressing appropriate universal design principles in IEP;
 2. Having the Library media specialist and/or curriculum coordinator keep Committee on Special Education (CSE)/Committee on Preschool Special Education (CPSE) apprised of available products and services utilizing universal design principles;
 3. Instructional materials and activities allow learning goals to be achievable by individuals with wide differences in abilities;
 4. Flexible curricular materials and activities are built into the instructional design and operating systems.
 5. Instruction is diversified to deliver general education curriculum to every student and diversify ways students may respond to that curriculum.
- g) Consideration of the location of a school program(s) to a student's residence, before placement into an educational program.
- 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 Improvement Act of
2004 [Public Law 108-446 Section 614(a)]
 21 United States Code (USC) 812(c)
 Education Law Sections 3208 and 4401-4407
 8 New York Code of Rules and Regulations (NYCRR)
 Sections 100.5, 100.9, 200.2(b)(3), 200.2(c)(2)(v),
 200.4(e)(9) and 200.6(a)(1)

NOTE: Refer also to Policies #7615 -- Least Restrictive Environment
 Adopted: 7/30/07

Students

SUBJECT: GROUPING BY SIMILARITY OF NEEDS

The Board of Education will provide appropriate special education and related services to students with disabilities. For those students for whom an appropriate education requires that they be placed together for purposes of special education, the following guidelines shall apply:

- a) That each student with a disability shall be identified, evaluated and placed as determined by the Committee on Special Education (CSE).
- b) The Committee shall determine written goals and corresponding short-term instructional objectives for each student with a disability by considering the special and individual needs of each student with a disability.
- c) The Committee shall recommend to the Board of Education appropriate educational programs and services for each student with a disability based upon the CSE evaluation.
- d) The CSE shall provide information to those teachers and professionals who arrange instructional groups for students with disabilities. Information shall include physical, psychological and social information as well as achievement test results.
- e) The curriculum and instruction provided to students with disabilities who are grouped by similarity of needs shall be consistent with the individual needs of each student in the group.
- f) Students with disabilities may be grouped according to:
 - (1) Academic achievement, functional performance and learning characteristics;
 - (2) Social needs;
 - (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.

Adopted: 7/30/07

Students

**SUBJECT: THE ROLE OF THE BOARD IN IMPLEMENTING A STUDENT'S
INDIVIDUALIZED EDUCATION PROGRAM**

The Board of Education shall establish at least one Committee on Special Education (CSE) and one Committee on Preschool Special Education (CPSE). The Board shall also establish, as necessary, Subcommittees on Special Education to ensure timely evaluation and placement of students with disabilities.

Committee on Special Education

The Board of Education shall, upon completion of its review of the recommendations of the CSE, arrange for the appropriate special education programs and services to be provided to a student with a disability. The Board shall notify the parent/guardian of its action in accordance with federal and state law and regulations.

For a student not previously identified as having a disability, the CSE shall provide a recommendation to the Board which shall arrange for the appropriate special education programs and services to be provided within sixty (60) school days of the date of receipt of consent to evaluate. For a student with a disability referred for review, a recommendation shall be provided to the Board which shall arrange for the appropriate special education programs and services to be provided within sixty (60) school days of the referral for review. However, if such recommendation of the CSE is for placement in an approved in-state or out-of-state private school, the Board shall arrange for such special education programs and services for students with disabilities within thirty (30) school days of the Board's receipt of the recommendation of the CSE.

If on review of the recommendation of the CSE, the Board of Education disagrees with such recommendation, the Board shall follow one of the following procedures:

- a) The Board may remand the recommendation to the CSE with a statement of the Board's objections or concerns and a request that a timely meeting be held to review and consider such objections or concerns. The CSE shall consider the Board's objections or concerns, revise the individualized education program (IEP) where appropriate, and resubmit a recommendation to the Board. If the Board continues to disagree with the recommendation of the CSE, the Board may continue to remand the recommendation to the original committee for additional reviews of its objections or concerns, or establish a second CSE to develop a new recommendation in accordance with the following paragraph, provided that the Board arranges for the programs and services in accordance with the student's IEP within the timelines as outlined above; or, in the alternative,
- b) The Board may establish a second CSE to develop a new recommendation for the student. If the Board disagrees with such new recommendation, the Board may remand the recommendation to the second CSE with a statement of the Board's objections or concerns and a request that a timely meeting be held to review and consider such objections or

(Continued)

Students

**SUBJECT: THE ROLE OF THE BOARD IN IMPLEMENTING A STUDENT'S
INDIVIDUALIZED EDUCATION PROGRAM (Cont'd.)**

concerns. The second CSE shall consider the Board's objections or concerns, revise the IEP where appropriate, and resubmit a recommendation to the Board. If the Board continues to disagree with the recommendation of the second CSE, the Board may continue to remand the recommendation for additional reviews of its objections or concerns by the second CSE, provided that the Board arranges for the programs and services in accordance with the student's IEP, as developed by the second CSE, within the timelines as outlined above.

Pursuant to Commissioner's Regulations, the Board may not select the recommendation of the original CSE once it has established a second CSE.

The Board shall provide the student's parents/guardians with written notice and a copy of the statement of its objections or concerns and notice of due process rights in accordance with Section 200.5 of the Regulations of the Commissioner.

Committee on Preschool Special Education (CPSE)

Upon receipt of the recommendation of the Committee on Preschool Special Education (CPSE), the Board of Education shall arrange for the preschool student with a disability to receive such appropriate programs and services in accordance with the student's IEP, commencing with the July, September or January starting date for the approved program, unless such services are recommended by the CPSE less than thirty (30) school days prior to, or after, the appropriate starting date selected for the preschool student with a disability; in that case, such services shall be provided no later than thirty (30) days from the recommendation of the CPSE.

If the Board disagrees with the recommendation of the CPSE, the Board shall send the recommendation back to the CPSE with notice of the need to schedule a timely meeting to review the Board's concerns and to revise the IEP as deemed appropriate. The Board of Education shall provide such notice as required by federal and state law and regulations.

Subcommittee on Special Education

The number of Subcommittees on Special Education will be determined by the CSE and the CSE will be responsible for the oversight and monitoring of the activities of each subcommittee to assure compliance with the requirements of applicable state and federal laws and regulations.

Each Subcommittee may perform the functions for which the CSE is responsible, except:

- a) When a student is considered for initial placement in a special class; or
- b) When a student is considered for initial placement in a special class outside of the student's school of attendance; or

(Continued)

Students

**SUBJECT: THE ROLE OF THE BOARD IN IMPLEMENTING A STUDENT'S
INDIVIDUALIZED EDUCATION PROGRAM (Cont'd.)**

- c) When a student is considered for placements in a school primarily serving students with disabilities or a school outside the District.

Subcommittees shall report annually to the CSE regarding the status of each student with a disability within its jurisdiction. Upon receipt of a written request from the parent or person in parental relation to a student, the Subcommittee shall refer to the CSE any matter in which the parent disagrees with the Subcommittee's recommendation concerning a modification or change in the identification, evaluation, educational placement or provision of a free appropriate education to the student.

Education Law Sections 4402 and 4410
8 New York Code of Rules and Regulations (NYCRR)
Sections 200.2(d)(1), 200.4(c), 200.4(d), 200.5 and
200.16(e)

NOTE: Refer also to Policies #7631 -- Appointment and Training of Committee on Special Education (CSE)/Subcommittee on Special Education Members
#7632 -- Appointment and Training of Committee on Preschool Special Education (CPSE) Members

Adopted: 7/30/07

Students

SUBJECT: PRESCHOOL SPECIAL EDUCATION PROGRAM

The Board recognizes the need for educational programs for three (3) and four (4) year old children with disabilities and directs that administrative practices and procedures be developed to:

- a) Ensure the provision of special education services and programs for each preschool child with a disability residing in the District.
- b) Establish a Committee on Preschool Special Education (CPSE) which shall be comprised in accordance with applicable federal and state law and regulation.
- c) Ensure that parents have received and understand the request for consent for evaluation and re-evaluation of a preschool aged child.

Individuals With Disabilities Education Act (IDEA)
20 United States Code (USC) Section 1400 et seq.
Education Law Section 4410
8 New York Code of Rules and Regulations (NYCRR)
Section 200.2(b)(5)

NOTE: Refer also to Policy #7632 -- Appointment and Training of Committee on Preschool Special Education (CPSE) Members

Adopted: 7/30/07

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 implanted, 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) Each student with a disability shall be educated with nondisabled students to the maximum extent appropriate;
- b) Each student with a disability shall be removed from the regular educational environment only when the nature or severity of the student's disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily; and
- c) To the maximum extent appropriate to the student's needs, each student with a disability shall participate with nondisabled students in nonacademic and extracurricular services and activities.

The District shall ensure that a continuum of alternative placements, in accordance with law and/or regulation, will be available to meet the needs of students with disabilities for special education and related services. To enable students with disabilities to be educated with nondisabled students to the maximum extent appropriate, specially designed instruction and supplementary services may be provided in the regular class. Such services may include, but are not limited to, consultant teacher services and other group or individual supplemental or direct special education instruction.

Individuals with Disabilities Education Act (IDEA)
20 United States Code (USC) Section 1400 et seq.
34 Code of Federal Regulations (CFR) Part 300
Education Law Sections 4401-4410-a
8 New York Code of Rules and Regulations (NYCRR)
Sections 100.5, 100.9, 200.1(cc), 200.1(qq), 200.2(b),
200.4 and 200.6

Adopted: 7/30/07

**SUBJECT: PREREFERRAL INTERVENTION STRATEGIES IN GENERAL EDUCATION
(PRIOR TO A REFERRAL FOR SPECIAL EDUCATION)**

The School District shall establish a plan for implementing schoolwide approaches and prereferral interventions in order to remediate a student's performance *prior to referral* for special education.

The provision of programs and/or services for students starts with consideration/implementation of instruction in the general education curriculum, with appropriate supports and/or modifications as may be necessary. In implementing prereferral intervention strategies, the District may utilize resources/strategies already in place for qualified students including, but not limited to, services available through Section 504 of the Rehabilitation Act of 1973, and Educationally Related Support Services and Academic Intervention Services as defined in Education Law and/or Commissioner's Regulations. All of these programs may be considered as possible components of Prereferral/Intervention Instructional Support Plans. The District will ensure that they have a system in place, with appropriate personnel, for developing, implementing and evaluating prereferral intervention strategies.

The District will provide general education support services, instructional modifications, alternative instructional approaches, or alternative program options to address a student's performance prior to a referral to a Committee on Special Education (CSE). Formal Instructional Support Teams (IST) will be formed in accordance with law and/or regulations as may be applicable as well as District guidelines. The IST will include representatives from general and special education as well as other disciplines and include individuals with classroom experience. Parents/persons in parental relation to students will be involved in developing prereferral strategies to address the educational needs of their child. Additionally, the District will seek collaboration between outside agencies and the school prior to a referral of the student to the CSE in order to address necessary student support services.

Administration shall ensure that appropriate opportunities exist for collaboration between general educators and special educators, and that consultation and support are available to teachers and other school personnel to assist parents/persons in parental relation to students and teachers in exploring alternative approaches for meeting the individual needs of any student prior to formal referral for special education.

The determination of prevention and prereferral intervention strategies/services shall consider the student's strengths, environment, social history, language and cultural diversity in addition to the teacher's concerns. The building administrator will further ensure that all staff are familiar with intervention procedures and procedures for operating an IST.

Students

**PREREFERRAL INTERVENTION STRATEGIES IN GENERAL EDUCATION
(PRIOR TO A REFERRAL FOR SPECIAL EDUCATION) (Cont'd.)**

Prereferral/Intervention Instructional Support Plans shall be proactive in their strategies to meet the broad range of student needs and to improve student performance. Prereferral/Intervention strategies and/or Instructional Support Plans are to be reviewed and evaluated to determine their effectiveness, and modified as may be appropriate. Appropriate documentation of the prevention and/or intervention strategies implemented shall be maintained.

However, should a referral be made to the CSE during the course of implementing prereferral/intervention instructional support services, the CSE is obligated in accordance with law to continue its duties and functions, and must meet mandatory time lines in evaluating the student for special education services and implementation of an individualized education program, if applicable.

Educational Related Support Services

Educational related support services (ERSS) means curriculum and instructional modification services; direct student support team services; assessment and non-career counseling services; special instruction to eligible students with disabilities as defined in Education Law Section 4401, which does not generate excess cost aid including related services but excluding transportation and transition services; and to eligible, qualified students pursuant to Section 504 of the Rehabilitation Act of 1973. These services are provided to eligible students, individually or in groups, and may include those related consultation services provided to their families and related school personnel in order to enhance the academic achievement and attendance of such students. Educational related support services shall also mean speech and language improvement services as defined in Commissioner's Regulations.

ERSS may be utilized as a component of any Prereferral/Intervention Instructional Support Plan.

Section 504 of the Rehabilitation Act of 1973

For students who are qualified for services pursuant to Section 504 of the Rehabilitation Act, but are not classified as students with disabilities as defined in Education Law Section 4401, Section 504 Accommodation Plans may address instructional support services that can be utilized as components of any prereferral/intervention strategies as deemed necessary and/or appropriate.

Academic Intervention Services**ACADEMIC INTERVENTION SERVICES**

The Board of Education is committed to providing academic intervention services to students at risk of not meeting the state learning standards. Such services may include additional instruction supplementing the instruction provided in the general curriculum and/or student support services such as guidance, counseling, attendance and study skills needed to support improved academic performance.

Students

Eligibility for academic intervention services will be determined based on a student's performance on state assessment exams and/or in accordance with the uniformly applied district-developed district-adopted procedures, which are attached to this policy. Eligible students will receive services consistent with law and regulations which shall commence no later than the beginning of the semester following a determination that a student is eligible for such services.

Parental Notification and Involvement

Notification of district eligibility procedures. The district shall post on its website a description of the district-developed procedures for determining which students are eligible for academic intervention services, as specified in state regulations.

Notification on Commencement of Services. The Building Principal will notify the parents of a student determined to be in need of academic intervention services, in writing, upon the commencement of such services. Such notification will include:

- A summary of the academic intervention services to be provided;
- The reason the student needs such services; and
- Consequences of not achieving expected performance levels.

Notification on Ending of Services. The Principal will notify the parent in writing when academic intervention services are no longer needed. Such notification will include:

- The criteria for ending services; and
- The performance levels obtained on district selected assessments, if appropriate.

In addition, the district/schools will provide for ongoing communication with parents which must include opportunities to consult with teachers and other professional staff, regular reports on the student's progress and information on ways to monitor and work with educators to improve the student's performance.

All parental notifications and communications will be done in English and translated, when appropriate, into the native language or mode of communication of the parents.

Description and Review of Academic Intervention Services

The Superintendent of Schools, in consultation with each Building Principal, shall maintain a description of academic intervention and/or student support services for each school. This description will include any variations in services in schools within the district and will specifically delineate:

- the district-wide procedures used to determine the need for academic intervention services, which are attached to this policy;
- the academic intervention instructional and/or support services to be provided;

Students

- whether instructional services and/or support services are offered during the regular school day or during an extended school day or year; and
- the criteria for ending services, including, if appropriate, performance levels that students must obtain on district-selected assessments.

Beginning July 1, 2002 and every two years thereafter, the Superintendent shall review and revise the description of academic intervention services based on student performance results and present such revised description to the Board for approval.

Section 504 of the Rehabilitation Act of 1973,
29 United States Code (USC) Section 794 et seq.
Education Law Sections 3602(32), 4401 and 4401-a
8 New York Code of Rules and Regulations (NYCRR)
Sections 100.1(g), 100.1(p), 100.1(r), 100.1(s), 100.1(t),
100.2(v), 100.2(dd)(4), 100.2(ee), 200.2(b)(7), 200.4(a)(2),
200.4(a)(9); 200.4(c) and Part 154

Ref: 8 NYCRR §§100.1(g); 100.2(r), (ee); 100.4(b)(2)(vi), (c)(5), (h)

Adoption date: 7/30/07

Revised: 12/5/2016

Students

SUBJECT: DECLASSIFICATION OF STUDENTS WITH DISABILITIES

The School District shall establish and implement a plan for the appropriate declassification of students with disabilities which must include:

- a) The regular consideration for declassifying students when appropriate;
- b) A reevaluation of the student prior to declassification; and
- c) The provision of educational and support services to the student upon declassification.

Eligibility Determinations

The School District must evaluate a student with a disability prior to determining that a student is no longer a student with a disability as defined in accordance with Commissioner's Regulations, and the District shall provide a copy of the evaluation report and the documentation of eligibility to the student's parent. The results of any reevaluations must be addressed by the Committee on Special Education (CSE) in a meeting to review and, as appropriate, revise the student's IEP.

Prior to the reevaluation, the School District shall obtain informed written parental consent unless otherwise authorized pursuant to law and/or regulation. Parental consent need not be obtained if the District can demonstrate that it has taken reasonable measures to obtain that consent, and the student's parents fail to respond. The District must have a record of its attempts to obtain parental consent. Should the student's parents refuse consent for the reevaluation, the District may continue to pursue the reevaluation by using mediation and/or due process procedures.

The District shall take whatever action is necessary to ensure that the parent understands the proceedings at the meeting of the CSE, including arranging for an interpreter for parents with deafness or whose native language is other than English.

Graduation/Aging Out

The District is not required to conduct a reevaluation of a student before the termination of a student's eligibility due to graduation with a local high school or Regents diploma or exceeding the age eligibility for a free appropriate public education. However, the District must provide the student with a summary (Student Exit Summary) of the student's academic achievement and functional performance, including recommendations on how to assist the student in meeting his/her post secondary goals. Although not required to do so, the District will also provide this Student Exit Summary (www.vesid.nysed.gov/specialed/idea/studentexit.htm) to students exiting with a High School Equivalency Diploma.

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Students

SUBJECT: DECLASSIFICATION OF STUDENTS WITH DISABILITIES (Cont'd.)

In addition, the parent must receive prior written notice, in accordance with Commissioner's Regulations, before the student's graduation from high school with a local or Regents diploma or before he/she receives an Individualized Education Program (IEP) diploma. If the student will be graduating with an IEP diploma, this prior written notice must indicate that the student continues to be eligible for a free appropriate public education until the end of the school year in which the student turns twenty-one (21) or until receipt of a regular high school diploma.

Recommendation for Declassification

If the student has been receiving special education services, but it is determined by CSE that the student no longer needs special education services and can be placed in a regular educational program on a full-time basis, the recommendation shall:

- a) Identify the declassification support services, if any, to be provided to the student; and/or the student's teachers; and
- b) Indicate the projected date of initiation of such services, the frequency of provision of such services, and the duration of these services, provided that such services shall not continue for more than one (1) year after the student enters the full-time regular education program.

Declassification Support Services

When appropriate, the District shall provide declassification support services to students who have moved from special education to a full-time regular educational program in accordance with the recommendation of the CSE.

Declassification support services means those services provided by persons appropriately certified pursuant to Part 80 of Commissioner's Regulations, or holding a valid teaching license in the appropriate area of service, to a student or the student's teacher to aid in the student's move from special education to full-time regular education, including:

- a) For the student, psychological services, social work services, speech and language improvement services, noncareer counseling, and other appropriate support services; and
- b) For the student's teacher, the assistance of a teacher aide or a teaching assistant, and consultation with appropriate personnel.

Procedural Safeguards Notice

The District shall use the procedural safeguards notice prescribed by the Commissioner of Education. The District will further ensure that the procedural safeguards notice is provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly

(Continued)

Students

SUBJECT: DECLASSIFICATION OF STUDENTS WITH DISABILITIES (Cont'd.)

not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the District shall take steps to ensure that the notice is translated orally or by other means to the parent in his/her native language or other mode of communication; that the parent understands the content of the notice; and that there is written evidence that all due process procedures, pursuant to law and/or regulation, have been met.

Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446 Section 614(a)]
Individuals with Disabilities Education Act (IDEA)
20 United States Code (USC) Section 1400 et seq.
34 Code of Federal Regulations (CFR) Part 300
Education Law Sections 4401-4410-a
8 New York Code of Rules and Regulations (NYCRR)
Sections 100.1(q), 100.2(u), 200.2(b)(8), 200.4(b)(4),
200.4(b)(5), 200.4(c)(3), 200.4(c)(4), 200.4(d)(1) and
200.5(a)

NOTE: Refer also to Policy #7641 – Transition Services

Adopted: 7/30/07

SUBJECT: *DISTRICT POLICY REGARDING RESPONSE TO INTERVENTION (RTI) PROCESS

[Note attached RTI Procedures chart]

Response to Intervention (RTI) is a multi-tiered early prevention and intervention system designed to improve outcomes for all students. In accordance with Commissioner's Regulations, the School District has established administrative practices and procedures for implementing District-wide initiatives that address a Response to Intervention (RTI) process applicable to all students. For students suspected of having a potential learning disability, the District will provide appropriate RTI services pursuant to Commissioner's Regulations prior to a referral to the Committee on Special Education (CSE) for evaluation.

The New York State Education Department (SED) has released a guidance document to assist school districts in designing and implementing an effective RTI process. This document includes, but is not limited to, information regarding regulatory requirements, quality indicators, staff development, tools to assist districts in selecting a specific model and procedures for the use of RTI data in determining if a student has a learning disability. This guidance document is available at:

<http://www.p12.nysed.gov/specialed/RTI/guidance/cover.htm>.

Minimum Requirements of District's RTI Program

The District's RTI process shall include the following minimum requirements:

- a) Scientific, research-based instruction in reading and mathematics provided to all students in the general education class by qualified personnel. Instruction in reading, per Commissioner's Regulations, shall mean scientific, research-based reading programs that include explicit and systematic instruction in phonemic awareness, phonics, vocabulary development, reading fluency (including oral reading skills) and reading comprehension strategies;
- b) Screenings shall be provided to all students in the class to identify those students who are not making academic progress at expected rates;

[Note attached district RTI procedures chart]

- c) Scientific, research-based instruction matched to student need with increasingly intensive levels of targeted interventions for those students who do not make satisfactory progress in their levels of performance and/or in their rate of learning to meet age or grade level standards;

SUBJECT: DISTRICT POLICY REGARDING RESPONSE TO INTERVENTION (RTI) PROCESS (Cont'd.)

- d) Repeated assessments of student achievement which should include curriculum based measures to determine if interventions are resulting in student progress toward age or grade level standards;
- e) The application of information about the student's response to intervention to make educational decisions about changes in goals [i.e., goals for all students, not just Individualized Education Program (IEP) goals], instruction and/or services and the decision to make a referral for special education programs and/or services; and

[Note attached district RTI procedures chart]

- f) Written notification to the parents when the student requires an intervention beyond that provided to all students in the general education classroom that provides information about:
 - 1. The amount and nature of student performance data that will be collected and the general education services that will be provided as enumerated in Commissioner's Regulations;
 - 2. Strategies for increasing the student's rate of learning; and
 - 3. The parents' right to request an evaluation for special education programs and/or services.

Structure of Response to Intervention Program

[Note attached district RTI procedures chart]

The District's RTI program will consist of multiple tiers of instruction/assessments to address increasingly intensive levels of targeted intervention to promote early identification of student performance needs and/or rate of learning, and to help raise achievement levels for all students.

Student Support Teams, whose members may include, but are not limited to, regular education teachers, special education personnel, the school psychologist, reading and math coordinators, designated administrators, and other individuals deemed appropriate by the District, will be available for each building/grade level classification to address the implementation of the District's RTI process.

The Student Support Team's responsibilities shall include, but are not limited to, the following:

(Continued)

SUBJECT: DISTRICT POLICY REGARDING RESPONSE TO INTERVENTION (RTI) PROCESS (Cont'd.)

- a) Determining the level of interventions/student performance criteria appropriate for each tier of the RTI model;
- b) Analyzing information/assessments concerning a student's response to intervention and making educational decisions about changes in goals, instruction and/or services;
- c) Determining whether to make a referral for special education programs and/or services.

Criteria for Determining the Levels of Intervention to be Provided to Students

[Note attached district RTI procedures chart]

Types of Interventions

[Note attached district RTI procedures chart]

The District will provide multiple tiers of increasingly intensive levels of targeted intervention and instruction for those students who do not make satisfactory progress in their levels of performance and/or in their rate of learning to meet age or grade level standards.

It is expected that use of the Tier Level of instruction will be specific to each student's needs and will be an ongoing process, with students entering and exiting tiers of intervention according to the analysis of student performance data and progress monitoring.

Tier One Instruction

Tier One instruction is provided to all students in the general education setting. The use of scientific, research based instruction in the areas of reading and math will be provided by the general education teacher and/or other qualified personnel as appropriate, and will emphasize proactive, preventative core instructional strategies in the classroom setting. Group and/or individualized instruction, assessment and reinforcement activities will be provided as deemed appropriate by the classroom teacher.

(Continued)

SUBJECT: DISTRICT POLICY REGARDING RESPONSE TO INTERVENTION (RTI) PROCESS (Cont'd.)

The analysis of Tier One student performance data will be used to identify those students who need additional intervention at the Tier Two Level of instruction.

Tier Two Instruction

In general, Tier Two instruction will consist of small group, targeted interventions for those students identified as being "at risk" who fail to make adequate progress in the general education classroom. Tier Two instruction will include programs and intervention strategies designed to supplement Tier One interventions provided to all students in the general education setting.

Tier Two instruction may be provided by specialized staff such as reading and math teachers, tutors, speech therapists, school psychologists and/or school counselors as determined by the Student Support Team.

At the conclusion of Tier Two instruction, the Student Support Team will review the student's progress and make a determination as to whether Tier Two interventions should be maintained; the student returned to the general education classroom if satisfactory progress is shown; or referred for Tier Three instruction.

Tier Three Instruction

Tier Three instruction is the provision of more intensive instructional interventions, tailored to the needs of the individual student; and is provided to those students who do not achieve adequate progress after receiving interventions at the Tier Two level. Tier Three instruction may include longer periods of intervention program and services than those provided in the first two Tiers based upon the significant needs of the student.

Tier Three instruction will be provided by those specialists, as determined by the Student Support Team, best qualified to address the individual student's targeted area(s) of need. If deemed appropriate by the Team, and in accordance with applicable law and regulation, a referral of the student may be made to the Committee on Special Education.

Progress monitoring on a continuous basis is an integral part of Tier Three; and the student's response to the intervention process will determine the need/level of further intervention services and/or educational placement.

(Continued)

2014 7618
Students 5 of 6

SUBJECT: DISTRICT POLICY REGARDING RESPONSE TO INTERVENTION (RTI) PROCESS (Cont'd.)

Amount and Nature of Student Performance Data to be Collected

The Student Support Team will determine the amount and nature of student performance data that will be collected to assess, on an ongoing basis, student performance results and address ongoing academic needs as warranted. Such data collection will reflect the Tier Level of intervention provided to the student. Student performance data will also be used to review the District's RTI program and make modifications to the program as deemed necessary.

Manner and Frequency for Progress Monitoring

The Student Support Team shall monitor the progress of those students receiving intervention services beyond that provided to all students in the general education classroom. The Team shall meet with the student's teacher(s) and will determine if further adjustments need to be made to the student's current instructional program and/or a change made to the Tier Level of intervention provided. Monitoring of student progress shall be an ongoing part of the RTI program from the initial screening to completion of the RTI process as applicable. Parents may also request that the progress of their child be reviewed by the Student Support Team.

Fidelity measures (e.g., an observational checklist of designated teaching behaviors in accordance with the RTI process being implemented) will also be completed by Team members to assess whether the intervention was implemented as intended and uniformly applied. Clear benchmarks will be established for student performance and performance charts will be plotted at the completion of the instructional period/intervention process.

Staff Development

All staff members involved in the development, provision and/or assessment of the District's RTI program, including both general education and special education instructional personnel, shall receive appropriate training necessary to implement the District's RTI program. Staff development will include the criteria for determining the levels of intervention provided to students, the types of interventions, collection of student performance data, and the manner and frequency for monitoring progress.

(Continued)

HLCS POLICY

2014 7618

6 of 6

Students

SUBJECT: DISTRICT POLICY REGARDING RESPONSE TO INTERVENTION (RTI) PROCESS (Cont'd.)

Parent Notification

Written notification shall be provided to parents when their child requires an intervention beyond that provided to all students in the general education classroom. Such written notice shall include the following information:

- a) The amount and nature of student performance data that will be collected and the general education services that will be provided as part of the RTI process;
- b) Strategies for increasing the child's rate of learning; and
- c) The parents' right to request an evaluation for special education programs and/or services.

34 Code of Federal Regulations (CFR) Sections 300.309 and 300.311
Education Law Sections 3208, 4002, 4401, 4401-a, 4402, 4402, and 4410
8 New York Code of Rules and Regulations (NYCRR) Sections 100.2(ii), 200.2(b)(7), 200.4(a), 200.4(j)(3)(i), and 200.4(j)(5)(i)(g)

Adopted: June 20, 2011
Revised: January 27, 2014

Response to Intervention Procedures

Hadley-Luzerne Central School District

October 2013

| ELA/READING | MATH |
|---|--|
| RTI ASSESSMENTS | |
| Tier 1 Assessments | Tier 1 Assessments |
| <ul style="list-style-type: none"> • K-screening ELA/RDG • K-Letter/Sound Inventory benchmarked Sept and until mastered • K-Sight Words benchmarked 3X/Yr (Sept, Jan, May) • K-2 STAR Early Literacy benchmarked 3X/Yr (Sept, Jan, May) • 1-8 STAR Reading benchmarked 3X/Yr (Sept, Jan, May) • K-4 Fountas & Pinnell Benchmark Assessment in Reading Comprehension, Accuracy & Fluency (Sept, Jan, May) • 5-6 Fountas & Pinnell Benchmark Assessment in Reading Comprehension, Accuracy & Fluency (Sept) • K-6 Basal weekly assessments and unit tests • K-8 NYS CCLS Curriculum assessments and unit tests • 3-8 Teacher-created quarterly benchmarks • 3-8 State Assessments 9th-12th Teacher-created quarterly benchmarks • 9th-12th NYSED Regents Exams • 11th Grade Comprehensive English Regents Exam and/or 11th Grade NYS CCLS English Regents Exam | <ul style="list-style-type: none"> • K-screening • K-2 weekly, unit and quarterly assessments • K-8 NYS CCLS Curriculum assessments and unit tests • K-8 STAR Math Benchmark Assessments 3X/Yr (Sept, Jan, May) beginning January 2014 • 3-8 Study Island Benchmark Assessments September 2013 • 3-8th Grade Study Island Module Assessments • 3-8 Teacher-created quarterly benchmarks • 9th-12th NYSED Regents Mathematics Exams • 9th-12th Teacher-created quarterly benchmarks |
| Tier 2 Assessments | Tier 2 Assessments |

| | |
|---|---|
| <ul style="list-style-type: none"> ▪ K-2 STAR Early Literacy monthly progress monitoring ▪ 1-8 STAR Reading monthly progress monitoring ▪ K-8 running records for progress monitoring ▪ 9th-12th quarterly benchmarks w/5 week progress reports | <ul style="list-style-type: none"> ▪ K-2 weekly, unit and quarterly assessments ▪ K-8 STAR Math monthly progress monitoring beginning January 2014 ▪ 3-8 Study Island module assessments ▪ 3-8 monthly progress monitoring using Study Island ▪ 9th-12th quarterly benchmarks w/5 week progress reports |
| Tier 3 Assessments | Tier 3 Assessments |
| <ul style="list-style-type: none"> ▪ K-2 STAR Early Literacy bi-weekly progress monitoring ▪ 1-8 STAR Reading bi-weekly progress monitoring ▪ 3-9 Wilson measure | <ul style="list-style-type: none"> ▪ 3-8 Study Island module assessments ▪ K-8 STAR Math bi-weekly progress monitoring beginning January 2014 |
| <u>Moving Between Tiers</u> (Teacher discretion and AIS Protocols apply at all levels) | |
| Tier 1 to Tier 2 | Tier 1 to Tier 2 |
| <p>K-8</p> <ul style="list-style-type: none"> • Basal reading placement below 65 • NYS CCLS Assessments below proficiency • Benchmarks-below national aggregate norms, move to Tier 2 • TerraNova-below grade level equivalent <p>3-8</p> <ul style="list-style-type: none"> • NYSED scores at level 1 or 2 <p>3-8</p> <ul style="list-style-type: none"> • NYSED scores at level 1 or 2 <p>9-12</p> <ul style="list-style-type: none"> • NYSED Regents below proficiency 65 • T-designed quarterly benchmarks below 65 | <p>K-2</p> <ul style="list-style-type: none"> • Kindergarten screening • NYS CCLS Assessments below proficiency • STAR Math Benchmark – indicating Intervention <p>3-8</p> <ul style="list-style-type: none"> • NYSED below proficiency • STAR Math Benchmark – indicating Intervention • Grade 8 teacher-designed quarterly benchmarks below 70 <p>9-12</p> <ul style="list-style-type: none"> • NYSED Regents below proficiency 65 • T-designed quarterly benchmarks below 65 |
| <u>Tier 2 to Tier 3—Instructional Support Team Referral required before moving student to</u> | <u>Tier 2 to Tier 3—Instructional Support Team Referral required before moving student to</u> |

| <u>Tier 3</u> | | <u>Tier 3</u> | |
|--|--|---------------------------------|--|
| K-8 <ul style="list-style-type: none"> STAR Early Literacy or Reading Assessments (benchmarks, or progress monitoring) indicating Urgent Intervention Fountas & Pinnell Benchmark remaining below proficiency 3-8 <ul style="list-style-type: none"> NYSED scores at level 1 or 2 4-8 <ul style="list-style-type: none"> Staff referrals for Wilson | K-8 <ul style="list-style-type: none"> NYS CCLS Assessments remaining below proficiency STAR Math Assessments (benchmark, or progress monitoring) indicating Urgent Intervention 3-8 <ul style="list-style-type: none"> NYSED level 1 Study Island Assessments (benchmark or progress monitoring) indicating Urgent Intervention Teacher-created benchmarks below 50 9-12 <ul style="list-style-type: none"> Quarterly benchmarks below 50 | INSTRUCTION/INTERVENTION | |
| Tier 1 | | Tier 1 | |
| K-2 <ul style="list-style-type: none"> NYS CCLS Engage NY Curriculum: <ul style="list-style-type: none"> -Core Knowledge Listening & Learning Strand – 60 minutes daily -Core Knowledge Skills Strand – 60 minutes daily Guided Reading and Accountable Independent Reading – 15-45 minutes daily Journey’s Basal Supplementary Reading Instruction CCSS aligned supplementary reading materials Brain-informed instruction Differentiated instruction with leveled tests 3-4 <ul style="list-style-type: none"> NYS CCLS Engage NY Curriculum: <ul style="list-style-type: none"> -Expeditionary Learning – 60 minutes daily CCSS aligned supplementary reading materials Guided Reading and Accountable Independent Reading – 20-30 minutes daily Spelling & Writing – 20-30 minutes daily 5-6 <ul style="list-style-type: none"> NYS CCLS Engage NY Curriculum: | K-2 <ul style="list-style-type: none"> NYS CCLS Engage NY Curriculum – 60 minutes daily 3-4 <ul style="list-style-type: none"> NYS CCLS Engage NY Curriculum – 40-80 minutes daily 5-8 <ul style="list-style-type: none"> NYS CCLS Engage NY Curriculum - 42 minutes daily 9-12 <ul style="list-style-type: none"> NYS CCLS Aligned Curriculum and/or Engage NY Curriculum 42 minutes daily Teacher-generated materials, brain-informed instruction; flexible grouping | | |

| | |
|---|---|
| <ul style="list-style-type: none"> -Expeditionary Learning & Supplementary Curriculum (Scope/Storyworks/etc.) – 42 minutes daily • CCSS aligned supplementary reading materials • Accountable Independent Reading – 20-40 minutes daily • Writing – 20-40 minutes daily <p>7-8</p> <ul style="list-style-type: none"> • NYS CCLS Engage NY Curriculum -Expeditionary Learning & Supplementary Curriculum (Scope/Storyworks/etc.) – 42 minutes daily • CCSS aligned supplementary reading materials • Writing/Reading within content areas – 20-40 minutes daily <p>9-12</p> <ul style="list-style-type: none"> • NYS CCLS Aligned Curriculum – 42 minutes daily • Writing/Reading within content areas – 20-40 minutes daily • Brain-informed instruction | |
| Tier 2 | Tier 2 |
| <p>K-2</p> <ul style="list-style-type: none"> • Recommended small group of 3-5 students/group • 2-3 days per week for 30 minutes per session • Six Minute Fluency, Reading A to Z, skills-based activities, Foundations, Florida Center for Reading Research (FCRR), CCSS aligned supplementary reading materials <p>3-4</p> <ul style="list-style-type: none"> • Recommended small groups of 5 or less students/group • 2-4 days per week for 20-40 minutes per session • *Phonics, Foundations, fluency instruction, prevention, think alouds, active reading, running records, Six-Minute Solution, CCSS aligned supplementary reading materials <p>5-8</p> <ul style="list-style-type: none"> • Recommended small groups of 8 or less students/group • 2-4 days per two week rotation for 20-40 minutes per session | <p>K-2</p> <ul style="list-style-type: none"> • Recommended small group of 3-5 students/group • 2-3 days per week for 30 minutes per session • Engage NY Math materials, CCSS aligned supplementary Math materials, Grade 2-Study Island materials, Teacher-created materials <p>3-4</p> <ul style="list-style-type: none"> • Recommended small groups of 5 or less students/group • 2-4 days per week for 20-40 minutes per session • Engage NY Math materials, CCSS aligned supplementary Math materials, Study Island materials, Teacher-created materials <p>5-8</p> <ul style="list-style-type: none"> • Recommended small groups of 8 or less students/group • 2-4 days per two week rotation for 20-40 minutes per session • Engage NY Math materials, CCSS aligned supplementary |

| | |
|--|---|
| <ul style="list-style-type: none"> • *Phonics, Foundations, fluency instruction, prevention, think alouds, active reading, running records, Six-Minute Solution, CCSS aligned supplementary reading materials <p>9-12</p> <ul style="list-style-type: none"> • Recommended small group classes less than 12 students • 5 days per week for 42 minutes • Differentiated instruction • Brain-informed instruction | <p>Math materials, Study Island materials, Teacher-created materials</p> <p>9-12</p> <ul style="list-style-type: none"> • Recommended small group classes of 12 or less students • 5 days/week • 42 minutes • Differentiated instruction • Brain-informed instruction |
| <p>Tier 3</p> | <p>Tier 3</p> |
| <p>K-2</p> <ul style="list-style-type: none"> • Recommended small groups of 1-2 students/group • 5 days per week for 30 minutes per session • *Fountas & Pinnell, Foundations, Teacher Toolkit, Six-Minute Solution, Florida Center for Reading Research, CCSS aligned supplementary reading materials <p>3-4</p> <ul style="list-style-type: none"> • Recommended small groups of 1-2 students/group • 5 days per week for 20-40 minutes per session • *Fountas & Pinnell, Foundations, Teacher Toolkit, Six-Minute Solution, Florida Center for Reading Research, CCSS aligned supplementary reading materials <p>5-8</p> <ul style="list-style-type: none"> • Recommended small groups of 6 or less students/group • 5 days per 2 week rotation for 20-40 minutes per session • *Teacher Toolkit, Six-Minute Solution, FCRR, CCSS aligned supplementary reading materials <p>9-12</p> <ul style="list-style-type: none"> • Same as Tier 2 • Recommended 1-3 students/group | <p>K-2</p> <ul style="list-style-type: none"> • Recommended small groups of 1-2 students/group • 5 days per week for 30 minutes per session • *Engage NY Math materials, CCSS aligned supplementary Math materials, Grade 2-Study Island materials, Teacher-created materials <p>3-4</p> <ul style="list-style-type: none"> • Recommended small groups of 1-2 students/group • 5 days per week for 20-40 minutes per session • *Engage NY Math materials, CCSS aligned supplementary Math materials, Study Island materials, Teacher-created materials <p>5-8</p> <ul style="list-style-type: none"> • Recommended small groups of 6 or less students/group • 5 days per 2 week rotation for 20-40 minutes per session • *Engage NY Math materials, CCSS aligned supplementary Math materials, Study Island materials, Teacher-created materials <p>9-12</p> <ul style="list-style-type: none"> • Same as Tier 2 • Recommended 1-3 students/group within classes to differentiate instruction <p>“broad assortment of instructional tools that are research-based and determined by special needs”</p> |

HLCS POLICY

2013 7620

Page 1 of 7
Students

STUDENTS WITH DISABILITIES UNDER THE IDEA AND NEW YORK'S EDUCATION LAW ARTICLE 89

The Board of Education shall make available a free appropriate public education to all students with disabilities who reside within its district and are eligible for special education and related services under the Individuals with Disabilities Education Act and Article 89 of New York's Education Law, and their implementing regulations. Special education and related services will be provided to resident eligible students with disabilities in conformity with their individualized education program (IEP) and in the least restrictive environment appropriate to meet their individual educational needs. Special education services or programs will be designed to enable a student with disabilities to be involved in and progress in the general education curriculum, to the extent appropriate to his/her needs.

The Board also shall make available special education and related services to eligible students with disabilities parentally placed in a nonpublic school located within the district, regardless of whether they are residents of the district. However, this obligation does not extend to resident students with disabilities who are placed by their parents in a nonpublic school within district boundaries because of a disagreement between the parents and the school district over the provision of a free appropriate public education. Nonpublic school students with disabilities who are not district residents but who reside within New York State will be provided programs and services in accordance with their individualized education services program (IESP). Nonpublic school students with disabilities who reside out-of-state will be provided services in accordance with their services plan (SP). (Refer to policy 4321.10, Programs and Services for Parentally-placed Nonpublic School Students with Disabilities under the IDEA and New York's Education Law Article 89 for more guidance on this topic).

In addition, to the maximum extent appropriate to their individual needs, eligible students with disabilities residing within the district and attending the district's public schools will be entitled to participate in school district academic, cocurricular and extracurricular activities available to all other students enrolled in the district's public schools. Such cocurricular and extracurricular activities may include athletics, transportation, recreational activities, school-sponsored special interest groups or clubs, and referrals to agencies that provide assistance to individuals with disabilities and the employment of students (including both employment by the school district and assistance in making outside employment available).

In providing a free appropriate public education to students with disabilities eligible under the IDEA and Article 89, the Board will afford the students and their parents the procedural safeguard rights they are entitled to under applicable law and regulations. The Board also will provide them with notice of such rights as required by law and regulation, using the form prescribed by the commissioner of education.

For purposes of this policy and others related to the provision of services to eligible students with disabilities, and consistent with applicable law and regulation, the word parent means a birth or

HLCS POLICY

2013 7620

Page 2 of 7
Students

adoptive parent, a legally appointed guardian generally authorized to act as the child's parent or authorized to make educational decisions for the child; a person in parental relationship to the child as defined in section 3212 of the Education Law; 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 commissioner's regulations.

Eligible students with disabilities will be entitled to special education and related services until the end of the school year in which they turn 21 or until they receive a local high school or Regents diploma.

Students with disabilities may not be required to take medication as a condition for receiving a free appropriate public education.

To ensure the provision of a free appropriate public education to all eligible students with disabilities:

1. School district staff will take steps to locate, identify, evaluate and maintain information about all children with disabilities within the district, including homeless children and children who are wards of the state, and children attending nonpublic school within the district (including religious schools), who are in need of special education.
2. The district will establish a plan and practice for implementing school-wide approaches and interventions in order to remediate a student's performance prior to referral for special education services. The district will provide general education support services, instructional modifications, and/or alternative program options to address a student's performance before referring the student to the Committee on Special Education (CSE). The Instructional Support Team will develop, implement and evaluate pre-referral intervention strategies (School-wide Prereferral Approaches and Interventions).
3. School district staff will initiate a request for evaluation of a student who has not made adequate progress after an appropriate period of time when provided instruction under a response to intervention program. In making the request the staff person will describe in writing intervention services, programs and methodologies used to remediate the student's performance prior to referral. In addition, the extent of parental contact will be described as well.
4. The Board will appoint a committee on special education (CSE), and, as appropriate, CSE subcommittees, to assure the timely identification, evaluation and placement of eligible students with disabilities.
5. The Board will arrange for special education programs and services based upon the recommendation of the CSE or CSE subcommittee.
6. The Superintendent shall establish a plan for the recruitment, hiring and retention of staff appropriately and adequately prepared to meet the needs of students with disabilities including, but not limited to, highly qualified special education teachers.

HLCS POLICY

2013 7620

Page 3 of 7
Students

7. The Superintendent shall establish a comprehensive professional development plan designed to ensure that personnel necessary to carry out IDEA and Article 89 possess the skills and knowledge required to meet the needs of students with disabilities.
8. The Superintendent will establish a process for ensuring that district staff understand the right of students with disabilities to access and participate in the same academic, cocurricular and extracurricular programs and activities as all other students enrolled in the district's public schools, to the maximum extent appropriate to their individual needs.

Locate and Identify Students with Disabilities

The district will conduct an annual census to locate and identify all students with disabilities who reside in the district, and establish a register of such students who are entitled to attend the public schools of the district during the next school year, including students with disabilities who are homeless or wards of the State. The census shall be conducted, and the registry maintained, in accordance with the requirements established in Commissioner's regulations.

The Superintendent will determine what other activities might be appropriate to help locate and identify students with disabilities. These may include, but are not limited to, the mailing of letters to all district residents regarding the availability of special education programs and services and their right to access such services, and/or the publication of a similar notice in school newsletters and other publications.

(Refer to policy 4321.10, Programs and Services for Parentally-placed Nonpublic School Students with Disabilities under the IDEA and New York's Education Law Article 89, for more information regarding how to locate and identify nonpublic school students with disabilities).

Evaluation of Students with Disabilities

To initially determine a student's eligibility for a free appropriate public education under the IDEA and Article 89, the district will conduct a full evaluation of the student in accordance within legally prescribed time lines. As set forth in Commissioner's regulations, the initial evaluation will include, at least, a physical examination, an individual psychological evaluation unless the school psychologist determines it unnecessary, a social history, an observation of the student in the student's learning environment to document the student's academic performance and behavior in the areas of difficulty, and other appropriate assessments or evaluations (including a functional behavioral assessment for a student whose behavior impedes his or her learning or that of others) to ascertain the physical, mental, behavioral and emotional factors that contribute to the suspected disabilities.

Once a student has been determined eligible to receive a free appropriate public education, the district will reevaluate the student with a disability whenever the student's parent requests a reevaluation, and when the district determines the educational and related services needs (including improved academic achievement and functional performance) of the child warrant a reevaluation. However, a reevaluation must take place at least once every three years, unless the student's parent and the district agree it is unnecessary.

HLCS POLICY

2013 7620

Page 4 of 7
Students

Parental Consent for Student Evaluations

Before conducting any type of evaluation, district staff will take steps to obtain written informed consent from a student's parent, as required by applicable law and regulations. They also will keep a detailed record of those attempts and their results, including phone calls and correspondence, visits to the parent's home and any responses received.

1. If a parent refuses to give consent for an initial evaluation, or fails to respond to such a request, the parent will be given an opportunity to attend an informal conference and ask questions about the proposed evaluation. Unless the referral for evaluation is withdrawn, if the parent continues to withhold consent, the Board will commence due process proceedings to conduct an initial evaluation without parental consent within the time lines established in Commissioner's regulations.
2. If a parent refuses to give consent for a reevaluation, or fails to respond to such a request, district staff will proceed with the reevaluation without parental consent if it has engaged in documented reasonable efforts to obtain such consent and the parent has failed to respond. If the district cannot document its efforts to obtain consent, the Board will commence due process proceedings to conduct a reevaluation without parental consent.
3. If district staff is unable to obtain consent for the initial evaluation or reevaluation of a home schooled or a parentally-placed nonpublic school student, the Board will not commence due process proceedings to conduct the evaluation without parental consent, and will consider the student as not eligible for special education.

Conduct of Evaluations

In conducting evaluations of students with disabilities, the district will use a variety of assessment tools and strategies, including parent-provided information, to gather relevant functional, developmental, and academic information for determining a student's eligibility for special education and related services, and the content of the student's individualized education program or individualized education services program or services plan in the case of nonpublic school students with disabilities (including information related to enabling the student to be involved in and progress in the general education curriculum).

The district also will assess a student in all areas of suspected disability, and the assessment and other evaluation used will not be discriminatory on a racial or cultural basis. In addition, students will be assessed in the language and form most likely to yield accurate information on what the student actually knows and can do academically, developmentally, and functionally, unless it is not feasible to do so.

In the case of students suspected of having a specific learning disability, the district will follow the procedures established in commissioner's regulations.

The district will notify a student's parent of any determination that no additional data is needed and the reasons for such a determination. It will also inform the parent of his or her right to request an assessment, notwithstanding that determination.

HLCS POLICY

2013 7620

Page 5 of 7
Students

Eligibility Determination

The CSE or CSE subcommittee will determine whether a student is eligible for special education and related services under the IDEA and Article 89, as well as the student's educational needs.

The CSE or CSE subcommittee may not determine that a student is eligible for special education and related services if the determining factor is lack of appropriate instruction in the essential components of reading, including phonemic awareness, phonics, vocabulary development, reading fluency (including oral reading skills), and reading comprehension strategies; or lack of appropriate instruction in math; or limited English proficiency.

Committee on Special Education

The members of the CSE and CSE subcommittees will include those individuals identified in applicable law and regulations, and their attendance at CSE and CSE subcommittee meetings will be required except as otherwise provided in law and regulations.

The parent of a student with disabilities is one of the mandated CSE and CSE subcommittee members and as such has a right to participate in CSE and CSE subcommittee meetings concerning the identification, evaluation, educational placement, and the provision of a free appropriate public education to their child. District staff will take steps to ensure the parent's participation, in accordance with the following:

1. CSE and CSE subcommittee meetings will be scheduled at a time and place that is mutually agreeable to the parent and the district.
2. The parent will be given at least five days notice of the time and place of a CSE or CSE subcommittee meeting, except as otherwise provided in law and regulation, along with notice of the purpose of the meeting, those who will attend (including name and title), and the parent's right to be accompanied to the meeting by person(s) the parent considers to have knowledge and special expertise about their child.
3. The parent and the district may agree to use alternative means of participation at CSE meetings, such as videoconferences or telephone conference calls.
4. District staff will take any action necessary to ensure that the parent understands the proceedings at CSE meetings, including arranging for an interpreter for deaf parents or parents whose native language is other than English.

The CSE or CSE subcommittee may meet without a student's parent only if district staff has been unable to obtain either parent's participation, and has a record of its attempts to arrange a mutually agreed upon time and place. Similarly, the CSE or CSE subcommittee may make a decision without the involvement of the student's parent only if district staff has been unable to obtain parental participation, even through the use of alternative means of participation, and has a record of its attempts to ensure parental involvement.

HLCS POLICY

2013 7620

Page 6 of 7
Students

Provision of Services

The Board will arrange for appropriate special education and related services recommended by the CSE or CSE subcommittee within 60 school days of the district's receipt of parental consent to evaluate a student not previously identified as a student with a disability, or within 60 school days of referral for review of a student with a disability, except as otherwise provided in law and regulations.

All staff responsible for the implementation of a student's individualized education program, or an individualized education services program or services plan in the case of parentally placed nonpublic school students with disabilities, will be provided information regarding those responsibilities (Refer to policy 4321.5 for more information on this topic).

Parental Consent for the Provision of Services

The Board acknowledges that parental consent for initial evaluation does not constitute consent for placement for the provision of special education and related services. Therefore, district staff will take steps to obtain written informed consent for the initial provision of special education and related services to an eligible student. The Board will be precluded by applicable law and regulations from commencing due process proceedings to override the parent's refusal to provide such consent or override the parent's failure to respond to such a request.

Transition Service and Diploma/Credential Options

In accordance with law and regulation, the Board will ensure the provision of transition services, which are a coordinated set of activities for students with disabilities that facilitates movement from school to post-school activities, which may include but are not limited to post-secondary education, vocational education, integrated employment, continuing and adult education, adult services, independent living or community participation. At age 15, or younger if appropriate, the student's IEP will include a statement of transition service needs and will include undertaking activities in the following areas:

- 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 provision of a functional vocational evaluation.

In developing the plan for transition services, students and parents will be made aware of the range of diploma and credential options available and the requirements associated with each option.

HLCS POLICY

2013 7620

Page 7 of 7
Students

Cross ref: 7660, Parental Involvement (Title I)
7222, Diploma and Credential Options for Students with Disabilities
7240, Student Records
5410, Purchasing
6160, Staff Development

Ref: The Individuals with Disabilities Education Act (IDEA), 20 USC §§1400 *et seq.*;
34 CFR Part 300
N.Y. Education Law Article 89, §§4401 *et seq.*
8 NYCRR Part 200

Adoption date: 12/21/2009
Revised date: 11/18/2013

Students

SUBJECT: SECTION 504 OF THE REHABILITATION ACT OF 1973

The Board of Education affirms its compliance with those sections of the Rehabilitation Act of 1973 dealing with program accessibility.

Section 504 of the Rehabilitation Act prohibits discrimination against qualified individuals with disabilities in federally assisted programs or activities solely on the basis of disability. The District shall make its program and facilities accessible to all its students with disabilities.

The District shall also identify, evaluate and extend to every qualified student with a disability under Section 504 a free, appropriate public education, including modifications, accommodations, specialized instruction or related aids and services, as deemed necessary to meet their educational needs as adequately as the needs of non-disabled students are met.

The District official responsible for coordination of activities relating to compliance with Section 504 is the Superintendent of Schools. This official shall provide information, including complaint procedures, to any person who feels his/her rights under Section 504 have been violated by the District or its officials.

Prohibition Against Disability-Based Discrimination in Accelerated Programs

The practice of denying, on the basis of disability, a qualified student with a disability the opportunity to participate in an accelerated program violates both Section 504 and Title II. A school district may not impose or apply eligibility criteria that screens out or tends to screen out a student with a disability from fully and equally enjoying any service, program, or activity, unless such criteria can be shown to be necessary.

It is also unlawful to deny a student with a disability admission to an accelerated class or program solely because of his/her need for special education or related aids or services (i.e., related services, supplementary aids and services, program modification and supports for school personnel) or because the student has an Individualized Education Program (IEP) or a plan under Section 504.

Schools may employ appropriate eligibility requirements or criteria in determining whether to admit students, including students with disabilities, into accelerated classes or programs. Additionally, nothing in Section 504 or Title II requires schools to admit into accelerated classes or programs students with disabilities who would not otherwise be qualified for these classes or programs.

Americans With Disabilities Act, 42 United States Code (USC) Section 12101 et seq.
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.
Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq.
28 Code of Federal Regulations (CFR) Part 35

34 Code of Federal Regulations (CFR) Parts 104 and 300

NOTE: Refer also to Policy #7550 -- Complaints and Grievances by Students

Adoption Date: April 21, 2009

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) 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 (1) regular education teacher of such student (if the student is, or may be, participating in the regular education environment);
- c) Not less than one (1) special education teacher of the student, or, where appropriate, at least one (1) special education provider (i.e., related service provider) of such student;
- d) A representative of the School District who is qualified to provide or administer or supervise special education and who is knowledgeable about the general education curriculum and about the availability of resources of the District;
- e) An individual who can interpret the instructional implications of evaluation results, who may be a CSE member selected from the regular education teacher, the special education teacher or provider, the school psychologist, or the School District representative described above, or a person having knowledge or special expertise regarding the student as determined by the District;
- f) 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;
- g) Whenever appropriate, the student with a disability;
- h) A school psychologist;
- i) A school physician, if requested in writing at least seventy-two (72) hours prior to the meeting by the parents of the student or the School District; and

(Continued)

Students

SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON SPECIAL EDUCATION (CSE)/SUBCOMMITTEE ON SPECIAL EDUCATION MEMBERS (Cont'd.)

- j) An additional parent residing in the District or a neighboring school district who is a parent of a student with a disability, a parent of a student who has been declassified and is no longer eligible for an individualized education program (IEP), or a parent of a disabled child who has graduated. This parent member may serve for a period of five years beyond the student's declassification or graduation, provided that the parent shall not be employed by or under contract with the School District. Such parent is not a required member if the parents of the student request, in writing, that the additional parent member not participate in the meeting.

Subcommittee on Special Education Membership

The Board of Education shall appoint, as necessary, a Subcommittee on Special Education whose membership shall include, but not be limited to, the following members:

- a) The parent(s) of the student;
- b) Not less than one (1) regular education teacher of such student (if the student is, or may be, participating in the regular education environment);
- c) Not less than one (1) special education teacher, of the student, or where appropriate, at least one (1) special education provider (i.e., related service provider) of such student;
- d) A representative of the School District who is qualified to provide or administer or supervise special education and who is knowledgeable about the general education curriculum and about the availability of resources of the District;
- e) A school psychologist, whenever a new psychological evaluation is reviewed or a change to a program option with a more intensive staff/student ratio, as set forth in Section 200.6(f)(4) of the Regulations of the Commissioner, is considered;
- f) 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;
- g) An individual who can interpret the instructional implications of evaluation results, who may be a member described in letters "b" through "f" of this subheading; and
- h) Whenever appropriate, the student with a disability.

(Continued)

Students

SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON SPECIAL EDUCATION (CSE)/SUBCOMMITTEE ON SPECIAL EDUCATION MEMBERS (Cont'd.)

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) Section 1400 et seq.
34 Code of Federal Regulations (CFR) Part 300
Education Law Section 4402
8 New York Code of Rules and Regulations (NYCRR)
Sections 200.2(b)(3), 200.3, and 200.4(d)(4)(i)(d)

NOTE: Refer also to Policies #7613 -- The Role of the Board in Implementing a Student's Individualized Education Program
#7632 -- Appointment and Training of Committee on Preschool Special Education Members

Adopted: 7/30/07

Students

**SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON PRESCHOOL
SPECIAL EDUCATION (CPSE) MEMBERS****Committee on Preschool Special Education (CPSE) Membership**

The Board of Education shall appoint a Committee on Preschool Special Education (CPSE) whose membership shall include, but not be limited to, the following members:

- a) The parent(s) of the preschool child;
- b) Not less than one (1) regular education teacher of such child (if the child is, or may be, participating in the regular education environment);
- c) Not less than one (1) special education teacher of the child or, where appropriate, at least one (1) special education provider (i.e., related service provider) of such child;
- d) A representative of the School District who is qualified to provide, or supervise the provision of, special education and who is knowledgeable about the general education curriculum and about the availability of preschool special education programs and services and other resources of the District and the municipality (who shall serve as Chairperson of the CPSE);
- e) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team selected from the regular education teacher, the special education teacher or provider, the school psychologist, the School District representative described above, or a person having knowledge or special expertise regarding the student as determined by the District;
- f) At the discretion of the parent or the District, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate. The determination of knowledge or special expertise shall be made by the party (parents or School District) who invited the individual to be a member of the committee;
- g) An additional parent of a child with a disability who resides in the School District or a neighboring school district, and whose child is enrolled in a preschool or elementary level education program provided that such parent shall not be employed by or under contract with the School District or municipality; and provided further that such parent shall not be a required member if the parents of the child request, in writing, that the additional parent member not participate in the meeting;
- h) For a child's transition from early intervention programs and services (Infant and Toddler Programs), the appropriately licensed or certified professional from the County Early Intervention Program. This professional must attend all meetings of the CPSE conducted prior to the child's initial receipt of services; and

(Continued)

Students

SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE) MEMBERS (Cont'd.)

- i) A representative from the municipality of the preschool child's residence. Attendance of the appointee of the municipality is not required for a quorum.

Training

The training of qualified personnel is essential to the effective implementation of the Regulations of the Commissioner of Education regarding the education of all students with disabilities.

The Director of Special Education shall be responsible to the Superintendent for establishing administrative practices and procedures for training all District personnel responsible for carrying out the provisions of Part 200 of the Commissioner's Regulations as well as members of the Committee on Preschool Special Education.

Individuals with Disabilities Education Act (IDEA)
20 United States Code (USC) Section 1400 et seq.
34 Code of Federal Regulations (CFR) Part 300
Education Law Section 4410
8 New York Code of Rules and Regulations (NYCRR)
Sections 200.2(b)(3) and 200.3

NOTE: Refer also to Policies #7613 -- The Role of the Board in Implementing a Student's Individualized Education Program
#7614 -- Preschool Special Education Program
#7631 -- Committee on Special Education/Subcommittee on Special Education Members

Adopted: 7/30/07

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.

Functional Behavioral Assessments/Behavioral Intervention Plans

A functional behavioral assessment (FBA) is an integral part of the evaluation and reevaluation of a student with a disability which should be used throughout the process of developing, reviewing and revising a student's IEP when the student's behavior impedes learning of the child or others. The FBA is the process of determining why a student engages in challenging behavior and how the student's behavior relates to the environment.

The FBA provides a baseline of the student's problem behaviors with regard to frequency, duration, intensity and/or latency across activities, settings, people and times of the day and includes:

- a) The identification of the problem behavior,
- b) The definition of the behavior in concrete terms,
- c) The identification of the contextual factors that contribute to the behavior (including cognitive and affective factors), and
- d) The formulation of a hypothesis regarding the general conditions under which a behavior usually occurs and probable consequences that serve to maintain it.

The CSE/CPSE will ensure that functional behavioral assessments, when appropriate, are conducted and reviewed to:

- 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;

(Continued)

Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):
DEVELOPMENT AND PROVISION (Cont'd.)**

- b) Determine a student's eligibility for special education services;
- c) Develop the IEP which includes behavioral goals and objectives and positive behavioral supports and strategies.

In the case of a student whose behavior impedes his or her learning or that of others, the CSE/CPSE shall consider strategies, including positive behavioral interventions and supports and other strategies to address that behavior. The need for a behavioral intervention plan (BIP) shall be documented on the IEP and such plan shall be reviewed at least annually by the CSE/CPSE. In addition, regular progress monitoring of the frequency, duration and intensity of the behavioral interventions shall be conducted at scheduled intervals, documented and reported to the parents and CSE/CPSE.

A behavioral intervention plan may not include the use of aversive interventions or time out rooms except in accordance with specific Board policy regulating these techniques.

Individual Evaluations

Parental consent must be provided for an initial evaluation. If such consent is not received within thirty (30) calendar days of receipt of the referral, the CSE/CPSE Chairperson will document all attempts made to obtain the consent and, if appropriate, advise the Board of its right to utilize the due process procedures to conduct an evaluation without parental consent.

Unless a referral is withdrawn, an individual evaluation at no cost to the parent will be completed by the CSE/CPSE within sixty (60) calendar days after written parental consent has been obtained or a parental refusal to consent is overridden, unless:

- a) An extension is mutually agreed to by the parent and the CSE/CPSE for the following situations:
 - 1. Transfer students: A student enrolls in the District after sixty (60) days and prior to a determination by the student's previous school district as to whether the student has a disability, but only if the new school district is making sufficient progress to ensure a prompt completion of the evaluation and the parent and the new district agree in writing to a specific timeframe for completion; or
 - 2. Students suspected of having learning disabilities; or
- b) The parent or student repeatedly fails or refuses to produce the student for evaluation.

(Continued)

Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):
DEVELOPMENT AND PROVISION (Cont'd.)**

No student shall be required to obtain a prescription for a drug or other substance identified as a controlled substance by the federal Controlled Substances Act as a condition of receiving an evaluation.

The individual evaluation will include a variety of assessment tools and strategies, including information provided by the parent. The purpose of the evaluation is to gather relevant functional, developmental and academic information that may assist in determining whether the student is a student with a disability and the content of the student's IEP. This shall include information relating to enabling the student to participate and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities.)

As part of any evaluation, a group that includes the CSE/CPSE and other qualified professionals, as appropriate, shall review existing evaluation data on the student including evaluations and information provided by the parents of the student, current classroom-based assessments, local or state assessments, classroom-based observations, and observations by teachers and related services providers. In addition, the group will consider information about the student's physical condition, social or cultural background, and adaptive behavior.

On the basis of that review, and input from the student's parents, the group shall identify what additional data, if any, are needed to determine:

- a) Whether the student has or continues to have a disability;
- b) The present levels of academic achievement and related developmental needs of the student, including:
 1. Academic achievement, functional performance, and learning characteristics;
 2. Social development;
 3. Physical development; and
 4. Management needs.
- c) In the case of a reevaluation of a student, whether the student continues to need special education; and
- 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.

(Continued)

Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):
DEVELOPMENT AND PROVISION (Cont'd.)**

If additional data are not needed, the District must notify the parents of that determination and the reasons for it and of the right of the parents to request an assessment to determine whether, for purposes of services provided in accordance with law and Commissioner's Regulations, the student continues to be a student with a disability and to determine the student's educational needs. The District is not required to conduct the assessment unless requested to do so by the student's parents.

The determination that a student has a learning disability will be made in accordance with the procedures outlined in Section 200.4(j) of Commissioner's Regulations.

Individual Re-evaluations

A CSE/CPSE shall arrange for an appropriate re-evaluation of each student with a disability:

- a) If the District determines that the educational or related services needs, including improved academic achievement and functional performance of the student warrant re-evaluation;
- b) If the student's parent or teacher request a re-evaluation;
- c) At least once every three (3) years, unless the District and the parent/person in parental relation agree in writing that such re-evaluation is unnecessary.

A re-evaluation shall not be conducted more frequently than once a year unless the parent and the District representative appointed to the CSE/CPSE agree otherwise.

The re-evaluation will be conducted by a multi-disciplinary team or group of persons, including at least one teacher or other specialist with knowledge in the area of the student's disability. The re-evaluation shall be sufficient to determine the student's individual needs, educational progress and achievement, the student's ability to participate in instructional programs in regular education and the student's continuing eligibility for special education. The results of any re-evaluations must be addressed by the CSE/CPSE in reviewing, and as appropriate, revising the student's IEP.

To the extent possible, the District shall encourage the consolidation of re-evaluation meetings for the student and other CSE/CPSE meetings for the student.

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:

(Continued)

Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):
DEVELOPMENT AND PROVISION (Cont'd.)**

- a) The parents/persons in parental relation request an amendment to the IEP and the District and parents/persons in parental relation agree to the amendment in writing; or
- b) The District provides the parents/persons in parental relation a written proposal to amend a provision or provisions of the IEP conveyed in language understandable to the parents/persons in parental relation in their native language or other dominant mode of communication, informs and allows the parents/persons in parental relation the opportunity to consult with the appropriate personnel or related service providers concerning the proposed changes, and the parents/persons in parental relation agree in writing to the amendments.

If the parents/persons in parental relation agree to amend the IEP without a meeting, they shall be provided prior written notice (notice of recommendation) of the changes to the IEP and the Committee notified of the changes. If the changes are made by rewriting the entire IEP, the District shall provide the parents/persons in parental relation a copy of the rewritten IEP. If the amendment is made without rewriting the entire document, the District shall provide a copy of the document that amends the IEP or, upon request, a revised copy of the entire IEP with the amendments incorporated.

Use of Recording Equipment at IEP Meetings

The Board of Education shall allow recording equipment to be used at meetings regarding individualized education programs for students with disabilities.

Provision of Individualized Education Program

The Board of Education directs that the Superintendent/designee(s) establish administrative practices and procedures to ensure that each regular education teacher, special education teacher, related service provider and/or other service provider who is responsible for the implementation of a student's IEP is *provided a paper or electronic copy of such student's IEP (including amendments to the IEP) prior to the implementation of such program*. For purposes of this policy, "other service provider" means a representative of another public school district, charter school, Board of Cooperative Educational Services (BOCES) or school enumerated in Education Law Articles 81, 85 or 89 where the student receives or will receive IEP services. Further, the District will designate at least one school official who shall be responsible for maintaining a record of the personnel who have received IEP copies for each student.

(Continued)

Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):
DEVELOPMENT AND PROVISION (Cont'd.)**

Any copy of a student's IEP shall remain confidential in compliance with the Individuals with Disabilities Education Act, the Family Educational Rights and Privacy Act, and District policy regarding confidentiality of student records; and shall not be disclosed to any other person other than the parent of such student, except in accordance with federal and state laws and/or regulations. Appropriate training and information will be provided to designated school personnel, as applicable, to ensure the confidentiality of such information. Procedures will be established to ensure that copies of students' IEPs are stored in secure locations and retrieved or destroyed when such professionals are no longer responsible for implementing a student's IEP.

The Chairperson of the CSE, CSE subcommittee, or CPSE shall designate for each student one or, as appropriate, more than one professional employee of the School District with knowledge of the student's disability and education program who will be responsible to, prior to the implementation of the IEP, inform each regular education teacher, special education teacher, related service provider, other service provider, supplementary school personnel (i.e., a teaching assistant or a teacher aide as defined in Commissioner's Regulations), and other provider and support staff person of his/her responsibility to implement the recommendations on a student's IEP, including the responsibility to provide specific accommodations, program modifications, supports and/or services for the student in accordance with the IEP. In selecting the professional staff person(s), the Chairperson could select him/herself for this responsibility, another administrator, or a teacher, related service provider or other professional based on the particular circumstances of the student's disability and education program.

The School District shall also ensure that each teaching assistant, teacher aide and each other provider responsible for assisting in the implementation of a student's IEP has the opportunity to review a copy of the student's IEP (including amendments) prior to the implementation of such program. Further, each teaching assistant, teacher aide and such other provider responsible for assisting in the implementation of a student's IEP shall have ongoing access to a copy of the IEP, which may be the copy provided to the student's special education teacher or the teacher or related service provider under whose direction the supplementary school personnel or other provider works. However, the District may, at its discretion, provide a copy of the IEP to teaching assistants and/or teacher aides.

A copy of a student's IEP shall be provided to the student's parents at no cost to the student's parents.

Individuals with Disabilities Education Improvement Act of 2004, Public Law 108-446 Section 615(k)(1)
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.
21 United States Code (USC) Section 812(c)
Education Law Articles 81, 85 and 89 and Sections 207, 3208 and 4402(7)
8 New York Code of Rules and Regulations (NYCRR) Sections 200.1(hh), 200.2(b)(11), 200.4(b)(4),
200.4(d)(3)(i), 200.4(e)(3), 200.4(f), 200.4(j), 200.16(e)(6) and 200.22

NOTE: Refer also to Policy #7316 -- Use of Time Out Rooms

Adoption Date: 12/21/2009

Students

SUBJECT: TRANSITION SERVICES

Beginning not later than the first IEP to be in effect when the student is age 15 (and at a younger age, if determined appropriate), and updated annually, the student's IEP must include:

- a) A statement of the student's needs taking into account the student's strengths, preferences and interests as they relate to transition from school to post-school activities;
- b) Appropriate measurable postsecondary goals based upon age appropriate transition assessments relating to training, education, employment and, where appropriate, independent living skills;
- c) A statement of transition service needs that focuses on the student's courses of study, such as participation in advanced-placement courses or a vocational educational program;
- d) Needed activities to facilitate the student's movement from school to post-school activities, including instruction, related services, community experiences, the development of employment and other post-school adult living objectives and, when appropriate, acquisition of daily living skills and functional vocational evaluation; and
- e) A statement of the responsibilities of the District and participating agencies, when applicable, for the provision of such services and activities, before the student leaves the school setting, that promote movement from school to post-school opportunities.

As defined by the Commissioner's Regulations, transition services means a coordinated set of activities for a student with a disability, designed within a results-oriented process that is focused on improving the academic and functional achievement of the child with a disability to facilitate movement from school to post-school activities. Post-school activities include, but are not limited to, post-secondary education, vocational training, integrated competitive employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities must be based on the individual student's needs, taking into account the student's strengths, preferences and interests and shall include needed activities in the following areas:

- a) Instruction;
- b) Related services (the term "related services" does not include a medical device that is implanted, or the replacement of such device);
- c) Community experiences;

(Continued)

2007

7641
2 of 2

Students

SUBJECT: TRANSITION SERVICES (Cont'd.)

- d) The development of employment and other post-school adult living objectives; and
- e) When appropriate, acquisition of daily living skills and functional vocational evaluation.

Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446 Section 614(a)]
Individuals with Disabilities Education Act (IDEA)
20 United States Code (USC) Sections 1400 et seq.
34 Code of Federal Regulations (CFR) Sections 300.343, 300.347 and 300.348
Education Law Section 4401
8 New York Code of Rules and Regulations (NYCRR) Sections 200.1(qq), 200.1(fff), 2004.(d)(2)(ix), and 200.5(c)(2)(vii)

NOTE: Refer also to Policy #7617 – Declassification of Students with Disabilities

Adopted: 7/30/07

2007

7642

Students

SUBJECT: TWELVE MONTH SPECIAL SERVICES AND/OR PROGRAMS

The School District shall provide, directly or by contract, special services and/or programs during July and August to those students whose disabilities are severe enough to exhibit the need for a structured learning environment of twelve (12) months duration in order to prevent substantial regression as determined by the Committee on Special Education (CSE)/Committee on Preschool Special Education (CPSE). Written consent of the parent is required prior to initial provision of special education services in a twelve-month special service and/or program.

For students eligible for twelve (12) month service and/or program, the Individualized Education Program (IEP) shall indicate the identity of the provider of services during the months of July and August, and for preschool students determined by the CPSE to require a structured learning environment of twelve (12) months duration to prevent substantial regression, a statement of the reasons for such recommendation.

Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446 Section 614(a)]
Individuals with Disabilities Education Act (IDEA)
20 United States Code (USC) Sections 1400 et seq.
8 New York Code of Rules and Regulations (NYCRR)
Sections 200.1(qq), 200.4(d)(2)(x), 200.5(b)(1)(iii),
200.6(j) and 200.16(h)(3)(v)

Adopted: 7/30/07

Students

SUBJECT: TRANSFER STUDENTS WITH DISABILITIES

To facilitate the transition of students with disabilities transferring into or out of the District the District shall:

- a) As the district of origin take reasonable steps to promptly respond to all requests from the new school district.
- b) As the new school district take reasonable steps to promptly obtain the student's records from the previous school, including the Individualized Education Program (IEP), supporting documents and any other records relating to the provision of special education services.
- c) Provide to a student with a disability (as defined in Section 200.1(zz) of Commissioner's Regulations) who transfers school districts within the same academic year a free appropriate education including services comparable to those described in the student's previous IEP.
 1. For transfers within New York State, the previously held IEP will be followed in consultation with the parents until the District adopts the previously held IEP or develops, adopts and implements a new IEP consistent with federal and State law and regulation.
 2. For transfers from outside New York State, in consultation with the parents the previously held IEP will be followed until the District conducts an evaluation and, if appropriate, develops a new IEP consistent with federal and State law and regulation.

Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446 Section 614(a)]
Individuals with Disabilities Education Act (IDEA)
20 United States Code (USC) Sections 1400 et seq.
8 New York Code of Rules and Regulations (NYCRR)
Sections 200.1(zz) and 200.4(e)(8)

Adopted: 7/30/07

Students

**SUBJECT: IDENTIFICATION AND REGISTER OF CHILDREN WITH DISABILITIES
(CHILD FIND)**

The School District is required to locate and identify all students with disabilities who reside in the District, including students who do not attend public school. Therefore, it is the policy of the Board of Education to conduct a census in order to have all children with disabilities within its jurisdiction under the age of twenty-one (21) identified, located and evaluated, including children of preschool age, homeless children, children who are wards of the State as defined in Commissioner's Regulations and children in all public and private agencies and institutions.

Procedures must be established to locate, identify and evaluate all nonpublic elementary and secondary school students with disabilities, including religious-school children, to ensure the equitable participation of parentally placed private school students with disabilities and an accurate count of such students. The District will consult with representatives of private schools and representatives of parents of parentally placed private school students on the child find process. The District in which the nonpublic elementary or secondary school is located is responsible for child find, equitable provision of services and consultation requirements. Any such student suspected of having a disability is to be referred to the Committee on Special Education (CSE) of the student's district of residence for evaluation and possible identification as a student with disability.

Census data shall be reported by October 1 to the Committee on Special Education (CSE)/Committee on Preschool Special Education (CPSE) as appropriate. The CSE/CPSE will maintain and revise annually a register and related summary reports containing the data requirements indicated in Commissioner's Regulations including the number of students enrolled in private schools by their parents who are evaluated to determine if they are students with disabilities, the number of such students who are determined to have a disability and the number who received special education services.

Individuals with Disabilities Education Improvement Act of
2004 [Public Law 108-446 Section 612]
Individuals with Disabilities Education Act (IDEA)
20 United States Code (USC) Section 1400 et seq.
34 Code of Federal Regulations (CFR) Part 300
Education Law Sections 3240-3242, 3602-c(2-a) and 4402(1)(a)
8 New York Code of Rules and Regulations (NYCRR)
Sections 200.2(a) and 200.4

NOTE: Refer also to Policy #7160 -- School Census

Adopted: 7/30/07

Students

SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES

The Board of Education recognizes the rights of the parent/guardian to be fully informed of all information relevant to the identification, or change in identification, evaluation and educational placement of a child with a disability.

All due process procedures for parents/guardians and children in the Commissioner's Regulations shall be observed by the School District.

Definition of Parent

Parent means a birth or adoptive parent, a legally appointed guardian generally authorized to act as the child's parent or authorized to make educational decisions for the child, a person in parental relationship to the child as defined in Education Law Section 3212, an individual designated as a person in parental relation pursuant to General Obligations Law Title 15-A including an individual so designated who is acting in the place of a birth or adoptive parent (including a grandparent, stepparent or other relative with whom the child resides), or a surrogate parent who has been appointed in accordance with Section 200.5(n) of Commissioner's Regulations. The term does not include the State if the student is a ward of the State.

A foster parent may act as a parent unless State law, regulations or contractual obligations with a State or local entity prohibit the foster parent from acting as a parent.

Unless a judicial decree identifies a specific person(s) to act as the parent or make educational decisions for the student, if one or more parties is qualified to act as a parent, the birth or adoptive parent is presumed to be the parent unless they do not have the legal authority to do so.

Surrogate Parents

It is the duty of the School District to determine whether a child needs a surrogate parent and to assign a surrogate parent in the manner permitted under New York State law. This determination shall be completed within a reasonable time following the receipt of a referral for an initial evaluation or re-evaluation.

In the event that no parent or guardian for a child with a disability can be identified; or after reasonable efforts the whereabouts of the parent or guardian cannot be determined; or the student is an unaccompanied homeless youth; or the child with a disability is a ward of the State and does not have a "parent" as defined above; or the rights of the parent to make educational decisions have been subrogated by a judge in accordance with State law; the Board shall assign an individual to act as a surrogate for the parents or guardians.

Alternatively, the surrogate parent may be appointed by a judge overseeing the child's case.

(Continued)

2010

7660
2 of 6

Students

SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)

The person selected as a surrogate shall have no interest that conflicts with the interest of the child he/she represents, and shall have knowledge and skills that ensure adequate representation of the child.

Prior Written Notice (Notice of Recommendation)

Prior written notice (notice of recommendation) must be given to parents of a student with a disability a reasonable time before the District proposes to, or refuses to, initiate or change the identification, evaluation, educational placement of the student or the provision of a free appropriate public education to the student. Prior written notice must also be provided informing the parents when no additional data is required to determine the student's educational needs, the reasons for this determination and their right to request an assessment.

If the prior written notice relates to a proposed action that also requires parental consent, the District must give notice at the same time it requests parental consent. The prior written notice will contain all elements required by Commissioner's Regulations.

A parent may elect to receive prior written notice and other required notifications by electronic mail (e-mail) communication if the District makes this option available.

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 (CPSE) meeting or are afforded the opportunity to participate in a mutually agreed upon time and place. The School District must document its attempts to involve parents, such as:

- a) Detailed records of telephone calls made or attempted and the results of these calls;
- b) Copies of correspondence sent to the parents and any responses received; and
- c) Detailed records of visits made to the parent's home or place of employment and the results of those visits.

A meeting may be conducted without a parent in attendance if the School District is unable to convince the parents that they should attend.

Additionally, the School District must take whatever action is necessary to ensure the parent understands the proceedings of this meeting including arranging for an interpreter for parents with deafness or whose native language is other than English.

(Continued)

2010

7660

3 of 6

Students

SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)

Parental Consent

In accordance with due process, a parent (as defined in Commissioner's Regulations Section 200.1(l)) of a special education student or a student suspected of having a disability must provide informed consent before the School District can take certain actions. The District will make reasonable efforts to obtain written informed consent and will maintain a detailed record of its attempts and the results of the attempts.

Consent for Evaluations

The parent or guardian must provide informed consent to the initial evaluation, or reevaluations in accordance with law and/or regulations. If a parent does not provide consent for an initial evaluation, the School District *may* pursue the evaluation by commencing a due process hearing to override the refusal to provide consent.

Parental consent for a reevaluation is not needed if the District can demonstrate that it has taken reasonable measures to obtain consent, but the parents or guardians have failed to respond.

Consent for the Initial Provision of Services

Parental consent is also required for the initial provision of special education services. Consent for an initial evaluation does not constitute consent for the initial provision of services. If a parent does not provide consent for the initial provision of services, the School District *shall not* provide the special education program and services to the student and shall not use the due process procedures to challenge the parent's refusal to consent. The School District shall not be considered to be in violation of the requirements to provide a free appropriate public education (FAPE), shall not be required to convene a meeting of the committee on special education or develop an individualized education program (IEP).

Consent for Other Actions

Prior written consent must also be provided:

- a) Prior to releasing any personally identifiable information; and
- b) Prior to each time the District proposes to access a parent's private or public insurance. A Medicaid application does not meet the IDEA parent consent requirements. The District must obtain an annual parental consent to request Medicaid reimbursement.

(Continued)

2010

7660
4 of 6

Students

SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)

Consent for an Unaccompanied Homeless Youth

Consent may be provided by a surrogate parent. However, until a surrogate parent is appointed, consent may be provided on a temporary basis by an employee of a temporary housing facility operated or approved by a local social services district or a residential facility for runaway and homeless youth.

Consent for a Ward of the State

A ward of the State means a child or youth under the age of twenty-one (21):

- a) Who has been placed or remanded pursuant to Social Services Law or the Family Court Act or freed for adoption pursuant to Social Services Law; or
- b) Who is in the custody of the Commissioner of Social Services or the Office of Children and Family Services; or
- c) Who is a destitute child under Social Services Law.

In the event that a child is a ward of the State, the School District shall make reasonable efforts to obtain the informed consent from the parent of the child for an initial evaluation to determine whether the child is a child with a disability.

The School District is not required to obtain informed consent if:

- a) Despite reasonable efforts to do so, the School District cannot discover the whereabouts of the parent of the student, including consulting with the agency responsible for the care of the student; or
- b) The rights of the parents of the student have been terminated in accordance with State law; or
- c) The rights of the parent to make educational decisions have been subrogated by a judge in accordance with State law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the student

Consent for a Student Who is Home Instructed or Parentally Placed in a Private School at the Parent's Expense

If a parent of a student who is home instructed or placed in a private school by their parents at their own expense does not provide consent for an initial evaluation or reevaluation, or the parent fails to respond to a request to provide consent, the District may not continue to pursue those evaluations by

(Continued)

2010 7660
5 of 6
Students

SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)

using the due process procedures and the District is not required to consider the student as eligible for special education services.

Parental Revocation of Consent

Parental revocation of consent for continued provision of special education and related services must be in writing. When the parent revokes such consent, the District still must provide the parent with the usual written notice of its intentions with respect to the child.

If the parent of a student with a disability revokes his/her consent in writing for the continued provision of special education and related services to the student at any time subsequent to the initial provision of special education and related services, the District:

- a) May not continue to provide special education and related services to the student, but must provide prior written notice to the parent before ceasing the provisions of special education and related services;
- b) May not use due process procedures (i.e., mediation, resolution meeting, and/or impartial due process hearing) in order to obtain agreement or a ruling that the services may be provided to the student without parental consent;
- c) Will not be considered to be in violation of the requirement to make a free and appropriate public education (FAPE) available to the student because of the failure to provide the student with further special education and related services; and
- d) Is not required to convene an individualized education program (IEP) meeting or develop and IEP for the student for the further provision of special education and related services.

If the parent revokes consent in writing for his/her child's receipt of special education and related services after the child is initially provided special education and related services, the District is not required to amend the student's education records to remove any references to the student's receipt of such services because of the revocation of consent.

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;

(Continued)

2010 7660
6 of 6
Students

SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)

- b) Upon the first filing of a due process complaint notice to request mediation or an impartial due process hearing;
- c) Upon request by a parent;
- d) Upon a decision to impose a suspension or removal that constitutes a disciplinary change in placement; and
- e) Upon first receipt of a State complaint.

Individuals with Disabilities Education Improvement Act of 2004 (Public Law 108-446) Section 614(a)
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.
34 Code of Federal Regulations (CFR) Part 300
Education Law Sections 207, 3212, 4005, 4202, 4401 and 4402
8 New York Code of Rules and Regulations (NYCRR) Sections 200.1, 200.4(b)(6), and 200.5

NOTE: Refer also to Policy #7260 -- Designation of Person in Parental Relation

Adoption Date: 12/21/2009

Students

SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS

The parent/person in parental relation of a student with a disability may file a written request with the Board for an impartial due process hearing with respect to any matter relating to the identification, evaluation, educational placement, provision of a free appropriate public education, manifestation determination or other matter relating to discipline. The Board may also initiate such hearing.

The School District is committed to making every effort to amicably resolve differences involving the educational programs for students with disabilities. Mediation will be available to resolve disputes involving any matter, including matters arising prior to the filing of a request for an impartial due process hearing. In addition, the District may establish procedures providing the opportunity to meet with a disinterested party from a community dispute resolution center for an explanation of the benefits of the mediation process.

For those exceptional circumstances where a more formal method is required, the impartial hearing process will be utilized. The Impartial Hearing Officer (IHO) renders a written decision after the parties present and refute evidence before him/her. The decision of the IHO is final and binding on both parties unless appealed to the State Review Officer (SRO).

Impartial Due Process Hearing Process

The request for an impartial due process hearing must be submitted within two (2) years of the date the parent or the District knew or should have known about the alleged action forming the basis of the complaint. However, the two (2) year timeline does not apply if the parent was prevented from requesting the hearing due to specific misrepresentations by the District that it had resolved the problem or the District's withholding of information from the parent that is required by Commissioner's Regulations.

The following is an overview of the impartial due process hearing process/prehearing conference:

Due Process Complaint Notification

- a) The parent or the School District may request an impartial due process hearing by first submitting a due process complaint notice.

A hearing may not be held until a due process complaint notice is filed. Either the parent, the District, or the attorney representing either party may present a complaint with respect to any matter relating to the identification, evaluation or educational placement of a student with a disability or a student suspected of having a disability, or the provision of a free appropriate public education to such student.

(Continued)

Students

SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)

This written due process complaint notice must include:

1. The name of the student;
 2. The address of the student's residence or, in the case of a homeless student, available contact information;
 3. The name of the school the child is attending;
 4. A description of the nature of the problem of the student relating to the proposed or refused initiation or change, including facts relating to the problem; and
 5. A proposed resolution of the problem to the extent known and available to the party at the time.
- b) The due process complaint notice will be deemed sufficient unless the party receiving the notice notifies the other party and the IHO in writing within fifteen (15) days of receiving the notice that they believe the notice requirements have not been met.
- c) Within five (5) days of the receipt of the notice of insufficiency, the IHO shall make a determination on the face of the notice of whether the notification meets the notice requirements and shall immediately notify the parties in writing of the determination.
- d) If the District has not sent a prior written notice (notice of recommendation) to the parent regarding the subject matter of the complaint notice, the District will send a response to the parent within ten (10) days of receiving the complaint which includes:
1. An explanation of why the District proposed or refused to take the action raised in the complaint;
 2. A description of other options the Committee on Special Education (CSE)/Committee on Preschool Special Education (CPSE) considered and why those options were rejected;
 3. A description of each evaluation procedure, assessment, record, or report the District used as a basis for the proposed or refused action; and
 4. A description of the factors relevant to the District's proposal or refusal.

(Continued)

Students

SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)

- e) Upon receipt or filing of the due process complaint notice, the District will provide the procedural safeguards notice to the parents. The District will also inform parents in writing of the availability of mediation and of any free or low-cost legal and other relevant services available in the area.
- f) Within ten (10) days of receiving the complaint notice, the non-complaining party must send a response specifically addressing the issues raised in the notice.
- g) A party may amend its due process complaint notice only if:
 - 1. The other party consents in writing and is given the opportunity to resolve the complaint through a resolution process;
 - 2. The IHO grants permission, but not later than five (5) days before the impartial due process hearing commences.

Applicable timelines for the impartial due process hearing will recommence at the time of the filing of the amended notice.

- h) No issues may be raised at the impartial due process hearing that were not raised in the due process complaint notice.

Resolution Process

- a) Within fifteen (15) days of receiving the due process complaint notice from the parent and prior to the due process hearing itself, the District shall convene a meeting with the parents and relevant members of the CSE/CPSE, as determined by the District and the parent, who have specific knowledge of the facts identified in the complaint. A representative of the District who has decision-making authority must attend. The attorney for the District may not attend unless the parent is accompanied by an attorney. At this resolution meeting, the District has the opportunity to resolve the complaint after the parents discuss their complaint and the facts forming its basis.

The District will take steps to ensure that one or both of the parents of the student with a disability are present at the resolution meeting, including notifying parents of the meeting early enough to ensure that they will have the opportunity to attend and scheduling the resolution meeting at a mutually agreed on time and place and in a location that is physically accessible to the parents.

(Continued)

Students

SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)

- b) When conducting meetings and carrying out administrative matters (such as scheduling), the parent and District may agree to use alternative means of meeting participation such as video conferences or conference calls.
- c) The parent and District may agree in writing to waive the resolution process or agree to use the mediation process to resolve the dispute.
- d) If a settlement is reached, the parties shall execute a legally binding agreement signed by the parent and the representative of the District who has authority to bind the District. This agreement is enforceable in court. However, either party may void the agreement within three (3) business days of the agreement's execution.
- e) If the District has not resolved the due process complaint to the satisfaction of the parents within thirty (30) days of receipt of the complaint notice, the impartial hearing process may begin.
- f) Except where the parties have jointly agreed to waive the resolution process or use mediation, the failure of a parent filing a due process complaint to participate in the resolution meeting will delay the timeline for the resolution process and due process hearing until the meeting is held:
 - 1. If the District is unable to obtain the participation of the parent in the resolution meeting after reasonable efforts have been made (and documented), the District may, at the conclusion of the thirty-day period, request that an IHO dismiss the parents' due process complaint.
 - 2. If the District fails to hold the resolution meeting within fifteen (15) days of receipt of the parent's due process complaint or fails to participate in the resolution meeting, the parent may seek the intervention of the IHO to begin the due process hearing timeline.

Pre-Hearing Conference

A pre-hearing conference (which may take place via telephone) may be scheduled by the IHO to simplify or clarify issues; establish dates for the completion of the hearing; identify evidence to be entered into the record; identify witnesses expected to provide testimony; and/or address other administrative issues. A transcript or written summary shall be entered into record by the IHO.

Impartial Due Process Hearing

In the event the complaint is not resolved in a resolution process, the Board will arrange for an impartial due process hearing to be conducted. When carrying out administrative matters relating to an

(Continued)

Students

SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)

impartial due process hearing, such as scheduling, exchange of witness lists and status conferences, the parent and District may agree to use alternative means of meeting participation such as video conferences or conference calls.

- a) The District must immediately (but not later than two (2) business days after receipt of the due process complaint notice or mailing of the due process complaint notice to the parent) initiate the process to select an IHO. The District selects the IHO through a rotational selection process in accordance with regulatory timelines. The Superintendent's Secretary/District Clerk will be responsible for contacting IHOs and maintaining appropriate records.
 - b) The IHO must be certified by the Commissioner of Education, be independent and have access to the support and equipment necessary to perform the duties of an IHO. When the selected IHO indicates availability, the Board of Education must immediately appoint him/her. To expedite this process, the Board may designate one (1) or more of its members to appoint the IHO on behalf of the Board.
 - c) The IHO may not accept appointment unless he/she is available to make a determination of sufficiency of a due process complaint notice within five (5) days of receiving such a request and (unless an extension is granted) to initiate the hearing in a timely fashion.
1. When the District files the due process complaint notice, the hearing or pre-hearing conference must commence within the first fourteen (14) days after the date the IHO is appointed;
 2. When a parent files the due process complaint notice, the hearing or pre-hearing conference must commence within the first fourteen (14) days after whichever of the following occurs first:
 - (a) The date the IHO receives the parties' written waiver of the resolution meeting; or
 - (b) The IHO receives the parties' written confirmation that a mediation or resolution meeting was held but no agreement could be reached; or
 - (c) The expiration of the thirty-day resolution period unless the parties agree in writing to continue mediation at the end of the thirty-day resolution period. In such case, the hearing or pre-hearing conference will commence within the first fourteen (14) days after the IHO is notified in writing that either party withdrew from mediation.

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Students

SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)

- d) The hearing, or a prehearing conference, shall commence within the timeframe specified in c) above, unless an extension is granted pursuant to Commissioner's Regulations. The parties to the proceeding may be accompanied and advised by legal counsel and by individuals with special knowledge or training with respect to the problems of students with disabilities. Notably, if a parent prevails at an impartial due process hearing, he or she is entitled to reasonable attorney's fees, but not fees for his/her non-attorney advocate. Such fees are considered "expert fees" and are not recoverable under the current IDEA.
- e) Each party must disclose to all parties all evaluations completed by that date and recommendations based on the offering party's evaluation that they intend to use at the hearing not less than five (5) days prior to the hearing. The IHO may bar any party that fails to comply with this requirement from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.
- f) In New York State, a party to an impartial due process hearing may be "represented" by a non-attorney. Commissioner's Regulation directs that parents, school authorities, and their respective counsel or "representative" shall have an opportunity to present evidence, compel the attendance of witnesses and to confront and question all witnesses at the hearing. Each party shall have the right to prohibit the introduction of any evidence, the substance of which has not been disclosed to all parties at least five (5) business days prior to the due process hearing.
- g) The hearing will be conducted at a time and location that is reasonable and convenient to the parent and the student involved. The hearing shall be closed to the public unless the parent requests an open hearing.
- h) The role and responsibilities of the IHO will be as enumerated in Commissioner's Regulations. At all stages of the proceeding, the IHO may assist and unrepresented party by providing information relating only to the hearing process. However, nothing shall impair or limit the authority of the IHO to ask questions of counsel or witnesses for the purpose of clarification or completeness of the record.
- i) The student shall remain in his/her current placement during the pendency of the impartial due process hearing unless both parties agree or except as otherwise provided for expedited impartial due process hearings for certain disciplinary suspensions or removals of a student. For a preschool child not currently receiving special education services and programs, he/she may, during any impartial due process hearings or appeals, receive special education services and programs if the parent/person in parental relation and the District agree. However, during the pendency of an appeal for a preschool child who is transitioning from an Early Intervention (EI) program and is no longer eligible for the EI program due to age, the District is not required to provide the services the child had been

(Continued)

Students

SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)

receiving under EI. If found eligible for special education as a preschool student with a disability, and if the parent consents to the initial provision of services, the District will provide those programs and services that are not in dispute.

- j) The IHO renders and forwards the finding of fact and decision to the parties and to the State Education Department in accordance with regulatory timelines but not later than forty-five (45) days from the date required for commencement of the impartial due process hearing specified in c) above. For expedited hearings the deadline is within ten (10) school days after the hearing; for preschool hearings the timeframe is thirty (30) days after the receipt by the Board of a request for a hearing or after the initiation of such hearing by the Board.
- k) The decision of the IHO is final and binding on both parties unless appealed to the State Review Officer (SRO).

Burden of Proof

In accordance with New York State law, the burden of proof and persuasion in an impartial due process hearing dispute relative to a student's special education placement rests upon the school district. However, a parent/person in parental relation seeking tuition reimbursement for a unilateral parental placement shall have the burden of persuasion as to the appropriateness of the placement.

Recordkeeping and Reporting

The District will utilize the New York State Education Department's Impartial Hearing Reporting System (IHRS) to access the alphabetical list of the names of each IHO who is certified in New York State and available to serve in the District. The District will record and report to the State Education Department required information relating to the selection of IHOs and the conduct of impartial due process hearings according to the manner and schedule specified by the Department. The Superintendent shall designate a staff member(s) who will be responsible for reporting such information as required relating to the impartial hearing process into the State Education Department's web-based reporting system.

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Students

Compensation of Impartial Hearing Officers

The District will be responsible for compensating the IHO for prehearing, hearing and post-hearing activities at the rate agreed upon at the time of the IHO's appointment. The rate of compensation may not exceed the maximum rate approved by the NYS Department of Budget (currently \$100 per hour) for all pre-hearing, hearing and post-hearing activities. Pre-hearing activities include schedule the hearing and determining the location; conducting pre-hearing conference calls; arranging for interpreters, witnesses, subpoenas and a stenographer; and writing letters to the parties involved in the hearing. Hearing activities include the hearing, handling settlement agreements placed on the record and arranging for subsequent hearing dates. Post-hearing activities include researching information pertinent to the hearing issues, writing the decision, and mailing copies to the parties and to NYS Education Department.

The District will also reimburse the IHO for travel and other hearing-related expenses (e.g., duplication and telephone costs) pursuant to an annually determined schedule. The hearing officer shall be reimbursed for travel subject to the following limitations: the District will pay for travel time at the NYSED/Department of Budget approved rate (currently \$100 per hour) for up to 2 hours each way. The District will reimburse mileage at the established IRS rate (currently 55.5 cents per mile) for up to 100 miles each way.

Reasonable expenses for lodging, meals and other hearing related expenses shall be reimbursed.

The District will reimburse the IHO within 30 days after receipt of an invoice, separately itemizing his or her hours, travel time and expenses, and other hearing expenses.

The District will pay the IHO's stated cancellation fee, up to a maximum of \$800, if a scheduled evidentiary hearing date is cancelled by the District, or by mutual consent of the parties in the event of settlement, with less than 48 hours notice to the hearing officer. If an in-person, per-hearing conference is cancelled by the District, or by mutual agreement of the parties in the event of settlement, on less than 48 hours notice, the District will pay one-half (1/2) of the IHO' stated cancellation fee, up to a maximum of \$400.

On an annual basis, the District will forward a copy of its compensation rates to each IHO on the District's rotational list.

(Continued)

Students

SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)

At the completion of the impartial due process hearing, the IHO shall submit an itemized bill of hourly charges and expenses, which will be promptly paid by the District.

Mediation

The District will inform the parent in writing of the availability of mediation and any free or low-cost legal and other relevant services available in the area at the request of the parent or when an impartial due process hearing is requested.

Mediation is voluntary and does not deny or delay a parent's right to an impartial due process hearing. If mediation is initiated after a request for an impartial due process hearing has been received, the impartial due process hearing must continue unless the request for the impartial due process hearing is withdrawn. However, a party may request an extension to an impartial due process hearing in order to pursue mediation.

Guardians ad Litem at Impartial Due Process Hearings

Unless a surrogate parent has been previously appointed, the IHO must appoint a guardian ad litem when he/she determines that the interests of the parent(s) are opposed to or are inconsistent with those of the student or whenever the interests of the student would be best protected by such appointment.

Confidentiality

All issues relating to a request for and conduct of an impartial due process hearing must be kept confidential by all District staff.

Administrative Procedures

Administrative procedures will be developed for the selection and appointment of an IHO consistent with regulatory requirements.

Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.
34 Code of Federal Regulations (CFR) Part 300
Education Law Sections 4005, 4202, 4404(1) and 4410(7)
8 New York Code of Rules and Regulations (NYCRR) Sections 200.1, 200.2, 200.5, 200.16, 200.21 and 201.11

NOTE: Refer also to Policy #7690 -- Special Education Mediation

Adoption Date: 7/30/2007
Revised: 4/20/2010
Revised: 11/21/2011

REQUESTS FOR INDEPENDENT EDUCATIONAL EVALUATIONS AT PUBLIC EXPENSE

TERMS AND DEFINITIONS:

An independent educational evaluation means an evaluation involving a student with a disability or a student suspected of having a disability conducted by a qualified examiner who is not employed by the Hadley-Luzerne Central School District. If a parent disagrees with an evaluation obtained or conducted by the CSE (Committee on Special Education) or CPSE (Committee on Preschool Education), a parent has a right to obtain an independent educational evaluation and may request that it be conducted at public expense. Barring extraordinary circumstances as determined by the CSE Chairperson under the supervision of the building principal and superintendent of schools the district shall not agree to fund more than one IEE within a year and may offer to first arrange the evaluation requested, in lieu of an IEE, if the District has not completed such evaluation within a year of the parents' request. The District will pay the maximum authorized feeds based on a community survey of practitioners conducted by the CSE Chair.

OVERVIEW:

It is the policy of the Board of Education of the Hadley-Luzerne Central School District to notify a parent of its determination within thirty days of receipt of a request for an Independent Educational Evaluation ("IEE") at public expense. Upon receipt, the Director of Special Education may ask the Parent (s) to explain the nature of the disagreement with the district's evaluation and, where appropriate, offer to arrange its own evaluation in lieu of an IEE. Failure to obtain such information from the Parents shall not be a basis to deny an otherwise appropriate request for an IEE at public expense or otherwise delay in responding to a request.

- A parent who requests from school personnel an independent evaluation at public expense shall be advised that such request must be made in writing to the Director of Special Education except where the parent is unable to do so.**
- Where the request is for reimbursement of an IEE, such request shall be made within 30 days of the date the evaluation is completed and submitted to the District for its review.**

IEE LIST:

The CSE Chairperson on behalf of the District shall maintain and update annually a list of independent educational evaluators available to issue IEEs in conformance with criteria established pursuant to this Policy, which shall be made available to a parent, upon request. The CSE Chairperson is directed to provide the parent with the list of providers; complete the fee survey; determine if health insurance of the requesting parent will cover all or part of the evaluation; and process a contract with the evaluator.

PROCEDURES:

Upon receipt of a request for an IEE at public expense the CSE Chairperson shall provide the parent with a copy of the Board's Regulation and the District established criteria for payment of IEEs, which shall include:

- The maximum authorized fees for specific tests and evaluations which shall be based on a survey conducted under the direction of the CSE Chairperson under the supervision of the building principal and superintendent of schools that determines the community rate for obtaining such evaluations;
- Specifications on the geographic area where such evaluations may take place, which shall be limited to [miles, counties, etc.];
- Minimum qualifications for professionals who administer and interpret various tests, which shall be the same as the qualification required for all evaluators who conduct evaluations for the District;
- Notification that the parent/proposed evaluator may request, in writing, a waiver of the District's criteria for funding an IEE on grounds that it prevents the Parent from securing an IEE at public expense.
- Notification that the District will provide the parents, upon request, with a list of independent evaluators who meet the District's terms and conditions for funding an IEE.

If the District authorizes an IEE at public expense, the CSE Chairperson under the supervision of the building principal and superintendent of schools shall:

1. Inquire as to the availability of any health insurance to offset the cost or a portion of the cost of the IEE.
2. Obtain the name and address of the individual the parents select to conduct the IEE and send to the proposed evaluator a contract offering to fund the IEE in accordance with Board policy.
3. Failure to have a signed contract between the District and the evaluator selected by the Parent may constitute a basis for denying payment to an independent evaluator.

If the District declines to pay for an IEE and the parents do not withdraw their request, the Director of Special Education shall arrange for an impartial hearing, without delay, to demonstrate that its evaluation is appropriate; that the IEE obtained by the parent did not conform with Board policy and established criteria and/or to demonstrate why the district is not otherwise obligated to pay for the parents' independent evaluation.

In the event the Hadley-Luzerne Central School District initiates an impartial hearing and an impartial hearing officer determines that the school district's evaluation is appropriate, or that the evaluation obtained by the Parent did not meet school district criteria, the Parent has a right to an independent education evaluation, but not at public expense.

Following receipt of an IEE, the district shall convene a meeting of the Committee, or Subcommittee on Special Education, in accordance with state and federal timelines to consider and review it.

IHO REQUEST FOR IEE

If an impartial hearing officer orders an IEE at public expense, CSE Chairperson under the supervision of the building principal and superintendent of schools shall take all reasonable steps to arrange for such evaluation in accordance with the criteria established in accordance with Regulations of the Board of Education.

Adopted: 12/21/2009

Revised: 4/13/2015

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 request for an impartial hearing.

Such mediation shall be conducted by mediators furnished by a Community Dispute Resolution Center who are not employees of a State educational agency providing direct services to the student who is the subject of the mediation process or a school district or program serving students with disabilities. Mediators may not have a personal or professional interest which would conflict with their objectivity in the mediation process and should be knowledgeable in laws and regulations relating to the provision of special education services.

Parents or persons in parental relation to students suspected of or having disabilities will receive written notice of the availability of the mediation program each time they receive notice of their entitlement to the impartial hearing procedures in accordance with Federal and State law and regulations. If the parent and District agree, alternative means of meeting participation may be utilized, such as video conferences and conference calls.

Discussions during the mediation process must be confidential and may not be used as evidence in any subsequent due process hearing or civil proceedings. The parties may be required to sign a confidentiality pledge prior to the commencement of the process.

If resolution to the complaint is reached through mediation, the parent and the representative of the District who has the authority to bind the District will execute a legally binding written agreement specifying the resolution and stating that all discussions occurring during the mediation process are confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding. If the written agreement is inconsistent with the student's current individualized education programs (IEP), the IEP must be immediately amended to reflect the mediation agreement.

The mediation process is voluntary and will not operate to diminish or limit any rights provided for in law, including the right of the parent or person in parental relation to request an impartial 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.

(Continued)

2007

7690
2 of 2

Students

SUBJECT: SPECIAL EDUCATION MEDIATION (Cont'd.)

Individuals with Disabilities Education Improvement Act of
2004 (Public Law 108-446) Section 614(a)
Individuals with Disabilities Education Act (IDEA)
20 United States Code (USC) Section 1400 et seq.
34 Code of Federal Regulations (CFR) Part 300
Education Law Sections 4005, 4202 and 4404-a
Judiciary Law Section 849a
8 New York Code of Rules and Regulations (NYCRR)
Sections 200.1 and 200.5

Adopted: 7/30/07

Instruction

Hadley-Luzerne Central School District

NUMBER

CURRICULUM (GENERAL)

1.1 Curriculum Development, Resources and Evaluation.....8110
 1.1.1 Pilot Projects.....8111
 1.2 Request for Part 100 Variance or Part 200 Innovative Program Waiver
 From Commissioner's Regulations.....8120
 1.3 Equal Educational Opportunities.....8130

ELEMENTARY AND SECONDARY INSTRUCTION

2.1 Safety Conditions and Programs.....8210
 2.1.1 Prevention Instruction.....8211
 2.2 Career and Technical (Occupational) Education.....8220
 2.3 Guidance Program.....8230
 2.4 Instructional Programs: Driver Education, Gifted and Talented
 Education and Physical Education.....8240
 2.4.1 Patriotism, Citizenship and Human Rights Education.....8241
 2.4.2 Civility, Citizenship and Character Education/Interpersonal Violence
 Prevention Education.....8242
 2.4.3 Instructional Television and Radio.....8243
 2.4.4 Animals in the School (Instructional Purposes).....8244
 2.5 Evaluation of the Instructional Program.....8250
 2.5.1 Student Learning Standards And Instructional Guidelines.....8251
 2.6 Title I Parent Involvement Policy.....8260
 2.7 Instructional Technology.....8270
 2.7.1 The Children's Internet Protection Act: Internet Content Filtering/
 Safety Policy.....8271
 Instruction for English Language Learners or Students with Limited
 English Proficiency.....8280
 2.9 Science and Math Instruction.....8290

INSTRUCTIONAL MATERIALS

3.1 Purposes of Instructional Materials.....8310
 3.2 Selection of Library and Audiovisual Materials.....8320
 3.3 Objection to Instructional Materials.....8330
 3.3.1 Controversial Issues.....8331
 3.4 Textbooks/Workbooks.....8340
 3.5 Use of Copyrighted Materials.....8350
 3.6 Religious Expression in the Instructional Program.....8360

INSTRUCTIONAL ARRANGEMENTS

| | | |
|-----|--|------|
| 4.1 | School Calendar and School Day | 8410 |
| 4.2 | Opening Exercises | 8420 |
| 4.3 | Independent Study | 8430 |
| 4.4 | Homework | 8440 |
| 4.5 | Home Tutoring (Temporary Instruction)..... | 8450 |
| 4.6 | Field Trips and Excursions | 8460 |
| 4.7 | Home Instruction (Home Schooling)..... | 8470 |

DATA PRIVACY/SECURITY

| | | |
|------|--|--------|
| 6.3 | Info and Data Privacy, Security, Breach and Notification..... | 8635 |
| 6.3E | New Parents Bill of Rights..... | 8635-E |
| 6.3R | Info, Data, Privacy, Security, Breach and Notification Regularion..... | 8635-R |

Instruction

SUBJECT: CURRICULUM DEVELOPMENT, RESOURCES AND EVALUATION

Research has demonstrated that student success is tied to curricula that is appropriately aligned and articulated, and in compliance with all state and national standards. The Board of Education supports and encourages development of a District-wide, articulated curriculum that conforms to state mandates and is responsive to the needs of children in a rapidly changing society. In order to help our students achieve success, the District will ensure that:

- a) All curricula is aligned with New York State and Common Core Learning standards;
- b) All approved curricula is taught in every classroom.

The Principals of the elementary and secondary schools and Academic Services Administrator shall be responsible to the Superintendent for developing District-wide efforts toward the short and long-range improvement of curriculum and instruction. The administration is directed to ensure the implementation of this policy.

Teachers and Principals are directed to use state syllabi, supplemental materials and handbooks for general curriculum guidelines; however, the Board encourages instructional staff to create curriculum guides and original instructional materials. Such materials shall reflect sensitivity to District students, their concerns, learning styles, and changing developmental abilities/needs.

At its meetings, the Board will hear regular reports on curriculum-related matters, such as instructional programs, the work of curriculum committees, and periodic evaluation of specific curriculum areas. New courses will be recommended by the Superintendent for Board review and consideration for approval. In addition, the Superintendent will also be responsible for authorizing curriculum studies as requested by the Board.

Curriculum Resources

There are many resources for curriculum development that exist in our School District, and the instructional staff, under the guidance of the administration, is expected to delve into those resources for possible improvement of the instructional program. Each teacher has the privilege of being an initiator of improvement, as well as a reactor to changing conditions, and the Principals and Academic Services Administrator shall be involved in curriculum development.

From the staff, the Superintendent may appoint curriculum study committees; and their findings, as well as the collective judgments of the staff about the pertinence of various possible changes, shall be submitted by the Superintendent to the Board of Education for consideration in the forming of curriculum policy.

(Continued)

Instruction

**SUBJECT: CURRICULUM DEVELOPMENT, RESOURCES AND EVALUATION
(Cont'd.)****Curriculum Guides And Course Outlines**

The Board of Education encourages the development of curriculum guides and course outlines at all educational levels. These materials shall be reviewed periodically and recommendations made by the Superintendent of Schools or designee for revision and modification. The curriculum shall be designed to show the developmental sequence of content and skills.

It is a professional responsibility to plan in advance for the instructional program offered to students. For this purpose, planbooks should be used. Written plans should be prepared for an entire week, and planbooks should be made available to the School Principals.

Curriculum Evaluation

The Board of Education shall direct a continuing evaluation of the curriculum as part of a program of instructional improvement. All aspects of the curriculum shall be subjected to a searching and critical analysis in an attempt to improve the learning and growth of students.

The administrative staff shall evaluate the curriculum in a systematic manner involving school personnel and others as appropriate and make periodic recommendations for action by the Board. The Board of Education from time to time may invite teachers or others to discuss the curriculum.

Evaluation of the Instructional Program

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' Strategic Action Plan. 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.

Education Law Sections 1604, 1709, 2503 and 3204
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(m)

Adoption Date: 7/30/2007
Revised: June 18, 2012

Instruction

SUBJECT: PILOT PROJECTS

In order to provide for constructive and responsive change and innovations in the schools, the Board of Education shall encourage the development of pilot projects aimed at improving the educational program.

A pilot project is defined as the introduction of a new educational program, strategy, material or equipment on a trial basis. The pilot project will be implemented for a specified period of time deemed to be sufficient for fair evaluation of the project's feasibility and success in meeting a District need.

The Superintendent will submit periodic reports to the Board on all ongoing projects and evaluations. The Board may, at its discretion, terminate a pilot program at any time.

At appropriate times, the District may wish to cooperate with not-for-profit corporations or groups on education-related projects. Such relationships should be governed by the following:

- a) The corporation or group is required to submit a request for approval to the Principal. If it meets with his/her approval, it should then be sent to the Superintendent and Board. Such a request should set out the purpose of the project and exact nature of performance.
- b) The District will maintain complete oversight of the operation.
- c) Any form to be used by parents or students, such as waivers, shall be approved by the Board and the Superintendent in advance.
- d) A monthly reporting process shall be established and maintained.
- e) The Board may, in its discretion, terminate the arrangement at any time.

Adopted: 7/30/07

Instruction

SUBJECT: REQUEST FOR PART 100 VARIANCE OR PART 200 INNOVATIVE PROGRAM WAIVER FROM COMMISSIONER'S REGULATIONS

Consistent with the purposes of *A New Compact for Learning*, the Board of Education encourages collaboration by teachers, administrators, parents and students of the District in developing innovative educational programs and practices that will lead to greater achievement for all students.

Requests for a variance or waiver from the requirements in Part 100 and Sections 200.1/200.6, respectively, of the Commissioner's Regulations must be approved by the local Board of Education and signed by the Superintendent of Schools. An application may also be submitted by several districts, or a combination of districts, BOCES and/or private schools, applying as a consortium. Consortium applications must be approved by each participating local Board of Education and Superintendent of Schools.

Subsequent to Board of Education approval, all applications must be forwarded to the District Superintendent of Schools of which the local District is a part for review, consultation, and recommendation prior to submission to the State Education Department. The District Superintendent may provide technical assistance to the applicant and make recommendations to the State Education Department. Interested applicants may also request technical assistance through their Regional Education Coordinator.

8 New York Code of Rules and Regulations (NYCRR)
Sections 100.2(n) and 200.6(k)

Adopted: 7/30/07

Instruction

SUBJECT: EQUAL EDUCATIONAL OPPORTUNITIES

It is the policy of this District that each student attending its public schools shall have equal educational opportunities and will not be excluded or prevented from participating in or having admittance to the educational courses, programs or activities; school services; and extracurricular events on the basis of race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, age, marital status, military status, or disability. Sexual orientation is defined as heterosexuality, homosexuality, bisexuality, or asexuality, whether actual or perceived.

Administration shall establish grievance procedures that provide for the prompt and equitable resolution of complaints pertaining to discrimination on the basis of race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, age, marital status, military status, or disability.

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

Americans With Disabilities Act,
42 United States Code (USC) Section 12101 et seq.
Prohibits discrimination on the basis of disability.

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

Title VI of the Civil Rights Act of 1964,
42 United States Code (USC) Section 2000d et seq.
Prohibits discrimination on the basis of race, color or national origin.

Title VII of the Civil Rights Act of 1964,
42 United States Code (USC) Section 2000e et seq.
Prohibits discrimination on the basis of race, color, religion, sex or national origin.

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

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

Executive Law Section 290 et seq.
Prohibits discrimination on the basis of age, race, creed, color, national origin, sex, sexual orientation, disability, military status, or marital status.

Adopted: 7/30/07

Instruction

SUBJECT: SAFETY CONDITIONS AND PROGRAMS

The practice of safety will be considered an integral part of the instructional program through fire prevention, emergency procedures and drills, driver education, and traffic and pedestrian safety.

Each Principal will be responsible for the supervision of a safety program for his/her school.

The safety program may include, but not be limited to, in-service training, plant inspection, fire prevention, accident recordkeeping, driver and vehicle safety programs, emergency procedures and drills, and traffic safety programs relevant to students, employees and the community.

It shall be the duty of the Board of Education to provide inspections and supervision of the health and safety aspects of the school facilities.

Eye Safety/Student Use of Hand-Held Laser Pointers

Eye safety devices are to be provided by the School District for the protection of employees, students and visitors, and worn in the technology education classes and labs when activities present a potential eye hazard. The Superintendent or his/her designee will ensure that these devices are properly repaired, cleaned and stored to prevent the spread of germs or diseases after individuals use them.

Each classroom teacher is responsible for the safe and proper use of all instructional materials and equipment by students in his/her classroom. Laser pointers are to be used by students only when such use is approved and supervised by the classroom instructor.

Students will be advised not to stare directly into the beam from a laser pointer or direct the beam at the eyes of another individual. Students are not to aim the pointer into the audience. Students are to be made aware of the hazards associated with the particular type of laser pointer used.

Education Law Sections 409, 409-a, 807-a and 906
8 New York Code of Rules and Regulations (NYCRR)
Part 136 and Section 141.10

Adopted: 7/30/07

Instruction

SUBJECT: PREVENTION INSTRUCTION**AIDS Instruction in Health Education**

The Board of Education shall provide a health education program that will include appropriate instruction for all students concerning Acquired Immune Deficiency Syndrome (AIDS). Accurate information concerning the nature of the disease, methods of transmission, and means of prevention shall be provided in an age-appropriate manner and shall be consistent with community values and will stress that abstinence is the most appropriate and effective premarital protection against AIDS.

A representative community advisory group consisting of appropriate school personnel, School Board members, parents, religious representatives, and other community members shall be established in order to make recommendations for curriculum content, implementation, and evaluation of an AIDS instructional program. Appropriate training will be provided for instructional staff.

No student shall be required to receive instruction concerning the methods of prevention of AIDS if the parent or legal guardian has filed with the Principal a written request that the student not participate in such instruction, with an assurance that the student will receive this instruction at home.

AIDS instruction in the elementary grades shall be taught by the regular classroom teachers, while such instruction in the middle and high school grades shall be a part of the required health education curriculum.

Automated External Defibrillator Instruction

Instructions regarding cardiopulmonary resuscitation may be offered for voluntary admission as a part of the health education curriculum in all senior high schools.

Commencing with the 2006-2007 school year, in addition to the requirement that all teachers of health education shall be certified to teach health, persons instructing pupils in the correct use of automated external defibrillators shall possess valid certification by a nationally recognized organization (e.g., American Heart Association, American Red Cross) or the state emergency medical services council offering certification in the operation of an automated external defibrillator and in its instruction.

School authorities that choose to offer such course of instruction shall provide the needed facilities, time and place for the instruction and shall provide learning aids and curriculum resource materials to support the course of study.

Substance Abuse - Prevention Instruction

The Board of Education recognizes the need to educate students on the hazards of alcohol, tobacco and/or drug abuse. An educationally sequential health prevention program, utilizing as appropriate community, staff and student input, will be developed to inform students of:

(Continued)

Instruction

SUBJECT: PREVENTION INSTRUCTION (Cont'd.)

- a) Causes for substance abuse;
- b) Physical and psychological damage associated with substance abuse;
- c) Avoidance of alcohol, tobacco and drugs;
- d) Dangers of driving while under the influence of alcohol or drugs.

Environmental Conservation Instruction

The Board of Education supports and encourages the development of a District-wide, articulated curriculum of environmental conservation integrated into other program disciplines.

Fire and Arson Prevention/Injury Prevention/Life Safety Education

The Board of Education directs the administration to provide instruction in fire and arson prevention, injury prevention and life safety education relating to protection against injury or death and property loss or damage as a result of criminally initiated or other preventable fire.

Such instruction shall include materials to educate children on the dangers of falsely reporting a criminal incident, an impending explosion or fire emergency involving danger to life or property, an impending catastrophe, or a life safety emergency.

The Board of Education directs the administration to provide such instruction for all students for a period of not less than forty-five (45) minutes in each month that school is in session.

Student Safety

Instruction in courses in technology education, science, home and career skills, art and physical education, health, and safety shall include and emphasize safety and accident prevention.

Safety instruction shall precede the use of materials and equipment by students in applicable units of work in the courses listed above, and instructors shall teach and enforce all safety procedures relating to the particular courses. These shall include the wearing of protective eye devices in appropriate activities.

Emergency Planning

The School District shall maintain updated plans and operating procedures to be followed in the event of natural or manmade disasters or enemy attack. Students shall be provided instruction to respond effectively in emergency situations.

(Continued)

SUBJECT: PREVENTION INSTRUCTION (Cont'd.)

Instruction on Prevention of Child Abduction

All students in grades K through 8 in District schools shall receive instruction designed to prevent the abduction of children. Such instruction shall be provided by or under the direct supervision of regular classroom teachers and the Board of Education shall provide appropriate training and curriculum materials for the regular classroom teachers who provide such instruction. However, at the Board's discretion, such instruction may be provided by any other public or private agency.

The Commissioner of Education will provide technical assistance to assist in the development of curricula for such courses of study which must be age appropriate and developed according to the needs and abilities of students at successive grade levels in order to provide awareness skills, information, self-confidence, and support to aid in the prevention of child abduction.

For purposes of developing such courses of study, the Board of Education may establish local advisory councils or utilize the school-based shared decision making and planning committee established pursuant to the Regulations of the Commissioner to make recommendations concerning the content and implementation of such courses. Alternatively, the District may utilize courses of instruction developed by consortia of school districts, boards of cooperative educational services, other school districts, or any other public or private agency. Such advisory council shall consist of, but not be limited to, parents, school trustees and Board members, appropriate school personnel, business and community representatives, and law enforcement personnel having experience in the prevention of child abduction.

- AIDS Instruction:
8 New York Code of Rules and Regulations (NYCRR)
Sections 135.3(b)(2) and 135.3(c)(2)
- Automated External Defibrillators:
Education Law Section 804-d
- Civil Preparedness:
New York State Office of Disaster Preparedness
- Fire and Arson/Injury Prevention/Life Safety:
Education Law Section 808
- Prevention of Child Abduction:
Education Law Section 803-a
- Student Safety:
Education Law Section 808
8 New York Code of Rules and Regulations (NYCRR)
Sections 107 and 155
- Substance Abuse:
Education Law Section 804
8 New York Code of Rules and Regulations (NYCRR)
Section 135.3(a)

(Continued)

2007

8211
4 of 4

SUBJECT: PREVENTION INSTRUCTION (Cont'd.)

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

Adopted: 7/30/07

Instruction

SUBJECT: CAREER AND TECHNICAL (OCCUPATIONAL) EDUCATION

The Board of Education recognizes the need for career and technical education and reaffirms its policy of strengthening the local high school career and technical education program through utilization of any available federal and state funds for that purpose and of supporting the BOCES program.

The Board of Education may provide secondary school students and District adults access to programs of career and technical education, commensurate with the interests and capabilities of those desiring and having a need for preparatory training. The District will develop programs according to student needs and the efficiency with which the programs can be provided. Such programs will be developed with sensitivity to present and projected employment opportunities, based upon work force needs in existing and emerging occupations.

Career and technical education training or retraining may be provided for persons enrolled in secondary schools, as well as for persons who have graduated or left high school; for adults who have entered the labor market; and for persons who have academic, socioeconomic and other disabilities that prevent them from succeeding in regular career and technical education programs. Classes for out-of-school youth over the compulsory school attendance age and for adults may be conducted during the day and/or evening.

In accordance with Regulations of the Commissioner, District career and technical education instruction shall:

- a) Be related to the occupation or fields for which students are being trained or retrained and suited to the needs of those engaged in or preparing to engage in such occupations;
- b) Admit persons to classes and provide instruction for each type of career and technical education or career and technical education field on the basis of their interest and potential for achieving competence in the occupation;
- c) Include in the total program of instruction both general and career and technical education in which the preparatory portion shall develop minimum competencies and skills to permit initial employment while providing a basis for future learning on the job or through continuing education;
- d) Appropriately define all instruction as of high school grade so as to avoid interpretation as advanced programs or courses;
- e) Be sufficiently extensive and inclusive within a scheduled unit of time to enable students to develop competencies for entering, advancing or continuing in an occupation or career and technical education field;

(Continued)

SUBJECT: CAREER AND TECHNICAL (OCCUPATIONAL) EDUCATION (Cont'd.)

- f) Be conducted and supervised by persons meeting established certification requirements; and
- g) In the absence of a suitable state syllabus or curriculum guide for basic and remedial subjects, establish, whenever possible, part-time employment programs for youth who need income and experience and administer a program of essential ancillary services.

Equal Opportunity

The Board of Education prohibits discrimination on the basis of sex, sexual orientation, race, color, creed, religion, national origin, political affiliation, age, marital status, military status or disability in any career and technical education program or activity of this District.

The career and technical education program and/or activities shall be readily accessible to students with disabilities.

Public Notification

Prior to the beginning of each school year or academic semester, the District shall issue an appropriate public announcement which advises students, parents, employees and the general public that career and technical education opportunities will be offered without regard to sex, sexual orientation, race, color, creed, religion, national origin, political affiliation, age, marital status, military status or disability. Included in such announcement will be the name, address, and telephone number of the person designated to coordinate Title IX/Section 504/ADA activities.

Grievance Procedure

Grievance procedures for resolving complaints regarding discrimination shall be disseminated to adequately inform students, parents and employees of the existence of these procedures.

BOCES Advisory Council

In accordance with Education Law, the Advisory Council of the BOCES is designated as the local advisory council for career and technical education in the School District.

Civil Rights Law Section 40-c
Education Law Article 93
Executive Law Section 290 et seq.
8 New York Code of Rules and Regulations (NYCRR)
Sections 100.2(h) and 141 et seq.

Adopted: 7/30/07

HLCS POLICY

8230

COUNSELING AND GUIDANCE PROGRAMS

The district shall provide a guidance program to support students and staff in the pursuit of academic achievement. In general, the Board expects counseling and guidance staff to:

1. Foster a welcoming environment and encourage positive connections with students.
2. Maintain appropriate professional boundaries with students.
3. Work with students and their families to resolve concerns whenever possible and appropriate.
4. Educate students as appropriate of the responsibilities staff have for reporting incidents.
5. Use their professional judgement, in consultation with administrators and/or the school attorney where appropriate, while observing legal mandatory reporting obligations.

School Counseling/Guidance Program

The district's counseling/guidance program shall, for all students in grades K-12, ensure access to a certified school counselor, prepare students to participate effectively in their current and future educational programs, and address college and career readiness and academic and social/emotional standards. The program shall include the following:

1. For students in grades K-5, the program shall be designed by a certified school counselor in coordination with the teaching staff and appropriate pupil personnel service providers to prepare students to participate effectively in their educational programs, providing college and career information, assisting students with challenges to academic success, such as attendance or behavioral concerns, and making referrals to appropriate professionals for more targeted supports;
2. For students in grades 6-12, certified school counselors shall provide annual individual progress review plans, reflecting each student's educational progress and career plans, and, for students with disabilities, consistent with their individualized education programs;
3. Core curriculum instruction by certified school counselors to address student college and career readiness, academic skills, and social/emotional development;
4. Direct student services, including but not limited to responsive services, crisis response, group and individual counseling, appraisal, assessment and advisement to enable students to benefit from the curriculum, assisting students to develop and implement postsecondary education and career plans, assisting students who exhibit attendance, academic, behavioral or adjustment concerns, and encouraging parental involvement; and
5. Indirect student services such as consultation, collaboration, leadership, advocacy, and teaming, and referrals to appropriately licensed or certified professionals.

School Counseling/Guidance Plans

A certified school counselor shall develop or direct the development of both district-wide and building-level comprehensive developmental school counseling/guidance plans. Such plans shall be updated annually, and shall be made available for review at the district offices and posted on the district website.

The plans shall include objectives and activities for the counseling/guidance programs, planning for the program's development and maintenance, school counseling curriculum, professional development planning,

methods to evaluate the program based on data analysis of program results, and an assessment of resources necessary to support positive student outcomes.

Each plan shall also address the preparation of an annual report on the guidance program outcomes. Such report shall include an analysis of all components of the guidance program required by state regulations and summarized above. This report shall be presented annually to the Board.

School Counseling/Guidance Program Advisory Council

The district shall also establish a counseling/guidance advisory council to annually review the district's school counseling/guidance program plans, and advise on the implementation of the district's counseling/guidance program. The council shall include representative stakeholders such as parents, Board members, building and/or district administrators, community-based service providers, teachers, school counselors, school social workers and/or school psychologists. The council shall meet at least twice a year, and shall submit an annual report to the Board.

Ref:

8 NYCRR §100.2(j)

Adoption date: 7/30/2007

Revised: 2/25/2019

Instruction

SUBJECT: INSTRUCTIONAL PROGRAMS: DRIVER EDUCATION, GIFTED AND TALENTED EDUCATION AND PHYSICAL EDUCATION**Driver Education**

A driver education course may be offered under the conditions set forth by the New York State Education Department and Commissioner's Regulations.

Education Law Section 806-a
8 New York Code of Rules and Regulations (NYCRR)
Section 107.2

Gifted and Talented Students

The Board of Education encourages educational programs which challenge and promote the realization of individual potential in all students. The Board also recognizes that further efforts are necessary to extend educationally, and in a cost-effective manner, the allocation of resources towards appropriate programs for students identified as gifted and talented. Consistent with District efforts to develop a continuum of learning experiences through a comprehensive K-12 program which addresses the special gifts and talents of students, the Superintendent of Schools, with input from appropriate school personnel, will develop a District plan for education of the gifted and talented.

The Board believes that programs traditionally viewed as for the gifted and talented greatly benefit the entire school program and encourages programs that provide enrichment opportunities for all students. The Board also recognizes the value of community support for program success and encourages the use of community resources for special programs and periodic reporting of activities through the District newsletter.

Education Law Article 90 and Section 3204(2)(b)
8 New York Code of Rules and Regulations (NYCRR)
Section 142

Physical Education Class

The Board of Education shall attempt to provide every student with an opportunity for wholesome and enriched educational experiences. It is the Board's belief that the following basic aims and objectives of the physical education program shall contribute to this goal:

- a) To aid the development of the entire student so that a well-trained mind may function properly in a healthy body;
- b) To encourage student participation in vigorous physical activity while in school and to teach the skills of those activities so that they will have a carry-over value for later activities in everyday life;

(Continued)

Instruction

SUBJECT: INSTRUCTIONAL PROGRAMS: DRIVER EDUCATION, GIFTED AND TALENTED EDUCATION AND PHYSICAL EDUCATION (Cont'd.)

- c) To increase appreciation of physical fitness and its importance in regard to good health; and
- d) To impress upon students the importance of integrating one's mind, body, and attitude in preparing to face the obligations of a complex society.

With these objectives in mind, the District physical education staff will work together with administrators to develop a physical education program that develops each student's flexibility, agility, coordination, strength and endurance incorporating a progression of skills and activities from the simple to the more complex. This program must be flexible enough to accept each student with his/her own pattern of growth and development and include activities that assure both individual and group development throughout the student's school years.

All students, except those with medical excuses, shall participate in physical education in accordance with the Commissioner's Regulations. Any student whose condition precludes participation in a regular program shall be provided with adaptive physical education approved by the Commissioner of Education.

In accordance with Regulations of the Commissioner of Education, students in grades 10-12 who have demonstrated acceptable levels of physical fitness, physical skills, and knowledge of physical education activities may be permitted to use participation in extraclass athletic programs for physical education credit. However, once participation in the extraclass athletic program has ceased, the student is required to complete physical education class requirements, as applicable, in accordance with Commissioner's Regulations.

Education Law Sections 803 and 3204
8 New York Code of Rules and Regulations (NYCRR)
Section 135.4

Adopted: 7/30/07

Instruction

SUBJECT: PATRIOTISM, CITIZENSHIP AND HUMAN RIGHTS EDUCATION

In order to promote a spirit of patriotic and civil service and obligation, as well as to foster in students of the District moral and intellectual qualities which are essential in preparing them to meet the obligations of citizenship, the Board requires students attending District schools, over the age of eight (8) years, to attend instructional courses in patriotism, citizenship, and human rights issues, with particular attention to the study of the inhumanity of genocide, slavery, the Holocaust, and the mass starvation in Ireland from 1845 to 1850 (the "Irish Potato Famine").

The Board also directs that all students attending District schools in grades 8 through 12 receive instruction in the history, meaning, significance and effect of the United States Constitution, the New York State Constitution, and the Declaration of Independence.

The curricula for such courses must include the subjects specified by the Board of Regents and be for the period of instruction, as mandated by the Regents, which is necessary in these subjects in each of the appropriate grades.

One (1) week during each school year a uniform course of exercises shall be provided to teach students, in an age appropriate manner, the purpose, meaning and importance of the Bill of Rights Articles in the United States and New York State Constitutions. These exercises shall be in addition to the above required courses.

In addition, each School District that receives Federal Funds for a fiscal year shall hold an educational program on the United States Constitution on September 17th of each year for the students in the District to commemorate the September 17, 1787 signing of the Constitution, known as Constitution Day and Citizenship Day. However, when September 17 falls on a Saturday, Sunday, or holiday, this day shall be held during the preceding or following week.

The Board directs that the above named subjects, as mandated by law, be addressed in the instructional curricula provided by the District.

Education Law Section 801
Public Law 108-477 Section 111(b)

NOTE: Refer also to Policy #8242 -- Civility, Citizenship and Character Education/Interpersonal Violence Prevention Education

Adopted: 7/30/07

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. 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; and

(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.

As determined by the Board of Regents, and as further enumerated in Commissioner's Regulations, the components of character education shall be incorporated in existing School District curricula as applicable.

The District encourages the involvement of staff, students, parents and community members in the implementation and reinforcement of character education in the schools.

Education Law Sections 801 and 801-a
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(c)

Interpersonal Violence Prevention Education

The District will utilize the interpersonal violence prevention education package provided by the State Education Department. These materials will be incorporated as part of the health or other related curricula or programs for students in grades K through 12.

Education Law Section 804(4)

Adoption Date: 7/30/2007
Revised: June 18, 2012

Instruction

SUBJECT: INSTRUCTIONAL TELEVISION AND RADIO

The Board of Education believes that school television broadcasts are an integral part of the educational experience and development of the District's students. In addition to the educational program content of each broadcast the school television station will help students, through practical experiences, to develop the appropriate management and technical skills necessary to the operation of a television station and/or the development of a broadcast program.

The school television station shall comply with the following guidelines:

- a) All programs must be taped except for those segments of "Early Morning Report" which represent "laboratory experience" for students learning to program for the station and to operate equipment.
- b) All programs are subject to preview by the Superintendent of Schools or the Board.
- c) Programs shall be limited to:
 - 1. School sports events/cultural events;
 - 2. Classroom educational and special event programs directly related to instruction or student activities;
 - 3. Students trained to broadcast news and weather;
 - 4. Local programs patterned after "Student Spectrum";
 - 5. Scheduling information about school events; or
 - 6. Emergency school-closing information.
- d) No advertising unrelated to program content described above will be broadcast on this channel by the school station.
- e) The station will comply with all applicable laws and regulations, including those concerning copyrights of materials.

Adopted: 7/30/07

Instruction

SUBJECT: ANIMALS IN THE SCHOOL (INSTRUCTIONAL PURPOSES)

Observation and experimentation with living organisms and animals gives students unique perspectives of life processes. Animals and animal materials should be used respectfully and for the purpose of meeting course objectives.

The Board of Education, in recognizing the educational uses of animals in the classroom, requires that permission be obtained from the Building Principal before animals are brought into the school or classrooms. It is the Principal's responsibility to ensure that there is an appropriate educational purpose if any animal is housed in a classroom. Animals are not to be transported on school buses with the exception of animals certified to assist persons with disabilities.

Study and Care of Live Animals

It shall be the responsibility of the Principal or his/her designee to develop a plan of care for those animals housed in school in the event of an emergency school closing or in the event the animals remain in the classroom on days when school is not in session.

Dissection of Animals

Any student expressing a moral or religious objection to the performance or witnessing of the dissection of an animal, either wholly or in part, shall be provided the opportunity to undertake and complete an alternative project approved by the student's teacher; provided, however, that such objection is substantiated in writing by the student's parent or legal guardian. An alternate activity clearly related to and of comparable rigor will be assigned in lieu of laboratory dissection. Some examples of alternate activities include the use of computer simulations or research. Students who perform alternative projects shall not be penalized.

Effective July 1, 2011, the District will give reasonable notice to all students enrolled in a course that includes the dissection of an animal and students' parent(s)/legal guardian(s) about their rights to seek an alternate project to dissection. Such notice shall be made available upon request at the school and distributed to parents and students enrolled in a course that includes dissection at least once at the beginning of the school year.

Instruction in the Humane Treatment of Animals

Students in elementary school must receive instruction in the humane treatment and protection of animals and the importance of the part they play in the economy of nature as well as the necessity of controlling the proliferation of animals that are subsequently abandoned and caused to suffer extreme cruelty. Such instruction shall be for a period of time as specified by the Board of Regents and may be joined with work in literature, reading, language, nature study, or ethnology.

Americans with Disabilities Act, 42 United States Code (USC) Section 12101 et. seq.
Education Law Section 809
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(c)(8)

Instruction

Adopted: 7/30/07
Revised: June 18, 2012

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 New York Code of Rules and Regulations (NYCRR)
Section 100.2(m)

Adopted: 7/30/07

HLCS POLICY

2012

8251

INSTRUCTION

Page 1 of 3

8251 STUDENT LEARNING STANDARDS AND INSTRUCTIONAL GUIDELINES

The Board of Education is committed to working with the Superintendent of Schools, district staff, parents and students to develop a quality educational program designed to prepare all students to be college and/or career ready, so graduates can successfully meet the challenges of an economically competitive, technologically advanced, and culturally diverse twenty first century. Therefore, the Board adopts the following learning standards for all students in the district:

Standard 1: College and career readiness in reading marked by a steadily growing ability to discern more from and make fuller use of text, including making an increasing number of connections among ideas and between texts, considering a wider range of textual evidence, and becoming more sensitive to inconsistencies, ambiguities, and poor reasoning in text.

Standard 2: College and career readiness in writing, including the ability to plan, revise, edit and publish in a range of types of writing, such as argument, explanation and narrative.

Standard 3: College and career readiness in speaking and listening including skills necessary to make formal presentations. Students will learn to work together, express and listen carefully to ideas, integrate information from oral, visual, quantitative, and media sources, to evaluate what they hear, use media and visual displays strategically to help achieve communication, adapting speech to context and task.

Standard 4: College and career readiness in effective use of language, vocabulary and the essential rules of standard written and spoken English.

Standard 5: College and career readiness by achieving standards of mathematical practice characterized by the following abilities:

1. make sense of problems and persevere in solving them
2. reason abstractly and quantitatively
3. construct viable arguments and critique the reasoning of others
4. model with mathematics
5. use appropriate tools strategically
6. attend to precision
7. look for and make use of patterns/structure
8. look for and express regularity in repeated reasoning

HLCS POLICY

2012

8251

INSTRUCTION

Page 2 of 3

Standard 6: Students will use a variety of intellectual skills to demonstrate their understanding of major ideas, eras, themes, developments and turning points in New York, United States, and world history; as well as understanding the United States constitution, the basic civil values of American democracy and the roles, rights and responsibilities of citizenship, including avenues for participation.

Standard 7: Students will be able to use a language other than English for communication, and will demonstrate cross-cultural skills and understanding.

Standard 8: Students will actively engage in processes that constitute creation and performance in the arts (visual arts, music, dance and theater) and participate in various roles in the arts, as well as respond critically to a variety of works in the arts. Students will develop an understanding of the personal and cultural forces that shape art and how art shapes diverse cultures and past and present society.

Standard 9: Students will acquire the knowledge, skills and ability to establish and maintain physical fitness, participate in physical activity, maintain personal health; as well as create and maintain a safe and healthy environment using personal and community resources.

Standard 10: Students will be knowledgeable about the world of work, explore career options and relate personal skills, aptitudes and abilities to career decisions. Students will demonstrate mastery of the foundation skills and competencies essential for success in the work place.

To facilitate achievement of the Board's articulated learning standards for all students, the district's administration and staff will be guided by the following:

1. All students will be subject to high academic standards and high academic performance expectations.
2. The district will implement measurable effective instructional strategies for closing the achievement gap among all students.
3. The district will align its core academic subject curricula with the state learning standards, and offer appropriate support services to enable all students to succeed.
4. The same core academic subject curricula will be used in all schools district-wide.
5. The district will use multiple general education approaches, including response to intervention strategies in accordance with Commissioner's regulations, to improve the academic performance of all students.
6. Instructional and professional development activities will be coordinated to reduce student failure rates in core academic subjects at all grade levels.
7. Steps will be taken to identify and address the cause(s) of student drop-out, and to reduce the student drop out rate.
8. The district will recruit, hire and retain highly qualified staff.

HLCS POLICY

2012
8251

INSTRUCTION
Page 3 of 3

9. Staff professional development will be designed to enable achievement of the Board's articulated learning objectives and instructional goals.
10. The district will implement a process of on-going review to identify and address any obstacles to the achievement of the Board's articulated learning standards.

Ref: 8 NYCRR §§100.1 (t); 100.2 (ii)

Adoption date: 2/25/2013

Instruction

SUBJECT: TITLE I PARENT INVOLVEMENT POLICY

The Board of Education recognizes the rights of parents/persons in parental relation to be fully informed of all information relevant to their children, including children who participate in programs and projects funded by Title I. Therefore, the Board of Education encourages the participation of parents of students eligible for Title I services in all aspects of their child's education, including the development and implementation of district programs, as well as activities and procedures that are designed to carry out No Child Left Behind (NCLB) parent involvement goals.

District-Wide Parent Involvement Policy

In order to facilitate parental participation, in accordance with NCLB requirements, as outlined in the Elementary and Secondary Education Act Section 6318(B), the District will:

- a) Involve parents in the joint development of the Title I Plan. If the plan is not satisfactory to the parents of children participating in Title I programs, the District will submit any parent comments to the State Education Department along with the District's plan;
- b) Provide the coordination, technical assistance, and support necessary to assist participating schools in planning and implementing effective parent involvement activities to improve student academic achievement and school performance;
- c) Build the schools' and parents' capacity for strong parental involvement through implementing and encouraging participation in appropriate parental involvement activities;
- d) Coordinate and integrate parental involvement strategies under Title I with those of other programs including, but not limited to, the Headstart Program, the Reading First Program, Even Start Program, Parent Resource Centers and other programs;
- e) Conduct, with the involvement of parents, an annual evaluation of the content and effectiveness of the parental involvement policy in improving the academic quality of the Title I schools. The evaluation shall include identifying barriers to greater participation by parents in activities under the policy and use the findings of the evaluation to design strategies for more effective parental involvement and, to revise, if necessary, the parental involvement policies at the District and school levels;
- f) Involve parents in the activities of the Title I schools;
- g) Involve parents of children in Title I programs in decisions regarding how funds reserved for parental involvement activities are spent.

(Continued)

Instruction

SUBJECT: TITLE I PARENT INVOLVEMENT POLICY (Cont'd.)**School-Level Parent Involvement Policy**

In accordance with Section 6318(c), the Board of Education directs each school receiving Title I funds to ensure that a building level parental involvement plan is developed with the participation of that school's parents. In addition to the goals stated above, each school building level plan will describe the details to:

- a) Convene an annual meeting, at a convenient time, to inform parents of their school's participation in Title I programs and to explain Title I requirements and the right of the parents to be involved. All parents of children participating in Title I programs will be invited and encouraged to attend the meeting;
- b) Offer a flexible number of meetings, such as meetings in the morning or evening; and may provide (with funds provided under this provision of law) transportation, child care, or home visits, as such services relate to parental involvement;
- c) Involve parents in an organized, ongoing, and timely way in the planning, review, and improvement of Title I programs, including the planning, review, and improvement of the school parental involvement policy;
- d) Provide parents of participating children with timely information about programs, a description and explanation of the curriculum in use in Title I programs, the forms of academic assessment used to measure student progress, the proficiency levels students are expected to meet, and if requested by parents, opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children and respond to any such suggestions as soon as practicably possible; and
- e) Develop a school-parent compact jointly with parents that outlines how the parents, school staff and students will share the responsibility for improved student academic achievement and detail the means by which the school and parents will build and develop a partnership to help all children achieve the state's standards;
- f) The compact must include:
 1. A description of the school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment that enables the children served in Title I schools to meet the State's student academic achievement standards.

(Continued)

SUBJECT: TITLE I PARENT INVOLVEMENT POLICY (Cont'd.)

2. A description of the ways in which each parent will be responsible for supporting their children's learning, such as monitoring attendance, homework completion, television watching, volunteering in their child's classroom and participating, as appropriate, in decisions relating to the education of their children and positive use of extracurricular time; and
3. Address the importance of communication between teachers and parents on an ongoing basis including, but not limited to:
 - (a) Parent-teacher conferences in elementary schools, at least annually, during which the compact shall be discussed as the compact relates to the individual child's achievement;
 - (b) Frequent reports to parents on their children's progress; and
 - (c) Reasonable access to staff, opportunities to volunteer and participate in their child's class, and observation of classroom activities.

To ensure effective involvement of parents and to support a partnership among the school involved, parents, and the community in order to improve student academic achievement, the District and each school shall:

- a) Provide assistance to parents of children served by the District or school, in understanding such topics as the State's academic content standards and State student academic achievement standards, State and local academic assessments, the requirements of this part, and how to monitor a child's progress and work with educators to improve the achievement of their children;
- b) Provide materials and training to help parents to work with their children to improve their children's achievement, such as literacy training and using technology, as appropriate, to foster parental involvement;
- c) Educate teachers, pupil services personnel, principals, and other staff, with the assistance of parents, in the value and utility of contribution of parents, and in how to reach out to, communicate with, and work with parents as equal partners, implement and coordinate parent programs, and build ties between parents and the school;
- d) Coordinate and integrate to the extent feasible and appropriate, parent involvement programs and activities with Head Start, Reading First, Early Reading First, Even Start, the Home Instruction Programs for Preschool Youngsters, the Parent as Teachers Program, and public preschool and other programs, and conduct other activities, such as parent resource centers, that encourage and support parents in more fully participating in the education of their children;

(Continued)

Instruction

SUBJECT: TITLE I PARENT INVOLVEMENT POLICY (Cont'd.)

- e) Ensure that information related to school and parent programs, meetings, and other activities is sent to the parents of participating children in a format and, to the extent practicable, in a language the parents can understand.

In addition to the above activities which are required for the District and each school, the District and each school:

- a) May involve parents in the development of training for teachers, principals, and other educators to improve the effectiveness of such training;
- b) May provide necessary literacy training from funds received under this part if the local educational agency has exhausted all other reasonably available sources of funding for such training;
- c) May pay reasonable and necessary expenses associated with local parental involvement activities, including transportation and child care costs, to enable parents to participate in school-related meetings and training sessions;
- d) May train parents to enhance the involvement of other parents;
- e) May arrange school meetings at a variety of times, or conduct in-home conferences between teachers or other educators, who work directly with participating children, with parents who are unable to attend such conferences at school, in order to maximize parental involvement and participation;
- f) May adopt and implement model approaches to improving parental involvement;
- g) May establish a District-wide parent advisory council to provide advice on all matters related to parental involvement in programs supported under this section;
- h) May develop appropriate roles for community-based organizations and businesses in parent involvement activities; and
- i) Shall provide such other reasonable support for parental involvement activities under this section as parents may request.

In carrying out the parental involvement requirements, the District and schools, to the extent practicable, shall provide full opportunities for the participation of parents with limited English proficiency, parents with disabilities, and parents of migratory children, including providing information and school reports required under Section 6311 of the Elementary and Secondary Education Act in a format and, to the extent practicable, in a language such parents understand.

(Continued)

Instruction

SUBJECT: TITLE I PARENT INVOLVEMENT POLICY (Cont'd.)**Procedures for Filing Complaints/Appeals**

The District will disseminate free of charge to parents of children in Title I programs, and to appropriate private school officials or representatives, adequate information regarding the District's written complaint procedures for resolving issues of violation(s) of a Federal statute or regulation that applies to Title I, Part A programs.

Comparability of Services

The School District shall ensure equivalence among the schools in the District of the same grade span and levels of instruction with regard to teachers, administrators and auxiliary personnel as well as equivalence in the provision of curriculum materials and instructional supplies in Title I programs.

Title I of the Elementary and Secondary Education Act of
1965 (ESEA), as amended by the No Child Left Behind
Act of 2001
20 United States Code (USC) Sections 6318 and 6321
34 Code of Federal Regulations (CFR)
Parts 74-86 and 97- 99, and 200

Adopted: 7/30/07

INSTRUCTIONAL TECHNOLOGY

NEW NOTE: Due to school district audits by the Office of State Comptroller regarding security of district information on computer resources, we have revised this policy by inserting the underlined text to the policy and regulation. Districts are encouraged to review their current policies, regulation and procedures to make sure that they are taking the necessary precautions to ensure data security.

The Board of Education recognizes that computers are a powerful and valuable education and research tool and as such are an important part of the instructional program. In addition, the district depends upon computers as an integral part of administering and managing the schools' resources, including the compilation of data and recordkeeping for personnel, students, finances, supplies and materials. This policy outlines the Boards expectations in regard to these different aspects of the district's computer resources.

General Provisions

The Superintendent shall be responsible for designating a Coordinator of Network and Technology who will oversee the use of district computer resources. The Coordinator of Network and Technology will prepare in-service programs for the training and development of district staff in computer skills, appropriate use of computers and for the incorporation of computer use in subject areas.

The Superintendent, working in conjunction with the designated purchasing agent for the district, and building principal will be responsible for the purchase and distribution of computer software and hardware throughout the schools. They shall prepare and submit for the Board's approval a comprehensive multi-year technology plan which shall be revised as necessary to reflect changing technology and/or district needs.

The Superintendent, working with the Board of Education shall establish regulations governing the use and security of the district's computer resources. (computer resources include all devices that process data, including but not limited to, laptops, fax machines, copiers and scanners). The security and integrity of the district computer network and data is a serious concern to the Board and the district will make every reasonable effort to maintain the security of the system. All users of the district's computer resources shall comply with this policy and regulation, as well as the district's policies on the use of the Districts Computerized System (DCS) (7315, 5671, 3320, 8270). Failure to comply may result in disciplinary action, as well as suspension and/or revocation of computer access privileges.

All users of the district's computer resources must understand that use is a privilege, not a right, and that use entails responsibility. Users of the district's computer network must not expect, nor does the district guarantee, privacy for electronic mail (e-mail) or any use of the district's computer network. The district reserves the right to access and view any material stored on district equipment or any material used in conjunction with the district's computer network.

Management of Computer Records

NEW NOTE: We have added the underlined bullets to address protection of district computer resources and information, including disposal of district computer resources and equipment inventory.

The Board recognizes that since district data is managed by computer, it is critical to exercise appropriate control over computer records, including financial, personnel and student information. The Superintendent, working with the Board of Education and the district's business official, shall establish procedures governing management of computer records, taking into account whether the records are stored onsite on district servers or on remote servers in the "cloud".

NOTE: If the district is utilizing offsite or "cloud" storage, be aware that local, state and federal privacy and access provisions still apply and should be addressed by the company/contractor.

Regardless of the location of the server storing the district's records, the district needs to be sure that they can abide by all United States and New York State laws and regulations regarding record access and retention. Language to address this is offered below (underlined).

The procedures will address:

- passwords,
- system administration,
- separation of duties,
- remote access,
- encryption,
- user access and permissions appropriate to job titles and duties,
- disposal of computer equipment and resources (including deleting district data or destroying the equipment),
- inventory of computer resources (including hardware and software),
- data back-up (including archiving of e-mail),
-
- data back-up (including archiving of e-mail),
- record retention, and
- disaster recovery plans and notification plans.

Review and Dissemination

If the district contracts with a third-party vendor for computing services, the Superintendent, in consultation with *the Coordinator of Network and Technology, Business Official, and when necessary - School Attorney*, will ensure that all agreements address the procedures listed above, as applicable.

Since computer technology is a rapidly changing area, it is important that this policy be reviewed periodically by the Board and the district's internal and external auditors. The regulation governing appropriate computer use will be distributed annually to staff and students and will be included in both employee and student handbooks.

Cross-ref: 5671, School District Records
8271, Internet Safety
5580, Online Banking
5410, Purchasing
8635, Information Security Breach and Notification

Adopted: 7/30/07
Revised date: 5/13/13
Revised date: 11/17/2014
Revised date:

8270-REGULATION**INSTRUCTIONAL TECHNOLOGY**

NEW NOTE: Due to some recent school district audits by the Office of State Comptroller regarding security of district information on computer resources, we have revised this policy by inserting some additional text in this regulation (see underlined text below). Districts are encouraged to review their current policies, regulation and procedures to make sure that they are taking the necessary precautions to ensure data security.

The following rules and regulations govern the use of the district's computer network system, employee access to the Internet, and management of computerized records.

I. Administration

- The Superintendent of Schools shall designate a computer network coordinator to oversee the district's computer network.
- The computer network coordinator shall monitor and examine all network activities, as appropriate, to ensure proper use of the system. The computer network coordinator shall work with the [insert district individual in charge of maintaining inventory] to maintain an updated inventory of all computer hardware and software resources.
- The computer network coordinator shall develop and implement procedures for data back-up and storage. These procedures will facilitate the disaster recovery plan and will comply with the requirements for records retention in compliance with the district's policy on School District Records (5671)
- The computer network coordinator shall be responsible for disseminating and interpreting district policy and regulations governing use of the district's network at the building level with all network users.
- The computer network coordinator shall provide employee training for proper use of the network and will ensure that staff supervising students using the district's network provide similar training to their students, including providing copies of district policy and regulations governing use of the district's network.
- The computer network coordinator shall take reasonable steps to protect the network from viruses or other software that would comprise the network or district information.
- All student and employee agreements to abide by district policy and regulations and parental consent forms shall be kept on file in the district office.
- Consistent with applicable internal controls, the Superintendent in conjunction with the school business official and the computer network coordinator will ensure the proper segregation of duties in assigning responsibilities for computer resources and data management.

II. Internet Access

Student Internet access is addressed in policy and regulation 7315, Student Use of Computerized Information Resources. District employees and third party users are governed by the following regulations:

- Employees will be issued an e-mail account through the district's computer network.
- Employees are expected to review their e-mail daily.
- Communications with parents and/or students should be saved as appropriate and the district will archive the e-mail records according to procedures developed by the computer network coordinator.
- Employees may access the internet for education-related and/or work-related activities.

- Employees shall refrain from using computer resources for personal use.
- Employees are advised that they must not have an expectation of privacy in the use of the district's computers.
- Use of computer resources in ways that violate the acceptable use and conduct regulation, outlined below, will be subject to discipline.

III. Acceptable Use and Conduct

NEW NOTE: We have added the underlined text below to address some human causes for computer security breaches.

The following regulations apply to all staff and third party users of the district's computer system:

- Access to the district's computer network is provided solely for educational and/or research purposes and management of district operations consistent with the district's mission and goals.
- Use of the district's computer network is a privilege, not a right. Inappropriate use may result in the suspension or revocation of that privilege.
- Each individual in whose name an access account is issued is responsible at all times for its proper use.
- All network users will be issued a login name and password. Passwords must be changed periodically.
- Only those network users with permission from the principal or computer network coordinator may access the district's system from off-site (e.g., from home).
- All network users will be issued a login name and password. Passwords must be changed periodically and must be of sufficient complexity as determined by the district.
- Only those network users with permission from the principal or computer network coordinator may access the district's system from off-site (e.g., from home).
- All network users are expected to take reasonable precaution to secure district information stored on devices they use, including maintaining responsible custody over computer resources, ensuring no unauthorized use of district devices, and exercising prudent judgement when browsing the internet and opening email.

IV. Prohibited Activity and Uses

The following is a list of prohibited activity for **all staff and third party users** concerning use of the district's computer network. Any violation of these prohibitions may result in discipline or other appropriate penalty, including suspension or revocation of a user's access to the network.

NEW NOTE: We have added the underlined text below to address some human causes for computer security breaches.

- Using the network for commercial activity, including advertising.
- Infringing on any copyrights or other intellectual property rights, including copying, installing, receiving, transmitting or making available any copyrighted software on the district computer network.
- Using the network to receive, transmit or make available to others obscene, offensive, or sexually explicit material.
- Using the network to receive, transmit or make available to others messages that are racist, sexist, abusive or harassing to others.
- Use of another's account or password.

- Attempting to read, delete, copy or modify the electronic mail (e-mail) of other system users.
- Forging or attempting to forge e-mail messages.
- Engaging in vandalism. Vandalism is defined as any malicious attempt to harm or destroy district equipment or materials, data of another user of the district's network or of any of the entities or other networks that are connected to the Internet. This includes, but is not limited to, creating and/or placing a computer virus, malware on the network, and not reporting security risks as appropriate..
- Using the network to send anonymous messages or files.
- Revealing the personal address, telephone number or other personal information of oneself or another person.
- Using the network for sending and/or receiving personal messages.
- Intentionally disrupting network traffic or crashing the network and connected systems.
- Installing personal software or using personal disks, or downloading files on the district's computers and/or network without the permission of the appropriate district official or employee.
- Using district computing resources for fraudulent purposes or financial gain.
- Stealing data, equipment or intellectual property.
- Gaining or seeking to gain unauthorized access to any files, resources, or computer or phone systems, or vandalize the data of another user.
- Wastefully using finite district resources.
- Changing or exceeding resource quotas as set by the district without the permission of the appropriate district official or employee.
- Using the network while your access privileges are suspended or revoked.
- Using the network in a fashion inconsistent with directions from teachers and other staff and generally accepted network etiquette.
- Exhibiting careless behavior with regard to information security (e.g., sharing or displaying passwords, leaving computer equipment unsecured or unattended, etc.).

V. No Privacy Guarantee

Users of the district's computer network should not expect, nor does the district guarantee, privacy for electronic mail (e-mail) or any use of the district's computer network. The district reserves the right to access and view any material stored on district equipment or any material used in conjunction with the district's computer network.

VI. Sanctions

All users of the district's computer network and equipment are required to comply with the district's policy and regulations governing the district's computer network. Failure to comply with the policy or regulation may result in disciplinary action as well as suspension and/or revocation of computer access privileges.

Any information pertaining to or implicating illegal activity will be reported to the proper authorities. Transmission of any material in violation of any federal, state and/or local law or regulation is prohibited. This includes, but is not limited to materials protected by copyright, threatening or obscene material or material protected by trade secret. Users must respect all intellectual and property rights and laws.

VII. District Responsibilities

The district makes no warranties of any kind, either expressed or implied, for the access being provided. Further, the district assumes no responsibility for the quality, availability, accuracy, nature

or reliability of the service and/or information provided. Users of the district's computer network and the Internet use information at their own risk. Each user is responsible for verifying the integrity and authenticity of the information.

The district will not be responsible for any damages suffered by any user, including, but not limited to, loss of data resulting from delays, non-deliveries, misdeliveries, or service interruptions caused by the user's own negligence or any other errors or omissions. The district also will not be responsible for unauthorized financial obligations resulting from the use of or access to the district's computer network or the Internet.

NEW NOTE: We have added the underlined text to address protection of district computer resources and information with regard to disposal of district computer resources.

The district will take reasonable steps to protect the information on the network and provide a secure network for data storage and use, including ensuring that contracts with vendors address data security issues and that district officials provide appropriate oversight. Disposal of district computer resources shall ensure the complete removal of district information, or the secure destruction of the resource. Further, even though the district may use technical or manual means to regulate access and information, these methods do not provide a foolproof means of enforcing the provisions of the district policy and regulation.

SUBJECT: INTERNET SAFETY/INTERNET CONTENT FILTERING POLICY (Cont'd.)

The determination of what is "inappropriate" for minors shall be determined by the District and/or designated school official(s). It is acknowledged that the determination of such "inappropriate" material may vary depending upon the circumstances of the situation and the age of the students involved in online research.

The terms "minor," "child pornography," "harmful to minors," "obscene," "technology protection measure," "sexual act," and "sexual contact" will be as defined in accordance with CIPA and other applicable laws/regulations as may be appropriate and implemented pursuant to the District's educational mission.

Under certain specified circumstances, the blocking or filtering technology measure(s) may be disabled for adults engaged in bona fide research or other lawful purposes. The power to disable can only be exercised by an administrator, supervisor, or other person authorized by the School District.

The School District shall provide certification, pursuant to the requirements of CIPA, to document the District's adoption and enforcement of its Internet Safety Policy, including the operation and enforcement of technology protection measures (i.e., blocking/filtering of access to certain material on the Internet) for all School District computers with Internet access.

Internet Safety Instruction

In accordance with New York State Education Law, the School District may provide, to students in grades K through 12, instruction designed to promote the proper and safe use of the Internet. The Commissioner shall provide technical assistance to assist in the development of curricula for such course of study which shall be age appropriate and developed according to the needs and abilities of students at successive grade levels in order to provide awareness, skills, information and support to aid in the safe usage of the Internet.

Under the Protecting Children in the 21st Century Act, students will also be educated on appropriate interactions with other individuals on social networking Web sites and in chat rooms, as well as cyberbullying awareness and response.

Access to Inappropriate Content/Material and Use of Personal Technology or Electronic Devices

Despite the existence of District policy, regulations and guidelines, it is virtually impossible to completely prevent access to content or material that may be considered inappropriate for students. Students may have the ability to access such content or material from their home, other locations off school premises and/or with a student's own personal technology or electronic device on school grounds or at school events.

(Continued)

Instruction

SUBJECT: INTERNET SAFETY/INTERNET CONTENT FILTERING POLICY (Cont'd.)

The District is not responsible for inappropriate content or material accessed via a student's own personal technology or electronic device or via an unfiltered Internet connection received through a student's own personal technology or electronic device.

Notification/Authorization

The District's Acceptable Use Policy and accompanying Regulations will be disseminated to parents and students in order to provide notice of the school's requirements, expectations, and student's obligations when accessing the Internet.

The District has provided reasonable public notice and has held at least one (1) public hearing or meeting to address the proposed Internet Safety/Internet Content Filtering Policy prior to Board adoption. Additional public notice and a hearing or meeting is not necessary when amendments are made to the Internet Safety Policy in the future.

The District's Internet Safety/Internet Content Filtering Policy must be made available to the FCC upon request. Furthermore, appropriate actions will be taken to ensure the ready availability to the public of this policy as well as any other District policies relating to the use of technology.

The Internet Safety/Internet Content Filtering Policy is required to be retained by the school for at least five (5) years after the funding year in which the policy was relied upon to obtain E-rate funding.

47 United States Code (USC) Sections 254(h) and 254(l)
47 Code of Federal Regulations (CFR) Part 54
Education Law Section 814

NOTE: Refer also to Policy #7315 -- Student Use of Computerized Information Resources
(Acceptable Use Policy)
District Code of Conduct on School Property

Adoption Date: 7/30/2007
Revised: 9/20/2010
Revised II: 11/21/2011
Revised III: 4/16/2012
Revised IV: June 18, 201

HLCS POLICY

2015 8280

Page 1 of 2

PROGRAMS FOR ENGLISH LANGUAGE LEARNERS

The Board of Education recognizes its responsibility to ensure that students of foreign birth or ancestry, who have limited English proficiency, are provided with an appropriate program of bilingual transitional education or a free-standing program of instruction composed of English as a Second Language component. Regulations and procedures shall be developed pursuant to the Regulations of the Commissioner to:

- a) Identify those students who are English language learners or who have limited English proficiency by means of a diagnostic screening of new entrants and provide a program of bilingual education or English as a Second Language for eligible students. A plan shall be developed to meet the educational needs of each student and proficiency will be measured annually by a language assessment instrument in order to determine further participation by a student. The plan will include assessment of each student's performance in content areas to measure the student's academic progress. State mandated tests may be offered in a student's native language.
- b) Ensure that such students have access to appropriate instructional and support services, including guidance programs pursuant to Commissioner's Regulations and the opportunity to participate in District educational programs, including all existing extracurricular programs and activities, which are available to all other students enrolled in the public schools of the District.

The instructional programs and services available to limited English proficient pupils to help them acquire English proficiency may include, pursuant to Commissioner's Regulations, bilingual education programs, free-standing English as a second language programs, appropriate support services, transitional services, in-service training and parental notification.

No pupil shall be served in a bilingual or English as a second language program pursuant to Commissioner's Regulations for a period in excess of three (3) years from the date of enrollment in school unless such period is extended by the Commissioner of Education with respect to an individual pupil for a period not to exceed six (6) years.

A student whose score on an English language assessment instrument as specified in Section 154.2(a) of the Commissioner's Regulations is a result of a disability shall be provided special education programs and services in accordance with the individualized education program (IEP) developed for such student and shall also be eligible for services pursuant to Part 154 of the Commissioner's Regulations when these services are recommended in the IEP.

The parent/guardian of a student identified as an English language learner or as limited English proficient shall be informed in his/her native language, if necessary, of the student's identification for and/or participation in an English language learner instructional program.

HLCS POLICY

2015 8280

Page 2 of 2

The district will provide an orientation program annually for parents of newly enrolled ELL students. In addition, the district will meet individually with ELL parents at least once a year to discuss the goals of the ELL program, and their child's language development (in both their native language and English), in addition to regular parent/teacher meetings.

In addition, the Superintendent shall ensure that all teachers employed in any Bilingual and/or English as a New Language program are properly certified in accordance with the Commissioner's Regulations, and that all staff receive appropriate professional development on ELL students.

Cross-ref: 7620, Programs for Students with Disabilities
4110, 6160 Professional Development

Ref: Education Law §3204
English Acquisition, Language Enhancement, and Academic Achievement Act, 20 USC §§6801 et seq
Equal Educational Opportunities Act of 1974, §§201 et seq.,
20 U.S.C. §§1701 et seq.
8 NYCRR §§80-2.9; 80-2.10; 117; Part 154
Lau v. Nichols, 414 U.S. 563 (1974)
Rios v. Read, 480 F. Supp. 14 (1978)
Cintron v. Brentwood UFSD, 455 F. Supp 57 (1978)
Aspira of New York v. Board of Educ. (City of New York), 394 F. Supp. 1161 (1975)

Adopted: 7/30/07
Revised date: 4/13/2015

Instruction

SUBJECT: SCIENCE AND MATH INSTRUCTION

The Board of Education believes that instruction in science and mathematics is crucial for student success in today's rapidly changing and competitive world, which increasingly demands higher levels of scientific and mathematical skills, as well as experience in technological applications. The Board therefore supports an interdisciplinary instructional program which encourages and expects basic literacy in science and math, and works to prepare interested students for further study and/or careers in these fields.

Basic literacy in science and math includes instruction in a "core" body of information, but also emphasizes problem-solving and critical inquiry processes. Students shall be encouraged to apply such skills to contemporary concerns and problems facing the school and the community in a "hands-on" learning environment (i.e., recycling projects, energy conservation projects, etc.).

The Board directs the Superintendent of Schools to oversee the development of a flexible science and math curriculum, which takes into consideration new developments in all related fields and emphasizes the world's changing needs. Such curriculum shall include the following:

- a) Basic knowledge and skills in science and math, and the opportunity to develop such skills and apply them to societal and individual problems;
- b) Opportunities and encouragement for all students to participate in appropriately challenging courses of study;
- c) Opportunities for students to develop an understanding of and appreciation for the relationships between science, mathematics and technology through interdisciplinary study;
- d) Opportunities for students to develop a positive attitude towards science and mathematics and a spirit of inquiry towards the natural world;
- e) Information on career opportunities in science and mathematics;
- f) Opportunities for students to develop confidence in their ability to apply and develop scientific/mathematic knowledge and skills;
- g) Individual and group problem-solving experiences and enrichment activities;
- h) Student participation in a variety of experiences and course-related materials, including field trips, laboratory and classroom experiments and use of computer-based technology; and
- i) Evaluation of student progress in assimilating and applying scientific/mathematical knowledge and skills, and periodic feedback to students regarding such progress.

The Superintendent shall inform the Board of all curricular changes, and advise the Board of necessary and up-to-date instructional materials to properly implement such curriculum. The curriculum should be designed to properly prepare all students for their role in society, and ensure District compliance with the curricular requirements of the State Education Department.

8 New York Code of Rules and Regulations (NYCRR)
Sections 100.2, 100.3, 100.4, and 100.5

Adopted: 7/30/07

Instruction

SUBJECT: PURPOSES OF INSTRUCTIONAL MATERIALS

The purpose of instructional materials shall be to implement, enrich, and support the educational program of the school. Instructional materials should contribute to the development of positive social and intellectual values of the students.

The Board of Education shall provide the faculty and students in the District with such instructional materials as are educationally needed and financially feasible to make the instructional program meaningful to students of all levels of ability.

The selection of all District materials shall be made by the curriculum councils, grade level and subject area committees under the supervision and guidance of the relevant Building Principal who shall recommend such materials to the Superintendent for submission to the Board for its approval.

Education Law Section 701

Adopted: 7/30/07

Instruction

SUBJECT: SELECTION OF LIBRARY AND AUDIOVISUAL MATERIALS

The Board of Education, as the governing body of the School District, is legally responsible for the selection of library materials, including the selection and approval of printed and non-printed materials for its use. Since the Board is primarily a policy-making body, it delegates to the following professional personnel of the District the authority for the selection of materials: teachers, Principals, librarians, etc., under the leadership of the Superintendent of Schools.

In order to provide the Superintendent and his/her staff with guidance in the acquisition of instructional resource material, such as library books, references, audiovisuals, maps, etc., the Board endorses the guidelines approved by the American Library Association that such resources:

- a) Provide information that will enrich and support the curriculum, taking into consideration the varied interests, abilities, and maturity levels of the students served;
- b) Provide information that will stimulate growth in factual knowledge, literary appreciation, aesthetic values, and ethical standards;
- c) Provide information that will enable students to make intelligent judgments in their daily lives;
- d) Provide information on opposing sides of controversial issues so that young citizens may develop, under guidance, the practice of critical reading and thinking;
- e) Provide information representative of the many religious, ethnic, and cultural groups and their contributions to our American heritage; and
- f) Place principal above personal opinion and reason above prejudice in the selection of materials of the highest quality in order to assure a comprehensive collection appropriate for the users of the library.

Media specialists shall also consider the following when purchasing library materials:

- a) Needs of the curriculum;
- b) Needs, interests and abilities of the students and teachers to be served;
- c) Value commensurate with cost;
- d) Format commensurate with cost;
- e) Readability and popular appeal;
- f) Organization and presentation of content;
- g) Quality of book or non-book materials;
- h) Authoritativeness;
- i) Request from faculty and students; and
- j) Appropriate fiction selections.

The Superintendent shall be responsible for the selection of resource materials within the aforesaid guidelines and for the determination of factual accuracy, readability, authoritativeness, integrity and quality of format. To assist in the selection process, reputable, unbiased, professionally prepared aids (such as the Horn Book, School Library Journal, etc.) shall be consulted as guides.

8 New York Code of Rules and Regulations (NYCRR)
Section 21.4

Adopted: 7/30/07

Instruction

SUBJECT: OBJECTION TO INSTRUCTIONAL MATERIALS

Any criticism of instructional materials that are in the schools should be submitted in writing to the Superintendent. The Board of Education will be informed. A committee, including the librarian and Building Principal, will be designated by the Superintendent to investigate and judge the challenged material according to the principles and qualitative standards stated in Policy #8320 -- Selection of Library and Audiovisual Materials.

The Superintendent shall establish a review procedure which shall include:

- a) An opportunity for an informal conference with the persons concerned;
- b) The submission of formal written complaints on a prescribed questionnaire (available in the media centers or School Principals' offices);
- c) The formation of an instructional material review committee. The members of the committee shall be recommended by the Superintendent and appointed by the Board. The committee shall make recommendations to the Superintendent concerning the disposition of any inquiry;
- d) A decision by the Superintendent; and
- e) An appeal to the Board.

The decision of the Board shall be final.

Curriculum Areas In Conflict With Religious Beliefs

In accordance with applicable law and regulation, a student may be excused from the study of specific materials relating to health and hygiene if these materials are in conflict with the religion of his/her parents/guardians. Alternatives may be provided that are of comparable instructional value.

Education Law Section 3204(5)
8 New York Code of Rules and Regulations (NYCRR)
Section 135.3

NOTE: Refer also to Policies #8320 -- Selection of Library and Audiovisual Materials
#8360 -- Religious Expression in the Instructional Program

Adopted: 7/30/07

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.

Adopted: 7/30/07

Instruction

SUBJECT: TEXTBOOKS/WORKBOOKS

The Board of Education is responsible for the selection and designation of all textbooks to be used in the District schools. The Superintendent of Schools shall recommend suitable lists of textbooks to be used in the schools for the Board's consideration.

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.

Texts, once approved by the Board, shall not be superseded for the period of five (5) years, except by a three-fourth's vote by the Board.

The Superintendent shall establish procedures for the selection and recommendation of textbooks and a method for selecting staff members who shall serve in the selection and recommendation process.

Students will be required to pay for lost books or for excessive damage to books.

Textbooks for Resident Students Attending Private Schools

Resident students attending private schools will be supplied non-sectarian textbooks in accordance with the requirements of Education Law.

The following rules shall govern the loan of textbooks to residents of the District attending nonpublic schools:

- a) The textbooks shall remain the property of the District.
- b) The textbooks shall be returned at the end of the nonpublic school's year.
- c) If lost or destroyed, the textbooks shall be paid for in the same fashion as the students attending District schools.

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: 7/30/07

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 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.

Any person 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 United States Code (USC) Sections 101 et seq., 512 and
1201 et seq.

Adopted: 7/30/07

Instruction

SUBJECT: RELIGIOUS EXPRESSION IN THE INSTRUCTIONAL PROGRAM

The Board of Education recognizes its responsibility to teach students about religion and its role as a vital force in the development of civilizations, as well as to foster a respect for religion and religious beliefs. In addition, the Board believes that it is the duty of the School District to ensure that every student fully understands the principle of religious freedom that is part of the country's heritage.

To fulfill these acknowledged responsibilities, the Board encourages factual and objective teaching about religion. Instructional programs will be encouraged that:

- a) Focus on the role that religion has played in history or in the development of a society or culture, and
- b) Educate students about the principle of religious liberty as one of the central elements of freedom and democracy.

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.

(Continued)

Instruction

SUBJECT: RELIGIOUS EXPRESSION IN THE INSTRUCTIONAL PROGRAM (Cont'd.)

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.

Music in the Schools

The purpose of using religious music should be to teach musical concepts, to convey historical and cultural content, or to create aesthetic experiences in a setting which emphasizes artistic expression and educational value, not to promote or to celebrate a religious faith.

Curriculum Areas in Conflict with Religious Beliefs

Students shall be given the option to be excused from participating in those parts of an activity, program, or area of instruction involving a religious theme which conflicts with their own religious beliefs or that of their parents/guardians in accordance with applicable law and regulations. Alternatives may be provided that are of comparable instructional value.

Implementation

Administrative regulations will be developed to implement the terms of this policy. Further, the District shall vigorously publicize and disseminate this policy and accompanying regulations in order to ensure community, faculty, student, and parental/guardian awareness.

United States Constitution, First Amendment
Elementary and Secondary Education Act, as amended by
the No Child Left Behind Act of 2001, Section 9524
Equal Access Act,
20 United States Code (USC) Sections 4071-4074
Education Law Sections 1609(9), 1609(10), 1709(1),
1709(3), 3204(5) and 3210
8 New York Code of Rules and Regulations (NYCRR)
Sections 16.2 and 109.2

NOTE: Refer also to Policies #7460 -- Constitutionally Protected Prayer in the Public Schools
#8330 -- Objection to Instructional Materials

Adopted: 7/30/07

2007

8410

Instruction

SUBJECT: SCHOOL CALENDAR AND SCHOOL DAY

School Calendar

The school calendar for the ensuing year will be developed by the Superintendent of Schools and presented to the Board of Education for approval in the spring of each year. The number of days scheduled for students will meet or exceed the requirements of state law.

School Day

The school day shall be set by the Superintendent with approval of the Board.

Education Law Sections 3204(4) and 3604(7)(8)
8 New York Code of Rules and Regulations (NYCRR)
Section 175.5

Adopted: 7/30/07

2007

8420

Instruction

SUBJECT: OPENING EXERCISES

The Board directs the administration to include the Pledge of Allegiance as part of the opening exercises in all the schools. Under certain circumstances, such as religious conviction, individuals may be excused from this requirement as a protection of their Constitutional rights.

Education Law Section 802
8 New York Code of Rules and Regulations (NYCRR)
Section 108.5

Adopted: 7/30/07

2011

8430

Instruction

SUBJECT: INDEPENDENT STUDY

Independent study, for credit, will be available to meet the individual needs of students in grades 9 through 12. The Principal, after consultation with relevant faculty, shall award credit to the student based on successful completion of the independent study and demonstrated mastery of the learning outcomes of the subject.

Students enrolled in the District, may earn a maximum of three (3) units of elective credit towards a Regents diploma through independent study. The student's participation in independent study shall be approved by a school-based panel consisting of, at a minimum, the Principal, a teacher in the subject area for which independent credit is sought, and a guidance director or administrator.

Credit for independent study may be awarded for elective courses only and shall not be awarded for courses required for the Regents diploma as specified in Commissioner's Regulations.

8 New York Code of Rules and Regulations (NYCRR)
Section 100.5(9)

Adopted: June 20, 2011

Instruction

SUBJECT: HOMEWORK

Homework is recognized and encouraged as an extremely valuable activity and as an appropriate extension of classroom instruction. Homework provides excellent opportunities for developing good study habits, providing for individual differences and abilities, and encouraging self-initiative on the part of the student.

The Board of Education believes that parental involvement in students' homework is essential to making homework an integral part of the educational program. Parents are expected to encourage and monitor homework assignments and, to the extent possible, provide conditions that are conducive to their successful completion.

Adopted: 7/30/07

HOME TUTORING (TEMPORARY HOMEBOUND INSTRUCTION)

Homebound instruction is a service provided to students who are unable to attend school due to medical, emotional or disciplinary problems. Secondary students receive instruction for two hours per day and elementary students receive one hour per day. Students receive credit for their work while on homebound instruction.

The district makes provisions for homebound instruction upon referral from the Medical Director or the Director of Pupil Personnel Services following the guidelines established by the Superintendent of Schools for placing a student on homebound instruction.

Homebound instruction will strive to keep the student on pace to rejoin his/her class and maintain academic progress. The Board recognizes that students who are out of school for extended periods of time are at risk of falling behind academically and/or losing connection to the school community. The Board directs the administration to evaluate periodically whether homebound instruction is effective in keeping students on track to graduate, and if not, to take steps to improve instruction and implement approaches and/or offer services that support the transition back to school.

Ref: Education Law §§1709(24); 4401 et seq.
8 NYCRR §175.21

Adoption date: 7/30/2007
Revised: 11/17/2014

Instruction

SUBJECT: FIELD TRIPS AND EXCURSIONS

The Board of Education recognizes that field trips are an educationally sound and important ingredient in the instructional program of the schools.

The Board of Education recognizes the desirability of providing off-campus experiences which will enhance the educational program of the School System. The Superintendent of Schools will determine the frequency and content of class field trips. Each student must secure the permission of his/her parent/guardian before participating in such activity.

Factors relevant in consideration of approval of such field trips may include the relationship to the curriculum, the distance of the trip, availability of transportation, the cost involved, weather conditions, and full utilization of transportation. In order to make necessary transportation arrangements, all requests for field trips must be submitted to the appropriate Building Principal at least one (1) week prior to the trip date.

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 Superintendent/designee may cancel previously approved field trips due to extenuating circumstances.

Transportation

When the District provides transportation to students on a school-sponsored field trip, extracurricular activity or any other similar event, it shall provide transportation back to either the point of departure or to the appropriate school in the District unless:

- a) The parent or legal guardian of a student participating in such event has provided the District with a written notice authorizing an alternative form of return transportation for the student; or
- b) Intervening circumstances make such transportation impractical.

Where intervening circumstances have made transportation back to the point of departure or to the appropriate school in the District impractical, a representative of the District shall remain with the student until such student's parent or legal guardian has been contacted and the student has been delivered to his/her parent or legal guardian.

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property
#5730 -- Transportation of Students
#7310 -- School Conduct and Discipline
District Code of Conduct on School Property

Adopted: 7/30/07

HOME INSTRUCTION (HOME SCHOOLING)**HOME-SCHOOLED STUDENTS**

The Board of Education shall ensure that children instructed at home are taught by a competent instructor and receive an education substantially equivalent to that offered in the district's schools.

Parents/Guardians who wish to educate their children at home must submit to the district an individual home instruction plan (IHIP), outlining the educational goals to be met and the course materials and syllabi to be used each year for the child's learning process. The district may accept or deny an IHIP. Parents/Guardians must submit quarterly reports which will provide the district with the necessary information to make determinations of substantial equivalency and competency of instruction on an ongoing basis.

Parents/Guardians may appeal to the Board a determination by the Superintendent of Schools or designee that an IHIP is not in compliance with the Regulations of the Commissioner of Education. Parents/Guardians shall have the right to appeal the final determination of the Board to the Commissioner of Education within 30 days of receipt of such determination.

Special Education

A student with an IHIP, who is a resident of the school district and has a disability, or is suspected of having a disability, is eligible to receive services from the school district, in accordance with law, regulation and district policy. A parent/guardian must request special education services in writing to the Board by June 1st, unless the child is first identified or moves into the district after June 1st. In that case, the parent/guardian must request the services within 30 days of being identified or of moving into the district.

Special education services will be provided on an equitable basis compared to programs and services provided to other students with disabilities attending public or nonpublic schools within the district. The Board will determine the location where services will be available to home schooled students.

Participation in Extracurricular Activities

Students instructed at home by their parents are not entitled to participate in interscholastic or intramural sports. However, the Board shall permit such students to participate in other school-sponsored extracurricular activities as long as they can provide either documentation of immunization to, or a medical exemption for immunization from, the same communicable diseases required for entry into the public schools. Specifically, the Board will permit home-schooled students to:

- participate in non-credit-bearing organized school activities such as clubs that are not open to the general public;
- participate in band and/or receive music lessons only if these activities are considered to be extra-curricular (not credit-bearing or graded or required for class); and
- use school facilities such as the library, career information center and gymnasium if there is mutual agreement on the part of all involved parties.

Instructional Materials

The Board authorizes the Superintendent to loan instructional materials, if available, to students receiving home instruction. The Superintendent or his/her designee shall determine the availability of resources and develop appropriate procedures.

Ref:

Education Law §§ 3204(2); 3210(2)(d); 3602-c (2-c)

Public Health Law § 2164 (as amended by Chapter 35 of the Laws of 2019)

8 NYCRR §§ 100.10; 135.1; 135.4

Appeal of Ponte, 41 EDR 174 (2001)

Matter of Abookire, 33 EDR 473 (1994)

State Education Department Memorandum, “New Requirements for the Provision of Special Education Services to Home-Instructioned (“Home-Schooled”) Students, July 2008

State Education Department Memorandum, “Home Instruction Questions and Answers,” <http://www.p12.nysed.gov/sss/homeinstruction/homeschoolingqanda.html>, Sept. 2016

Adoption Date: 7/30/2007

Revised Dates: 2/24/2020

INFORMATION AND DATA PRIVACY, SECURITY, BREACH AND NOTIFICATION

The Board of Education acknowledges the heightened concern regarding the rise in identity theft and the need for secure networks and prompt notification when security breaches occur. The Board adopts the National Institute for Standards and Technology Cybersecurity Framework Version 1.1 (NIST CSF) for data security and protection. The *insert title, such as Superintendent or Data Privacy Officer* is responsible for ensuring the district's systems follow NIST CSF and adopt technologies, safeguards and practices which align with it. This will include an assessment of the district's current cybersecurity state, their target future cybersecurity state, opportunities for improvement, progress toward the target state, and communication about cyber security risk.

The Board will designate a Data Protection Officer to be responsible for the implementation of the policies and procedures required in Education Law §2-d and its accompanying regulations, and to serve as the point of contact for data security and privacy district. *optional language: This appointment will be made at the annual organizational meeting*

The Board directs the Superintendent of Schools, in accordance with appropriate business and technology personnel, and the Data Protection Officer (where applicable) to establish regulations which address:

- the protections of “personally identifiable information” of student and teachers/principal under Education Law §2-d and Part 121 of the Commissioner of Education;
- the protections of “private information” under State Technology Law §208 and the NY SHIELD Act; and
- procedures to notify persons affected by breaches or unauthorized access of protected information.

I. Student and Teacher/Principal “Personally Identifiable Information” under Education Law §2-d

A. General Provisions

PII as applied to student data is as defined in Family Educational Rights and Privacy Act (Policy 5500), which includes certain types of information that could identify a student, and is listed in the accompanying regulation 8635-R. *PII* as applied to teacher and principal data, means results of Annual Professional Performance Reviews that identify the individual teachers and principals, which are confidential under Education Law §§3012-c and 3012-d, except where required to be disclosed under state law and regulations.

The Data Protection Officer [*or insert other title*] will see that every use and disclosure of personally identifiable information (*PII*) by the district benefits students and the district (e.g., improve academic achievement, empower parents and students with information, and/or advance efficient and effective school operations). However, *PII* will not be included in public reports or other documents.

The district will protect the confidentiality of student and teacher/principal *PII* while stored or transferred using industry standard safeguards and best practices, such as encryption, firewalls, and passwords. The district will monitor its data systems, develop incident response plans, limit access to *PII* to district

employees and third-party contractors who need such access to fulfill their professional responsibilities or contractual obligations, and destroy PII when it is no longer needed.

Certain federal laws and regulations provide additional rights regarding confidentiality of and access to student records, as well as permitted disclosures without consent, which are addressed in policy and regulation 5500, Student Records.

Under no circumstances will the district sell PII. It will not disclose PII for any marketing or commercial purpose, facilitate its use or disclosure by any other party for any marketing or commercial purpose, or permit another party to do so. Further, the district will take steps to minimize the collection, processing, and transmission of PII.

Except as required by law or in the case of enrollment data, the district will not report the following student data to the State Education Department:

1. juvenile delinquency records;
2. criminal records;
3. medical and health records; and
4. student biometric information.

The district has created and adopted a Parent's Bill of Rights for Data Privacy and Security (see Exhibit 8635-E). It has been published on the district's website at *insert web address* and can be requested from the district clerk.

B. Third-party Contractors

The district will ensure that contracts with third-party contractors reflect that confidentiality of any student and/or teacher or principal PII be maintained in accordance with federal and state law and the district's data security and privacy policy.

Each third-party contractor that will receive student data or teacher or principal data must:

1. adopt technologies, safeguards and practices that align with the NIST CSF;
2. comply with the district's data security and privacy policy and applicable laws impacting the district;
3. limit internal access to PII to only those employees or sub-contractors that need access to provide the contracted services;
4. not use the PII for any purpose not explicitly authorized in its contract;
5. not disclose any PII to any other party without the prior written consent of the parent or eligible student (i.e., students who are eighteen years old or older):
 - a. except for authorized representatives of the third-party contractor to the extent they are carrying out the contract; or
 - b. unless required by statute or court order and the third party contractor provides notice of disclosure to the district, unless expressly prohibited.
6. maintain reasonable administrative, technical and physical safeguards to protect the security, confidentiality and integrity of PII in its custody;
7. use encryption to protect PII in its custody; and
8. not sell, use, or disclose PII for any marketing or commercial purpose, facilitate its use or disclosure by others for marketing or commercial purpose, or permit another party to do so. Third party contractors may release PII to subcontractors engaged to perform the contractor's obligations, but such subcontractors must abide by data protection obligations of state and federal law, and the contract with the district.

If the third-party contractor has a breach or unauthorized release of PII, it will promptly notify the district in the most expedient way possible without unreasonable delay but no more than seven calendar days after the breach's discovery.

C. Third-Party Contractors' Data Security and Privacy Plan

The district will ensure that contracts with all third-party contractors include the third-party contractor's data security and privacy plan. This plan must be accepted by the district.

At a minimum, each plan will:

1. outline how all state, federal, and local data security and privacy contract requirements over the life of the contract will be met, consistent with this policy;
2. specify the safeguards and practices it has in place to protect PII;
3. demonstrate that it complies with the requirements of Section 121.3(c) of this Part;
4. specify how those who have access to student and/or teacher or principal data receive or will receive training on the federal and state laws governing confidentiality of such data prior to receiving access;
5. specify if the third-party contractor will utilize sub-contractors and how it will manage those relationships and contracts to ensure personally identifiable information is protected;
6. specify how the third-party contractor will manage data security and privacy incidents that implicate personally identifiable information including specifying any plans to identify breaches and unauthorized disclosures, and to promptly notify the district;
7. describe if, how and when data will be returned to the district, transitioned to a successor contractor, at the district's direction, deleted or destroyed by the third-party contractor when the contract is terminated or expires.

D. Training

The district will provide annual training on data privacy and security awareness to all employees who have access to student and teacher/principal PII.

E. Reporting

Any breach of the district's information storage or computerized data which compromises the security, confidentiality, or integrity of student or teacher/principal PII maintained by the district will be promptly reported to the Data Protection Officer, the Superintendent and the Board of Education.

F. Notifications

The Data Privacy Officer *or insert appropriate title* will report every discovery or report of a breach or unauthorized release of student, teacher or principal PII to the State's Chief Privacy Officer without unreasonable delay, but no more than 10 calendar days after such discovery.

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 or third-party contractor notification.

However, if notification would interfere with an ongoing law enforcement investigation, or cause further disclosure of PII by disclosing an unfixed security vulnerability, 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.

The Superintendent *or insert appropriate title*, in consultation with the Data Protection Officer, will establish procedures to provide notification of a breach or unauthorized release of student, teacher or principal PII, and establish and communicate to parents, eligible students, and district staff a process for filing complaints about breaches or unauthorized releases of student and teacher/principal PII.

II. *“Private Information” under State Technology Law §208*

“Private information” is defined in State Technology Law §208, and includes certain types of information, outlined in the accompanying regulation, which would put an individual at risk for identity theft or permit access to private accounts. “Private information” does not include information that can lawfully be made available to the general public pursuant to federal or state law or regulation.

Any breach of the district’s information storage or computerized data which compromises the security, confidentiality, or integrity of “private information” maintained by the district must be promptly reported to the Superintendent and the Board of Education.

The Board directs the Superintendent of Schools, in accordance with appropriate business and technology personnel, to establish regulations which:

- Identify and/or define the types of private information that is to be kept secure;
- Include procedures to identify any breaches of security that result in the release of private information; and
- Include procedures to notify persons affected by the security breach as required by law.

III. *Employee “Personal Identifying Information” under Labor Law § 203-d*

Pursuant to Labor Law §203-d, the district will not communicate employee “personal identifying information” to the general public. This includes:

1. social security number;
2. home address or telephone number;
3. personal email address;
4. Internet identification name or password;
5. parent’s surname prior to marriage; and
6. drivers’ license number.

In addition, the district will protect employee social security numbers in that such numbers will not be:

1. publicly posted or displayed;
2. visibly printed on any ID badge, card or time card;
3. placed in files with unrestricted access; or
4. used for occupational licensing purposes.

Employees with access to such information will be notified of these prohibitions and their obligations.

Ref:

State Technology Law §§201-208

Labor Law §203-d

Education Law §2-d

8 NYCRR Part 121

Adoption date: 2/22/2021

PARENTS' BILL OF RIGHTS FOR STUDENT DATA PRIVACY AND SECURITY

The NYS Education Department's Education Law §2-d Bill of Rights for Data Privacy and Security

Parents and eligible students¹ can expect the following:

1. A student's personally identifiable information (PII)² cannot be sold or released for any commercial purpose.
2. The right to inspect and review the complete contents of the student's education record stored or maintained by an educational agency.
3. State and federal laws,
3 such as NYS Education Law §2-d and the Family Educational Rights and Privacy Act, that protect the confidentiality of a student's PII, and safeguards associated with industry standards and best practices, including but not limited to, encryption, firewalls, and password protection, must be in place when data is stored or transferred.
4. A complete list of all student data elements collected by NYSED is available for public review at www.nysed.gov/data-privacy-security, and by writing to: Chief Privacy Officer, New York State Education Department, 89 Washington Avenue, Albany, NY 12234.
5. The right to have complaints about possible breaches and unauthorized disclosures of student data addressed. Complaints may be submitted to NYSED online at www.nysed.gov/data-privacy-security, by mail to: Chief Privacy Officer, New York State Education Department, 89 Washington Avenue, Albany, NY 12234, by email to privacy@nysed.gov, or by telephone at 518-474-0937.
6. To be notified in accordance with applicable laws and regulations if a breach or unauthorized release of their student's PII occurs.
7. Educational agency workers that handle PII will receive training on applicable state and federal laws, the educational agency's policies, and safeguards associated with industry standards and best practices that protect PII.

8. Educational agency contracts with vendors that receive PII will address statutory and regulatory data privacy and security requirements.

1 “Parent” means a parent, legal guardian, or person in parental relation to a student. These rights may not apply to parents of eligible students defined as a student eighteen years or older. “Eligible Student” means a student 18 years and older.

2 “Personally identifiable information,” as applied to student data, means personally identifiable information as defined in section 99.3 of title thirty-four of the code of federal regulations implementing the family educational rights and privacy act, section twelve hundred thirty-two-g of title twenty of the United States code, and, as applied to teacher or principal data, means “personally identifying information” as such term is used in subdivision ten of section three thousand twelve-c of this chapter. 3 Information about other state and federal laws that protect student data such as the Children’s Online Privacy

Protection Act, the Protection of Pupil Rights Amendment, and NY’s Personal Privacy Law can be found at <http://www.nysed.gov/student-data-privacy/federal-laws-protect-student-data>.

Adoption date: 2/22/2021

INFORMATION AND DATA PRIVACY, SECURITY, BREACH AND NOTIFICATION REGULATION

This regulation addresses information and data privacy, security, breach and notification requirements for student and teacher/principal personally identifiable information under Education Law §2-d, as well as private information under State Technology Law §208.

The district will inventory its computer programs and electronic files to determine the types of information that is maintained or used by the district, and review the safeguards in effect to secure and protect that information.

I. Student and Teacher/Principal “Personally Identifiable Information” under Education Law §2-d

A. Definitions

“*Biometric record*,” as applied to student PII, means one or more measurable biological or behavioral characteristics that can be used for automated recognition of person, which includes fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting.

“*Breach*” means the unauthorized acquisition, access, use, or disclosure of student PII and/or teacher or principal PII by or to a person not authorized to acquire, access, use, or receive the student and/or teacher or principal PII.

“*Disclose*” or *Disclosure* mean to permit access to, or the release, transfer, or other communication of PII by any means, including oral, written, or electronic, whether intended or unintended.

“*Personally Identifiable Information*” (PII) as applied to students means the following information for district students:

1. the student's name;
2. the name of the student's parent or other family members;
3. the address of the student or student's family;
4. a personal identifier, such as the student's social security number, student number, or biometric record;
5. other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name;

6. other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or
7. information requested by a person who the district reasonably believes knows the identity of the student to whom the education record relates.

“*Personally Identifiable Information*” (PII) as applied to teachers and principals means results of Annual Professional Performance Reviews that identify the individual teachers and principals, which are confidential under Education Law §§3012-c and 3012-d, except where required to be disclosed under state law and regulations.

“*Third-Party Contractor*” means any person or entity, other than an educational agency (i.e., a school, school district, BOCES or State Education Department), that receives student or teacher/principal PII from the educational agency pursuant to a contract or other written agreement for purposes of providing services to such educational agency, including but not limited to data management or storage services, conducting studies for or on behalf of the educational agency, or audit or evaluation of publicly funded programs. This includes an educational partnership organization that and receives student and/or teacher/principal PII from a school district to carry out its responsibilities pursuant to Education Law §211-e (for persistently lowest-achieving schools or schools under registration review) and is not an educational agency. This also includes a not-for-profit corporation or other nonprofit organization, other than an educational agency.

B. Complaints of Breaches or Unauthorized Releases of PII

If a parent/guardian, eligible student, teacher, principal or other district employee believes or has evidence that student or teacher/principal PII has been breached or released without authorization, they must submit this complaint in writing to the district. Complaints may be received by the Data Privacy Officer *or insert other title*, but may also be received by any district employee, who must immediately notify the Data Privacy Officer. This complaint process will be communicated to parents, eligible students, teachers, principals, and other district employees.

The district will acknowledge receipt of complaints promptly, commence an investigation, and take the necessary precautions to protect personally identifiable information.

Following its investigation of the complaint, the district will provide the individual who filed a complaint with its findings within a reasonable period of time. This period of time will be no more than 60 calendar days from the receipt of the complaint.

If the district requires additional time, or if the response may compromise security or impede a law enforcement investigation, the district will provide individual who filed a complaint with a written explanation that includes the approximate date when the district will respond to the complaint.

The district will maintain a record of all complaints of breaches or unauthorized releases of student data and their disposition in accordance with applicable data retention policies, including the Records Retention and Disposition Schedule ED-1.

C. Notification of Student and Teacher/Principal PII Breaches

If a third-party contractor has a breach or unauthorized release of PII, it will promptly notify the Data Privacy Officer *or insert other title* in the most expedient way possible, without unreasonable delay, but no more than seven calendar days after the breach's discovery.

The Data Privacy Officer *or insert other title* will then notify the State Chief Privacy Officer of the breach or unauthorized release no more than 10 calendar days after it receives the third-party contractor's notification using a form or format prescribed by the State Education Department.

The Data Privacy Officer *or insert other title* will report every discovery or report of a breach or unauthorized release of student, teacher or principal data to the Chief Privacy Officer without unreasonable delay, but no more than 10 calendar days after such discovery.

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 or third-party contractor notification.

However, if notification would interfere with an ongoing law enforcement investigation or cause further disclosure of PII by disclosing an unfixed security vulnerability, 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 brief description of the breach or unauthorized release,
- the dates of the incident and the date of discovery, if known;
- a description of the types of PII affected;
- an estimate of the number of records affected;
- a brief description of the district's investigation or plan to investigate; and
- contact information for representatives who can assist parents or eligible students with additional questions.

Notification must 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 will pay for or promptly reimburse the district for the full cost of such notification.

The unauthorized acquisition of student social security numbers, student ID numbers, or biometric records, when in combination with personal information such as names or other identifiers, may also constitute a breach under State Technology Law §208 if the information is not encrypted, and the acquisition compromises the security, confidentiality, or integrity of personal information maintained by the district. In that event, the district is not required to notify affected people twice, but must follow the procedures to notify state agencies under State Technology Law §208 outlined in section II of this regulation.

II. "Private Information" under State Technology Law §208

A. Definitions

“*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 personal information plus the data element is not encrypted or encrypted with an encryption key that has also been accessed or acquired:
 - Social security number;
 - Driver’s license number or non-driver identification card number;
 - 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;
 - account number or credit or debit card number, if that number could be used to access a person’s financial account without other information such as a password or code; or
 - biometric information (data generated by electronic measurements of a person’s physical characteristics, such as fingerprint, voice print, or retina or iris image) used to authenticate or ascertain a person’s identity; or
2. a user name or email address, along with a password, or security question and answer, that would permit access to an online account.

“Private information” does not include information that can lawfully be made available to the general public pursuant to federal or state law or regulation;

“*Breach of the security of the system*” means unauthorized acquisition or acquisition without valid authorization of physical or computerized data which compromises the security, confidentiality, or integrity of personal information maintained by the district. Good faith acquisition of personal information by an officer or employee or agent of the district for the purposes of the district is not a breach of the security of the system, provided that the private information is not used or subject to unauthorized disclosure.

B. Procedure for Identifying Security Breaches

In determining whether information has been acquired, or is reasonably believed to have been acquired, by an unauthorized person or a person without valid authorization, the district will consider:

1. indications that the information is in the physical possession and control of an unauthorized person, such as removal of lost or stolen computer, or other device containing information;
2. indications that the information has been downloaded or copied;
3. indications that the information was used by an unauthorized person, such as fraudulent accounts opened or instances of identity theft reported; and/or
4. any other factors which the district shall deem appropriate and relevant to such determination.

C. Notification of Breaches to Affected Persons

Once it has been determined that a security breach has occurred, the district will take the following steps:

1. If the breach involved computerized data *owned or licensed* by the district, the district will notify those New York State residents 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 to restore the integrity of the 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.
2. If the breach involved computer data *maintained* by the district, the district will notify the owner or licensee of the information of the breach 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 required notice will include (a) district contact information, (b) a description of the categories information that were or are reasonably believed to have been accessed or acquired without authorization, (c) which specific elements of personal or private information were or are reasonably believed to have been acquired and (d) the telephone number and website of relevant state and federal agencies that provide information on security breach response and identity theft protection and prevention. This notice will be directly provided to the affected individuals by either:

1. Written notice
2. Electronic notice, provided that the person to whom notice is required has expressly consented to receiving the notice in electronic form; and that the district keeps a log of each such electronic notification. In no case, however, will the district require a person to consent to accepting such notice in electronic form as a condition of establishing a business relationship or engaging in any transaction.
3. Telephone notification, provided that the district keeps a log of each such telephone notification.

However, if the district can demonstrate to the State Attorney General that (a) the cost of providing notice would exceed \$250,000; or (b) that the number of persons to be notified exceeds 500,000; or (c) that the district does not have sufficient contact information, substitute notice may be provided. Substitute notice would consist of all of the following steps:

1. E-mail notice when the district has such address for the affected individual;
2. Conspicuous posting on the district's website, if they maintain one; and
3. Notification to major media.

However, the district is not required to notify individuals if the breach was inadvertently made by individuals authorized to access the information, and the district reasonably determines the breach will not result in misuse of the information, or financial or emotional harm to the affected persons. The district will document its determination in writing and maintain it for at least five years, and will send it to the State Attorney General within ten days of making the determination.

Additionally, if the district has already notified affected persons under any other federal or state laws or regulations regarding data breaches, including the federal Health Insurance Portability and Accountability Act, the federal Health Information Technology for Economic and Clinical Health (HI TECH) Act, or New York State Education Law §2-d, it is not required to notify them again. Notification to state and other agencies is still required.

D. Notification to State Agencies and Other Entities

Once notice has been made to affected New York State residents, the district shall notify the State Attorney General, the State Department of State, and the State Office of Information Technology Services as to the timing, content, and distribution of the notices and approximate number of affected persons.

If 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 the approximate number of affected individuals. A list of consumer reporting agencies will be furnished, upon request, by the Office of the State Attorney General.

If the district is required to notify the U.S. Secretary of Health and Human Services of a breach of unsecured protected health information under the federal Health Insurance Portability and Accountability Act (HIPAA) or the federal Health Information Technology for Economic and Clinical Health (HI TECH) Act, it will also notify the State Attorney General within five business days of notifying the Secretary.

HADLEY-LUZERNE CENTRAL SCHOOL DISTRICT POLICY INDEX

ABOLISHING AN ADMINISTRATIVE POSITION4220

ABSENCES

 Family and Medical Leave Act6551

 Staff Leave and Absences6550

 Student Absences and Excuses7110

ABSENTEE BALLOTS1640

ACADEMIC ELIGIBILITY POLICY7412

ACADEMIC INTERVENTION SERVICES (AIS)7616

ACCEPTABLE USE OF COMPUTERIZED INFORMATION RESOURCES.....6470, 7315

ACCEPTANCE OF GIFTS, GRANTS AND BEQUESTS TO THE SCHOOL DISTRICT.....5230

ACCEPTING GIFTS5230, 6110

ACCESS TO BUILDINGS5685

ACCESS TO RECORDS -- PUBLIC3310

ACCIDENTS AND MEDICAL EMERGENCIES.....7520

ACCOUNTABILITY2130,
5571-5572

ACCOUNTING OF FIXED ASSETS5621

ACCOUNTING OF FUNDS5510

ACQUIRED IMMUNE DEFICIENCY SYNDROME5692

ADMINISTRATION

 Abolishing Positions4220

 Administrative Authority During Absence of the Superintendent of Schools4230

 Administrative Latitude in the Absence of Board Policy.....4240

 Administrative Line Responsibility4211

 Administrative Organization and Operation4210

 Administrative Personnel4110

 Administrative Regulations.....1420

 Administrative Staff4330

 Administrative Staff-Evaluation4260

 Management Organizational Structure.....4212

 Organizational Chart4212

 Use of Committees4250

ADMINISTRATORS4310-4330

ADULT EDUCATION PROGRAMS3170

HADLEY-LUZERNE CENTRAL SCHOOL DISTRICT POLICY INDEX (Cont'd.)

| | |
|--|---------------------|
| ADVERTISING IN THE SCHOOLS..... | 3272 |
| ADVISORY COMMITTEES TO THE BOARD | 2210 |
| ADVISORY COUNCILS (BOCES) – CAREER AND TECHNICAL (VOCATIONAL) EDUCATION | 8220 |
| AEDs (AUTOMATED EXTERNAL DEFIBRILLATORS) | 5682 |
| AGE OF SCHOOL ENTRANCE | 7120 |
| AGENDA FORMAT | 1511 |
| AGES OF ATTENDANCE | 7130 |
| AGING OUT..... | 7617 |
| AIDES -- EMPLOYMENT OF | 6320 |
| AIDS -- ACQUIRED IMMUNE DEFICIENCY SYNDROME | 5692 |
| AIDS INSTRUCTION IN HEALTH EDUCATION | 8211 |
| ALCOHOL AND DRUG TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES..... | 5761 |
| ALCOHOL, TOBACCO, DRUGS AND OTHER SUBSTANCES..... | 6150, 7320 |
| ALLEGATIONS OF FRAUD | 5571 |
| ALLERGIES..... | 7521 |
| ALTERNATIVE FORMAT OF INSTRUCTIONAL MATERIALS..... | 5410, 7610 |
| ALTERNATIVE TESTING | 7210 |
| AMERICAN RED CROSS..... | 6550 |
| ANIMALS IN THE SCHOOL (INSTRUCTIONAL PURPOSES) | 8244 |
| ANNUAL AUDIT | 1334, 5570, 5572 |
| ANNUAL DISTRICT ELECTION -- BUSINESS OF..... | 1611 |
| ANNUAL DISTRICT MEETING AND ELECTION/BUDGET VOTE..... | 1610 |
| ANNUAL FINANCIAL STATEMENT -- PUBLICATION OF | 5540 |
| ANNUAL ORGANIZATIONAL MEETING -- TIME..... | 1620 |

HADLEY-LUZERNE CENTRAL SCHOOL DISTRICT POLICY INDEX (Cont'd.)

| | |
|--|---|
| ANNUAL PROFESSIONAL PERFORMANCE REVIEW (APPR)..... | 6130 |
| ANTHRAX | 5684 |
| ANTI-DISCRIMINATION..... | 3420, 6120-6122, 7550, 7551, 7620, 7621, 8130, 8220 |
| ANTI-HARASSMENT IN THE SCHOOL DISTRICT | 3420, 6121, 7551 |
| ANTI-SWEATSHOP LAW | 5410 |
| APPAREL AND SPORTS EQUIPMENT PURCHASES..... | 5410 |
| APPOINTMENT AND TRAINING OF CSE AND CPSE MEMBERS..... | 7631, 7632 |
| APPOINTMENT OF SUPPORT STAFF | 6310 |
| ASSIGNMENTS AND TRANSFERS OF CERTIFIED PERSONNEL | 6210 |
| ATHLETIC PROGRAM | |
| Safety..... | 7420 |
| Student Injuries | 7420 |
| Supervision..... | 7570 |
| ATTENDANCE..... | 7110, 7130, 7131, 7132 |
| ATTENDANCE -- CHILDREN OF ACTIVATED RESERVE MILITARY PERSONNEL | 7130 |
| ATTENDANCE -- HOMELESS CHILDREN AND YOUTH | 1330, 7130, 7131 |
| ATTENDANCE -- NON-RESIDENT STUDENTS..... | 7132 |
| ATTENDANCE ENTITLEMENT -- AGE AND RESIDENCY | 7130, 7131 |
| ATTENDANCE OF THE BOARD OF EDUCATION..... | 1510 |
| ATTENDANCE RECORDS | 7110 |
| AUDIOVISUAL MATERIALS SELECTION..... | 8320 |
| AUDIT COMMITTEE | 2210, 5570, 5572 |
| AUDITOR -- INDEPENDENT | 1334 |
| AUDITOR -- INTERNAL CLAIMS | 1335 |
| AUTOMATED EXTERNAL DEFIBRILLATORS | 5682 |

HADLEY-LUZERNE CENTRAL SCHOOL DISTRICT POLICY INDEX (Cont'd.)

| | |
|--|---------------------|
| AWARDS AND SCHOLARSHIPS | 7430 |
| BAND INSTRUMENTS | 7440 |
| BEQUESTS, GRANTS AND GIFTS TO THE SCHOOL DISTRICT -- ACCEPTANCE OF | 5230 |
| BICYCLE USE (STUDENT) | 3290 |
| BIDS AND QUOTATIONS | 5410 |
| BIDS AND QUOTATIONS -- COMPETITIVE | 5410 |
| BIOLOGICAL TERRORISM | 5684 |
| BOARD | |
| Advisory Committees | 2210 |
| Agenda Format | 1511 |
| Appointments and Designations by the Board of Education | 1330 |
| Attorney -- Duties of | 1337 |
| Audit Committee | 5572 |
| Board Member Attendance | 1510 |
| Board Member Authority | 1120 |
| Board Member Nomination and Election | 1220 |
| Board Member Oath of Office | 1330, 1620 |
| Board Member Qualifications | 1210 |
| Board Member Removal From Office | 1240 |
| Board Member Resignation | 1240 |
| Board Member Term of Office | 1130 |
| Board Members - Powers and Duties | 1310 |
| Board Negotiating Agents | 6441 |
| Board Officers - Nominations and Election | 1320 |
| Board Self-Evaluation | 2340 |
| Central Treasurer of Extraclassroom Activity Account -- Duties of | 1336 |
| Claims Auditor -- Duties of | 1335 |
| Committees of the Board | 2210 |
| Compensation and Expenses | 2330 |
| Defense and Indemnification | 6540 |
| District Clerk -- Duties of | 1331 |
| External (Independent) Auditor -- Duties of | 1334 |
| Meeting Procedures (Parliamentary Procedures) | 2120 |
| Meetings | 1510, 1520, 1530 |
| Membership in Associations | 2310 |
| New Board Member Orientation | 2110 |
| Policy Execution: Administrative Regulations | 1420 |
| Policy Formulation, Adoption and Dissemination | 1410 |
| Policy Review and Evaluation | 1410 |
| President -- Duties of | 1321 |
| Public Expression at Board Meetings | 3220 |
| Reporting of Expenditures | 1230 |
| Role of the Board in Implementing a Student's Individualized Education Program | 7613 |
| School Board Conferences, Conventions and Workshops | 2320 |

HADLEY-LUZERNE CENTRAL SCHOOL DISTRICT POLICY INDEX (Cont'd.)

| | |
|---|------------|
| BOARD (Cont'd.) | |
| School Board Meetings | 1510, 1520 |
| School Board Legal Status | 1110 |
| School Board Memberships | 2310 |
| Tax Collector/Deputy Collector -- Duties of..... | 1333 |
| Training on Financial Oversight, Accountability and Fiduciary Responsibilities | 2130 |
| Treasurer -- Duties of | 1332 |
| Vice President -- Duties of..... | 1322 |
| | |
| BOCES ADVISORY COUNCIL -- CAREER AND TECHNICAL (VOCATIONAL) EDUCATION | 8220 |
| | |
| BOMB THREATS | 5683 |
| | |
| BONDING OF EMPLOYEES AND SCHOOL BOARD MEMBERS..... | 5310 |
| | |
| BOOSTER CLUBS..... | 3260 |
| | |
| BORROWING OF FUNDS | 5340 |
| | |
| BOY SCOUTS ACT | 3280 |
| | |
| BROADCASTING AND TAPING OF BOARD MEETINGS | 1530 |
| | |
| BUDGET | |
| Absentee Ballots..... | 1640 |
| Administration of the Budget..... | 5140 |
| Budget Adoption | 5130 |
| Budget Hearing | 5120 |
| Budget Notice..... | 5120 |
| Budget Planning and Development..... | 5110 |
| Budget Transfers | 5330 |
| Budget Vote | 1610 |
| Dissemination of Budget Information..... | 5120 |
| Property Tax Report Card | 5110, 5120 |
| Reserve Funds..... | 5595 |
| | |
| BULLYING | 7552 |
| | |
| BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES -- DRUG AND ALCOHOL TESTING | 5761 |
| | |
| BUS DRIVERS QUALIFICATIONS..... | 5760, 5761 |
| | |
| BUS EMERGENCY DRILLS | 5683 |
| | |
| CAPITAL FACILITIES PLAN | 5630 |
| | |
| CARDIAC AUTOMATED EXTERNAL DEFIBRILLATORS (AEDs) IN PUBLIC SCHOOL FACILITIES | 5682 |
| | |
| CAREER AND TECHNICAL (OCCUPATIONAL) EDUCATION..... | 8220 |

HADLEY-LUZERNE CENTRAL SCHOOL DISTRICT POLICY INDEX (Cont'd.)

| | |
|--|------------|
| CAREGIVER CONSENT | 7260 |
| CASH IN SCHOOL BUILDINGS | 5530 |
| CELL PHONES | 5322 |
| CENSORSHIP OF SCHOOL SPONSORED STUDENT PUBLICATIONS | 7411 |
| CENSUS | 7160, 7650 |
| CERTIFICATES AND IEP DIPLOMAS FOR STUDENTS WITH DISABILITIES | 7222 |
| CERTIFICATION | 6212 |
| CERTIFIED PERSONNEL | 6210 |
| CERTIFIED PERSONNEL -- ASSIGNMENT AND TRANSFER | 6210 |
| CHARACTER EDUCATION | 8242 |
| CHARGING MEAL | 5660, 5662 |
| CHARITABLE DONATIONS FROM SCHOOL CHILDREN -- SOLICITATION OF | 3271 |
| CHILD ABDUCTION (PREVENTION OF) -- INSTRUCTION ON | 8211 |
| CHILD ABUSE | 6181, 7530 |
| CHILD FIND | 7650 |
| CHILD NUTRITION PROGRAM | 5660 |
| CHILDREN OF ACTIVATED RESERVE MILITARY PERSONNEL | 7130 |
| CHILDREN WITH DISABILITIES | 7611 |
| CHILDREN'S INTERNET PROTECTION ACT | 8271 |
| CITIZENS ADVISORY COMMITTEES | 2210 |
| CITIZENSHIP, PATRIOTISM AND HUMAN RIGHTS EDUCATION | 8241 |
| CIVILITY, CITIZENSHIP AND CHARACTER EDUCATION/INTERPERSONAL VIOLENCE PREVENTION EDUCATION | 8242 |
| CLAIMS AUDITOR | 1330, 1335 |
| CLINICS | 7515 |
| CLOSING OF FACILITIES | 5634 |
| CLOSING OF SCHOOL -- EMERGENCY | 3510 |

HADLEY-LUZERNE CENTRAL SCHOOL DISTRICT POLICY INDEX (Cont'd.)

| | |
|---|----------------------------|
| COBRA..... | 6510 |
| CODE OF CONDUCT ON SCHOOL PROPERTY | 3410, 7310 |
| CODE OF ETHICS FOR ALL DISTRICT PERSONNEL | 6110 |
| COLLEGE COURSES -- DUAL CREDIT FOR..... | 7230 |
| COMMITTEES | |
| Advisory Committees..... | 2210 |
| Citizens Advisory Committees | 2210 |
| Committee on Preschool Special Education | 7632 |
| Committee on Special Education | 7631 |
| Committees of the Board | 2210 |
| Health and Safety Committee | 5630, 5635 |
| Use of Committees | 4250 |
| COMMUNITY RELATIONS..... | 3100 |
| COMMUNICABLE DISEASES | 5691 |
| COMMUNITY USE OF SCHOOL FACILITIES..... | 3280 |
| COMPARABILITY OF SERVICES -- TITLE 1 PROGRAMS | 8260 |
| COMPENSATION AND RELATED BENEFITS | 4420 |
| COMPLAINTS | |
| Complaints and Grievances by Employees..... | 6122 |
| Complaints and Grievances by Students..... | 7550 |
| Complaints and Grievances Coordinator | 6122, 7550 |
| Public Complaints | 3230 |
| COMPREHENSIVE PUBLIC SCHOOL BUILDING SAFETY PROGRAM (RESCUE)..... | 5630 |
| COMPREHENSIVE STUDENT ATTENDANCE POLICY | 7110 |
| COMPULSORY ATTENDANCE AGE | 7130 |
| COMPUTER FILTERING (INTERNET CONTENT)..... | 8271 |
| COMPUTER TECHNOLOGY..... | 8270 |
| COMPUTERIZED INFORMATION -- CONFIDENTIALITY OF | 3320, 5671, 5672 |
| COMPUTERIZED INFORMATION RESOURCES -- USE OF..... | 5671, 5672, 6470, 7315, |
| CONCUSSION MANAGEMENT | 7522 |
| CONDITIONAL APPOINTMENTS..... | 6170 |
| CONDUCT AND DISCIPLINE (STUDENT) | 3410, 6410, 7310, 7313 |

HADLEY-LUZERNE CENTRAL SCHOOL DISTRICT POLICY INDEX (Cont'd.)

| | |
|--|---------------------------|
| CONDUCT ON SCHOOL PROPERTY | 3410, 3430, 7310 |
| CONFERENCES, CONVENTIONS AND WORKSHOPS -- ATTENDANCE AT | 2320, 4410, 6160, 6161 |
| CONFIDENTIALITY OF COMPUTERIZED INFORMATION | 3320 |
| CONSENT FOR CAREGIVERS | 7260 |
| CONSERVATION AND RECYCLING | 5650 |
| CONSTITUTIONALLY PROTECTED PRAYER IN THE PUBLIC SCHOOLS | 7460 |
| CONSTRUCTION AND REMODELING OF SCHOOL FACILITIES | 5630, 5632 |
| CONSTRUCTION SAFETY | 5632 |
| CONTESTS FOR STUDENTS | 7430 |
| CONTINUATION OF MEDICAL INSURANCE COVERAGE AT TERMINATION OF EMPLOYMENT (COBRA) | 6510 |
| CONTRACTS FOR GOODS AND SERVICES | 5410 |
| CONTRACTS FOR INSTRUCTION | 5420 |
| CONTROLLED SUBSTANCES | 7611, 7640 |
| CONTROVERSIAL ISSUES | 8331 |
| COPYRIGHTED MATERIALS | 8350 |
| CORPORAL PUNISHMENT | 7350 |
| CORRECTIVE ACTION PLAN | 5572 |
| CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES | 7222 |
| CREDIT CARD | 5321 |
| CURRICULUM AREAS IN CONFLICT WITH RELIGIOUS BELIEFS | 8330, 8360 |
| CURRICULUM COORDINATOR (K-12) WITH K-2 BUILDING RESPONSIBILITIES | 4330 |
| CURRICULUM DEVELOPMENT | 8110, 8111 |
| CURRICULUM EVALUATION | 8110 |
| CURRICULUM RESOURCES | 8110 |

HADLEY-LUZERNE CENTRAL SCHOOL DISTRICT POLICY INDEX (Cont'd.)

| | |
|--|---|
| CUSTODIAL AND NON-CUSTODIAL PARENTS | 7130, 7241 |
| DAY-SCHOOL..... | 8410 |
| DECLASSIFICATION OF STUDENTS WITH DISABILITIES..... | 7617 |
| DEDUCTIONS -- PAYROLL | 6530 |
| DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS AND EMPLOYEES | 6540 |
| DEFIBRILLATORS | 5682 |
| DESIGNATION OF PERSON IN PARENTAL RELATION | 7260 |
| DESIGNATIONS BY THE BOARD OF EDUCATION..... | 1330 |
| DESTRUCTION OR LOSS OF DISTRICT PROPERTY OR RESOURCES..... | 7311 |
| DIGNITY FOR ALL STUDENTS..... | 7554 |
| DIRECTORY INFORMATION | 7242, 7243 |
| DISCIPLINE..... | 3410, 6410, 7310, 7313, 7314 |
| DISCIPLINE AND CONDUCT -- MAINTAINING | 6410 |
| DISCIPLINE OF STUDENTS WITH DISABILITIES..... | 3410, 7313, 7314 |
| DISCIPLINING OF A TENURED TEACHER | 6215 |
| DISCLOSURE OF WRONGFUL CONDUCT(WHISTLEBLOWER POLICY) | 6111 |
| DISCRIMINATION | 3420, 6120-6122, 7550, 7551, 7620, 7621, 8130, 8220 |
| DISPOSITION OF RECORDS..... | 5670 |
| DISSEMINATION OF BUDGET INFORMATION | 5120 |
| DISSEMINATION OF INDIVIDUALIZED EDUCATION PROGRAM..... | 7640 |
| DISTRIBUTION OF LITERATURE (STUDENT) | 7411 |
| DISTRICT CELL PHONE | 5322 |
| DISTRICT CREDIT CARD | 5321 |
| DISTRICT PLAN -- SPECIAL EDUCATION | 7610 |
| DISTRICT PROPERTY -- CODE OF CONDUCT ON..... | 3410 |

HADLEY-LUZERNE CENTRAL SCHOOL DISTRICT POLICY INDEX (Cont'd.)

| | |
|--|---------------------|
| DISTRICT PROPERTY -- LOSS OR DESTRUCTION OF..... | 7311 |
| DISTRICT WELLNESS POLICY | 5661 |
| DRESS CODE -- STUDENT..... | 7312 |
| DRIVER EDUCATION | 8240 |
| DRUGS | |
| Alcohol, Tobacco, Drugs and Other Substances..... | 6150, 7320 |
| Drug and Alcohol Testing for School Bus Drivers and Other Safety-Sensitive Employees | 5761 |
| Drug-Free Workplace..... | 6151 |
| Drug-Testing of Employees | 6150 |
| DUAL CREDIT FOR COLLEGE COURSES | 7230 |
| DUAL ENROLLMENT | 8470 |
| EARLY GRADUATION..... | 7221 |
| EDUCATION OF HOMELESS CHILDREN AND YOUTH | 1330, 7130, 7131 |
| EDUCATIONAL SERVICES FOR STUDENTS WHO BECOME PREGNANT..... | 7150 |
| ELECTION OF BOARD OFFICERS | 1320 |
| ELECTIONEERING | 1220 |
| STUDENT RECORDS: ACCESS AND CHALLENGE | 7240 |
| ELIGIBILITY FOR PARTICIPATION IN EXTRACURRICULAR ACTIVITIES | 7410 |
| EMANCIPATED MINORS..... | 7130 |
| EMERGENCY CLOSING..... | 3510, 3520 |
| EMERGENCY CONDITIONAL APPOINTMENTS..... | 6170 |
| EMERGENCY PLANNING | 5681 |
| EMERGENCY SERVICE VOLUNTEER | 6550 |
| EMERGENCY TREATMENT -- STUDENTS..... | 7520 |
| EMPLOYEE | |
| Activities | 5560, 6430 |
| Mentoring..... | 6160 |
| Personnel Records..... | 6420, 5673 |
| Protection | 5571, 6540 |
| Use of Email in School District..... | 6480 |
| EMPLOYMENT OF RELATIVES OF BOARD OF EDUCATION MEMBERS | 6217 |

HADLEY-LUZERNE CENTRAL SCHOOL DISTRICT POLICY INDEX (Cont'd.)

| | |
|--|---------------------|
| ENERGY AND WATER CONSERVATION..... | 5650 |
| ENGLISH LANGUAGE LEARNERS..... | 8280 |
| ENTITLEMENT TO ATTEND -- AGE AND RESIDENCY..... | 7130 |
| ENVIRONMENTAL CONSERVATION INSTRUCTION..... | 8211 |
| ENVIRONMENTALLY SENSITIVE CLEANING AND MAINTENANCE PRODUCTS..... | 5410 |
| EQUAL ACCESS ACT..... | 7410 |
| EQUAL EDUCATIONAL OPPORTUNITIES..... | 8130 |
| EQUAL EMPLOYMENT OPPORTUNITY..... | 6120 |
| EQUIPMENT AND MATERIALS (SCHOOL-OWNED) -- USE OF..... | 3280 |
| ETHICS, CODE OF ETHICS FOR DISTRICT PERSONNEL..... | 6110 |
| EVALUATION | |
| Building Principal and Classroom Teacher Evaluation..... | 6131 |
| Evaluation of Administrative Staff..... | 4260 |
| Evaluation of Curriculum..... | 8110 |
| Evaluation of Instructional Program..... | 8250 |
| Evaluation of Personnel..... | 6130 |
| Evaluation of the Superintendent..... | 4260 |
| Self-Evaluation -- Board of Education..... | 2340 |
| Student Evaluation..... | 7210 |
| EXAMS -- HEALTH..... | 6140, 7512 |
| EXCUSES FOR STUDENT ABSENCES..... | 7110 |
| EXECUTIVE SESSIONS -- BOARD MEETINGS..... | 1720, 1730 |
| EXIT SUMMARY..... | 7617 |
| EXPENDITURES OF SCHOOL DISTRICT FUNDS..... | 5320 |
| EXPENSE REIMBURSEMENT..... | 2320, 5323, 6161 |
| EXPOSURE CONTROL PROGRAM..... | 5690 |
| EXTRACLASSROOM ACTIVITIES FUNDS..... | 1336, 5520 |
| EXTRACURRICULAR ACTIVITIES..... | 7410 |
| EYE SAFETY/STUDENT USE OF HAND-HELD LASER POINTERS..... | 8210 |

HADLEY-LUZERNE CENTRAL SCHOOL DISTRICT POLICY INDEX (Cont'd.)

FACILITIES

| | |
|---|---------------------------|
| Access to Buildings..... | 5685 |
| Capital Facilities Plan | 5630 |
| Closing of Facilities | 5634 |
| Community Use of School Facilities | 3280 |
| Comprehensive Public School Building Safety Program (RESCUE)..... | 5630 |
| Construction and Remodeling..... | 5630 |
| Construction Safety..... | 5632 |
| Health and Safety Committee | 5630, 5635 |
| Inspection, Operation and Maintenance..... | 5630 |
| Naming Facilities | 5633 |
| School Facility Report Cards | 5630 |
| Structural Safety Inspections..... | 5630 |
| | |
| FALSE REPORTING OF AN INCIDENT AND/OR PLACING A FALSE BOMB | 7311 |
| | |
| FAMILY AND MEDICAL LEAVE ACT POLICY | 6551 |
| | |
| FEDERAL FUNDS -- USE OF FOR POLITICAL EXPENDITURES | 5560 |
| | |
| FERPA (FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT)..... | 3320, 7121, 7240, 7242 |
| FIDUCIARY RESPONSIBILITY | 2130, 5570-5572 |
| | |
| FIELD TRIPS AND EXCURSIONS | |
| Field Trips | 8460 |
| Parental Permission for Field Trips..... | 8460 |
| | |
| FILTERING (INTERNET CONTENT) | 8271 |
| | |
| FINANCIAL ACCOUNTABILITY | 2130, 5570-5590 |
| FINGERPRINTING..... | 6170 |
| | |
| FIRE AND ARSON PREVENTION INSTRUCTION | 8211 |
| | |
| FIRE DRILLS | 5683 |
| | |
| FIREARMS IN SCHOOL | 3411, 7360 |
| | |
| FISCAL EFFORT -- MAINTENANCE OF (TITLE I PROGRAMS) | 5550 |
| | |
| FIXED ASSETS | 5621 |
| | |
| FLAG DISPLAY | 3140 |
| | |
| FOIL (FREEDOM OF INFORMATION LAW)..... | 3310 |
| | |
| FOOD SERVICE PROGRAM | 5660 |

HADLEY-LUZERNE CENTRAL SCHOOL DISTRICT POLICY INDEX (Cont'd.)

| | |
|---|---------------------------|
| FOREIGN EXCHANGE STUDENTS | 7132 |
| FOREIGN STUDENTS | 7132 |
| FRATERNIZATION | 6180 |
| FRAUD -- ALLEGATIONS OF..... | 5571 |
| FREE AND REDUCED LUNCH PROGRAM..... | 5660 |
| FUNCTIONAL BEHAVIORAL ASSESSMENT..... | 7313 |
| FUND RAISING..... | 3271, 3273, 7450 |
| FUND RAISING BY STUDENTS..... | 3271, 7450 |
| FUNDS | |
| Accounting of Funds | 5510 |
| Borrowing of Funds | 5340 |
| Expenditures of School District Funds..... | 5320 |
| Extraclassroom Activities Fund | 5520 |
| GASB 34 | 5621 |
| Petty Cash Funds..... | 5530 |
| School Activities Funds | 5520 |
| Use of Federal Funds For Political Expenditures..... | 5560 |
| GIFTED AND/OR TALENTED STUDENTS..... | 8240 |
| GIFTS | 5230, 6110 |
| GOODS AND SERVICES -- PROCUREMENT OF..... | 5410 |
| GRADUATION | |
| Early Graduation | 7221 |
| Graduation Requirements/Early Graduation/Accelerated Programs..... | 7220 |
| I.E.P. Diplomas for Students with Disabilities..... | 7222 |
| GRANTS, GIFTS AND BEQUESTS TO THE SCHOOL DISTRICT -- ACCEPTANCE OF..... | 5230 |
| GREEN CLEANING PRODUCTS | 5410 |
| GRIEVANCES | 3230, 6122, 7550, 7621 |
| GROUPING BY SIMILARITY OF NEEDS -- CHILDREN WITH DISABILITIES..... | 7612 |
| GUARDIANS AD LITEM -- USE OF AT IMPARTIAL HEARINGS..... | 7670 |
| GUIDANCE PROGRAM..... | 8230 |
| GUN-FREE SCHOOLS..... | 7360 |

HADLEY-LUZERNE CENTRAL SCHOOL DISTRICT POLICY INDEX (Cont'd.)

| | |
|---|---------------------------|
| HANDLING OF TOXIC SUBSTANCES BY EMPLOYEES..... | 5631 |
| HARASSMENT -- SEXUAL | 6121, 7551 |
| HARASSMENT IN THE SCHOOL DISTRICT..... | 3420, 6121, 7551, 7552 |
| HAZARD COMMUNICATION STANDARD | 5680 |
| HAZARDOUS WASTE MATERIALS -- STORAGE AND DISPOSAL..... | 5631 |
| HAZING | 7553 |
| HEALTH AND SAFETY COMMITTEE | 5630, 5635 |
| HEALTH EXAMINATIONS | 6140, 7512 |
| HEALTH INSURANCE..... | 6510 |
| HEALTH RECORDS | 7514 |
| HEALTH SERVICES..... | 7511-7515 |
| HIGH SCHOOL CREDIT FOR COLLEGE COURSES | 7230 |
| HIGH SCHOOL GRADUATION REQUIREMENTS | 7220 |
| HIV-RELATED ILLNESSES | 5692 |
| HOME INSTRUCTION (HOME SCHOOLING)..... | 8470 |
| HOME TUTORING (TEMPORARY INSTRUCTION)..... | 8450 |
| HOMELESS CHILDREN AND YOUTH..... | 1330, 7130, 7131 |
| HOMEWORK..... | 8440 |
| HUMAN IMMUNODEFICIENCY VIRUS (HIV) | 5692 |
| HUMAN RIGHTS, PATRIOTISM AND CITIZENSHIP EDUCATION | 8241 |
| IDENTIFICATION -- CHILDREN WITH DISABILITIES | 7650 |
| IEP DIPLOMAS FOR STUDENTS WITH DISABILITIES | 7222 |
| IMMUNIZATION OF STUDENTS..... | 7511 |
| IMPARTIAL HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS..... | 7670 |
| INCIDENTAL TEACHING | 6213 |

HADLEY-LUZERNE CENTRAL SCHOOL DISTRICT POLICY INDEX (Cont'd.)

| | |
|---|------|
| INDEMNIFICATION..... | 6540 |
| INDEPENDENT EDUCATIONAL EVALUATIONS | 7680 |
| INDEPENDENT STUDY..... | 8430 |
| INDIVIDUALIZED EDUCATION PROGRAM..... | 7640 |
| INDIVIDUALIZED EDUCATION PROGRAM -- ROLE OF BOARD IN IMPLEMENTING | 7613 |
| INDIVIDUALIZED EDUCATION PROGRAM DIPLOMAS FOR STUDENTS WITH DISABILITIES 7222 | |
| INFORMATION SECURITY BREACH..... | 5672 |
| INHALERS -- USE OF IN SCHOOLS | 7513 |
| INSPECTIONS OF FACILITIES..... | 5630 |
| INSTRUCTION FOR ENGLISH LANGUAGE LEARNERS | 8280 |
| INSTRUCTION FOR STUDENTS WITH LIMITED ENGLISH PROFICIENCY | 8280 |
| INSTRUCTIONAL MATERIALS | |
| Alternative Format | 5410 |
| Instructional Materials | 8310 |
| Objection to Instructional Materials..... | 8330 |
| Pilot Projects | 8111 |
| Purposes of Instructional Materials..... | 8310 |
| Selection of Library and Audiovisual Materials | 8320 |
| INSTRUCTIONAL PROGRAMS | |
| Adult Education Programs | 3170 |
| AIDS Instruction | 8211 |
| Animals in the School (Instructional Purposes)..... | 8244 |
| Civility, Citizenship and Character Education/Interpersonal Violence Prevention Education | 8242 |
| Driver Education | 8240 |
| Emergency Planning | 8211 |
| Environmental Conservation..... | 8211 |
| Evaluation of Instructional Programs | 8250 |
| Gifted and Talented Students | 8240 |
| Guidance Program..... | 8230 |
| Instructional Television and Radio | 8243 |
| Patriotism, Citizenship and Human Rights Education | 8241 |
| Physical Education | 8240 |
| Pilot Projects | 8111 |
| Prevention of Child Abduction | 8211 |
| Science and Math Instruction..... | 8290 |
| Student Safety | 8211 |
| Substance Abuse/Prevention Instruction..... | 8211 |
| INSTRUCTIONAL TECHNOLOGY | 8270 |

HADLEY-LUZERNE CENTRAL SCHOOL DISTRICT POLICY INDEX (Cont'd.)

| | |
|--|---------------------------|
| INSTRUCTIONAL TELEVISION AND RADIO | 8243 |
| INSTRUMENTS..... | 7440 |
| INSURANCE..... | 5610, 6510, 6540, 7520 |
| INTERIM ALTERNATIVE EDUCATIONAL SETTINGS (IAES) | 7313 |
| INTERNAL AUDITOR..... | 1330, 5572 |
| INTERNET | 6470, 7315, 8271 |
| INTERPERSONAL VIOLENCE PREVENTION EDUCATION | 8242 |
| INTERPRETER SERVICES TO PARENTS WHO ARE HEARING IMPAIRED | 7211 |
| INTERPRETERS..... | 7210, 7211 |
| INTERROGATIONS AND SEARCHES | 7330 |
| INTERSCHOLASTIC ATHLETICS..... | 7420 |
| INTRAMURAL ATHLETICS | 7420 |
| INVENTORIES | 5620, 5621 |
| INVESTMENTS..... | 5220 |
| INVOLUNTARY TRANSFER OF STUDENTS..... | 7140 |
| JURY DUTY..... | 6460 |
| K-12 CURRICULUM COORDINATOR WITH K-2 BUILDING RESPONSIBILITIES | 4330 |
| LASER POINTERS/EYE SAFETY | 8210 |
| LAW ENFORCEMENT OFFICIALS..... | 7330 |
| LEAST RESTRICTIVE ENVIRONMENT -- CHILDREN WITH DISABILITIES | 7611, 7615 |
| LEAVES OF ABSENCE | 6550-6552 |
| LEGAL QUALIFICATIONS OF VOTERS AT SCHOOL DISTRICT MEETINGS | 1630 |
| LIBRARY MATERIALS | 8320 |
| LIFE THREATENING ALLERGIES (STUDENTS) | 7521 |

HADLEY-LUZERNE CENTRAL SCHOOL DISTRICT POLICY INDEX (Cont'd.)

| | |
|--|------|
| LIMITED ENGLISH PROFICIENCY -- INSTRUCTION FOR STUDENTS..... | 8280 |
| LIMITED OPEN FORUM..... | 7410 |
| LINE RESPONSIBILITY OF ADMINISTRATORS | 4211 |
| LOCKERS | 7330 |
| LOSS OR DESTRUCTION OF DISTRICT PROPERTY OR RESOURCES..... | 7311 |
| LUNCH PROGRAM -- FREE/REDUCED | 5660 |
| MAIL HANDLING | 5684 |
| MAINTAINING DISCIPLINE AND CONDUCT | 6410 |
| MAINTENANCE OF FISCAL EFFORT (TITLE I PROGRAMS)..... | 5550 |
| MAINTENANCE OF ORDER ON SCHOOL PROPERTY..... | 3410 |
| MANAGEMENT ORGANIZATIONAL STRUCTURE..... | 4212 |
| MANIFESTATION DETERMINATION | 7313 |
| MARRIED STUDENTS..... | 7150 |
| MATERIALS AND EQUIPMENT (SCHOOL-OWNED) -- USE OF | 3280 |
| MATH AND SCIENCE INSTRUCTION | 8290 |
| MATRICULATION POLICY | 7230 |
| MEAL EXPENSES..... | 5323 |
| MEDIA/PUBLIC INFORMATION PROGRAM/NEWS MEDIA RELATIONS | 3110 |
| MEDIATION -- SPECIAL EDUCATION | 7690 |
| MEDICAL EMERGENCIES AND ACCIDENTS..... | 7520 |
| MEDICATIONS | 7513 |
| MEETINGS | |
| Agenda Format..... | 1511 |
| Annual District Meeting and Election/Budget Vote | 1610 |
| Annual Organization Meeting..... | 1620 |
| Broadcasting and Taping of Board Meetings..... | 1530 |
| Business of the Annual District Election | 1611 |
| Committee Meetings of the Board | 2210 |
| Expenses..... | 5323 |
| Executive Sessions of the Board | 1730 |

HADLEY-LUZERNE CENTRAL SCHOOL DISTRICT POLICY INDEX (Cont'd.)

| | |
|--|--|
| MEETINGS (Cont'd.) | |
| Minutes of Board Meetings..... | 1720 |
| Notification of Regular Board Meetings..... | 1510 |
| Public Expression..... | 3220 |
| Public Sessions..... | 1510 |
| Quorum | 1710 |
| Regular Board Meetings | 1510 |
| Special Board Meetings | 1520 |
| MEGAN'S LAW | 7560 |
| MENTAL HEALTH CLINICS..... | 7515 |
| MENTORING FOR FIRST YEAR TEACHERS..... | 6160 |
| MERCURY | 5650 |
| METHAMPHETAMINE LABS..... | 7530 |
| MILITARY LEAVE..... | 6552 |
| MILITARY RECRUITERS ACCESS TO SECONDARY SCHOOL STUDENTS AND INFORMATION ON STUDENTS | 7243 |
| MILITARY STATUS | 3420, 6120, 6122, 7130, 7550, 8130, 8220 |
| MINUTES OF BOARD MEETINGS..... | 1720 |
| MUNICIPAL GOVERNMENTS -- RELATIONS WITH | 3120 |
| MUSICAL INSTRUMENTS..... | 7440 |
| NAMING FACILITIES | 5633 |
| NEGOTIATIONS | 6440, 6441 |
| NEWS MEDIA RELATIONS/PUBLIC INFORMATION PROGRAM/ SCHOOL SPONSORED MEDIA | 3110 |
| NO CHILD LEFT BEHIND ACT (NCLB)..... | 1330, 3280, 5550, 5640, 6150, 6540, 7130, 7131, 7243, 7250, 7313, 7320, 7360, 7460, 7580, 8260, 8280, 8360 |

HADLEY-LUZERNE CENTRAL SCHOOL DISTRICT POLICY INDEX (Cont'd.)

| | |
|--|---|
| NON-PUBLIC SCHOOLS | 5730, 8340 |
| NON-RESIDENT STUDENTS | 7132 |
| NOTIFICATION OF SEX OFFENDERS | 7560 |
| NURSE PRACTITIONER..... | 1338, 6140, 7121, 7420, 7512 |
| NUTRITION ADVISORY COMMITTEE..... | 5660 |
| OATH OF OFFICE (BOARD MEMBER)..... | 1330, 1620 |
| OBJECTION TO INSTRUCTIONAL MATERIALS | 8330 |
| OCCASIONAL DRIVERS | 5730 |
| OCCUPATIONAL (CAREER AND TECHNICAL) EDUCATION | 8220 |
| OPEN FORUM | 3280 |
| OPENING EXERCISES | 8420 |
| OPERATION AND MAINTENANCE OF FACILITIES | 5630 |
| ORGANIZATIONAL CHART | 4212 |
| ORIENTING NEW BOARD MEMBERS | 2110 |
| PARENT INVOLVEMENT | 7660, 8260 |
| PARENT INVOLVEMENT -- CHILDREN WITH DISABILITIES | 7660 |
| PARENT INVOLVEMENT POLICY -- TITLE I..... | 8260 |
| PARENT ORGANIZATIONS (RELATIONS WITH) | 3250 |
| PARENT-TEACHER-STUDENT ASSOCIATION | 3250 |
| PARENTAL ACCESS TO INFORMATION/PARENTAL NOTICE | 7121, 7131, 7210, 7240, 7242, 7243, 7250, 7313, 7530, 7580, 7616, 8635 |
| PARENTAL DELEGATION OF AUTHORITY TO CAREGIVER OF MINOR CHILD | 7260 |
| PARENTAL PERMISSION FOR FIELD TRIPS | 8460 |
| PARLIAMENTARY PROCEDURES..... | 2120 |

HADLEY-LUZERNE CENTRAL SCHOOL DISTRICT POLICY INDEX (Cont'd.)

| | |
|---|------------|
| PATRIOTISM, CITIZENSHIP AND HUMAN RIGHTS EDUCATION | 8241 |
| PAYROLL DEDUCTIONS | 6530 |
| PEER ABUSE IN THE SCHOOLS (BULLYING)..... | 7552 |
| PERSON IN PARENTAL RELATION | 7260 |
| PERSONNEL | |
| Certified Personnel..... | 6210 |
| Code of Ethics | 6110 |
| Evaluation of Personnel | 6130 |
| Recruitment | 6211 |
| Release of Personnel Information | 6420 |
| Safety of Personnel | 5680 |
| Staff -- Separation | 6216 |
| Support Staff -- Appointment..... | 6310 |
| Teacher Aides -- Employment of..... | 6320 |
| Temporary Personnel | 6220 |
| PESTICIDES AND PEST MANAGEMENT..... | 5636 |
| PETTY CASH FUNDS | 5530 |
| PHYSICAL EDUCATION CLASS | 8240 |
| PHYSICAL EXAMINATIONS OF STUDENTS | 7250, 7512 |
| PILOT PROJECTS | 8111 |
| PLEDGE OF ALLEGIANCE | 8420 |
| POLICIES | |
| Administrative Latitude in the Absence of Board Policy..... | 4240 |
| Execution of Policy: Administrative Regulations | 1420 |
| Formulation, Adoption and Dissemination of Policy..... | 1410 |
| Policy Dissemination | 1410 |
| Policy Review and Evaluation | 1410 |
| Suspension of Policies..... | 1410 |
| POLITICAL | |
| Staff Participation in Political Activities..... | 6430 |
| Use of Federal Funds For Political Expenditures..... | 5560 |
| POSITIONS, ABOLISHING..... | 4220 |
| POST INCIDENT RESPONSE | 5681 |
| PRAYER IN SCHOOL..... | 7460 |
| PREGNANT STUDENTS | 7150 |

HADLEY-LUZERNE CENTRAL SCHOOL DISTRICT POLICY INDEX (Cont'd.)

| | |
|---|---|
| PREREFERRAL INTERVENTION STRATEGIES IN GENERAL EDUCATION (PRIOR TO A REFERRAL FOR SPECIAL EDUCATION)..... | 7616 |
| PRESCHOOL SPECIAL EDUCATION..... | 7614 |
| PRESCRIPTIVE MEDICATION..... | 7513 |
| PREVENTION INSTRUCTION..... | 8211 |
| PREVENTION OF CHILD ABDUCTION -- INSTRUCTION ON..... | 8211 |
| PRINCIPALS -- BUILDING..... | 4330 |
| PRIVACY (STUDENT), PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS..... | 7250 |
| PROBATION, CERTIFICATED STAFF PROBATION AND TENURE..... | 6214 |
| PROCUREMENT OF GOODS AND SERVICES..... | 5410 |
| PROFESSIONAL DEVELOPMENT OPPORTUNITIES..... | 4410, 6160 |
| PROFESSIONAL STAFF | |
| Assignments And Transfers..... | 6210 |
| Certification..... | 6212 |
| Development Opportunities..... | 4410, 6160 |
| Probation And Tenure..... | 6214 |
| Recruiting..... | 6211 |
| Separation..... | 6216 |
| PROGRAM ACCESSIBILITY -- CHILDREN WITH DISABILITIES..... | 7621 |
| PROJECT SAVE..... | 3410, 3430, 5681, 6170, 7313, 7530, 8242 |
| PROMOTION, PLACEMENT AND RETENTION..... | 7210 |
| PROPERTY TAX EXEMPTION..... | 5241 |
| PROPERTY TAX REPORT CARD..... | 5110, 5120 |
| PROPOSITIONS..... | 1650 |
| PROTECTION OF PUPIL RIGHTS AMENDMENT (PPRA)..... | 7250 |
| PUBLIC | |
| Access to Records..... | 3310 |
| Public Complaints..... | 3230 |
| Public Expression at Meetings..... | 3220 |

HADLEY-LUZERNE CENTRAL SCHOOL DISTRICT POLICY INDEX (Cont'd.)

| | |
|--|------------|
| PUBLIC (Cont'd.) | |
| Public Information Program/School Sponsored Media/News Media Relations | 3110 |
| Public Participation at Board Meetings..... | 3220 |
| PUBLIC OFFICERS LAW SECTION 18 | 6540 |
| PUBLIC ORDER | 3410 |
| PUBLICATION OF DISTRICT'S FINANCIAL STATEMENT | 5540 |
| PUBLICATIONS -- STUDENT | 7411 |
| PUPIL PROOF OF AGE | 7120 |
| PURCHASING | 5410 |
| QUALIFICATIONS OF BUS DRIVERS | 5760, 5761 |
| QUORUM..... | 1710 |
| RECORDS | |
| Confidentiality of Computerized Information..... | 3320 |
| Health Records | 7514 |
| Military Recruiters Access to Student Records..... | 7243 |
| Personnel Records and Release of Information | 6420 |
| Public Access to Records | 3310 |
| Records Management..... | 5670 |
| Release of Information to the Noncustodial Parent..... | 7240, 7241 |
| Retention and Disposition of Records..... | 5670 |
| Student Records: Access and Challenge | 7240 |
| RECRUITING, CERTIFIED STAFF | 6211 |
| RECYCLING..... | 5650 |
| RED CROSS VOLUNTEERS | 6550 |
| REFRESHMENTS..... | 5323 |
| REGISTER OF CHILDREN WITH DISABILITIES | 7650 |
| REIMBURSEMENT OF EXPENSES..... | 2320, 6160 |
| RELATIONS WITH PARENT ORGANIZATIONS | 3250 |
| RELATIVES OF THE BOARD OF EDUCATION..... | 6217 |
| RELEASE OF INFORMATION TO THE NONCUSTODIAL PARENT | 7240, 7241 |
| RELEASE OF PERSONNEL INFORMATION | 6420 |

HADLEY-LUZERNE CENTRAL SCHOOL DISTRICT POLICY INDEX (Cont'd.)

| | |
|---|---|
| RELEASE OF STUDENTS TO CUSTODIAL/NONCUSTODIAL PARENTS..... | 7113 |
| RELEASED TIME OF STUDENTS..... | 7111 |
| RELIGIOUS BELIEFS..... | 7460, 8330, 8360 |
| RELIGIOUS EXPRESSION IN THE INSTRUCTIONAL PROGRAM..... | 8360 |
| RELIGIOUS INSTRUCTION (RELEASED TIME)..... | 7111 |
| REMODELING AND CONSTRUCTION OF SCHOOL FACILITIES..... | 5630 |
| REPORTING OF INFORMATION REGARDING ILLEGAL OR INAPPROPRIATE FINANCIAL PRACTICES..... | 5571 |
| REPORTING TO PARENTS..... | 7210 |
| REQUEST FOR PART 100 VARIANCE OR PART 200 INNOVATIVE PROGRAM WAIVER FROM COMMISSIONER'S REGULATIONS..... | 8120 |
| REQUIREMENTS FOR NEW BUS DRIVERS..... | 5760 |
| RESCUE (COMPREHENSIVE PUBLIC SCHOOL BUILDING SAFETY PROGRAM)..... | 5630 |
| RESIDENCY (STUDENT)..... | 7130 |
| RESIGNATIONS -- STAFF..... | 6216 |
| RESTRICTION OF SWEETS IN SCHOOL..... | 5660 |
| RETENTION OF RECORDS..... | 5670 |
| REVENUES | |
| Revenues..... | 5210 |
| Revenues from District Investments..... | 5220 |
| Revenues from Sale of School Property..... | 5250 |
| School Tax Assessment and Collection..... | 5240 |
| "RIGHT-TO-KNOW" LAW..... | 5680 |
| RULES OF ORDER..... | 2120 |
| SAFE PUBLIC SCHOOL CHOICE..... | 7580 |
| SAFE SCHOOLS AGAINST VIOLENCE IN EDUCATION ACT..... | 3410, 3430, 5681, 6170, 7313, 7530, 8242 |

HADLEY-LUZERNE CENTRAL SCHOOL DISTRICT POLICY INDEX (Cont'd.)

SAFETY

| | |
|---|------------------------------------|
| Access to Buildings..... | 5685 |
| Anthrax and Biological Terrorism | 5684 |
| Athletic Program Safety | 7420 |
| Bullying..... | 7552 |
| Code of Conduct on School Property..... | 3410 |
| Construction Safety | 5632 |
| Defibrillators (AED) | 5682 |
| Extreme Risk Protection Orders (The “Red Flag Law”)..... | 5682.1 |
| Health and Safety Committee | 5630, 5635 |
| Internet Content Filtering/Safety Policy | 8271 |
| Pandemic Planning..... | 5687 |
| Pesticides and Pest Management..... | 5636 |
| Posting Requirement of Correction Law Article 23-A | 6123 |
| Safe Public School Choice | 7580 |
| Safety and Security | 5680-5685 |
| Safety Conditions and Programs | 8210 |
| Safety of Students (Conditional Appointments/Emergency Conditional Appointments)..... | 6170 |
| School Bus Safety Program | 5750 |
| School Safety Plans and Teams | 5681 |
| Structural Safety Inspections..... | 5630 |
| Student Safety | 5680, 6170, 7552, 7580, 8210 |
| Uniform Violent and Disruptive Incident System..... | 3430 |

| | |
|---|------|
| SAFETY NET FOR STUDENTS WITH DISABILITIES | 7222 |
|---|------|

| | |
|--|------|
| SAFETY-SENSITIVE EMPLOYEES -- DRUG AND ALCOHOL TESTING | 5761 |
|--|------|

| | |
|--|------|
| SALE AND DISPOSAL OF SCHOOL DISTRICT PROPERTY..... | 5250 |
|--|------|

| | |
|--|------|
| SCHEDULES, SCHOOL BUS SCHEDULING AND ROUTING | 5720 |
|--|------|

| | |
|-------------------------------|------|
| SCHOLARSHIPS AND AWARDS | 7430 |
|-------------------------------|------|

| | |
|------------------------------------|------|
| SCIENCE AND MATH INSTRUCTION | 8290 |
|------------------------------------|------|

SCHOOL

| | |
|--|------------|
| Attorney..... | 1337 |
| Board Elections | 1250 |
| Board Legal Status | 1110 |
| Bus Program..... | 5710 |
| Bus Safety Program..... | 5750 |
| Bus Scheduling and Routing | 5720 |
| Business Manager | 4330 |
| Calendar | 8410 |
| Census | 7160, 7650 |
| Closings -- Emergency | 3510 |
| Community Relations With the Municipal Governments | 3120 |
| Conduct and Discipline | 3410, 7310 |
| Day | 8410 |
| District Legal Status | 1110 |

HADLEY-LUZERNE CENTRAL SCHOOL DISTRICT POLICY INDEX (Cont'd.)

| | |
|---|---|
| SCHOOL (Cont'd.) | |
| District Report Card | 5110, 5120 |
| District Wellness Policy | 5661 |
| Food Service Program -- Lunch and Breakfast | 5660 |
| Health Services..... | 7510-7515 |
| Physician | 1338 |
| Safety Plans and Teams..... | 5681 |
| New Pandemic Planning..... | 5687 |
| Sponsored Media/Public Information Program/News Media Relations | 3110 |
| Tax Assessment and Collection | 5240 |
| Trips | 8460 |
| Volunteers | 3150 |
| | |
| SCHOOL-BASED HEALTH CLINICS (HEALTH, DENTAL, MENTAL HEALTH)..... | 7515 |
| | |
| SCHOOL DISTRICT WELLNESS POLICY | 5661 |
| | |
| SCREENING OF NEW SCHOOL ENTRANTS | 7121 |
| | |
| SEARCHES AND INTERROGATIONS OF STUDENTS | 7330 |
| | |
| SECTION 504 OF THE REHABILITATION ACT OF 1973 | 3420, 6122, 7550, 7616, 7621 |
| SECURITY BREACH OF INFORMATION | 5672 |
| | |
| SECURITY/SAFETY | 5680-5686 |
| | |
| SELECTION/CLASSIFICATION PROCESS | 7420 |
| | |
| SELECTION OF LIBRARY AND AUDIOVISUAL MATERIALS | 8320 |
| | |
| SENIOR CITIZENS | 3130, 5241 |
| | |
| SEX OFFENDERS -- NOTIFICATION OF | 7560 |
| | |
| SEXUAL HARASSMENT | 6121, 7551 |
| | |
| SEXUAL ORIENTATION | 3260, 3420, 6120, 6122, 7550, 8130, 8220 |
| SICKLE CELL ANEMIA..... | 7512 |
| | |
| SIGN INTERPRETATION FOR PARENTS WHO ARE HEARING IMPAIRED | 7211 |
| | |
| SILENT RESIGNATIONS | 7530 |
| | |
| SKATEBOARDS, ROLLER BLADES, SCOOTERS, AND ROLLER SKATES ON SCHOOL PROPERTY | 3291 |

| | |
|---------------------------|---------------------------|
| SMOKING/TOBACCO USE | 3280, 5640, 7320, 8211 |
|---------------------------|---------------------------|

HADLEY-LUZERNE CENTRAL SCHOOL DISTRICT POLICY INDEX (Cont'd.)

SOLICITATIONS

| | |
|---|------|
| Advertising in the Schools | 3272 |
| Solicitation of Charitable Donations From School Children | 3271 |
| Solicitations by Staff Personnel | 6430 |
| Soliciting Funds From School Personnel | 3273 |

| | |
|----------------------------------|------|
| SPECIAL EDUCATION MEDIATION..... | 7690 |
|----------------------------------|------|

SPECIAL EDUCATION PROGRAMS AND SERVICES

| | |
|---|------------------|
| Aging Out..... | 7617 |
| Alternative Testing for Students with Disabilities | 7210 |
| Appointment and Training of CSE and CPSE Members | 7631, 7632 |
| Children with Disabilities | 7611 |
| Conduct and Discipline | 7310, 7313 |
| Credential Options for Students with Disabilities | 7222 |
| Declassification of Students with Disabilities..... | 7617 |
| District Plan..... | 7610 |
| Facilities | 5630, 7610 |
| Graduation..... | 7222, 7617, 7223 |
| Grouping by Similarity of Needs | 7612 |
| Impartial Hearings/Selection of Impartial Hearing Officers | 7670 |
| Independent Educational Evaluations | 7680 |
| Individualized Education Program (IEP) | 7640 |
| Least Restrictive Environment | 7611, 7615 |
| Mediation | 7690 |
| Parent Involvement | 7660 |
| Prereferral Intervention Strategies in General Education (Prior to a Referral for Special Education) | 7616 |
| Preschool Special Education Program | 7614 |
| Program Accessibility | 7621 |
| Provision of Individualized Education Program (IEP)..... | 7640 |
| Register of Children with Disabilities (Child Find) | 7650 |
| Response to Intervention Process (RTI)..... | 7618 |
| Role of the Board in Implementing a Student's Individualized Education Program..... | 7613 |
| Safety Net for Students with Disabilities | 7222 |
| Section 504 of the Rehabilitation Act of 1973 | 7621 |
| Student Exit Summary | 7617 |
| Student Identification | 7650 |
| Student Individualized Education Program..... | 7640 |
| Students Presumed to Have a Disability for Discipline Purposes | 7314 |
| Students with Disabilities Participating in School District Programs | 7620 |
| Surrogate Parents | 7660 |
| Suspension | 7313 |
| Transfer Students | 7643 |
| Transition Services..... | 7641 |
| Transportation of Students with Disabilities | 5730 |

HADLEY-LUZERNE CENTRAL SCHOOL DISTRICT POLICY INDEX (Cont'd.)

SPECIAL EDUCATION PROGRAMS AND SERVICES (Cont'd)

| | |
|--|------|
| Twelve Month Special Services and/or Programs | 7642 |
| Use of Guardians Ad Litem at Impartial Hearings..... | 7670 |
| Use of Recording Equipment at I.E.P. Meetings | 7640 |

| | |
|---------------------------------------|------|
| SPORTS AND THE ATHLETIC PROGRAM | 7420 |
|---------------------------------------|------|

| | |
|---|------|
| SPORTS EQUIPMENT AND APPAREL PURCHASES..... | 5410 |
|---|------|

STAFF

| | |
|---|-----------|
| Development | 6160 |
| Health Examinations | 6140 |
| Health Insurance..... | 6510 |
| Participation in Political Activities..... | 6430 |
| Protection | 6540 |
| Safety..... | 5680-5684 |
| Separation..... | 6216 |
| Staff Requests for Accommodations under the American w/Disabilities Act | 6124 |
| Student Relations | 6180 |

| | |
|-------------------------------------|------|
| STRUCTURAL SAFETY INSPECTIONS | 5630 |
|-------------------------------------|------|

STUDENT

| | |
|--|---|
| Athletic Injuries..... | 7420 |
| Attendance..... | 7110 |
| Automobile Use..... | 3290 |
| Awards and Scholarships | 7430 |
| Bicycle Use | 3290 |
| Bullying..... | 7552 |
| Contests | 7430 |
| Data, Privacy, Security and Breach Notification..... | 8635 |
| Directory Information | 7242 |
| Discipline | 3410, 6410, 7310, 7313, 7314, 7316-17 |
| Dismissal Precautions | 7111, 7113 |
| Distribution of Literature | 7411 |
| Dress Code | 7312 |
| Evaluation..... | 7210 |
| Exit Summary..... | 7617 |
| Hazing | 7553 |
| Health Services..... | 7510-7515 |
| Identification -- Children With Disabilities | 7650 |
| Immunization | 7511 |
| Learning Standards and Instructional Guidelines..... | 8251 |
| Life Threatening Allergies | 7521 |
| Non-Resident..... | 7132 |
| Online Learning..... | 7231 |
| Parental Access to Information | 7250 |
| Participation | 3240 |
| Personal Electronic Devices | 7317 |
| Photos | 7242 |
| Physicals/Physical Examinations | 7250, 7512 |
| Placement, Promotion and Retention | 7210 |
| Prayer | 7460 |
| Presumed to Have a Disability for Discipline Purposes..... | 7314 |

HADLEY-LUZERNE CENTRAL SCHOOL DISTRICT POLICY INDEX (Cont'd.)

STUDENT (Cont'd.)

Privacy.....7250
Publications7411
Records.....7240-7243
Release of Students to Custodial/Noncustodial Parents7113
Release Time7111
Residency7130
Safety.....5680-5684,
6170, 7580,
8210, 8271
Concussion Management7522
Suspension.....7313
Vehicles on School Property3290
Voter Registration..... 1631
With Disabilities Participating in School District Programs7620
With Limited English Proficiency.....8280
Withdrawal from School (over Compulsory Attendance Age).....7112

STUDENT TEACHERS.....6220

SUBJECT COORDINATORS.....4330

**SUBMISSION OF QUESTIONS AND PROPOSITIONS AT ANNUAL ELECTIONS/
SPECIAL DISTRICT MEETINGS1650**

SUBSTANCE ABUSE -- PREVENTION CURRICULUM8211

SUBSTITUTE TEACHERS6220

SUICIDE.....7540

SUPERINTENDENT

Board-Superintendent Relationship4320
Evaluation of the Superintendent4260
Superintendent.....4310

SUPERVISION OF STUDENTS5730, 7570

SUPPLEMENTARY SCHOOL PERSONNEL6320, 7640

SUPPORT STAFF APPOINTMENT6310

SURROGATE PARENTS -- CHILDREN WITH DISABILITIES7660

SURVEYS -- STUDENT.....7250

HADLEY-LUZERNE CENTRAL SCHOOL DISTRICT POLICY INDEX (Cont'd.)

SUSPENSION
Student Suspension -- In-School.....7313
Suspension from BOCES Activities7313
Suspension from BOCES Classes7313
Suspension of Students with Disabilities7313

SWEATSHOP LAW.....5410

SWEETS IN SCHOOL.....5660

TAPING AND BROADCASTING OF BOARD MEETINGS1530

TAX ASSESSMENT AND COLLECTION5240

TAX COLLECTOR/DEPUTY COLLECTOR -- DUTIES OF.....1333

TAX EXEMPTION FOR SENIOR CITIZENS.....5241

TEACHER AIDES6320

TEACHING ASSISTANTS.....6320

TECHNICAL AND CAREER (OCCUPATIONAL) EDUCATION.....8220

TEMPORARY PERSONNEL.....6220

TERMINATION -- DUE PROCESS.....6216

TESTING PROGRAM7210

TEXTBOOKS.....8340

TEXTBOOKS FOR RESIDENT STUDENTS ATTENDING PRIVATE SCHOOLS8340

THEFT OF SERVICES OR PROPERTY6450

THREATS OF VIOLENCE IN SCHOOL3412

TITLE I PARENT INVOLVEMENT POLICY8260

TITLE I PROGRAMS -- MAINTENANCE OF FISCAL EFFORT.....5550

TITLE I PROGRAMS AND PROJECTS.....8260, 8280

TITLE VII -- EQUAL EMPLOYMENT OPPORTUNITY6120

TITLE VIII -- SEXUAL HARASSMENT (PERSONNEL).....6121

HADLEY-LUZERNE CENTRAL SCHOOL DISTRICT POLICY INDEX (Cont'd.)

TITLE IX/SECTION 504/ADA COMPLAINTS6122, 7550,
8220

TITLE IX -- SEXUAL HARASSMENT (STUDENTS).....7551

| | |
|--|---------------------------|
| TOBACCO USE/SMOKING | 3280, 5640, 7320, 8211 |
| TOXIC SUBSTANCES -- HANDLING OF | 5631 |
| TRANSFER OF STUDENTS (INVOLUNTARY) | 7140 |
| TRANSFER STUDENTS | 7643 |
| TRANSITION SERVICES | 7641 |
| TRANSPORTATION | |
| Occasional Drivers | 5730 |
| Safety Program..... | 5750 |
| Scheduling and Routing | 5720 |
| School Buses Stopped on School Property | 5750 |
| Supervision of Students..... | 5730 |
| Transportation in Child Safety Zones | 5731 |
| Transportation of Non-Resident Students | 5730 |
| Transportation of Students | 5730, 5731 |
| Transportation of Students with Disabilities | 5730 |
| Transportation Program | 5710 |
| Transportation to School Sponsored Events | 5730 |
| Transporting an Ill or Injured Student..... | 7520 |
| Use of Buses by Community Groups | 5740 |
| Idling of School Buses on School Grounds..... | 5762 |
| TRAVEL EXPENSE/REIMBURSEMENT | 2320, 6160, 6161 |
| TRUANCY | 7110 |
| TWELVE MONTH SPECIAL SERVICES AND/OR PROGRAMS | 7642 |
| UNIFORM VIOLENT AND DISRUPTIVE INCIDENT SYSTEM..... | 3430 |
| UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)/ MILITARY LEAVES OF ABSENCE..... | 6552 |
| UNLAWFUL POSSESSION OF A WEAPON UPON SCHOOL GROUNDS..... | 3411, 7360 |
| USE OF | |
| Committees..... | 4250 |
| Copyrighted Materials..... | 8350 |
| HADLEY-LUZERNE CENTRAL SCHOOL DISTRICT POLICY INDEX (Cont'd.) | |
| Recording Equipment at I.E.P. Meetings | 7640 |
| School Facilities | 3280 |
| School-Owned Materials and Equipment..... | 3280 |
| USERRA (UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT)/MILITARY LEAVES OF ABSENCE | 6552 |
| VANDALISM..... | 7311 |
| VARIANCE OR WAIVER FROM COMMISSIONER'S REGULATIONS -- REQUEST FOR..... | 8120 |

| | |
|--|------------|
| VEHICLES ON DISTRICT PROPERTY | 3290 |
| VICTIMS OF VIOLENT CRIMINAL OFFENSE | 7580 |
| VIOLENCE PREVENTION..... | 8241 |
| VIOLENCE (THREATS OF) IN SCHOOL..... | 3412 |
| VISION SCREENING..... | 7121 |
| VISITORS TO THE SCHOOL..... | 3210 |
| VOCATIONAL (CAREER AND TECHNICAL) EDUCATION..... | 8220 |
| VOLUNTEERS -- SCHOOL..... | 3150 |
| VOTERS -- LEGAL QUALIFICATIONS OF (AT SCHOOL DISTRICT MEETINGS) | 1630 |
| WAIVER OR VARIANCE FROM COMMISSIONER'S REGULATIONS -- REQUEST FOR..... | 8120 |
| WEAPONS IN SCHOOL | 3411, 7360 |
| WELLNESS POLICY | 5661 |
| (WHISTLEBLOWER POLICY) DISCLOSURE OF WRONGFUL CONDUCT | 6111 |
| WORKBOOKS | 8340 |
| WORKERS' COMPENSATION | 6520 |