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() Required
(X) Local
() Notice

MISSION STATEMENT AND VISION

The Board of Education recognizes that to govern effectively, it must clearly define why the district exists and what it aspires to be. The Board therefore adopts the following mission statement to convey the district's purpose, and vision to set forth what the district should strive to become in the future.

Mission Statement

The Wantagh UFSD will work in partnership with students, families and the community to ensure that each student acquires the knowledge, skills and core values necessary to achieve their fullest potential and to enrich the global community.

Vision

The Wantagh UFSD believes that all students will have an outstanding educational experience that meets the diverse needs of all learners and empowers them to meet the opportunities of the future.

The Board recognizes that while the vision is intended to be a long-range statement of the ideal future for the district, it still requires continual evaluation. Accordingly, the Board will review the vision statement annually in developing the district's annual goals.

Cross-ref: 0300 Accountability

Adoption date: July 1994

Revised: November 2018

(X) Required

() Local

() Notice

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 Assistant Superintendent for Instruction and the Pupil Personnel Director have been designated to handle inquiries regarding the district's non-discrimination policies. Contact information for both individuals is available on the district's website. Complaints of sexual harassment or discrimination are covered by policy 0110.

All complainants and those who participate in the investigation of a complaint in conformity with state law and district policies, who have acted reasonably and in good faith, have the right to be free from retaliation of any kind.

The Board authorizes the Superintendent of Schools to establish such rules, regulations and procedures necessary to implement and maintain this policy.

Cross-ref: 0110, Sexual Harassment
 5030, Student Complaints and Grievances
 5300, Code of Conduct
 9140.1, Staff Complaints and Grievances

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

Adoption date: April 2015

Revised: November 2018

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 officers are: the Assistant Superintendent for Instruction and the Pupil Personnel Director.

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 school 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 school 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.

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 school 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 school 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 school 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 school days after the hearing has been concluded.

Adoption date: April 2015

Revised: November 2018

(X) Required☐ Local☒ Notice

SEXUAL HARASSMENT

The Board of Education recognizes that harassment of students, staff and certain “non-employees” (which includes contractors, subcontractors, vendors, consultants and other persons providing services pursuant to a contract, or their employees) on the basis of sex, gender and/or sexual orientation 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 and employees and “non-employees” can work productively.

Sex-based harassment can be comprised of two types of behavior: sexual harassment and/or gender-based harassment. Sexual harassment is unwelcome conduct of a sexual nature, which can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature (see regulation 0110-R for examples). Gender-based harassment includes verbal, nonverbal or physical aggression, intimidation or hostility that is based on actual or perceived gender and sexual stereotypes (see regulation 0110-R for examples). Sexual or gender-based harassment of a student can deny or limit the student’s ability to participate in or to receive benefits, services, or opportunities from the school’s program.

The Board is committed to providing an educational and 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 school setting if the harassment impacts the individual’s education or employment in a way that violates their legal rights.

Under various state and federal laws, students, employees and “non-employees” have legal protections against sexual harassment in the school environment as described above. 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 student, an employee, “non-employee” or a third party 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. Mandatory arbitration clauses are prohibited in all district contracts and agreements.

All complainants and those who participate in the investigation of a complaint of sexual harassment have the right to be free from retaliation of any kind.

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, training programs shall be established for students and 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 shall be posted in a prominent place in each district facility, on the district’s website, and shall also be published in student registration materials, student, parent and employee handbooks, and other appropriate school publications.

The Board of Education will annually review this policy's effectiveness and compliance with applicable state and federal law, and to revise the policy as necessary.

Ref: Education Amendments of 1972, Title IX, 20 U.S.C. §1681 *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 non-employees)
Labor Law §201-g (required 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)
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: April 2015

Revised: May 2019

SEXUAL HARASSMENT REGULATION

This regulation is intended to create and preserve an educational and working environment free from unlawful sexual harassment on the basis of sex, gender and/or sexual orientation in furtherance of the district's commitment to provide a healthy and productive environment for all students, employees 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" means unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature.

“Gender-based harassment” means verbal, non-verbal or physical aggression, intimidation or hostility that is based on actual or perceived gender identity or expression.

Sexual or gender-based harassment occurs 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 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 a factor in decisions affecting an employee’s or “non-employee’s” employment or a student's education; 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 a student's academic performance or participation in school-sponsored activities, or creating an intimidating, hostile or offensive working or educational environment.

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 invitations or requests for sexual activity in exchange for grades, promotions, preferences, favors, selection for extracurricular activities or job assignments, homework, etc.;
3. unwelcome and offensive public sexual display of affection, including kissing, making out, groping, fondling, petting, inappropriate touching of one's self or others, sexually suggestive dancing, and massages;
4. any unwelcome communication that is sexually suggestive, sexually degrading 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, sexually degrading, 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 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," "mooning," "snuggies" or "wedgies" (pulling underwear up at the waist so it goes in between the buttocks), bra-snapping, skirt "flip-ups," "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 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 that imply sexual motives or intentions, or that are based on sexual stereotypes;
11. unwelcome written or pictorial display or distribution of pornographic or other sexually explicit materials such as magazines, videos, films, Internet material, etc.;

0110-R

12. any unwelcome behavior based on sexual stereotypes and attitudes that is offensive, degrading, 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 during class projects, physical education classes or field trips because of the individual's sex, gender expression or gender identity;
 - c. taunting or teasing an individual because they are participating in an activity not typically associated with the individual's sex or gender

For purposes of this regulation, action or conduct shall be considered "unwelcome" if the student, employee or non-employee did not request or invite it and regarded the conduct as undesirable or offensive. In addition, in the remainder of this regulation, the term sexual harassment will refer to both sexual and gender-based harassment.

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 or employment 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:

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1. the degree to which the conduct affected the ability of the student to participate in or benefit from his or her education or altered the conditions

- of the student's learning environment or 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 another student or a co-worker);
4. the number of individuals involved;
5. the age and sex of the alleged harasser and the subject 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

Any person who believes he or she has been the target of sexual harassment by a student, district employee, "non-employee" or third party related to the school is required to report complaints as soon as possible after the incident in order to enable the district to effectively investigate and resolve the complaint. 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.

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

School employees receiving complaints of sexual harassment from "non-employees" shall direct the complainant to the Building Principal or 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.

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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 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 harassment and preventing the harassment of other students, employees or "non-employees."

Investigation and Resolution Procedure

A. Initial (Building-level) Procedure

The Principal or the Title IX coordinator shall 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

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investigation and resolution procedures is to end the harassment 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 or Title IX coordinator should 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 he/she wants 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, instruct the target to do so, providing alternative formats for individuals with disabilities and young children, who have difficulty writing and need accommodation.
3. 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.
4. 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 he/she makes contact with or retaliates against the target, he/she will be subject to immediate disciplinary action.
5. Interview any witnesses to the complaint. Where appropriate, obtain a written statement from each witness. Caution each witness to keep the complaint and his/her statement confidential.
6. Review all documentation and information relevant to the complaint.
7. 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 him or her of the district's policies and indicating that the behavior must stop;
 - b. suggesting counseling and/or sensitivity training;

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- 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.
8. Parent/Student/Employee/"Non-Employee" Involvement and Notification

- a. Parents of student targets and accused students shall be notified within one school day of allegations that are serious or involve repeated conduct.
- b. The parents 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 disabled 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 shall be followed.
- d. The Principal or Title IX coordinator (i.e., the investigator) shall submit a copy of all investigation and interview documentation to the Superintendent.
- e. The investigator shall 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 shall instruct the target to report immediately if the objectionable behavior occurs again or if the alleged harasser retaliates against him/her.
- f. The investigator shall notify the target that if he/she desires further investigation and action, he/she may request a district level investigation by contacting the Superintendent of Schools. The investigator shall also notify the target of his/her right to contact the U.S. Department of Education's Office for Civil Rights and/or a private attorney. Employees may also contact the U.S. Equal

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Employment Opportunity Commission or the New York State Division of Human Rights. Any written materials produced as a result of a complaint or investigation pursuant to this Regulation will be placed in an employee's personnel file in accordance with the provisions of the applicable collective bargaining agreement.

If the initial investigation results in a determination that sexual harassment did occur, the investigator will promptly notify the Superintendent, who shall 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 or employment reward or punishment as an inducement for sexual favors), or acts which shock the conscience of a reasonable person, the complaint shall 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, he/she should immediately notify the Superintendent, who shall then contact appropriate child protection and law enforcement authorities. Where criminal activity is alleged or suspected by a district employee, the accused employee shall 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 thirty (30) days.

B. District-level Procedure

The Superintendent shall promptly investigate and resolve all sexual harassment complaints that are referred to him/her 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 shall be filed with or referred to the Board President, who shall refer the complaint to a trained investigator not employed by the district for investigation.

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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 thirty (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 thirty (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. In addition, targets have the right to register sexual harassment complaints with the U.S. Department of Education's Office for Civil Rights.

Notwithstanding the language in this Regulation, any investigations and hearings referenced herein, will be conducted in accordance with the provisions of the applicable CBAs and relevant law.

Employee targets also have the right to register complaints with the federal Equal Employment Opportunity Commission and the New York State Division of Human Rights. Nothing in these regulations shall be construed to limit the right of the complainant to file a lawsuit in either state or federal court. No district contract or collective bargaining agreement may include a binding arbitration clause for sexual harassment requiring arbitration before bringing the matter to a court.

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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 shall be provided to all parties. Complainants shall have twenty-one (21) days to consider any such non-disclosure provision before it is signed by all parties, and shall have seven (7) days to revoke the agreement after signing. Nondisclosure agreements shall 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, 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 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, and any other form of harassment. 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 action. Sexual harassment is considered a form of employee misconduct and sanctions will be enforced against individuals engaging in sexual harassment and against supervisory and managerial personnel who knowingly allow such behavior to continue. 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 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

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rights. Any school district “employee” (defined to also include members of the Board of Education and officers) who is found personally liable for intentional wrongdoing in a final judgment relating to a sexual harassment claim must reimburse the school district for the employee’s proportionate share of such judgment within 90 days of the school district’s payment of such award.

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 and Policy Notification

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 secondary school student body officers shall 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.

All new employees shall receive information about this policy and regulation at new employee orientation. All other employees shall be provided information at least once a year regarding this policy and the district's commitment to a harassment-free learning and working environment. Principals, Title IX coordinators, and other administrative employees who have specific

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responsibilities for investigating and resolving complaints of sexual harassment shall receive yearly training on this policy, regulation and related legal developments.

Annual employee training programs shall 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; and (iv) information concerning employees' right to make complaints and all available forums for investigating complaints.

Principals in each school and program directors shall be 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.

Adoption date: April 2015

Revised: November 2018

**WANTAGH UNION FREE SCHOOL DISTRICT
SEXUAL HARASSMENT COMPLAINT FORM**

The Wantagh UFSD strictly prohibits any form of sexual misconduct or harassment in our schools. Further, we will fully investigate and take formal actions in line with New York State Sexual Harassment Regulations. We define sex-based harassment as two types of behavior:

1. Sexual harassment: is unwelcome conduct of a sexual nature, which can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature.
2. Gender-based harassment: includes verbal, nonverbal or physical aggression, intimidation or hostility that is based on actual or perceived gender and sexual stereotypes.

If you feel you are being sexually harassed or gender-based harassed in any way, please report this immediately to your building principal and/or our district title IX officer (Assistant Superintendent for Instruction) and complete this official harassment complaint form and submit to either of the above-mentioned officers.

PART I: Please Provide Important Information related to your complaint.	
Name of complainant	
Position held in the district	
Date(s) of incident	
Date of complaint filing	
Name(s) and/or position of alleged harasser or harassers.	
If the alleged harassment was toward another person, please identify that other person.	

PART II: Please provide a description of alleged sexual harassment. Describe the incident(s) as clearly as possible, including such things as any verbal statements made (e.g. threats, comments, demands); what if any, physical contact was involved; etc. Attach additional pages of information as needed. Please also include the dates, times and locations of any incidents to the best of your recollection.

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PART III: Additional information and details

Were there any witnesses? Please provide names in the corresponding box.	
Were other individuals involved? What role did they play?	
Has this incident been previously reported?	
If previously reported, please let us know who the incident was reported to and the date the incident was reported.	
If previously reported, what was the outcome and/or resolution?	
Is there anything else you need us to know?	

Signature of Complainant

Date

Adoption date: April 2015

Revised: November 2018

(X) Required
(X) Local
() Notice

STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION

The Wantagh Board of Education recognizes that learning environments that are safe and supportive can increase student attendance and improve academic achievement. A student's ability to learn and achieve high academic standards, and a school's ability to educate students, is compromised by incidents of discrimination or harassment, including, but not limited to, bullying, taunting, and intimidation. Therefore, in accordance with the Dignity for All Students Act, Education Law Article 2, the District will strive to create an environment free of discrimination and harassment, and will foster civility in the schools to prevent and prohibit conduct which is inconsistent with the District's educational mission.

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, such as cyberbullying, which creates or can be reasonably expected to create a material and substantial interference 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, under the amended Dignity for All Students Act, has the same meaning as harassment (see below). The accompanying regulation provides more guidance regarding the definition and characteristics of bullying to help the school community recognize the behavior.

Cyberbullying

Cyberbullying is defined as harassment (see below) through any form of electronic communication.

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 threats, intimidation or abuse, including cyberbullying, that (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. 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).

For the purpose of this definition the term "threats, intimidation or abuse" shall include verbal and non-verbal actions.

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.

In order to streamline the wording of this policy and regulation the term bullying will be used throughout to encompass harassment, intimidation, cyberbullying and hazing behaviors.

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 (DAC)*** for each school in the district. One of the **DACs** will be designated as the district-wide coordinator whose responsibilities are described in the accompanying regulation. The role of each **DAC** is to oversee and enforce this policy in the school to which they are assigned.

In addition, the Superintendent will establish a district-wide Committee that will be overseen by the Superintendent or his/her designee. The committee will include representation from staff, administration, students and parents. The 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.

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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 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 report it in accordance with this policy, 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 or DAC. 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.

Incident 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 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. Staff who observe or learn of incident(s) of bullying are required, in accordance

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with State law, to make an oral report to the building principal or DAC within one school day and to fill out the district reporting form within two school days. If a staff person is unsure of the reporting procedure, he/she is expected to inquire

about how to proceed by speaking with his/her supervisor. 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.

At all times, complaints will be documented, tracked and handled in accordance with the regulations and procedures accompanying this policy, or, if applicable, 0100, Equal Opportunity and Nondiscrimination, or 0110, Sexual Harassment, and the district's Code of Conduct. The building principal or DAC will prepare an annual report for the Superintendent based on complaints filed.

An equitable and thorough investigation will be carried out by the building principal or DAC in accordance with the accompanying regulation. In addition, the results of the investigation shall be reported back to both the target and the accused as specified in 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. Verified bullying incidents that meet the criteria established by the state will be included in the statewide reporting system when applicable, in accordance with law and regulation. The principal, superintendent, or their designee shall notify promptly the appropriate local law enforcement agency when it is believed that any harassment, bullying or discrimination constitutes criminal conduct.

The Board will receive the annual VADIR report, as well as any other state-required report relevant to bullying and/or school climate, for each building and for the district as whole. 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.

Disciplinary Consequences/Remediation

While the focus of this policy is on prevention, acts of bullying 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 that is measured, balanced and age-appropriate 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

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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.

Training

The Board recognizes that in order to implement an effective bullying prevention and intervention program, professional development is needed. The Superintendent, the district-wide 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 DACs will be trained in accordance with state requirements and will continue their professional development so as to successfully support this policy and program.

Dissemination, Monitoring and Review.

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 to students, staff and parents on an annual basis.

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 district will ensure that reporting of information to the public in conjunction with this policy will be in a manner that complies with student privacy rights under the Family Educational Rights and Privacy Act (FERPA).

Cross-ref: 0100, Equal Opportunity and Nondiscrimination
 0110, Sexual Harassment
 4321, Programs for Students with Disabilities
 5300, Code of Conduct
 5710, Violent and Disruptive Incident Reporting
 9700, Staff Development

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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
8 NYCRR 100.2(c), (l), (jj), (kk); 119.6
Tinker v. Des Moines Independent Community School Dist., 393 US 503,
(1969)
Doninger v. Niehoff, 527 F.3d 41 (2d. Cir. 2008)
Pollnow v. Glennon, 594 F.Sup. 220, 224 *aff'd* 757 F.2d. 496
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)
Appeal of K.S. 43 Ed. Dept. Rep. 492
Appeal of Ravick 40 Ed. Dept. Rep. 262
Appeal of Orman 39 Ed. Dept. Rep. 811

Adoption date: November 2018

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. Discrimination, harassment, hazing or bullying that takes place at locations outside of school grounds, such as cyberbullying, 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

Under the amended Dignity for All Students Act bullying and harassment are equivalent and used interchangeably. In order to facilitate implementation, provide meaningful guidance and prevent behaviors from rising to a violation of law, bullying is further 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 (which can be delivered orally, electronically or in writing) includes name calling, insulting remarks, verbal teasing, frightening phone calls, violent threats, extortion, taunting, gossip, spreading rumors, racist slurs, 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 may include 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 threats, intimidation or abuse, including cyberbullying, that (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. 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

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- 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.

For purposes of this definition, the term “threats, intimidation or abuse” shall include verbal and non-verbal actions.

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. The components of such an effort involve the following:

- 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 schoolwide 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 employees, 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 or other forms of violence.
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- 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.

The Superintendent will establish a district-wide committee, chaired by the Superintendent or his/her designee. The committee will include representation from staff, administration, students and parents. The committee will assist with the development and implementation of the prevention and intervention program, which may include the strategies listed above.

Role of the Dignity Act Coordinator(s)(DAC)

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 Dignity Act Coordinator (DAC) for each school, accountable for implementation of this policy. In addition, one will be designated as the district-wide coordinator who will be responsible for ensuring equivalency in programming across buildings. The building-level DAC will be responsible for coordinating and enforcing this policy and regulation in the school to which they are assigned, 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.

Incident(s) Reporting

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 building principal or DAC 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 for systematic reporting.

Staff who observe or learn of incident(s) of bullying are required, in accordance with State law, to orally report it to within one school day and to fill out the district reporting form within two school days. If a staff person is unsure

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of the reporting procedure, he/she is expected to inquire about how to proceed by speaking with his/her supervisor. 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 district will thoroughly, 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.

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.

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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 thorough preliminary review and investigation. Except in the

case of severe or criminal conduct, the building principal or DAC 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 (3) school days following receipt of a complaint, the principal, the building principal or DAC will 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 modified schedule;
 - A “permanent” hall pass that allows the student to visit a designated adult at any time;
 - Access to private bathroom facilities;
 - An escort during passing periods.

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.

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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;

- 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 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. The district will make every reasonable 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 (1) 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 or the DAC 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

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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 school days, following receipt of the complaint by the Superintendent or Board President.

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 thirty (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 thirty (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 thirty (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 fifteen (15) school days of the receipt of the request of the complainant.

The Board shall render a decision in writing within fifteen (15) school days after the hearing has been concluded.

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The district shall retain documentation associated with complaints and investigations in accordance with Schedule ED-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:

- Supervisory systems which empower school staff with prevention and intervention tools to address incidents of bullying and harassment
- School and community surveys or other strategies for determining the conditions contributing to the relevant behavior;
- Adoption of research-based, systemic harassment prevention programs
- Modification of schedules;
- Adjustment in hallway traffic and other student routes of travel;

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- Targeted use of monitors;
- Staff professional development
- Parent conferences and 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.

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, **0115-R**

new teacher orientation, in curriculum and will be considered in the budget process. The DAC(s), 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.

Adoption date: November 2018

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 the building principal by either visiting the main office or calling the school 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

Please attach any supporting documentation (i.e., copies of emails, notes, photos, etc.).

Return this form to: the Dignity Act Coordinator or the Building 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.

Adoption Date: November 2018

() Required
 () Local
 (X) Notice

HIV/AIDS POLICY

The Board of Education recognizes the public concern over the health issues surrounding Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS). The Board recognizes, based upon the current state of medical knowledge, that the virus associated with AIDS is not easily transmitted and there is no evidence that AIDS or the HIV virus can be transmitted by casual social contact in the open school setting.

The Board further recognizes the privacy rights of students diagnosed with HIV infection or AIDS and their right to a free appropriate public education; the rights of HIV infected employees to privacy and reasonable accommodations; the rights of all non-infected individuals to a safe environment free of any significant risks to their health; and the rights of all students to instruction regarding the nature, transmission, prevention, and treatment of HIV infection, pursuant to the Commissioner's Regulation, Part 135.3.

No individual shall be denied access to any program or activity sponsored by or conducted on the grounds of the district, solely on the basis of his/her status as an HIV-infected individual.

Students

It is the policy of the Board that:

1. A student's education shall not be interrupted or curtailed solely on the basis of his/her HIV status. HIV-infected students shall be afforded the same rights, privileges, and services available to every other student.
2. No student shall be referred to the Committee on Special Education solely on the basis of his/her HIV status. A student who is infected with HIV shall be referred to the Committee on Special Education (CSE) only when the student's disability interferes with his/her ability to benefit from instruction. Such referral shall be made in accordance with Part 200 of Commissioner's Regulations.
3. If a student who is HIV-infected requires special accommodations to enable him/her to continue to attend school, the student shall be referred to the appropriate multi-disciplinary team as required by §504 of the Rehabilitation Act.
4. No disclosure of HIV-related information involving a student shall be made without first obtaining the informed consent of the parent, guardian or student on the Department of Health (DOH) approved form.

Employees

It is the policy of the Board that:

1. No employees shall be prevented from continuing in his/her employment solely on the basis of his/her HIV status; such employees are entitled to all rights, privileges, and services accorded to other employees and shall be entitled to reasonable accommodations to the extent that such accommodations enable such individuals to perform their duties.
2. No disciplinary action or other adverse action shall be taken against any employee solely on the basis of his/her status as an HIV infected or a person with AIDS. Such action will only be taken where, even with the provision of reasonable accommodations, the individual is unable to perform his/her duties.
3. All employees shall have access to the district's exposure control plan as required by the federal Office of Safety and Health Association (OSHA).
4. In accordance with OSHA regulations, training in universal precautions and infection control shall be offered to all employees and shall be provided to every employee with potential occupational exposure.

Confidentiality

Any information obtained regarding the HIV status of an individual connected to the school shall not be released to third parties, except to those persons who are:

1. named on an Authorization for Release of Confidential HIV Related Information form;
2. named in a special HIV court order; or
3. as indicated in Public Health Law §2782, when necessary to provide health care to the individual (i.e., to the school physician and the school nurse).

Any employee who breaches the confidentiality of a person who is HIV infected shall be subject to disciplinary action in accordance with applicable law and/or collective bargaining agreement.

To protect the confidentiality of an HIV infected individual, any documents identifying the HIV status of such individuals shall be maintained by the school nurse (or another authorized individual) in a secure file, separate from the individual's regular file. Access to such file shall be granted only to those persons named on the Department of Health approved Authorization for Release of Confidential HIV Related Information form, or through a special HIV court order. When information is disclosed, a statement prohibiting further redisclosure, except when in compliance with the law, must accompany the disclosure.

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HIV/AIDS Testing

No school official shall require a student or employee to undergo an HIV antibody test or other HIV-related test. In accordance with OSHA regulations in the event of an incident involving the exposure one individual to a potentially infectious body fluids of another individual, particularly blood or any other fluid which contains visible blood, an HIV test may be requested but NOT required. The request and refusal must be documented.

However, school officials shall not be precluded from requiring a student or employee to undergo a physical examination pursuant to Education Law §§903 and 913, when other illness is suspected (e.g., tuberculosis), as long as no HIV antibody test or other HIV-related test is administered without the individual's informed consent as required by Public Health Law §27-F.

To implement this policy, the Superintendent of Schools is directed to arrange for staff training, to distribute copies of this policy to all employees of the district, and to include it in the district's student handbook, and to establish an advisory council to make recommendations on the development, implementation, and evaluation of HIV/AIDS instruction as a part of comprehensive health education.

Cross-ref: 5420, Student Health Services

Ref: 29 USC §§794 et seq. (Rehabilitation Act of 1973)
20 USC §§1400 et seq. (Individuals with Disabilities Education Act)
42 U.S.C. §12132, et seq. (Americans with Disabilities Act)
34 CFR Part 104
29 CFR Part 1910.1030
Executive Law §296 (Human Rights Law)
Education Law §§903; 913
Public Health Law, Article 27-F
8 NYCRR §§29.1(g); 135.3; 136.3
An Implementation Package for HIV/AIDS Policy in New York State School Districts, NYS HIV/AIDS Prevention Education Program, June 17, 1998

Adoption date: April 2015

Revised: November 2018

() Required
(X) Local
 (x) Notice

ACCOUNTABILITY

The Board of Education acknowledges that it is directly accountable to the community it has been elected to serve, and is committed to engaging in a continuous assessment of all district conditions affecting education.

The Board recognizes that a comprehensive accountability system is necessary to improve the effectiveness of the district's schools by keeping the primary focus on student achievement and on what can and should be done to improve that achievement.

Consistent with its obligations and commitments, the Board will:

1. Request regular reports on student progress and needs, based on a variety of assessments to evaluate the quality and equity of education in the district, including instruction, services, and facilities.
2. Evaluate the Superintendent's performance in accordance with policy 0320, Evaluation of the Superintendent.
3. Evaluate the Board's performance in accordance with policy 0310, Board Self-Evaluation.
4. Evaluate progress toward the achievement of district long- and short-term goals and ensure that board policies and resources effectively support the district vision.
5. Provide appropriate staff and board training opportunities.
6. Fulfill governance responsibilities as required by state and federal law.

The Board acknowledges that publicizing the district's progress and performance is important to maintaining the community's trust and support. The Board is committed to keeping the public aware of such progress and performance on a regular basis through communication such as district newsletters, community presentations, emails, and website.

Cross-ref: 0000, Mission Statement and Vision
 0310, Board Self-Evaluation
 0320, Evaluation of the Superintendent
 1000, Community Relations Goals

Adoption date: November 2018

() Required
(X) Local
() Notice

BOARD SELF-EVALUATION

The Board of Education is committed to the continuous improvement of the district and its own functioning. Accordingly, the members of the Board shall conduct an evaluation annually to determine the degree to which they are meeting their responsibilities as Board members and the needs of their educational community.

This self-evaluation shall be constructive and honest, and shall focus on evaluating the Board as a whole, not as individuals. The self-evaluation shall be based on the goals the Board sets for itself, not on goals it sets for the entire district. The results of the evaluation shall be used to establish priorities for action and specific goals and objectives to strengthen the operation of the Board.

The Board shall use a questionnaire provided by NYSSBA (or an equivalent questionnaire) as a self-evaluation instrument.

Adoption date:

() Required
(X) Local
() Notice

EVALUATION OF SUPERINTENDENT

The Board of Education recognizes that student achievement, district progress and community satisfaction with the schools are all in large part affected by the superintendent's performance. The Board also recognizes the superintendent cannot function effectively without periodic feedback on performance, and is committed to ensuring that the superintendent is evaluated annually as required by Commissioner's regulations.

The purposes of the evaluation shall be to:

1. Gauge the district's progress toward the goals the Board has charged the superintendent to accomplish.
2. Provide a basis for assessing the strengths and weaknesses of the Board and the superintendent and to aid in the professional development of both parties.
3. Strengthen the working relationship between the Board and the superintendent.
4. Provide a basis for commending, rewarding and reinforcing good work.

The evaluation shall focus on the goals the Board sets for the superintendent each year as well as the duties and competencies specified in the superintendent's job description.

The procedures the Board uses for evaluating the superintendent shall be filed in the district office and available for review by any individual no later than September 10th of each year.

Cross-ref: 3120, Duties of the Superintendent

Ref: 8 NYCRR 100.2 (o)(2)(v) (Performance review of superintendent)

Adoption date:

() Required
(X) Local
() Notice

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: May 2019

(X) Required

() Local

(X) Notice

ANNUAL DISTRICT ELECTION AND BUDGET VOTE

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

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

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

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

Propositions

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

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

3. Propositions must include the specific appropriations necessary for the purposes listed.
4. Wording of a petition must comply with legal requirements. If the wording does not comply, it may be changed or altered by the Board, or the Board may reject a petition for failure to comply.

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

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

Improper Advocacy

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

Ref: Education Law §§416(3); 1608(2); 1716(2) 1804(4); 1906(1); 2002(1); 2003(1)(2); 2004(1)-(7); 2009; 2021;2022(1), (4)-(5); 2035(2); 2601-a(2)
General Construction Law §60
Matter of Hebel, 34 EDR 319 (1994)
Matter of Martin, 32 EDR 567 (1993)
Matter of Como, 30 EDR 214 (1990)

Adoption date: May 2019

(X) Required☐ Local☐ Notice

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 Retention and Disposition Schedule for New York Local Government Records(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 or his/her designee 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.

Cross-ref: 8630, Computer Resources and Data Management

Ref: Public Officers Law §84 *et seq.* (Freedom of Information Law)
Education Law §2116
Arts and Cultural Affairs Law §57.11
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 ED-1
Retention and Disposition Schedule for New York Local Government
Records(LGS-1)

Adoption date: May 2019

Revised: May 2021

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 Assistant Superintendent for Business. He/She shall:
 - a. receive requests for records of the Board of Education and make such records available for inspection or copying when such requests are granted; and
 - b. 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 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 Administrative Offices, 3301 Beltagh Avenue, Wantagh, New York 11793 during the hours of 9:00 a.m. and 3:00 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: records@wantaghschools.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 certain date 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, the Director of Information 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 Director of Informational Technology, will ensure that measures are put in place to preserve applicable records.

Adoption date: May 2019

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".

Wantagh UFSD Administrative Offices
3301 Beltagh Avenue
Wantagh, New York 11793
Attn: Records Access Officer

records@wantaghschools.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 CD or floppy disk.

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: phone #.

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]: _____

Adoption date: May 2019

AGENCY RESPONSE TO REQUEST FOR RECORDS

Dear Applicant for Records:

We received your request for records pursuant to the Freedom of Information Law on_____.

NOTE: For each records request to which the requested information will be provided, choose the appropriate response(s) from items 1-6 below and fill in the necessary information (see blanks and bracketed text).

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 cannot 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:

Superintendent
Wantagh School District, 3301 Beltagh Avenue, Wantagh, NY

NOTE: For each records request to which the requested information will not be provided, or which will be only partially provided, choose the appropriate response(s) from items 7-11 below and fill in the necessary information (see blanks and bracketed text).

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:

Superintendent
Wantagh School District, 3301 Beltagh Avenue, Wantagh, NY

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 if you would prefer that records be made available on a partial 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 or email 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]

Send to:

Name:

Title:

Mailing Address:

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 or email 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]

Adoption date: May 2019

() Required
(X) Local
 () Notice

NEWS MEDIA RELATIONS

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

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

The Superintendent of Schools is designated as the spokesperson for the district. All staff intending to release information to the media should first notify the Superintendent. The Superintendent of Schools shall establish all necessary procedures to govern day-to-day interactions between the schools and the news media.

The Board and the Superintendent agree that a blog posted on the World Wide Web which may be accessed from the district's homepage, and a presence on social media sites can be beneficial mechanisms for communicating with the community. All postings to the blog and social media sites will be treated with the same care and consideration as any other communication which the Superintendent or his/her designee generates on behalf of the district. Postings will adhere to the standards set in the Board's "acceptable use of computers" policy.

If Board members choose to blog on their own or if the member maintains a social networking presence, the Board member must ensure that is clear that the postings do not represent the Board as a whole.

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

Ref: Arts and Cultural Affairs Law §61.09

Adoption date: May 2019

() Required
(X) Local
() Notice

RELATIONS WITH COMMUNITY AND BUSINESS ORGANIZATIONS

The Board of Education recognizes the potential benefits of community and business partnerships with school districts. The Board and district staff shall therefore cooperate with those organizations which may provide support in improving the educational, vocational, counseling, and/or extra-curricular opportunities in the district. Board members shall seek to maintain regular interaction with community and business leadership, both on a formal and informal basis.

Partnerships with these organizations may include mentor and/or apprenticeship programs, pilot projects, grants, off-campus counseling services, and volunteer services, in addition to or as part of the district curriculum.

Adoption date: June 25, 1992

Revised: May 9, 2019

() Required
 (X) Local
 () Notice

RELATIONSHIP WITH BOOSTER ORGANIZATIONS

The Board of Education recognizes that extracurricular support groups, or "booster" organizations, provide important support to district schools, and can be a valuable means of stimulating community interest in the aims and activities of district schools. Booster organizations may be defined in two ways:

1. an organization which is created to foster community support and raise funds for a specific extracurricular activity (e.g., athletics, speech and debate, and/or musical groups); or
2. an organization which is created to foster community support and raise funds for the school's general extracurricular program.

Parents and other interested members of the community who wish to organize a booster club for the purpose of supporting a specific school program are encouraged to do so, as long as the activities of such organizations do not interfere unduly with the total educational program, or disrupt district operations in any way. To this end, booster organizations must follow these guidelines:

1. membership in the organization must be voluntary;
2. submit an activity schedule in advance to the Superintendent of Schools or designee for prior approval. (Note: any time the booster club uses the name of the school district, or any language suggesting that the district has endorsed, sponsored or otherwise approved of the club's activities, there must be prior approval by the Superintendent.);
3. seek advance approval for any use of school facilities and/or equipment, following the policy and procedures outlined in policy 1500, Public Use of School Facilities and its accompanying regulation;
4. avoid interference with the decision-making of any student group;
5. understand and respect the authority of district employees in the administration of their duties; and
6. assume all financial responsibility for their organization, including but not limited to the provision of adequate insurance coverage, as appropriate.

If a booster organization wishes to make a contribution of money, service time, or tangible property (e.g., equipment or supplies), a representative of the organization should submit a letter to the Superintendent describing their intended donation. The Superintendent must identify the district's terms and conditions of accepting such gifts, pursuant to Board policy 1800.

Booster-proposed plans, projects and other activities must be evaluated and promoted in light of their stated contribution to the academic as well as the extra-curricular school programs. Careful consideration should be given to the total value of the contribution to all students, and not just to specific student groups.

Cross-ref: 1500, Public Use of School Facilities
 1800, Gifts from the Public

Adoption date: May 2019

() Required
(X) Local
() Notice

RELATIONSHIP WITH LOCAL EDUCATION FOUNDATION

The Board of Education recognizes the value of the Wantagh Foundation for Educational Excellence (“Foundation”) and its efforts to support the district by enhancing the resources available to our schools and students.

To help ensure that the Foundation’s fundraising efforts and its planning of activities are in concert with the district’s mission and goals, the trustees of the Foundation are invited to meet with the Board on an annual basis. The Board designates the Superintendent as liaison to the Foundation.

Foundation activities, if they involve the use of district facilities or resources, must be planned in accordance with policy 1500, Public Use of School Facilities. Donations offered by the Foundation will be considered in accordance with policy 1800, Gifts from the Public. The Superintendent is charged with sharing the applicable policies and procedures with the trustees of the Foundation.

The Board of Education recognizes the Foundation as a separate legal entity from the school district. The Board encourages the leadership of the Foundation to coordinate its fundraising efforts with other school-community organizations.

Cross-ref: 0000, Mission and Goals
 1500, Public Use of School Facilities
 1800, Gifts from the Public
 2160, School Board Officer and Employee Ethics

Adoption date: May 2019

() Required
(X) Local
 (X) Notice

PUBLIC PARTICIPATION AT BOARD MEETINGS

Meetings of the Board of Education are conducted for the purpose of carrying on the business of the schools, and therefore, are not public meetings, but meetings held in public. Meetings are closed to the public only during executive sessions. Under the Open Meetings Law, the specific reasons are spelled out for such executive sessions. All action, however, is taken in public.

The Board, as a representative body of the district, wishes to provide an avenue for any citizen to express interest in and concerns for the schools. Accordingly, the public is cordially invited to attend meetings of the Board.

The Board encourages public participation on school related matters at Board meetings. To allow for public participation during Board of Education Planning Sessions, a period of time shall be set aside at the beginning and conclusion of each Planning Session for comments by the public in attendance.

To allow for public participation during Board of Education Business Meetings, a period of time shall be set aside at the conclusion of the meeting for public comment. Speakers may comment on any matter related to district business.

Persons wishing to address the Board shall state their name, town of residence, and name of organization represented (if any). Any group or organization wishing to address the Board must identify a single spokesperson.

Presentations should be as brief as possible to allow for full public participation. The Board will not permit in public session discussion involving individual district personnel or students. Persons wishing to discuss matters involving individual district personnel or students should present their comments and/or concerns to the Superintendent during regular business hours. Complaints shall be handled according to Board policy 1400, Public Complaints.

All speakers are to conduct themselves in a civil manner. Obscene language, libelous statements, threats of violence, statements advocating racial, religious, or other forms of prejudice will not be tolerated.

Persons making presentations at a Board meeting will address remarks to the President and may direct questions or comments to Board members or other district officials only upon the approval of the President. Board members and the Superintendent shall have the privilege of asking questions of any person who addresses the Board.

The Board President shall be responsible for the orderly conduct of the meeting and shall rule on such matters as the time to be allowed for public discussion and the appropriateness of the subject being presented. The Board President shall have the right to discontinue any presentation which violates this policy.

Ref: *Matter of Martin*, 32 EDR 381 (1992)
 Appeal of Wittenben, 31 EDR 375 (1992)
 Matter of Kramer, 72 EDR 114 (1951)
 NYS Department of State, Committee on Open Government,
 OML-AO-#2696 (Jan. 8, 1997) and OML-AO-#2717 (Feb. 27, 1997)

Adoption date: May 2019

() Required
 (X) Local
 (X) Notice

PUBLIC COMPLAINTS

The Board of Education recognizes the right of community members to register individual or group concerns regarding instruction, district programs, materials, operations, and/or staff members. The main goal of the district is to resolve such concerns specifically with the parties involved, whenever possible.

Public complaints about the school district will be directed to the proper administrative personnel. Complaints about specific classroom practices shall be directed to the teacher concerned. At the Elementary School level, if the matter is not settled satisfactorily, the complainant shall then contact the Building Principal. At the Secondary School level, if the matter is not settled satisfactorily, the complainant shall then contact the Director or Supervisor in the teacher's department, and then the Building Assistant Principal and/or Building Principal. If there is no resolution on these levels, then the Superintendent of Schools or his/her designee shall be contacted. The Superintendent shall refer the issue to the Board of Education for final resolution, if necessary.

All matters referred to the Superintendent and/or the Board shall be in writing. Concerns registered directly to the Board as a whole or to an individual Board member shall be referred as soon as is reasonably possible to the Superintendent for investigation, report, and/or resolution.

Complaints Regarding Title I of the ESEA or Academic Intervention Services

Any person or entity representative alleging the district has not upheld its responsibilities under Title I of the Elementary and Secondary Education Act (ESEA), as well as the district's responsibilities for Academic Intervention Services under the Commissioner's regulations section 100.2(ee), may submit a complaint in writing to the Building Principal. If the complaint is not settled satisfactorily, then the complainant may submit a complaint in writing to the Superintendent. The Superintendent should notify the Board of Education of this complaint. After thirty (30) days, any decision of the Superintendent which is unsatisfactory to the complainant, or the district's lack of a response to the complaint, may be appealed to the State Education Department (SED).

All such complaints to SED must, as outlined by SED (see the following website: <http://www.p12.nysed.gov/accountability/T1/complaintappeals.htm>):

1. Be submitted in writing to New York State Education Department, Title I School & Community Services Office, Room 320 EB, 89 Washington Avenue, Albany, NY 12234;

2. Be signed by the person or agency representative filing the complaint;
3. Specify the requirement of law or regulation being violated and the related issue, problem, and/or the concern;
4. Contain information/evidence supporting the complaint;
5. State the nature of the corrective action desired;
6. Contain a copy of the original signed complaint; and
7. Contain a copy of the district's response to the original complaint, or a statement that the district failed to respond or resolve the issue within thirty (30) business days.

The district shall disseminate this complaint procedure to parents of students in Title I funded programs, as well as school officials at nonpublic schools for which the district administers or implements Title I funds or programs.

Ref: 20 USC §7844 (ESEA)
34 CFR §§299.10 – 299.12 [299.11(d) – LEAs must disseminate, free of charge, adequate information about the complaint procedures to parents of students, and appropriate private school officials or representatives.]
8 NYCRR §100.2(ee) (Academic Intervention Services)

Adoption date: May 2019

() Required
(X) Local
(X) Notice

COMPLAINTS ABOUT CURRICULA OR INSTRUCTIONAL MATERIALS

The Board of Education recognizes its responsibility for the selection of instructional materials. The Board expects district teachers and administrators to recommend books and other materials in accord with sound educational principles and practices, and to use them effectively in the classrooms. However, the Board also recognizes the right of community members to voice concerns and/or complaints regarding the implementation of a particular curriculum and/or instructional material.

Any criticism of instructional materials that are in the schools that cannot be resolved with the teacher or at the building level shall be submitted in writing to the Superintendent of Schools.

The Superintendent will investigate the complaint and make a determination on the material in question. This decision may be appealed to the Board, and the decision of the Board shall be final.

Ref: Education Law §§1709(15); 1711(2)(f)
Board of Educ., Island Trees UFSD v. Pico, 457 US 853 (1982)

Adoption date: May 2019

COMPLAINTS ABOUT CURRICULA OR INSTRUCTIONAL MATERIALS REGULATION

The following procedures shall apply to the handling of complaints concerning any textbook, library book or material and any other instructional material used in district schools.

1. When a person has a complaint concerning a textbook, library book or other instructional material and protests its use in class or its availability in a school library, the Building Principal shall hold an informal meeting with the complainant and the teacher, librarian, or other staff member who is using or providing the book or material. At this meeting, the complainant will be asked to make clear his or her objection to the material; the teacher or librarian will be asked to explain the educational value of the material.
2. If the complaint is not resolved informally, the complainant may file a formal written complaint with the Superintendent of Schools.
3. The Superintendent shall review the complaint, make a decision and notify the complainant and appropriate staff.
4. If the complainant is not satisfied with the Superintendent's decision he/she may refer the complaint to the Board. The Superintendent will deliver a copy of his/her decision in a report to the Board for its consideration. The final decision shall be made by the Board.

Adoption date: May 2019

() Required
(X) Local
(X) Notice

PUBLIC USE OF SCHOOL FACILITIES

While the district's school buildings and grounds are maintained primarily for the purpose of educating students within the district, the Board of Education recognizes that the district's buildings and grounds are a valuable community resource and believes that this resource should be available to the community for specific uses that will not interfere with educational activities. The district reserves exclusive and non-reviewable judgment to determine if a requested use would interfere with or disturb the district's educational programs. This policy establishes reasonable regulations and fees for proper community use of district facilities.

Permitted Uses

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

- A. Instruction in any branch of education, learning or the arts.
- B. Public library purposes, subject to provisions of the Education Law.
- C. Social, civic and recreational meetings and entertainments, or other uses pertaining to the welfare of the community so long as such uses are non-exclusive and open to the general public.
- D. Meetings, entertainment and occasions where admission fees are charged, when the proceeds are to be spent for an educational or charitable purpose.
- E. Polling places for holding primaries and elections and for the registration of voters.
- F. Civic forums and community centers.
- G. Recreation, physical training and athletics, including competitive athletic contests of children attending a private, nonprofit school.
- H. Child-care programs when school is not in session.

Prohibited Uses

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

- A. Meetings sponsored by political organizations, except as otherwise authorized by law.
- B. Meetings, entertainments and occasions that are under the exclusive control of and the proceeds are to be applied for the benefit of a society, association or organization of a religious sect or denomination or of a fraternal, secret or exclusive society or organization, other than veterans' organizations or volunteer firefighters or volunteer ambulance workers.

Application Procedure for Use of District Facilities

- A To ensure that district facilities are preserved for the benefit of the greater district community, only community based groups and organizations (that is, groups which are located within the geographic area covered by the district or groups that have a majority of participants residing in Wantagh though operating outside district boundaries) may be granted access to district facilities. A roster of participants and their addresses must be provided, if requested.
- B. All applications for use of school facilities shall be made in writing and submitted to the Director of Facilities at least 30 days prior to the date of the requested use. A use permit application is available on the district website or from the Director of Facilities' office.
- C. The applicant must clearly and completely describe the intended use of the district facility in the application.
- D. All applicants must review this policy prior to submitting the application. All applications must be signed by an authorized agent of the group or organization requesting use. The applicant's signature on the application shall attest to the group or organization's intent to comply with all Board policies and regulations and to use district facilities strictly in accordance with the use described in the application.
- E. No applicant shall deny to any person participation in the use of District facilities on the grounds of: age, ancestry, color, disability, ethnic group, gender, genetic predisposition, marital status, national origin, parental status, race, religion, religious practice, sex, sexual orientation or weight and shall so state in its application for use of facilities.
- F. All applicants must agree to assume responsibility for all damages resulting from its use of district facilities. Proof of adequate insurance must be provided by the applicant at least ten (10) days before the date of the requested use.
- G. Permits shall be valid only for the facility, use, dates and time specified in the permit. No adjustment to the permit is allowed except with the prior written approval of the Director of Facilities and/or Building Principal. Permits shall not be transferable.
- H. The Superintendent is authorized to alter or cancel any permit if it becomes necessary to use the facility for school purposes or for other justifiable reasons.
- I. With regard to scheduling activities, the district retains the right to give preference to groups and organizations which are associated with or sponsored by the district.
- J. Issuance of a permit shall not limit the right of access to the facility by district staff.
- K. No event shall be publicized until a permit is granted.

Facilities Usage Fees

- A. Use of district facilities will be permitted only where the applicant agrees to pay the district a user fee according to a schedule adopted by the district to cover the costs of heat, electricity, maintenance, custodial services and any other expenses associated with the requested use. Use is further conditioned upon the applicant's agreement to pay additional fees associated with the use of any additional services or equipment. The district retains the right to condition use upon an applicant depositing with the district a sum equaling the estimated costs and fees associated with the proposed use 10 days in advance of the requested use.
- B. The district retains the right to waive user fees for groups that are associated with or sponsored by the district and for non-profit groups that satisfy the conditions of use as stated above in item A of the Application Procedure.
- C. Usage fees shall be reviewed annually at the Reorganization Meeting of the Board of Education for all activities on school property.

Ref: Education Law §414

Adoption date: May 2019

PUBLIC USE OF SCHOOL FACILITIES REGULATION

District facilities and equipment must be requested for school related functions by filling out the designated Use of Facilities form available on the district website. The person designated on the form is responsible for the facilities and the equipment.

Conditions

Use of school premises for other than school purposes may be granted in accordance with the provisions of law and the following guidelines:

1. The design and processing of permits and/or requisition forms shall be the responsibility of the Superintendent of Schools or his/her designee.
2. A permit shall not be issued:
 - a. for any purpose that will in any way interfere with the use of school buildings, grounds or other school property by the schools;
 - b. for holding a social, civic or recreational meeting or entertainment or other use pertaining to the welfare of the community, unless such meeting, entertainment or use shall be non-exclusive and open to the general public;
 - c. for a meeting, entertainment or occasion where admission fees are charged, unless the proceeds thereof are to be expended for an educational or charitable purpose unless the event is expressly approved by the Board;
 - d. for a meeting, entertainment or occasion where admission fees are charged if such meeting, entertainment or occasion is under the exclusive control, and the proceeds are to be applied for, the benefit of a society, association or organization of a religious sect or denomination, or of a fraternal, secret or exclusive society or organization, other than veterans' organizations or volunteer firefighters or volunteer ambulance workers.;
 - e. for holding political meetings except such as are authorized by law; or
3. The Board must be satisfied that the proposed activity on school premises will be adequately supervised, and that the applicant will see to the proper conduct of such activity. The applicant may be held responsible for any damage which the activity may cause to school property.
4. The Board and its administrators must have free access to the building at all times and the right to revoke a permit at any time.
5. Only the facility requested is approved for use. One organization may not "bump" another's already reserved use of a facility. The only exception to this is a school district program.

Fees

1. If an organization has its base in Wantagh (or a majority of its participants are residents), and is not-for-profit, no charge shall be assessed for its traditional and appropriate use of school facilities. All other organizations shall pay for the use of school facilities in accordance with the Wantagh Schools Facilities' Use Fees, Attachments 1 and 2. The organization shall additionally be responsible for charges related to the use of audio-visual personnel, cafeteria personnel, and/or custodial overtime. Custodial overtime will be billed at the average contractual overtime rate plus benefits.

If an organization is renting the facilities for four (4) or more consecutive days, they will be subject to a separate contract with fees negotiated outside of the Wantagh Schools Facilities' Use Fees, Attachments 1 and 2, in accordance with law.

An annual CPI increase will be applied effective July 1 of each year. A recalculation of the average overtime cost per custodian will be performed annually, and an adjustment will be made accordingly.

2. When the school district is not operating on an austerity budget, the following organizations shall be exempt from the charges set forth in Item 8 above except as otherwise set forth herein: PTAs, 6-12 Association, SEPTA, PTA Council, Wantagh Sports Booster Club, Wantagh Bandwagon, Wantagh Drama Parents and Alumni Association and the Wantagh Foundation for Educational Excellence, Boy Scouts, Girl Scouts and/or their affiliates, and Wantagh chartered youth organizations as determined by the Board of Education.
3. Where, in the judgment of the district, the requested use of district facilities requires special equipment or supervision, the district reserves the right to deny such use, or in the alternative, to condition such use upon the applicant's payment of additional fees in accordance with all provisions of the "Fees" section. Only authorized personnel shall operate district equipment.
4. The use of any school facility which extends beyond the normal working hours of our custodial or maintenance crew will carry with it the obligation of the renting organization to cover the cost of all district employees who receive overtime. PTAs, 6-12 Association, SEPTA, PTA Council, Wantagh Sports Booster Club, Wantagh Bandwagon, Wantagh Drama Parents and Alumni Association and the Wantagh Foundation for Educational Excellence, Boy Scouts, Girl Scouts and/or their affiliates, and Wantagh chartered youth organizations as determined by the Board of Education are exempt from these charges on Monday through Friday evenings and on Saturday morning.

5. A security deposit of \$300 must be posted by any organization using the high school auditorium and track and artificial turf field. A security deposit of \$100 must be posted by any organization using any other facility. The Superintendent may waive, at his or her discretion, the deposit of the following organizations: PTAs, 6-12 Association, SEPTA, PTA Council, Wantagh Sports Booster Club, Wantagh Bandwagon, Wantagh Drama Parents and Alumni Association and the Wantagh Foundation for Educational Excellence, Boy Scouts, Girl Scouts and/or their affiliates, and Wantagh chartered youth organizations as determined by the Board of Education.

Application

1. Use of district facilities will only be permitted where the organization provides the district timely evidence of adequate insurance coverage (\$1,000,000 minimum) to save the district harmless from all liability, property damage, personal injuries and/or medical expenses. The district will exercise complete and unreviewable discretion regarding what constitutes adequate insurance coverage for each proposed use.
2. Any group using any facility of the school district will be required to provide proof of insurance holding the district harmless.
 - a. The user hereby agrees to effectuate the naming of the school district as an additional insured on the user's policy.
 - b. The policy naming the school district as an additional insured shall be an insurance policy from an A.M. Best rated "secured" New York State licensed insurer.
 - c. The user agrees to indemnify the school district for any applicable deductibles.
 - d. Required Insurance:
Commercial General Liability Insurance
\$1,000,000 per occurrence/\$2,000,000 aggregate
 - e. User acknowledges that failure to obtain such insurance on behalf of the school district constitutes a material breach of contract and subjects it to liability for damages, indemnification and all other legal remedies available to the District. The user is to provide the District with a certificate of insurance, evidencing the above requirements have been met. The failure of the District to object to the contents of the certificate or the absence of same shall not be deemed a waiver of any and all rights held by the school district.
3. The Board reserves the discretion to deny use of district facilities described above, or to terminate use of district facilities:
 - a. By an applicant who has previously misused or abused district facilities or property or who has violated this policy;

- b. For any use which could have the effect of violating the Establishment Clause of the United States Constitution or other provisions of the United States or New York State Constitutions;
- c. For any use which, in the estimation of the Board, could reasonably be expected to or actually does give rise to a riot or public disturbance;
- d. For any use which the Board deems inconsistent with this policy;
- e. For any use by a private for-profit entity that has the direct or indirect effect of promoting the products or services of such entity;
- f. In any instance where alcoholic beverages or unlawful drugs are sold, distributed, consumed, promoted or possessed;
- g. For any use prohibited by law.

Use of School Equipment

- 1. As determined by the Board of Education, school equipment shall be used exclusively for the instruction and benefit of the students.
- 2. Use of such equipment for other than instructional purposes by members of the faculty is permitted with the consent of the administration.
- 3. Under no circumstances shall any equipment be removed from the school for any purpose other than for the instruction or benefit of pupils without written approval from the Board or its designated agent.

Use of Specialized Areas and Equipment

- 1. Equipment -

School equipment and specialized areas such as kitchens, science rooms, etc., are not normally available for public use. If kitchen appliances are used; i.e., stoves, ovens, refrigerators, by a public group and its use is granted for any reason whatsoever, the group must retain the services of at least one cafeteria employee at the expense of the group.

- 2. Lighting and Sound -

Under all circumstances, the operation of the lighting dimmer system and/or sound board equipment in the high school auditorium may only be done by a district designated person trained in the use of such equipment. In that such personnel will be required to be present at all times when such items are in use, it will be necessary for the organization using the auditorium facilities to reimburse the person for their time. These fees must be paid by all organizations including the PTAs, 6-12 Association, SEPTA, PTA Council, Wantagh Sports Booster Club, Wantagh Bandwagon, Wantagh Drama Parents and Alumni Association, and the Wantagh Foundation for Educational Excellence, Boy Scouts, Girl Scouts and/or their affiliates, and Wantagh chartered youth organizations as determined by the Board

of Education even if their use of the auditorium itself is carrying no charge. These fees are payable by the organization directly to the individual at a rate commensurate with the fee schedule for chaperoning events in the high school, if the person is an adult. If the person operating the lighting and/or sound equipment is a student, they will be reimbursed at the New York State minimum wage per hour.

3. Cafeterias -

School cafeterias are areas where children's lunches are served and may be used for customary functions of the Parent-Teachers Association, 6-12 Association, or other quasi-school groups or other functions under the following regulations:

- a. There shall be no charge under ordinary circumstances.
- b. Arrangements must be specially made for the use of the cafeteria when kitchen facilities are to be utilized.
- c. No district-owned food will be used.
- d. A member of the school cafeteria staff must be on duty whenever the kitchen is in use. The cafeteria staff employee will be paid at the expense of the organization.
- e. Any damage of any nature to equipment, or breakage of any kitchen utensil, must be paid for by the group involved.
- f. In the event the organization's committee for cleanup fails to function and the kitchen must be cleaned by the staff member on duty, the District Office will contact the person to whom the permit was issued to arrange for appropriate compensation for the staff member.
- g. No banquets, luncheons or serving of food by any group may be held unless special, specific arrangements are approved by the Board or its designee. The organization's representative must meet in advance with the Superintendent of Schools or designee to discuss plans and facilities.

Responsibilities

1. All state, town and local regulations affecting the use of public buildings must be complied with.
2. The applicant must assume responsibility promptly for any loss or damage to buildings or grounds while being used by the group or organization.
3. Responsibility for preservation of order and safety must be assumed by applicant.
4. Any applicant desiring or requiring police, fire, medical or other public services must make their own arrangements.
5. All functions attended by minors must be adequately chaperoned and supervised by adults. Names of chaperones must be listed on this application.

6. People attending any function are restricted in the use of the building to areas actually designated in the application. Custodians have no authority to supply facilities or equipment not listed on the application.
7. No substance (wax, paraffin, etc.) may be put upon the floors under any circumstances.
8. Putting up decorations or scenery, or moving equipment is prohibited unless special permission is given.
9. The building must be left clean and orderly.
10. No one shall participate in athletics on the gym floor unless he or she has sneakers. No street shoes are allowed on gym floors.

Ref. Education Law 413, 414 and 414-a

Adoption Date: July 1994

Revised: December 1994
December 1996
December 1998
January 2003
November 2006
September 2007
September 2008
October 2009
July 2012
May 2019

() Required
(X) Local
 (X) Notice

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 district buildings, on school grounds, and in any vehicle used to transport children or personnel. Smoking or tobacco use is also prohibited within 100 feet of all school entrances, exits and outdoor areas, except where that is a residence or residential property. The Board also prohibits the use of e-cigarettes in these locations.

No smoking /use of tobacco signs 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 unlawfully that they are in violation of Article 13-E 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 in violation of this policy will be asked to stop or leave school property. Students and staff may be subject to consequences outlined in the Code of Conduct, and visitors or contractors may be asked to 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. §§7181 *et seq.*
 The Pro-Children Act of 1994, 20 U.S.C. §§6081 *et seq.*

Adoption date: May 2019

() Required
(X) Local
() Notice

RELATIONSHIP WITH NONPUBLIC SCHOOLS

In recognition of its responsibility under state law and regulation the Board of Education shall make available required public school materials, equipment and services to resident students who attend nonpublic schools.

Textbook Loan

The Board recognizes that section 701 of the Education Law requires all Boards to purchase and to loan, upon individual request, textbooks to all children residing in the district who are attending grades kindergarten through twelve in any public or nonpublic school which complies with the compulsory education law.

It is also understood that the textbooks must be "loaned free" to the children, but Boards may make reasonable rules and regulations regarding such loan(s).

Therefore, the following rules and regulations shall govern the loan of textbooks to residents of the district attending nonpublic schools:

1. The textbooks shall remain the property of the district.
2. The textbooks shall be returned at the end of the nonpublic school year.
3. If lost or destroyed, the textbooks shall be paid for in the same fashion as the students attending district schools.

Instructional Computer Hardware and Software Loan

The Board recognizes its responsibility to loan instructional computer hardware and software, upon request, to all pupils legally attending nonpublic elementary or secondary schools located in the school district. The district shall loan instructional computer hardware and software on an equitable basis, however software and hardware purchased with any local, federal or state funds, other than Instructional Computer Hardware or Software Aid funds, are not required to be loaned to nonpublic school students.

In addition, the district will only purchase and loan software programs that do not contain material of a religious nature.

The Board authorizes the Superintendent of Schools to establish any and all rules, regulations and procedures necessary to implement and maintain this policy. The Superintendent will specify the date by which requests must be received by the district and provide notice to all nonpublic schools within the district of that date.

Ref: Education Law §§701; 751-754; 1709; 3204; 3602-c
8 NYCRR §175.25; 21.3
Mitchell v. Helms, 530 U.S. 793 (2000)
Russman v. Sobol, 85 F.3d 1050 (2d Cir. 1996)
Zobrest v. Catalina Foothills Sch. Dist., 509 U.S. 1 (1993)
Aguilar v. Felton, 473 U.S. 402 (1985)
Board of Educ. v. Allen, 392 U.S. 236 (1968)

Adoption date: May 2019

() Required
(X) Local
(X) Notice

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 (4321 et. seq.). 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.

Instructional Materials

The Board authorizes the Superintendent to loan instructional materials, if available, to students receiving home instruction. The Superintendent or his/her designee shall determine the availability of resources and develop appropriate procedures.

Cross-ref: 4321, Programs for Students with Disabilities, *et.seq.*

Ref: Education Law §§ 3204(2); 3210(2)(d); 3602-c (2-c)
8 NYCRR §100.10
Appeal of Ponte, 41 EDR 174 (2001)
Matter of Abookire, 33 EDR 473 (1994)
State Education Department Memorandum, “New Requirements for the
Provision of Special Education Services to Home-Instructed (“Home-
Schooled”) Students, July 2008

Adoption date: May 2019

() Required
(X) Local
(X) Notice

GIFTS FROM THE PUBLIC

Only the Board of Education may accept for the school district any bequest or gift or money, property or goods, except that the Superintendent of Schools may accept on behalf of the Board any such gift of less than \$100 in value.

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

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

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

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

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

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

Cross-ref: 2160, School Board Officer and Employee Ethics

Ref: Education Law §1709(12)

Adoption date: May 2019

(X) Required

() Local

() Notice

PARENTAL INVOLVEMENT

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

Title I Parental Involvement - District Level Policy

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

For purposes of this policy, parental involvement refers to the participation of parents in regular, two-way, and meaningful communication involving student academic learning and other school activities. At a minimum, parental involvement programs, activities and procedures at both the district and individual school level must ensure that parents:

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

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

District and school level Title I parental involvement programs, activities and procedures will provide full opportunities for the participation of parents with limited English proficiency, parents with disabilities, and parents of migratory children.

As further required by federal law, parents of students eligible for Title I services will be provided an opportunity to participate in the development of the district's Title I plan, and to submit comments regarding any aspect of the plan that is not satisfactory to them. Their comments will be forwarded with the plan to the State Education Department.

Parents also will participate in the process for developing a school improvement plan when the school their child attends fails to make adequate yearly progress for two consecutive years and is identified as a school in need of improvement.

Parent participation in development of district wide Title I plan

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

- Post AIS Plan on the district website
- Encourage parental involvement at public meetings (Board of Education, PTA, budget, etc.)
- Parent-teacher conferences

Development of school level parental involvement approaches

The Superintendent will ensure that all district schools receiving federal financial assistance under Title I, Part A are provided technical assistance and all other support necessary to assist them in planning and implementing effective parental involvement programs and activities that improve student achievement and school performance. As appropriate to meet individual local needs, the superintendent will:

- Invite parents to public meetings
- Provide opportunity for parent-teacher two way communication
- Provide ongoing support and resources for home-school connection

Building capacity for parental involvement

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

1. Assist parents in understanding such topics as the state's academic content and student achievement standards, state and local academic assessments, Title I requirements, how to monitor their child's progress and how to work with educators to improve the achievement of their child. To achieve this objective, the district and its Title I schools will:

- Provide multiple progress monitoring reports
 - Hold annual meetings
 - Provide information both in writing and on the district website
2. Provide materials and training to help parents work to improve their child's academic achievement. To achieve this objective, the district and its Title I schools will:
- Sponsor P.A.R.P. (Parents as Reading Partners)
 - Sponsor Summer Reading Program
 - Provide resources on district website
 - Hold annual meetings
3. Educate its teachers, pupil services personnel, principals, and other staff in understanding the value and utility of a parent's contributions and on 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 schools.
- To achieve this objective, the district and its Title I schools will:
4. Ensure that information related to school and parent-related programs, meetings and other activities is sent to the parents of children participating in Title I programs in an understandable and uniform format, including alternative formats, upon request, and to the extent practicable, in a language the parents can understand.

Coordination of parental involvement strategies

Should students in the district be eligible for services in any of the following programs: Head Start, Reading First, Early Reading First, Even Start, Parents as Teachers, Home Instruction Program for Preschool Youngsters, and State-operated preschool programs, the district will coordinate and integrate strategies to comply with Title I, Part A parental involvement requirements. It will do this by:

- reach out to, communicate with, and work with parents as equal partners;
- implement and coordinate parent programs; and
- build ties between parents and the schools.

Review of district wide parental involvement policy

The Board, along with its superintendent of schools and other appropriate staff will conduct, with the involvement of parents, an annual evaluation of the content and effectiveness of this parental involvement policy in improving the academic quality of Title I schools, including the identification of barriers to greater

participation by parents in activities under this policy, and the revision of parent involvement policies necessary for more effective involvement. To facilitate this review, the district will conduct the following activities:

- reach out to, communicate with, and work with parents as equal partners;
- implement and coordinate parent programs; and
- build ties between parents and the schools.

Cross-ref: 4010, Equivalence in Instruction

Ref: 20 USC §6318(a)(2), No Child Left Behind Act of 2001 (§1118 of the Elementary and Secondary Education Act)
8 NYCRR §§100.3(b)(3); 100.4(f); 100.5(d)(4); 149.3(16)
U.S. Department of Education, Parental Involvement, Title I, Part A, *Non-Regulatory Guidance*, April 23, 2004

Adoption date: May 2019

SCHOOL-PARENT COMPACT

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

School Responsibilities

The school will:

- * Provide high-quality curriculum and instruction in a supportive and effective learning environment;
- * Hold parent-teacher conferences; during these conferences, this compact will be discussed as it relates to your child's academic achievement;
- * Provide parents with frequent reports on their child's progress;
- * Provide parents reasonable access to staff; and
- * Provide parents with opportunities to volunteer and participate in their child's class and to observe classroom activities.

Parent Responsibilities

We, as parents, will support our children's learning in the following ways:

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

Student Responsibilities

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

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

School

Parent

Student

Date

Date

Date

(X) Required

() Local

() Notice

INTERPRETERS FOR HEARING-IMPAIRED PARENTS

The Board of Education recognizes that those district parents with hearing impairments which prevent meaningful participation in their child's educational program must be afforded an opportunity equal to that afforded other parents to participate in meetings or activities pertaining to the academic and/or disciplinary aspects of their child's education. Accordingly, and pursuant to law, the school district will provide an interpreter for hearing-impaired parents for school-initiated academic and/or disciplinary meetings or activities including, but not limited to:

- Parent/teacher conferences
- Child/study or building level team meetings
- Planning meetings with school counselors regarding educational progress
- Career planning
- Suspension hearings or other conferences with school officials relating to disciplinary actions

The school district will provide an interpreter for the hearing-impaired parent if a written request for the service has been submitted to and received by the district within 10 working days prior to the scheduled meeting or activity. If an interpreter is unavailable, the district will then make other reasonable accommodations which are satisfactory to the parents (e.g., notetaker, transcript, decoder, or telecommunication device for the deaf). These services will be made available by the district at no cost to the parents.

The Board directs the Superintendent of Schools to maintain a list of available interpreters and to develop procedures to notify parents of the availability of interpreter services, the time limitation for requesting these services, and of the requirement to make other reasonable accommodations satisfactory to the parents should an interpreter not be available.

Hearing-impaired parents are requested to submit the attached form to request accommodation of their disability.

Ref: Americans with Disabilities Act of 1990, 42 U.S.C. §§12131-12134
 Rehabilitation Act of 1973, 29 U.S.C. §794
 Education Law §3230
 8 NYCRR §100.2(aa)
Rothschild v. Grottenthaler, 907 F.2d 286 (2d Cir. 1990)

Adoption date: May 2019

INTERPRETERS FOR HEARING-IMPAIRED PARENTS

Accommodation Request

Parents in need of interpreter services are asked to complete this form:

TO: Superintendent of Schools

Wantagh Union Free School District

FROM: _____
Name

Address

Please identify the type of interpreter needed:

___ Interpreter for the Hearing Impaired: () American Sign; () English

In the event an interpreter is not available, please identify the type of alternative service preferred:

___ Written Communication

___ Transcripts

___ Decoder

___ Telecommunication Device for the Deaf (TDD)

___ Other (please specify) _____

Adoption date: May 2019

INTERPRETERS FOR HEARING-IMPAIRED PARENTS EXHIBIT

Response to requests for accommodation

FROM: Superintendent of Schools

_____ School District

TO:

Name

Address

The _____ School District hereby:

_____ grants your request for accommodation of a hearing disability in accordance with Board Policy 1925;

_____ denies your request for accommodation of a hearing disability for the following reason: _____

Adoption date: May 2019

() Required
(X) Local
(X) Notice

BOARD OPERATIONAL GOALS

The Board of Education, as a legally constituted body of elected representatives, bears the responsibility of setting policy for the school district. The Board acts in accordance with authority and responsibility vested in it by federal and state laws, rules, and regulations on behalf of the district's citizens.

In order to ensure that its educational programs provide all students with a high-quality education, the Board hereby establishes as its goals:

1. to work closely with the community to ensure that Board actions and performance take into consideration the concerns and aspirations of the community;
2. to identify the educational and technological needs of the community and our students, and to transform such needs into programs aimed at stimulating students and preparing them for future careers;
3. to employ a Superintendent of Schools capable of ensuring that the district maintains its position as an outstanding school system, and that school personnel carry out the policies of the Board with energy and dedication;
4. to provide leadership in order that goals and objectives of the district, as set forth by the Board, can be effectively carried out. Board action should be confined to policy-making, planning and evaluation with the Board delegating authority to the Superintendent for the implementation of policies; and
5. to evaluate the Board's performance in relation to these goals, and to establish and clarify policies based upon the results of such evaluation.

Adoption date: January 2019

() Required
 (X) Local
 (X) Notice

SCHOOL BOARD LEGAL STATUS

The Board of Education is a five-member Board elected by district residents. Each member of the Board serves for three years. The terms of office of Board members shall not all expire in the same year. Board members are responsible for overseeing school district affairs and policy-making.

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

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

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

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

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

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

Adoption date: July 1994

Revised: January 2019

() Required
() Local
(X) Notice

SCHOOL BOARD ELECTIONS

The elections of members of the Board of Education shall be held on the third Tuesday in May, unless due to a conflict with religious observance, the Board requests that the Commissioner approve changing the election date to the second Tuesday in May. The request is due to the Commissioner by March 1st. The polls shall be open for those hours designated by the district.

The following items shall be voted upon:

1. the annual budget,
2. any vacancies on the Board of Education, and
3. any special propositions that have been properly presented.

Cross-ref: 1050, Annual Election and Budget Vote

Ref: Education Law §§2012; 2013; 2014; 2018; 2018-a; 2019-a; 2031; 2035

Adoption date: July 1994

Revised: January 2019

() Required
() Local
(X) Notice

CANDIDATES AND CAMPAIGNING

Nominations

Candidates for the office of member of the Board of Education shall be nominated by petition. Such petition shall be directed to the District Clerk, shall contain the signatures and addresses of at least 25 qualified voters of the district or two percent of the voters who voted in the previous annual 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 indicating 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. Displays or handout items of any political nature, except those provided by law, shall be prohibited by any individual, group or organization in any school building on those days when the polls are open for voting on school district matters, including, but not limited to, the annual school budget, candidates for the Board of Education, special propositions, etc.

Cross-ref: 1050, Annual District Election and Budget Vote

Ref: Education Law §2018

Adoption date: July 1994

Revised: January 2019

() Required
 () Local
 (X) Notice

VOTING PROCEDURES

Eligibility to Vote

A person shall be entitled to vote in any school district election and in all matters placed upon the official ballot, if such person is:

1. a citizen of the United States;
2. at least 18 years of age;
3. a resident within the school district for a period of 30 days next preceding the election at which such person desires to vote;
4. qualified to register or is registered to vote in accord with section 5-106 of the Election Law which excludes:
 - a) those convicted felons who have not been pardoned or had their rights of citizenship restored, those whose maximum sentence of imprisonment has not expired; and/or those who have not been discharged from parole;
 - b) persons adjudged mentally incompetent by a court

Challenges to voters believed unqualified to vote may be undertaken pursuant to Education Law provisions. Each annual or special election or meeting shall have a presiding chairperson appointed by the Board. Such chairperson shall have the responsibility of properly handling any challenges to the qualification of any voter.

Voting

Voting machines shall be used for recording the votes on all elections, budget votes, and votes on special propositions. The only exception to the use of voting machines shall be a situation where the machines are unavailable due to mechanical failure. If this should arise, paper ballots will be used.

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

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

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

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

Absentee Ballots

The Board provides for the use of absentee ballots for voting. Such ballots shall be available for the election of members of the Board of Education, the adoption of the school district budget, and questions and propositions submitted to the voters of the district. The application must be received by the District Clerk at least seven days prior to the election, if the ballot is to be mailed to the voter; or the application must be received by the day before the election, if the ballot is to be personally delivered. The application must be completed and returned, and the individual must verify therein that he/she meets all voting requirements, and explain the reason for his/her inability to appear in person to vote.

In particular, the individual must explain that he/she will be unable to appear to vote in person on the day of the school district election because:

1. he/she will be a patient in a hospital, or unable to appear personally at the polling place on such day because of illness or physical disability;
2. his/her duties, occupation, business, or studies will require him/her to be outside of the county or city of his/her residence on such day;
3. he/she will be on vacation outside the county or city of his/her residence on such day; or
4. he/she will be detained in jail awaiting action by a grand jury; awaiting trial; or is confined in prison after conviction for an offense other than a felony.

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

Ref: Education Law §§2012; 2014; 2018; 2018-a; 2018-b; 2018-c; 2019; 2019-a; 2020; 2025; 2032(2)(e); 2035; 2037; 2603; 2607; 2610; 2613
 Election Law §§3-224; 5-106; 5-612; 5-400
Matter of Rodriguez, 31 EDR 471 (1992)
Matter of Gresty, 31 EDR 90 (1991)
Matter of Ferro, 25 EDR 175 (1985)
Matter of Manno and Maloney, 23 EDR 172 (1983)
Matter of Yost, 21 EDR 140 (1981)
Matter of Alpert and Helmer, 20 EDR 281 (1980)

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

Adoption date: July 1994

Revised: January 2019

☒ **Required**

☐ Local

☐ Notice

VOTER REGISTRATION AND PRE-REGISTRATION OF STUDENTS

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

In an effort to promote student voter registration, the superintendent, high school principal or other designees will offer all students who are at least 16 years old (but will not be 18 years old by the next election) the opportunity to register. These students must be otherwise qualified to register to vote. Students who have pre-registered to vote will be automatically registered upon reaching the age of eligibility following verification of the person's qualifications and address, provided the student has returned the appropriate forms to the Nassau County Board of Elections.

The district will promote student voter registration and pre-registration by offering registration materials in 10th, 11th and 12th grade social studies classes. Voter registration forms will also be available for students in the District Clerk's Office throughout the school year. Students who do not wish to pre-register to vote do not have to do so. Completion and submission of voter registration or pre-registration forms will not be a course requirement or graded assignment for students.

Ref.: Election Law §5-507

Adoption Date: May 2021

() Required
 () Local
 (X) Notice

BOARD MEMBER QUALIFICATIONS

The qualifications of a member of the Board of Education are that the individual:

1. must be able to read and write;
2. must be a qualified voter of the district; that is, a citizen of the United States, at least 18 years of age or older, and not adjudged to be an incompetent; (Note: a convicted felon is barred from running for a seat on a board of education if his or her maximum prison sentence has not expired or if he or she has not been pardoned or discharged from parole)
3. must be and have been a resident of the school district for at least one year prior to election;
4. may not have been removed from any school district office within the preceding year;
5. may not reside with another member of the same school board as a member of the same family;
6. may not be a current employee of the school district; and
7. may not simultaneously hold another incompatible public office.

Ref: Education Law §§2102; 2103; 2502(7)
 Election Law §5-106(2)-(4), (6)
Rosentock v. Scaringe, 40 N.Y.2d 563 (1976)
Matter of Schoch, 21 EDR 300 (1981)

Adoption date: July 1994

Revised: January 2019

☐ Required
☐ Local
☒ Notice

FILLING BOARD VACANCIES

The Board of Education has the power to fill any vacancy, by a majority vote, which may occur on the Board by reason of death, resignation, removal from office or from the school district, or refusal to serve, of any member or officer of the Board. The person so appointed in the place of any such member of the Board shall hold his/her office until the next annual election of Board members. The unexpired term of the office will then be filled by election.

The Board shall have the power to call a special school district election for the purpose of filling the unexpired term of office of a member of the Board.

Ref: Education Law §§1709(17); 2113

Adoption date: July 1994

Revised: January 2019

(X) Required

() Local

() Notice

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. This policy is intended to supplement but not replace any applicable state and federal laws governing conflicts of interest applicable to school district board members, officers and employees.

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.

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.

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.

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.

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.

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).

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.

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.

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.

Federal Contracts

No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the School District may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, the School District may set standards for situations in which the financial interest is not substantial, or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees or agents of the School District.

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: April 2015

Revised: January 2019; May 2021

() Required
 (x) Local
 (X) Notice

BOARD ORGANIZATIONAL MEETING

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

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

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

I. Oaths of Office

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

II. Election of Board Officers

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

III. Appointment of District Officers

The Board shall appoint the following district officers:

District Treasurer
 District Clerk
 Claims Auditor

Deputy Treasurer
 District Clerk Pro-Tem
 Audit Committee

IV. Appointment of Other Positions

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

School Physician	General Counsel
Designated Education Official	Labor Counsel
Fiscal Advisors	Bond Counsel
Internal Auditor	Records Access Officer
External Auditor	Records Management Officer
Title IX/Section 504 Hearing Officer(s)	Asbestos Designee
Treasurer(s) of Student Activity Account	Insurance Consultant
Purchasing Agent	Assistant Purchasing Agent
Committee on Special Education (CSE)	Other Consultants
Committee on Preschool Special Education (CPSE)	
Certification of Payroll	Auxiliary Police
Dignity Act	District Liaison for Homeless
Residency Hearing Officer	Chief Privacy Officer
District-wide School Safety Team	AIDS Advisory Committee
Health and Safety Committee	Wellness Committee
Building Visitation Committee	

V. Bonding of Personnel

The Board may bond the following personnel handling district funds:

District Clerk	Claims Auditor
Treasurer	Deputy Treasurer
Treasurer of Student Activity Accounts	Senior Accountant
Purchasing Agent	Asst. Purchasing Agent
Comptroller of Extraclassroom Activity Accounts	
Two Cashiers of Extraclassroom Activity Accounts	
Couriers (Messengers)	

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

VI. Designations

The Board shall designate/approve:

Official depositories for district funds
 Official district newspapers
 Publication of annual financial statement
 The dates of regular meetings

The date of the next annual organizational meeting
 The rate for mileage reimbursement

The Board shall also adopt the rotational list of impartial hearing officers for the district as provided by the State Education Department.

VII. Authorizations

- a. of person to certify payrolls;
- b. to establish petty cash funds (and to set amount of such funds);
- c.. to designate authorized signatures on checks

The Board shall review its policies on Investments (6240) and Purchasing (6700), and the Code of Conduct (5300), as required by law. The Board shall also review building-level student attendance data as required under Commissioner's Regulations section 104.1, and if the data shows a decline in attendance rates, shall review its policy on Attendance (5100).

Cross-ref: 2270, School Attorney
 2220, Board Officers
 2230, Appointed Board Officials
 2310, Regular Meetings
 5100, Attendance
 5252, Student Activities Funds Management
 5300, Code of Conduct
 6240, Investments
 6650, Claims Auditor
 6680, Internal Audit Function
 6690, Audit Committee
 6700, Purchasing
 6741, Contracting for Professional Services

Ref: New York State Constitution, Article XIII, §1
 General Municipal Law §103(2) (official newspapers)
 Public Officers Law §§10; 13; 30
 Education Law §§ 305(31) (designated educational official); 701 (meeting to elect president, may elect vice president); 1707 (date of meeting); 1904 (central high school districts in Nassau county); 2130 (appoint clerk, bonded treasurer and bonded tax collector); 2504 (small city meeting during the first week of July, day and time of regular meetings)
 8 NYCRR § 104.1 (requirement to review attendance data)

Adoption date: July 1994

Revised: January 2019

() Required
 (X) Local
 (X) Notice

BOARD OFFICERS

The President and Vice-President of the Board of Education shall be elected by members of the Board at the annual organization meeting in July.

Duties of the President of the Board

Except as otherwise provided by law or order of the Board of Education, the President shall:

1. preside at all meetings;
2. execute all documents on behalf of the Board of Education;
3. have a vote on all questions before the Board;
4. have the right, in his/her discretion, to take part in the debate on any question under consideration;
5. decide questions of order in accordance with "Roberts' Rules of Order;"
6. act as temporary chairperson of the district's annual meeting and special district meeting; and
7. call a special meeting of the Board.

The President of the Board of Education is elected for a one year term of office and may be elected to succeed himself/herself for a maximum of two (2) years.

Duties of the Vice-President

The Vice-President shall assume all the duties of the President in his/her absence.

Ref: New York State Constitution, Article 13 §2
 Local Finance Law §2.00(5)(e)
 Education Law §§1709; 2105(6); 2502; 2504; 2553; 2563; 2590-b

Adoption date: July 1994

Revised: January 2019

() Required
(X) Local
(X) Notice

APPOINTED BOARD OFFICIALS

District Clerk

The Board of Education shall annually appoint a District Clerk.

The District Clerk shall:

1. keep an accurate record of the proceedings of the Board of Education and shall submit a copy of the proceedings to each Board member and the Superintendent of Schools;
2. file all correspondence and records relating to matters of the school district, involving the Board;
3. prepare and arrange publication of legal notices;
4. attend all public meetings of the Board (Regular and Special) as well as public hearings of the Board and, when requested:
5. perform duties pertaining to the preparation for, and conduct of district elections, budget votes, and special district referendum elections;
6. in the absence of both the President and Vice-President of the Board at a duly constituted meeting, determine the member with the longest tenure on the Board, in alphabetical order, and that member shall then assume all the usual duties of the President until either the President or Vice- President is in attendance;
7. administer the Oath of Office for all Board members and school district officers; and
8. perform any other work requested of him/her by the Board or the Superintendent.

Treasurer

The Board of Education shall also annually appoint a Treasurer.

The Treasurer shall:

1. act as custodian of all monies belonging to the district;
2. receive all monies belonging to the district and issue receipt for same;
3. deposit monies received in banks designated by the Board;
4. be bonded in such sum as shall be required before entering into the duties of the office;
5. pay out district monies on written order of officials of the Board; and
6. give detailed accounts of monies received and disbursed, including monthly reports to the Board of Education.

Ref: Education Law §§2121; 2122; 2130

Adoption date: July 1994

Revised: January 2019

☐ Required
☒ **Local**
☐ Notice

BOARD-SUPERINTENDENT RELATIONSHIP

The Board of Education believes that the enactment of policies is the most important function of a school Board and that the execution of the policies is the duty of the Superintendent of Schools.

Delegation by the Board of its executive powers to the Superintendent provides freedom for the Superintendent to manage the schools within the Board's policies and frees the Board to devote its time to policy-making and appraisal functions.

The Board holds the Superintendent responsible for the administration of its policies, the execution of Board decisions, the operation of the internal machinery designed to serve the school program, and for keeping the Board informed about school operations and problems.

Ref: Education law §1711; 1953

Adoption date: July 1994

Revised: January 2019

() Required
(X) Local
() Notice

BOARD COMMITTEES

The Board of Education may, from time to time, establish committees whose membership will consist of members of the Board. The president of the Board may serve as an ex-officio member of all committees to which he/she is not appointed. Board committees shall undertake studies and make reports as charged by the Board, but shall not act on behalf of the Board.

The Board may establish standing or ad hoc committees and reserves the right to terminate any committees at any time.

Any official policy-level action shall be in the sole discretion of the Board. The Board is in no way obligated to follow committee recommendations. The Board has the right to accept, reject, or modify all or any part of a committee recommendation.

Adoption date: July 1994

Revised: January 2019

() Required

(X) Local

(X) Notice

CITIZENS ADVISORY COMMITTEES

The Board of Education recognizes that it can beneficially 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 shall, at its discretion and in accordance with state law and regulation, appoint 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.

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. All appointed members shall receive and are expected to abide by the instructions in 2260-E.

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

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).

Ref: Education Law §§4402; 4601
8 NYCRR §135.3(b)(2), (c)(2)

Adoption date: July 1994

Revised: January 2019

CITIZENS ADVISORY COMMITTEES
Instruction to Lay Committee Members Appointed
by Wantagh Board of Education

1. Official authorization should be given such committees by the Board at a regular meeting.
2. The rules of the committee are as follows:
 - a. advisory only - no powers;
 - b. may be enlisted to help recommend policy;
 - c. work shall be confined within the field designated by the Board;
 - d. only the committee as a whole may officially advise the Board;
 - e. only the Board or its designated agents shall have the responsibility for school or committee publicity;
 - f. recommendations are to be made directly to the Board;
 - g. committees shall not engage in public controversy with the Board or school personnel. Individuals who think school policies are wrong and cannot be corrected through the influence of the committee upon school officials, should disassociate themselves from the committee and take action as individual citizens;
 - h. in accepting membership to a committee, a member agrees to attend meetings regularly and take part in group studies and deliberations;
 - i. in consideration of an issue, a member will withhold his/her final judgment until there has been a thorough study by the group of relevant facts and consideration;
 - j. members should maintain contact with many other citizens for suggestions. At all times, the members should be discreet and considerate of others involved in discussing affairs of the committee;
 - k. meetings of the committees should be open to non-members only by invitation, except for attendance by school personnel designated by the Board to sit with particular committees; and
 - l. the recommendation of committees to the Board may be made available to the public by mutual consent of the Board and the Committee.

Adoption date: July 1994

Revised: January 2019

() Required
(X) Local
 () Notice

SCHOOL ATTORNEY

The Board of Education shall retain legal counsel, who shall be appointed at the Annual Organizational Meeting of the Board of Education. The President of the Board, or the Superintendent of Schools or his/her designee, may contact the counsel on legal matters affecting the operation of the school 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:

1. to advise the Board 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;
2. 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;
3. to review and to represent the district in the preparation of contracts, as requested by the district (other than the contract for school attorney services);
4. to advise and assist in matters of litigation pursuant to the retainer agreement;
5. to review, at the discretion of the Board, the legality of policies or regulations to be adopted by the Board;
6. to review and advise with respect to any process served upon the district; and
7. to recommend the retainment of such special counsel as he or she may deem necessary in the circumstances, subject to the approval of the Board.

The selection of the School Attorney shall be carried out in accordance with state law and regulation, as well as Board policy.

Cross-ref: 2210, Board Organizational Meeting
 6741, Contracting for Professional Services

Adoption date: July 1994

Revised: January 2019

() Required
(X) **Local**
(X) Notice

REGULAR MEETINGS

In order to perform its duties in an open and public manner, and in accordance with state law, the Board of Education shall hold regular business meetings once a month.

The dates of regular Board of Education meetings shall be established at the annual organizational meeting. In the event that the day appointed for a regular meeting falls on a legal holiday, the meeting shall be rescheduled. All regular Board meetings are open to the public, and meeting facilities shall provide access to persons with disabilities.

Board members are permitted to participate in board meetings via videoconferencing, in accordance with state law. Any site where videoconferencing is to take place must be open to the public. The district will comply with applicable notice requirements (see policy 2340).

In addition to the members of the Board, the following individuals will regularly attend the business meetings of the Board: the Superintendent of Schools, the Assistant Superintendents, and other specified personnel as deemed necessary.

Cross-ref: 2210, Board Organizational Meeting
 2340, Notice of Meetings

Ref: Public Officer's Law §§102, 103, 104

Adoption date: July 1994

Revised: January 2019

☐ Required
☐ Local
☒ Notice

SPECIAL MEETINGS

Special meetings of the Board of Education must be called as requested by a member of the Board, making such a request to the Board President.

Such meeting requires a notice of 24 hours to all Board members.

If, in an emergency, a special meeting is held before the 24-hour notice can be given, each member may be asked to sign a waiver of notice. A statement regarding the time of notice and signature of such forms shall be entered in the minutes.

Ref: Education Law §§1606; 2504; 2563
Open Meetings Law, Public Officers Law §§100 et seq.

Adoption date: July 1994

Revised: January 2019

() Required
 () Local
 (X) Notice

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.

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

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 Nett and Raby, 45 EDR 259 (2005)
Formal Opinion of Counsel No. 239, 16 EDR 457 (1976)

Adoption date: July 1994
Revised: January 2019

☐ Required
☐ Local
☒ Notice

NOTICE OF MEETINGS

For all regular and scheduled special meetings of the Board of Education, the District Clerk shall give adequate notice to all members and to the community.

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

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

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

Ref: Open Meetings Law, Public Officers Law §§100 et seq.
Education Law §§1606; 1708; 2504; 2563

Adoption date: January 2019

() Required
(X) Local
(x) Notice

BOARD MEETING PROCEDURES

Each Board of Education meeting shall be conducted in an orderly manner which provides time for and encourages community involvement. The order of business at each regular meeting shall be as follows:

1. Call to order
2. Pledge of Allegiance and Moment of Silence
3. Superintendent's Report
4. Approval of Minutes
5. Approval of Financial Reports
6. Report of the Administration
7. Unfinished business
8. New business
9. Adjournment
10. Reports / Presentations / Information
11. Public Comment

The regular order of business may be changed at any meeting (and for that meeting only) by the Board President.

Except in emergencies, the Board shall not attempt to decide upon any question under consideration before examining and evaluating relevant information. The Superintendent shall be given an 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.

Adoption date: July 1994

Revised: January 2019

() Required
(X) Local
(x) Notice

RULES OF ORDER

Robert's Rules of Order Newly Revised shall be adhered to in conducting a meeting of the Board of Education, except as otherwise required by law.

Adoption date: July 1994

Revised: January 2019

() Required
 () Local
 (X) Notice

MINUTES

The minutes of the meetings of the Board of Education shall include the following:

1. the classification (regular, adjourned or special), date, and place of meeting;
2. the call to order stating time, person presiding and his/her office;
3. the record of the roll call of Board members;
4. a notation of the presence or absence of the Superintendent of Schools and a notation of other staff members' presence;
5. a record of any corrections to the minutes of the previous meetings and the action approving them;
6. a record of all communications presented to the Board;
7. a record of the hearing of all petitions of citizens;
8. a record of any reports of Board members or staff members;
9. a record of each motion placed before the Board; and
10. special marking to indicate policy matters.

The Board will maintain a complete and accurate set of minutes of each meeting. Such minutes shall constitute the official record of proceedings of the Board and shall be open to public inspection within one week of executive sessions and within two weeks of all other meetings. Minutes which have not been approved by the Board within this time frame shall be marked, "DRAFT." 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.

All motions, proposals, resolutions, and any other matters formally voted upon by the Board shall be recorded in Board minutes. If a Board member is not present at the opening of a meeting, the subsequent arrival time of such member shall be indicated in the minutes.

The minutes shall be permanently filed and indexed for reference purposes. All reports requiring Board action, resolutions, agreements and other written documents may be made a part of the minutes by reference, and, if so, shall be placed in the files as a permanent record.

Public Access to Minutes

The approved minutes of the Board are published on the district website.

Ref: Open Meetings Law, Public Officers Law §§100 et seq.
Freedom of Information Law, Public Officers Law §§84 et seq.
Education Law §2121

Adoption date: July 1994

Revised: January 2019

() Required
 () Local
 (X) Notice

BROADCASTING AND TAPING OF BOARD MEETINGS

As a meeting of a public body, school board meetings are open to the public so that people can witness and observe the decision making process. To further reach members of the community who may not be able to attend, meetings open to the public shall be open to being photographed, broadcast, and/or webcast.

The use of any photography, broadcast, recording equipment or other such device to allow for the broadcasting or recording of public meetings of the Board of Education, or a committee appointed thereby, is permissible as long as the device is unobtrusive and will not distract from the true deliberative process of the Board.

The Board reserves the right to direct that an audio or visual recording be made to ensure a reliable, accurate, and complete account of Board meetings. The Board President will inform attendees at the opening of the meeting that the meeting is being recorded.

Ref: Open Meetings Law, Public Officers Law §§100 *et seq.*
 Committee on Open Government, Model Rules: Public Access to
 Meetings of Public Body,
http://dos.state.ny.us/coog/modelregs_photo_record_broadcast.html
Mitchell v. Board of Education of Garden City UFSD,
 113 AD2d 924 (1985)
Feldman v. Town of Bethel, 106 AD 2d 695 (1984)
People v. Ystueta, 99 Misc 2d 1105(1979)

Adoption date: October 2017

Revision: January 2019

() Required
(X) Local
 (x) Notice

POLICY DEVELOPMENT, ADOPTION, IMPLEMENTATION AND REVIEW

The Board of Education is responsible for adopting and assessing the effectiveness of the written policies by which the district is governed. The Board recognizes that written policies are essential to district governance in that they:

- Govern effectively and efficiently across time, situations, and individuals.
- Provide the foundation and guidance for administrative action.
- Publicize the federal, state, and local rules that govern the district.
- Help to evaluate progress by including measurable outcomes.

Development

The Board is committed to developing written policies which:

- Clearly define the district's goals and objectives and reflect the Board's vision.
- Define roles and responsibilities and identify who is responsible for what.
- Provide the Superintendent and district staff with clear guidance regarding expected district administration.
- Allow for flexibility that is needed for day-to-day operations.
- Include measurable outcomes.

Any member of the Board, district staff, students, parents, district taxpayers or other member of the public may identify policy issues. Such issues shall be brought to the attention of the Superintendent. The Superintendent shall be responsible for submitting policy issues to the Board for consideration and for keeping a record of all policy initiatives submitted to the Board.

Before acting on any proposed policy, the Superintendent in conjunction with the Board's Policy Committee will assemble the relevant facts, receive recommendations from individuals and groups who will be affected by the policy. The Board will discuss, debate, and decide on the substance of the policy in open meeting. The Superintendent and the Board's Policy Committee shall be responsible for identifying the individuals and groups who will be affected by the policy.

The Board's Policy Committee shall be responsible for preparing a written draft of all proposed policies. When reviewing the contents of a proposed policy, the Board will consider whether the proposed policy:

- Is within the scope of the Board's authority.
- Is consistent with state and federal law and the state and federal Constitutions.
- Supports the district's goals and objectives.
- Reflects good practice (e.g., educational, personnel, business, etc.).
- Is reasonable and not arbitrary or discriminatory.
- Adequately covers the subject.
- Is consistent with the Board's existing policies.
- Can be administered in a practical, cost effective manner.

Adoption

Once a proposed policy has been drafted, it shall be placed on the Board's agenda for a first reading, giving all persons interested in it an opportunity to express their views. The Board will not take any official action on any policy on first reading, unless a majority of the Board decides that it is necessary to do so.

If the draft policy is acceptable or if it is not acted upon out of necessity after the first reading, the draft policy will be placed on the Board's agenda for a second reading, at which time the Board will officially act.

The Superintendent shall consult with the school attorney, as necessary, prior to the adoption or revision of any policy.

Implementation

The Superintendent shall be responsible for implementing all policies adopted by the Board. This responsibility shall include: promulgating any necessary administrative regulations, ensuring that the policy is included in the board policy manual, and publicizing the policy as necessary to ensure that persons affected by the policy are aware of it. The Board policy manual shall be published on the district website.

Review

The Superintendent shall be responsible for informing the Board of any policies that are out-of-date or in need of revision. In addition, the Board Policy Committee will review the policy manual on an annual basis and will make recommendations to the full board regarding updates as necessary to ensure that the policies are consistent with board goals and district practices.

Ref: Education Law §1604, 1709, 1804 (powers and duties of board of education)

Adoption date: July 1994

Revised: January 2019

() Required
(X) Local
() Notice

NEW BOARD MEMBER ORIENTATION

The Board of Education and the Superintendent shall assist each new Board member-elect to become familiar with and to 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,

1. be given selected materials covering the function of the Board and the school district, including:
 - (a) access to district email and shared drives,
 - (b) copies of key reports prepared during the previous year by school Board committees and/or the administration,
 - (c) the *School Law* handbook prepared by the New York State School Boards Association,
 - (d) access to minutes of Board meetings of the previous year,
 - (e) latest financial report of the district,
 - (f) copies of pertinent materials developed by the New York State School Boards Association;
 - (g) photo identification cards, and
 - (h) any other materials which may be deemed helpful and informative;
2. be invited to attend all Board meetings and functions;
3. 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
4. be invited and encouraged to attend the New York State School Boards Association's workshop for New School Board Members.

Adoption date: July 1994

Revised: January 2019

[] Required
 [X] **Local**
 [] Notice

BOARD MEMBER TRAINING

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

Additionally, Board members elected or appointed for a first term beginning on or after July 1, 2011, shall, within the first year of his or her term, complete a training course to acquaint him or her with the powers, functions and duties of boards of education, as well as the powers and duties of other governing and administrative authorities affecting public education.

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

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

Cross-ref: 2510, New Board Member Orientation
 2521, School Board Conferences, Conventions, and Workshops

Ref: Education Law §2102-a

Adoption date: July 1994

Revised: January 2019

() Required
(X) Local
() Notice

SCHOOL BOARD CONFERENCES, CONVENTIONS, WORKSHOPS

In recognition of the need for continuing in-service training and development for its members, the Board of Education encourages the participation of all members in meetings and activities of area, state, and national school Boards associations, as well as in the activities of other educational groups. Board members are encouraged to study and examine materials received from these organizations.

The district will reimburse conference attendees for all pre-approved expenses.

Cross-ref: 6830, Expense Reimbursement

Adoption date: January 2019

() Required
(X) **Local**
() Notice

GOALS AND OBJECTIVES FOR ADMINISTRATION

The Board of Education recognizes that proper administration is vital to a successful educational program. The Board expects the educational administration to direct, coordinate and supervise students and staff in their efforts to reach the goals and objectives adopted by the Board.

Within the guidelines of board policy, negotiated agreements and state law, the Board expects the educational administration to:

- Provide up-to-date information and sound professional advice to the Board, as an aid to rational decision-making.
- Plan, organize, implement and evaluate the educational programs established by Board policy, in order to provide optimum educational opportunities to the students of the district.
- Provide these optimum educational opportunities at the lowest possible cost.
- Use efficient administrative and management procedures, in accordance with law and regulation, and developed after consultation with and among the Board, administrators and other appropriate staff members.
- Coordinate the resources of the community with those of the district.

Ref: Education Law §§1604; 1711; 2507; 2508

Adoption date: July 1994

Revised: June 2019

() Required
 (X) Local
 (X) Notice

SUPERINTENDENT OF SCHOOLS

The Board of Education shall by a majority vote appoint a Superintendent of Schools for a term of three to five years. This contract shall be reviewed in accordance with the provisions agreed upon by the parties and made part of the contract. The Superintendent shall serve as the chief executive officer of the Board and as such shall carry out the policies established by the Board.

The Superintendent is the executive officer for the Board of Education and the unitary leader of the school district. In harmony with the policies of the Board, the Laws of New York State, and the Commissioner's Regulations, the Superintendent has executive authority over the school system and the sole responsibility for its effective functioning.

The Superintendent attends all meetings of the Board and participates in all of its deliberations. The Superintendent advises the Board in policy development and general planning and assumes initiative in presenting associated issues to the Board for consideration.

The Superintendent provides data and information to the Board concerning progress and problems of the district. The Board depends upon the Superintendent for educational leadership and professional counsel in its deliberations.

In emergency matters, the Superintendent is authorized by the Board to act at his/her discretion subject to subsequent approval by the Board.

The Superintendent shall be accountable at all times to the Board.

Ref: Education Law §§1604; 1711; 2507; 2508; 2565; 3003(4)

Adoption date: July 1994

Revised: June 2019

() Required
 (X) Local
 (X) Notice

DUTIES OF THE SUPERINTENDENT

The Superintendent of Schools, as chief executive officer of the Board of Education, will have the following specific powers and duties:

Relationship with the Board

1. Serve as the executive officer for the Board and be charged with the responsibility for implementing the policies of the Board. He/She shall work with the Board President in planning the agenda for each meeting, shall attend all meetings and participate in all regular and special meetings of the Board and executive meetings of the Board at the Board's request;
2. Develop a harmonious and close working relationship with the Board. He/She shall treat all Board members impartially and alike, refraining from criticism of individual or group members of the Board. He/She shall go to the Board when serious differences of opinion arise in an earnest effort to resolve such differences immediately;
3. Serve as a resource person and advisor to the Board. He/She shall keep the Board informed on issues, needs, and operation of the school system. He/She shall offer advice to the Board, based on thorough study and analysis, on items requiring Board action;
4. Provide a continuous appraisal of all school policies originating with the Board. He/She shall advise the Board on the need for new and/or revised policies and suggest draft policies to satisfy those needs;

Educational Direction and Leadership

5. Develop administrative principles and procedures for implementing Board policy. He/She shall ensure the enforcement of all provisions of law, rules and regulations, and Board policy relating to the management of the schools and other educational, social and recreational activities. He/She shall interpret for the staff all Board policies and applicable laws, rules and regulations;
6. Understand and keep informed on all aspects of the instructional program at all levels. He/She shall have responsibility for the supervision of instruction and shall bring to the school, in a leadership capacity, the best in educational thought and practice. He/She shall, on a continuing basis, review and update the educational program of the school, and keep the Board informed of all changes in curriculum;
7. Recommend to the Board for its adoption all courses of study, curriculum guides and textbooks to be used in the schools;
8. Encourage a positive approach to student behavior and discipline;

Personnel

9. Develop and implement sound personnel practices, consistent with law, Board policy and collective bargaining agreements, including recruitment, hiring, assignment, supervision, evaluation, promotion, and discipline of all personnel. He/She shall develop procedures for the selection of staff members. He/She shall establish standards for teacher selection, and shall provide a framework for continuing in-service training of all professional staff members;
10. Recruit qualified professional, civil service, and non-certified personnel. He/She may authorize the payment of part or all of the expenses of candidates for teaching positions if the candidates are asked to come to the district for visits or interviews;
11. Nominate employees for appointment, promotion, transfer or dismissal in accordance with the policies of the Board and the procedures outlined by the law. He/She shall make recommendations to the Board regarding salary and tenure of all employees. He/She may temporarily suspend any employee for cause and shall promptly report such suspension to the members of the Board. Unless otherwise determined by the Board, he/she is authorized to reemploy all employees upon the adoption by the Board of the budget for the following year;
12. Supervise and evaluate all staff members. He/She shall build good morale and be impartial, firm and fair in dealing with staff;
13. Encourage in-service education and the professional growth of staff through conferences, workshops, group discussions, committee/individual studies and use of consultants;
14. Advise the Board, in conjunction with the Board-designated negotiator(s), in all collective bargaining matters;

Financial Management

15. Prepare and present to the Board a preliminary annual budget in accordance with a schedule established with the Board. He/She is responsible for ensuring that the budget, as adopted by the Board and approved at the annual meeting, is properly administered. He/She shall ensure that regular reports are made to the Board on the status of the budget;
16. Establish efficient procedures to maximize income, safeguard investments and provide effective controls for all expenditures of school funds in accordance with the adopted budget. He/She shall ensure that all necessary bookkeeping and accounting records are maintained by the district;

Facilities Management

17. Supervise operations, maintenance, alterations and repair to buildings and grounds, insisting on competent and efficient performance;

18. Evaluate plant needs and recommend to the Board improvements, alterations and changes in the buildings and equipment of the district;

Community Relations

19. Supervise the public relations activities of the district. He/She shall keep the public informed about the policies, practices, and problems in the district's schools, and provide leadership in changing attitudes and practices for the future. He/She shall develop friendly and cooperative relationships with the news media;
20. Establish and maintain an effective working relationship with all segments of the community: parent-teacher organizations, local and state government, other school systems, institutions, agencies, civic organizations, and the general public. He/She shall solicit and give attention to problems and opinions of all groups and individuals;

Personal Qualities and Growth

21. Demonstrate outstanding qualities of leadership with ability to delegate authority and responsibility effectively and to hold subordinates accountable;
22. Exhibit good judgment and common sense;
23. Exhibit the ability to face controversy and continue to make decisions in the best interest of the district;
24. Speak well before large and small groups, expressing ideas in a logical and forthright manner;
25. Maintain professional development by reading and course work, attending conferences, working on professional committees, visiting other districts, and meeting with other Superintendents;

Management Functions

26. Coordinate and manage the district so that the school organization operates smoothly and efficiently. He/She must be able to coordinate the processes essential to achieving a smooth operation in all areas of the school district organization:
 - Planning: determining needs, objectives and goals;
 - Organization: assigning roles, responsibilities and establishing lines of communication;
 - Control: ensuring that progress is being made toward priorities, disciplining, making necessary staff reallocations and changes and evaluations;
 - Decision-making: data-collecting, analyzing data and choosing appropriately from a variety of decision-making techniques;
 - Problem-solving: sensitivity to problems, formulating problem statements, and using a variety of problem solving techniques;

- Communication: giving and receiving information effectively both orally and in writing, facilitating the exchange of information, views and opinions; and

27. Perform such other duties as the majority of the Board may determine.

Ref: Education Law §§1604(8); 1711; 1804

Adoption date: July 1994

Revised: June 2019

() Required
(X) Local
() Notice

ORGANIZATION CHART

The Superintendent of Schools shall maintain, and the Board shall approve, an administrative organization chart showing the relationship among the various administrators and staff. The organization chart shall be kept up to date and changes shall be approved by the Board.

Adoption date: July 1994

Revised: June 2019

4000

() Required

(X) Local

() Notice

4000- STUDENT LEARNING STANDARDS AND INSTRUCTIONAL GUIDELINES

The Board of Education is committed to providing every student with an outstanding educational experience that meets the diverse needs of all learners, empowering them to meet the opportunities of the future.

The Board of Education will achieve this by working in partnership with the Superintendent of Schools, district staff, students, families, and the community to ensure that each student acquires the knowledge, skills and core values necessary to achieve their fullest potential and to enrich the local and global community.

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 to enhance teacher practice and student learning across the district.
7. Progress monitoring for all students will be in place so that preventative steps can be properly implemented to address student academic support.
8. The district will recruit, hire and retain highly qualified staff.
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 ongoing review to identify and address any obstacles to the achievement of the Board's articulated learning standards.

Cross-Ref:__ 0000, Mission Statement and Vision

Ref: 8 NYCRR §§100.1 (t); 100.2 (ii)

Adoption date: 7/2/19

(X) Required

() Local

() Notice

4010- EQUIVALENCE IN INSTRUCTIONAL STAFF AND MATERIALS

In accordance with the federal law, the Board of Education directs that services in Title I schools and programs, when taken as a whole, shall be substantially comparable to services in schools and programs that do not receive Title I funds. This includes curriculum materials, instructional supplies, and personnel (teachers, administrators, and other personnel).

The Superintendent of Schools shall follow the State Education Department guidelines in determining such equivalence on an annual basis, and report to the Board, upon request, on the status of district schools with regards to equivalence. The district shall maintain records, updated biannually, documenting this equivalence.

Complaints regarding the district's implementation of this equivalence requirement shall be addressed in accordance with Board policy 1400, Complaints from the Public.

Cross-ref: 1400, Complaints from the Public

Ref: 20 USC §6321(c) (No Child Left Behind Act of 2001)

Adoption date: 7/2/19

() Required
(X) Local
() Notice

4200- CURRICULUM MANAGEMENT

The Board of Education recognizes its responsibility for the development, assessment and improvement of the educational program of its schools. To this end, the Board is committed to establishing and maintaining a coordinated curriculum management process that:

- Defines how the district's curriculum is developed and approved.
- Ensures that the curriculum is taught and tested.
- Provides for the ongoing review and evaluation of the curriculum.

For purposes of this policy, "curriculum" means a series of planned instruction that is coordinated, articulated and implemented to result in achievement of specific knowledge and skills, and application of such knowledge and skills by all students.

Curriculum Development

The Board views a centralized curriculum articulated among and between grade levels as essential to an effective instructional program designed to meet the learning standards established by the state and the Board.

The Superintendent of Schools, in coordination with the Assistant Superintendent for Instruction, shall be responsible for the development of a written curriculum designed to meet student needs. He/she shall establish procedures for curriculum development that provides for the effective participation of administrators, teaching staff, board members and other relevant stakeholders.

The curriculum shall:

- Comply with state mandates regarding course offerings and essential knowledge and skills.
- Focus on the content standards of each discipline and ensure that what students learn is rigorous, challenging and represents the most important learning for students.
- Provide sufficient flexibility to meet individual student needs at each stage of development.
- Reflect current research, best practices and technological advancements within each discipline.

- Promote congruence among the written, taught and assessed content.

Curriculum Approval

The Superintendent shall present the written curriculum to the Board for its review. The Board will review the curriculum to ensure consistency with Board-adopted learning objectives. In addition, the Board will adopt instructional materials that support the approved curriculum.

Curriculum Implementation

Implementation of the curriculum rests primarily with the teaching staff. In carrying out this responsibility, the teaching staff shall work to ensure continuity between the written, taught and tested curriculum.

The Assistant Superintendent for Instruction is responsible for managing and coordinating the k-12 curriculum. In addition, the Assistant Superintendent for Instruction will work with building principals and curriculum directors to ensure a well-articulated and effective k-12 curriculum is in place across all school buildings.

Building principals in coordination with the Assistant Superintendent for Instruction and curriculum supervisors are responsible for:

- Knowing the curriculum being taught in their buildings or departments.
- Routinely analyzing classroom assessments and student performance to ensure the curriculum is being learned.
- Making routine classroom observations of teachers both formally and informally.
- Working with teachers to develop and enhance curriculum to ensure that the curriculum is dynamic and not static.
- Provide opportunities for teachers to discuss and share ideas and strategies regarding curriculum development.

The Board of Education's goal is for the district curriculum to be communicated to the teaching staff in a written curriculum guide developed annually by the Superintendent. Such guides will provide the necessary information to direct instruction and ensure continuity among and between grade levels. The guides will also include a description of the essential knowledge and skills for the course, instructional philosophy, appropriate sequence, and correlation of major resources. Curriculum guides will be made available to parents and community members upon request to promote understanding of district goals and objectives.

Curriculum Review

The Board recognizes the need for and the value of a systematic, ongoing program of curriculum evaluation that includes collecting and analyzing data about student achievement.

All aspects of the curriculum shall be subjected to critical analysis with the intention to improve students' learning and growth. This analysis is essential to evaluate program effectiveness in each content area and to make judgments about resource allocation. The Superintendent shall develop guidelines to evaluate the instructional program to ensure its continued effectiveness.

4200

With prior Board approval, the Superintendent may conduct pilot programs deemed necessary to the continuing improvement of the instructional program.

The Superintendent shall report his/her findings regarding the effectiveness of the instructional program to the Board periodically, and, if necessary, shall recommend changes to the district's curriculum.

Ref: Education Law §§1709(3); 1711(5)

Adoption date: 7/2/19

(X) Required

() Local

() Notice

4211.1 DISPLAY OF THE FLAG

The Board of Education believes that the flag of the United States is a symbol of the values of our nation, the ideals embedded in our Constitution and the spirit that should animate our district.

The district shall purchase a United States flag, flagstaff and the necessary appliances for its display upon or near every school building. There shall be a flag on display in every assembly room of every school.

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

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

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

Adoption date: 7/2/19

4311.1-R DISPLAY OF THE FLAG REGULATION

Flags Displayed Out-of-Doors and on Movable Hoists Indoors

A United States flag shall be displayed in front of every school building in the district every day that school is in session and at such other times as the Superintendent of Schools shall direct. Unless otherwise stated, the flags shall be flown at full-staff. The flags may also be displayed at night upon special occasions, at the discretion of the Superintendent, when it is desired to produce a patriotic effect.

In addition to days when school is in session, the flags will be displayed on the following days if school is open to the public: New Year's Day, Martin Luther King, Jr. Day, Lincoln's Birthday, Washington's Birthday, Memorial Day, Flag Day, the Fourth of July, Labor Day, September 11th Remembrance Day, POW/MIA Recognition Day, Columbus Day, Veterans Day, Thanksgiving Day, Pearl Harbor Day and Christmas Day. If any of these days (except Flag Day) falls on a Sunday, the flag shall be displayed on the next day. In addition, the flag shall be displayed on each general election day and each day appointed by the President of the United States or by the Governor of New York as a day of general thanksgiving or for displaying the flag.

Flags shall be flown at half-staff on Pearl Harbor Day, on September 11th Remembrance Day, on days commemorating the death of a personage of great importance, and on days designated by the President or the Governor.

Flags on individual buildings will be flown at half-staff for 30 days if a present employee or student in that building dies. The flag shall also be flown at half-staff the day of the funeral of any former employee well-known in the school. This will be at the discretion of the Superintendent.

All flags in the district are to be flown at half-staff when a present Board member dies and are kept at half staff for 30 days. All flags are put at half-staff on the day of the funeral of a former Board member. All flags in the district are flown at half staff on the day of the funeral of a present employee or a present student.

The flag will not be displayed on days when the weather is inclement.

Hoisting of the Flag

The flag shall be hoisted briskly and lowered ceremoniously.

In half staffing the flag, it first should be hoisted to the peak for an instant and then lowered to the half-staff position. The flag shall be again raised to the peak before it is lowered for the day. The flag shall never be put at half-mast in the middle of the day. It must be put at half-mast in the morning only.

Indoor Flags and Those Not on Movable Hoists

There shall be a United States flag in each assembly room of every school in the district. It is the duty of the teacher or other person in charge of each assembly room to ensure that the flag in the room is displayed from a staff standing at the audience's right as they face the stage. If the flag is placed on the platform, it should stand at the right of the speaker as he/she faces the audience and at the audience's left as they face the stage.

Adoption date: 7/2/19

() Required
(X) Local
 (x) Notice

4313- RELIGIOUS EXPRESSION IN THE INSTRUCTIONAL PROGRAM

The Board of Education acknowledges the importance of religion to the understanding of society and the richness of the human experience. In approaching the teaching about religion in the school, the district will be guided by three concepts when making decisions about the appropriateness of activities for inclusion in the school program: the activity should have a secular purpose; the activity should neither advance nor inhibit religion; and the activity must not foster an excessive entanglement of "government" with religion.

Nurturing the development of knowledge and respect for the rights of all cultural and religious groups is a continuing goal of the school district. Students, faculty and administration are reminded of the pluralism of religious beliefs and are urged to be conscious of and respect the sensitivity of others.

Opportunities to learn about cultural and religious traditions should be provided within the framework of the curriculum. Information about religious and cultural holidays and traditions focusing on how and when they are celebrated, their origins and histories should be part of this instruction. This educational opportunity should be handled with great care, sensitivity and respect for the feelings and beliefs of individuals.

An environment should be created and encouraged where students of various ethnic backgrounds feel comfortable in sharing comments about their religious and cultural traditions. No student should be singled out to share or participate in such discussions solely on the basis of that student's identification with the cultural/religious heritage being addressed. A student's preference not to share or participate in such discussions should be honored and respected without penalty.

School Activities Related to Religious Holidays or Themes

School activities related to the teaching about religious holidays or themes must be consistent with, representative of, and congruent with the District's curriculum.

In planning school activities related to the teaching about religious holidays or themes, special effort must be made to ensure that the activity is not devotional and that students of all faiths can join without feeling they are betraying their own beliefs.

In planning school activities related to the teaching about religious holidays or themes, age appropriate activities are encouraged within the framework of the curriculum. Teaching about religious and cultural holidays may include such special activities as parties and special foods, if they reinforce educational goals.

Symbols in the Schools

The purpose of using religious symbols should be to teach about religious concepts and traditions, and to convey historical or cultural content, not to promote or celebrate religious concepts, events or holidays.

Music in the Schools

The purpose of using religious music should be to teach musical concepts, to convey historical and cultural content, or to create aesthetic experiences in a setting which emphasizes artistic expression and educational value, not to promote or to celebrate a religious faith.

District Calendar

The days on which members of a religious group may be absent to observe a religious holiday (legal absence) will be noted on the school planning calendar and the district calendar distributed to parents/guardians. Out of respect for a student's observance of these holidays, teachers will be sensitive to the needs of the student by allowing them to make up all class work, homework, and tests without penalty. Parents/guardians are encouraged to notify the school prior to the absence in order to assist the staff in instructional planning and in meeting the needs of the student.

Curriculum Areas in Conflict with Religious Beliefs

Students shall be given the option to be excused from participating in those parts of an activity, program, or area of instruction involving a religious theme which conflicts with their own religious beliefs or that of their parents/guardians in accordance with applicable law and regulations. Alternatives may be provided that are of comparable instructional value.

Implementation

Administrative regulations will be developed to implement the terms of this policy. Further, the district shall vigorously publicize and disseminate this policy and accompanying regulations in order to ensure community, faculty, student, and parental/guardian awareness.

Cross-ref: 1420, Complaints about Curricula or Instructional Material

Ref: *Santa Fe Indep. Sch. Dist. V. Doe*, 530 U.S. 290 (2000) (constitutionality of student-led prayers at interscholastic athletic activities)
Lee v. Weissman, 505 U.S. 577 (1992) (constitutionality of clergy-led prayers at graduation ceremonies)
Lemon v. Kurtzman, 403 U.S. 602 (1971) (constitutional test to determine church-state issues)
Lynch v. Donnelly, 465 U.S. 668 (1984) (constitutionality of holiday display)
County of Allegheny v. American Civil Liberties Union of Greater Pittsburgh Chapter, 492 U.S. 573 (1989) (constitutionality of holiday display)
Floreay v. Sioux Falls School District, 619 F2d 1311 (8th Cir., 1980) (constitutionality of school observance of holidays)

Adoption date: 7/2/19

4315.1

() Required
() Local
(X) Notice

4315.1 -AIDS INSTRUCTION

The district will provide age appropriate classroom instruction in compliance with commissioner's regulations, for all students K-12 concerning Acquired Immune Deficiency Syndrome (AIDS). Instruction will be provided as part of the sequential and comprehensive health program and shall include the following information:

1. the nature of the disease;
2. methods of transmission of the disease; and
3. methods of prevention of the disease stressing abstinence as the most effective and appropriate protection against AIDS;
4. methods of obtaining and evaluating information.

A student shall be excused from that segment of AIDS instruction regarding methods of prevention of the disease if his/her parent/guardian files a request with the Building Principal. The request must give assurance that such instruction will be given at home.

The Board of Education shall be responsible for determining the content of the district's AIDS curriculum, approving its implementation and evaluating the AIDS instructional program. In addition, the Board will ensure appropriate training and curriculum materials are provided for the instructional staff providing AIDS instruction and to parents who request such materials.

The Board shall establish an advisory council which shall be responsible for making recommendations on content, implementation, and evaluation of the AIDS instructional program. The advisory council may consist of Board members, appropriate school personnel, parents or community representatives, including representatives from religious organizations.

Ref: Education Law §3204(5)

8 NYCRR §135.3 (Health Education incl. AIDS instruction)

Ware v. Valley Stream High School District, 75 NY2d 114 (1989)

New York State School Boards Association v. Sobol, 168 AD2d 188 (1991)

Matter of Knowledge, 32 EDR 451 (1993) (function of advisory councils)

Adoption date: 7/2/19

(X) Required☐ Local☐ Notice

**4321- PROGRAMS FOR 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, co-curricular and extracurricular activities available to all other students enrolled in the district's public schools. Such co-curricular 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 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. The Board will adopt and maintain a district special education services plan in conformance with Commissioner's Regulations (8NYCRR 200.2(c)). The plan will be available for public inspection and review by the Commissioner of Education.
2. 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.
3. 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 Child Study Team (CST) will develop, implement and evaluate pre-referral intervention strategies (4321.2, School-wide Pre-referral Approaches and Interventions).

4. 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.
5. 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.
6. The Board will arrange for special education programs and services based upon the recommendation of the CSE or CSE subcommittee.
7. 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.
8. 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.
9. 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, co-curricular 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 timelines. 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.

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 timelines 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.

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.

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.

Cross ref: 1900, Parental Involvement (Title I)
 4000, Student Learning Objectives and District Instructional Goals
 4773, Diploma and Credential Options for Students with Disabilities
 5500, Student Records
 6700, Purchasing
 9700, 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: 7/2/19

(X) Required☐ Local☐ Notice

4321.1 -PROVISION OF SPECIAL EDUCATION SERVICES IN THE LEAST RESTRICTIVE ENVIRONMENT

The Board of Education recognizes its responsibility to ensure that students with disabilities eligible for special education programs and services under the IDEA and Article 89 of New York's Education Law receive those services in the least restrictive environment appropriate to meet their individual educational needs.

Therefore, the district will not place students with disabilities in special classes or separate schools, or otherwise remove them from the regular educational environment unless the nature or severity of their disability is such that their education cannot be achieved satisfactorily in regular classes, even with the use of supplementary aids and services. In addition, the district will provide special services or programs to enable students with disabilities to be involved in and progress in the general curriculum, to the extent appropriate to their needs.

To fulfill its responsibility to educate students with disabilities in the least restrictive environment, the district will implement the provisions of section 200.6 of commissioner's regulations.

Furthermore, and pursuant to those provisions, students with disabilities placed together for purposes of receiving special education will be grouped by similarity of individual needs including their range of academic achievement, functional performance and learning characteristics; social and physical development, and management needs.

The Superintendent will establish a process for ensuring that the CSE or CSE subcommittee Chairperson, as appropriate, obtains an up-to-date copy of those provisions at the beginning of each school year, and copies of any amendments that become effective during the school year.

The Board also recognizes that the least restrictive environment requirements established by applicable law and regulations also extend to non-academic settings. Therefore, the district will provide students with disabilities the opportunity to participate with non-disabled students in school-sponsored co-curricular and extracurricular activities, to the maximum extent appropriate to each individual student's needs. The district also will provide students with disabilities with supplementary aids and services the CSE or CSE subcommittee, as applicable, determines to be appropriate and necessary for the students to participate in such activities.

Ref: Individuals with Disabilities Education Act (IDEA), 20 USC §§1400 et seq.
8 NYCRR §§200.2(b)(4); 200.6

Adoption date: 7/2/19

(X) Required☐ Local☐ Notice**4321.2 SCHOOL-WIDE PRE-REFERRAL APPROACHES AND INTERVENTIONS**

The Board of Education recognizes that the provision of academic and behavioral supports and targeted interventions for students who are not making academic progress at expected levels in the general curriculum may improve a student's performance and help avert the need for referral for possible classification as a student with a disability. Therefore, the district will implement on a school-wide basis practices appropriate to enable all the district's students to succeed in the general education environment.

The Superintendent will identify and take steps to implement a variety of practices appropriate to comply with this policy. Consistent with applicable law and regulation, those practices may include, for example:

1. Providing early intervention services with funds available under the IDEA, which may be coordinated with similar activities conducted under the Elementary and Secondary Education Act. Such services would be made available to students not currently identified as needing special education and related services, but who need additional support to succeed in a general education setting. This may include professional development that enables teachers and other staff to deliver scientifically based academic instruction and behavioral interventions, such as scientifically based literacy instruction and, where appropriate, instruction on the use of adaptive instructional software. It also may include educational and behavioral evaluations, services and supports.
2. Implementation of a response to intervention (RTI) program, in accordance with 4321.2-R, that includes the minimum requirements established by commissioner's regulations, and allows teachers and other staff to determine whether a student responds to scientific, research-based instruction or requires interventions beyond those provided to all students in the general education classroom.
3. Implementation of a positive behavioral intervention and support (PBIS) system that reduces school and classroom behavioral problems, and creates and maintains a safe and positive learning environment by promoting positive behavior in all students .

District implementation of any of the above practices will not impede or delay the appropriate evaluation of a student suspected of having a disability, and the student's right to a free appropriate public education.

Cross-ref: 4000, Student Learning Standards and Instructional Guidelines
4325, Academic Intervention Services

Ref: Individuals with Disabilities Education Act, 20 USC §§1413(f); 1414(b)(6)(B)
34 CFR §§300.226; 300.307(a)(2)
8 NYCRR §§100.2(ii); 200.2(b)(7)

Adoption date: 7/2/19

**4321.2R- SCHOOL-WIDE PRE-REFERRAL APPROACHES AND
INTERVENTIONS REGULATION:
RESPONSE TO INTERVENTION PROCESS**

In accordance with Commissioner's Regulations, the district has established administrative practices and procedures for implementing District-wide initiatives that address a Response to Intervention (RTI) process applicable to all students. For students suspected of having a potential learning disability, the District will provide appropriate RTI services pursuant to Commissioner's Regulations prior to a referral to the Committee on Special Education (CSE) for evaluation.

Minimum Requirements of District's RTI Program

The district's RTI process shall include the following minimum requirements:

1. 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;
2. Screenings shall be provided to all students in the class to identify those students who are not making academic progress at expected rates. Students in grades K - 4 will receive a minimum of 3 screenings per year.
3. 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;
4. 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;
5. 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
6. 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 the following:
 - a. 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;
 - b. Strategies for increasing the student's rate of learning; and
 - c. The parents' right to request an evaluation for special education programs and/or services.

4321.2-R

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 Instructional Support Team.

At the conclusion of Tier Two instruction, the Instructional Support Team will review the student's progress and make a determination as to whether Tier Two interventions should be maintained; the student will be returned to the general education classroom if satisfactory progress is shown or otherwise 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 Instructional 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 CSE.

Progress monitoring on a continuous basis is an integral part of Tier Three; and the student's response to the intervention process will determine the need/level of further intervention services and/or educational placement.

Amount and Nature of Student Performance Data to be Collected

The Instructional 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 Instructional 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: Parent(s)/guardian(s) may also request that the progress of their child be reviewed by the Instructional Support Team.

Fidelity measures (e.g., an observational checklist of designated teaching behaviors in accordance with the RTI process being implemented) will also be completed by Team members to assess whether the intervention was implemented as intended and uniformly applied. Clear benchmarks will be established for student performance and performance charts will be plotted at the completion of the instructional period/intervention process.

Staff Development

All staff members involved in the development, provision and/or assessment of the district's RTI program including both general education and special education instructional personnel, shall receive appropriate training necessary to implement the district's RTI program. Staff development will include the criteria for determining the levels of intervention provided to students, the types of interventions, collection of student performance data and the manner and frequency for monitoring progress.

Parent /Guardian Notification

Written notification shall be provided to parent(s)/guardian(s) 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 parent(s)/guardian(s)' right to request an evaluation for special education programs and/or services.

Adoption date: 7/2/19

(X) Required☐ Local☐ Notice**4321.3 ALLOCATION OF SPACE FOR SPECIAL EDUCATION PROGRAMS**

The Board of Education recognizes its responsibility to ensure that appropriate space is available for:

1. Special programs and services provided to meet the needs of students and preschool students with disabilities both within its own facilities, and in programs provided by the board of cooperative educational services (BOCES) and attended by district residents; and
2. Serving students with disabilities in settings with non-disabled peers, as well.

The district will address such space allocation needs as part of its annual budget cycle, during the annual or any more frequent re-evaluation of its long-range educational facilities plan, and as part of the district's special education services plan.

Through the Superintendent, the district also will share with the BOCES District Superintendent information relevant for the BOCES to determine the regional space needs for serving the district's resident students and preschool students with disabilities.

As part of the process for ensuring the allocation of appropriate space for special education programs and services and serving students with disabilities in settings with non-disabled peers, the Superintendent, in consultation with appropriate school personnel will, at a minimum:

1. Periodically gather information regarding the number of students and preschool students with disabilities presently participating and anticipated to continue to participate in the district's special education programs and services, the type of programming they presently receive and may receive in the future, as well as the setting in which those services are and/or will be provided.
2. Review the results of the district's latest census, and other district child find efforts, including child find activities conducted with respect to parentally-placed nonpublic school students with disabilities.
3. Anticipate any projected increase in the number of students and preschool students with disabilities the district will be responsible for providing special education programs and services to, the anticipated type of services they will be receiving and the settings in which those services will be provided.
4. Based on the above information, review current space capacity, and identify any additional space requirements to meet both current and future needs.

Cross-ref: 4321, Programs and Services for Students with Disabilities under the IDEA and New York's Education Law Article 89

4321.3

4321.10, Programs and Services for Parentally-Placed Nonpublic School Students with Disabilities under the IDEA and New York's Education Law Article 89

Ref: Individuals with Disabilities Education Act (IDEA) 20 USC
Education Law §§3602(10)
8 NYCRR §§155.1(a); 200.2(c)(2)(iv),(v); 200.2(g)

Adoption date: 7/2/19

() Required
(X) Local
() Notice

4321.4 INDEPENDENT EDUCATIONAL EVALUATIONS

The Board of Education recognizes the right of parents or guardians of a student who has or is thought to have a disability to receive an independent evaluation at public expense if they disagree with the evaluation obtained by the Committee on Special Education (CSE) or the Committee on Preschool Special Education (CPSE).

The independent examination shall be conducted by a qualified examiner who is not employed by the school district responsible for the child's education. Upon request, parents will be provided with a list of public and private agencies and professional resources where independent evaluations may be obtained. These publicly-funded independent evaluations shall be limited to the same geographic and fiscal limitations as used by the district when it initiates an evaluation.

The district has the right to initiate an impartial hearing to demonstrate that its evaluation is appropriate. If the hearing officer determines that the district's evaluation was appropriate, a parent or guardian is not entitled to reimbursement at public expense.

The Board directs the Superintendent of Schools to develop regulations establishing maximum allowable fees for specific tests, the geographic area in which such evaluations may take place, and minimum qualifications of the professionals who administer and interpret various tests.

Cross-ref: 4321, Programs for Students with Disabilities

Ref: 20 USC §1415(d)(2)(A)
34 CFR §300.502
8 NYCRR §§200.1(z); 200.5(a); 200.5(b); 200.5(c); 200.5(g)

Adoption date: 7/2/19

(X) Required☐ Local☐ Notice

**4321.5 -CONFIDENTIALITY AND ACCESS TO INDIVIDUALIZED EDUCATION
PROGRAMS, INDIVIDUALIZED EDUCATION SERVICES PROGRAMS AND
SERVICE PLANS**

The Board of Education recognizes the importance of ensuring the confidentiality of personally identifiable data pertaining to a student with a disability. Personally identifiable data will not be disclosed by any school district employee or member of a CSE/CPSE to any person (other than the parent of such student), organization or agency unless the parent or guardian of the child provides written consent; there is a valid court order for such information; or disclosure is permitted by law.

Personally identifiable data is defined in the policy on Student Records, 5500.

The Board of Education, while acknowledging the confidentiality requirement, believes that in order for each student with disabilities to receive the full benefit of his/her Individualized Education Program (IEP), Individualized Education Services Program (IESP) or Service Plan (SP), individuals responsible for implementing the program or plan must, prior to the implementation, fully understand the scope of their responsibility and the specific accommodations, modifications and supports to be provided.

To this end, this policy establishes procedures to ensure that any person having both direct contact with a student with an IEP, IESP or SP and a responsibility to provide a service, accommodation or program modification for the student in accordance with that student's IEP, IESP or SP shall be informed of his/her responsibilities under the IEP, and shall receive or have access to a copy of the student's IEP, IESP or SP as specified below.

I. IEP, IESP or SP Copies

At a CSE, CSE Subcommittee or CPSE meeting for each student, a determination will be made as to which general education teachers, special education teachers, related service providers and other service providers have responsibility to implement the recommendations on the student's IEP, IESP or SP. "Other service provider" means a representative of another public school district, charter school, BOCES program, child care institution school, Special Act school district, State-supported school, approved private in-state or out-of-state school and an approved preschool provider where the student receives or will receive IEP, IESP or SP services.

The CSE, CSE Subcommittee and CPSE Chairpersons shall ensure that a paper or electronic copy of each student's IEP, IESP or SP is provided to each regular education teacher, special education teacher, related service provider and/or other service provider who is responsible for implementation of the program or plan. These individuals responsible for implementing an IEP, IESP or SP shall, in turn, ensure that all paraprofessionals (teacher aides and teacher assistants) and other providers responsible for assisting in implementation are given the opportunity to review their copy of the IEP, IESP or SP prior to program implementation as well as have ongoing access to such copy.

II. Notification of Responsibilities

In addition to disseminating copies of a student's IEP, IESP or SP, CSE, CSE Subcommittee and CPSE Chairpersons must designate one or more professional employees of the district with knowledge of the student's disability and program to inform each regular education teacher, special education teacher, related service provider, other service provider, paraprofessional, and other provider and support staff person of his or her responsibility to provide specific accommodations, program modifications, supports and/or services for the student in accordance with the IEP, IESP or SP. 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, as appropriate.

III. Confidentiality

All copies of a student's IEP, IESP or SP provided or made accessible under this policy must remain confidential, and shall not be re-disclosed to any other person, except in accordance with the Individuals with Disabilities Education Act (IDEA) and the Family Educational Rights and Privacy Act (FERPA). To ensure such confidentiality, the CSE and CPSE Chairpersons shall include with each IEP, IESP or SP copy provided or made accessible under this policy, a copy of the Board's policy on student records (Policy 5500). All IEP, IESP or SP copies must remain in a secure location on school grounds at all times. If IEP copies are transmitted and/or provided electronically, security systems (e.g., password protect a file or folder) must be implemented to prevent unauthorized internal and external access to the student's IEP, IESP or SP.

IV. Documentation

The designated professional employee(s) defined in section II above shall obtain the signature of each person covered by this policy, indicating that he or she:

1. has received either a copy of the student's IEP, IESP or SP or the opportunity to review the IEP, IESP or SP prior to its implementation, as required under state law and regulation;
2. has been informed of their responsibilities for implementation;
3. has knowledge of where the IEP, IESP or SP is to be maintained; and
4. has an understanding of the confidentiality requirements.

Cross-ref: 4321, Programs for Students with Disabilities Under IDEA and Article 89
5500, Student Records

Ref: Individuals with Disabilities Education Act (IDEA), 20 USC §§1400 et seq.
Family Educational Rights and Privacy Act (FERPA), 20 USC §1232g; 34 CFR Part 99
Education Law §4402(7)
8 NYCRR §§200.2(b)(11); 200.4(e)(3); 200.16(e)(6)
New York State Education Department, Office of Special Education, Guidance Document, Providing copies of the IEPs for Students with Disabilities, 5/13/03, www.p12.nysed.gov/specialed/publications/policy/chap408final.htm

Adoption date: 7/2/19

(X) Required

() Local

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4321.6 - AVAILABILITY OF ALTERNATIVE FORMAT INSTRUCTIONAL MATERIALS FOR STUDENTS WITH DISABILITIES

The Board of Education recognizes its responsibility to ensure that all the instructional materials used in the district's schools are made available in a usable alternative format for students with disabilities in accordance with their individual educational needs and course selection at the same time as those materials are available to non-disabled students. In accordance with applicable law and regulations, any such alternative format procured by the district will meet the National Instructional Materials Accessibility Standard.

For purposes of this policy, alternative format will 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 student with a disability enrolled in the school district, including but not limited to Braille, large print, open and closed captioned, audio, or an electronic file. An electronic file must be compatible with at least one alternative format conversion software program.

The Superintendent will develop a plan to ensure the availability of alternative format materials in accordance with the timeliness requirements of this policy. Such a plan will provide for:

1. Preference to vendors who agree to provide instructional materials in alternative formats, and to reflect this requirement in the bidding specifications used for the procurement of instructional materials. The same preference will be given to vendors of instructional materials ordered for the school library.
2. Consultation with appropriate school personnel regarding how students will access electronic files. The district's technology staff will be notified of any need to convert electronic files into an accessible format such as Braille, large print, audio, or alternative display.
3. The availability of hardware and/or software a student with disabilities in need of alternative format materials might require to access the instructional material.
4. The yearly review of the district's ordering timelines for the purchase of instructional materials to ensure sufficient lead time for obtaining needed alternative format materials.
5. Notification to appropriate school personnel by the CSE, CSE subcommittee, CPSE and Section 504 Committee Chairperson whenever it is determined that a student needs instructional materials in alternative format. Such notice also will identify the particular alternative format needed, and any assistive technology devices or services the student might need to access the alternative format materials.

6. Notification by classroom teachers of the books they will be using in class and any list of required readings with sufficient lead time in anticipation of the district's timelines for the purchase of instructional materials.
7. Consultation with the school librarian to make sure that specific library resources required by a student in need of alternative format materials to participate and progress in his or her selected courses are made available to the student in an accessible format.
8. Timely request of state assessments in alternative format.

Cross-ref: 6700, Purchasing

Ref: Individuals with Disabilities Education Act (IDEA), 20 USC §§1474(e)(3)(B)
Education Law §§1604(29-a); 1709(4-a) 1950(4-a); 2503(7-a); 2554(7-a); 3602(10)
(b)
8 NYCRR §§200.2(b)(10)
State Education Department, Office of Special Education, Policy 02-05 Amendment to Section 200.2 of the Regulations of the Commissioner Implementing Chapter 377 of the Laws of 2001: Plans to Provide Instructional Materials in Alternative Formats for Students with Disabilities, May 2002, available electronically from the SED website at www.p12.nysed.gov/specialed/publications/policy/alterformat502.htm

Adoption date: 7/2/19

(X) Required

() Local

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4321.7 DISTRICTWIDE AND STATEWIDE ASSESSMENTS OF STUDENTS WITH DISABILITIES

The Board of Education recognizes the importance of offering access and appropriate testing accommodations to eligible students so that they can participate in assessment programs on an equal basis with their nondisabled peers. Two elements that contribute to an effective assessment program are proper use of accommodations and use of universal design principles in developing and administering tests.

Testing Accommodations

Testing accommodations provide an opportunity for students with disabilities to:

- Participate in the instructional and assessment program;
- Demonstrate their strengths, knowledge and skills without being restricted by their disability; and
- Provide an accurate measure of the standards being assessed so that appropriate instruction and services can be provided.

Testing accommodations are changes made in the administration of the test in order to remove obstacles to the test-taking process that are presented by the disability without changing the constructs being tested. Examples of testing accommodations are: flexibility in scheduling/timing; flexibility in the setting for the administration of the test; changes in the method of presentation and changes in the method of response. Testing accommodations are neither intended nor permitted to: alter the construct being measured or invalidate the results, provide an unfair advantage for students with disabilities over students taking the test under standard conditions or substitute for knowledge or abilities that the student has not attained.

The Committee on Special Education, the Subcommittee on Special Education or the Committee on Preschool Special Education is responsible for recommending the appropriate test accommodations and including those recommendations on the student's Individualized Education Program (IEP), Individualized Education Services Program (IESP) or Service Plan (SP). If it is determined that a student should participate in alternative assessments instead of the standard statewide or district-wide tests, the CSE must indicate the reasons for doing so on the IEP, IESP or SP. The Director of PPS will include the appropriate test accommodations as part of the 504 Plan.

The recommendations will be reviewed annually by the CSE, CSE subcommittee, CPSE or 504 team. The Board acknowledges the importance of integrating the assessment program with the instructional program and, to that end, encourages effective communication among district staff so that implementation is consistent and fair. The goal is to provide effective assessments that allow students to benefit from their educational program.

In some situations, a building principal may authorize the use of testing accommodations in accordance with this policy. Those instances are limited to cases where a regular education student incurs a disability, such as, but not limited to, a broken arm, without sufficient time for the CSE, CPSE and/or Section 504 Committee to make a recommendation prior to a test. They do not include cases where the student is already being evaluated to determine his or her eligibility for status as a student with a disability. In exercising this authority, the building principal will rely on his or her professional judgment. He or she also may confer with CSE, CPSE and/or Section 504 Committee members.

Universal Design Principles in District-wide Assessments

The Board of Education recognizes the benefits of using the principles of universal design to further the goal of ensuring equal access to district-wide assessments and to ensure the most accurate measure of the performance of all students. The Board directs the Superintendent, in consultation with appropriate school staff, to examine how universal design principles can be incorporated into the district's assessment program, and to facilitate its use to the extent feasible. Any steps taken in this regard will be consistent with this policy and applicable State Education Department policy and/or guidance on the use of universal design principles.

At a minimum, the Superintendent will explore how district assessments can be:

1. Made more usable by students with diverse abilities.
2. Designed to better accommodate a wide range of individual preferences and abilities.
3. Made more understandable.
4. Made to communicate necessary information to students more effectively.
5. Designed to minimize adverse consequences of accidental or unintended actions.
6. Used more efficiently and comfortably and with a minimum of student fatigue.

Cross-ref: 4321, Programs for Students with Disabilities
 4321.5, Confidentiality and Distribution of IEP, IESP and SP
 5020.3 Students with Disabilities and Section 504

Ref: Individuals with Disabilities Education Act (IDEA), 20 USC §§1401(35); 1412(a)(16) (E);
34 CFR §§ 300.44
Assistive Technology Act, 29 USC 3002(19)
8 NYCRR §§ 200.1(jjj); 200.2(b)(13,14); 200.4(d)(2)(vi)

Adoption date: 7/2/19

(X) Required☐ Local☐ Notice**4321.8 IMPARTIAL HEARING OFFICER APPOINTMENT AND COMPENSATION**

The Board of Education will appoint impartial hearing officers (IHO), as needed, to hear complaints regarding the identification, evaluation, or placement of students with disabilities, or the provision of a free appropriate public education to such a student in accordance with the rotational selection process and other applicable procedures described in Commissioner's regulations.

Selection

The updated list of certified IHOs for this county promulgated by the New York State Education Department will be used in connection with requests for impartial hearings. The list shall also include the names of those other certified IHOs whose names appear on the state list and who have indicated to the district their interest in serving as an IHO in the district.

Upon receipt of a request for an impartial hearing, the rotational selection process for the IHO shall be initiated immediately and always within two (2) business days after receipt by the district of such written request. Should an IHO decline appointment, or if within 24 hours the IHO fails to respond or is unreachable after reasonable efforts by the District Clerk or designee, such efforts will be documented through independently verifiable efforts. The district representative shall then proceed through the list to determine availability of the next successive IHO.

The District Clerk or other person so designated, under the direction of the Board President, shall initiate the selection process by contacting the impartial hearing officer whose name first appears after the impartial hearing officer who last served. The District Clerk or designee shall canvass the list in alphabetical order as prescribed by the Regulations of the Commissioner of Education until an appointment is accepted. Pursuant to the Regulations of the Commissioner of Education, if an impartial hearing is currently pending for the same student when a new hearing request is received, the district will appoint the same IHO, if available, who will determine whether or not to consolidate the hearings. Additionally, if the new hearing request concerns an issue which had been previously withdrawn in the 12 months prior, the district shall appoint the same IHO, if available.

An IHO on the district's rotational list may not accept appointment unless he or she is available to:

1. Make a determination on the sufficiency of the due process complaint that will be heard at the hearing within five days of receiving such a request; and
2. Initiate the hearing within the first 14 days after either:
 - The date on which he or she receives written notice that the parents and the district waived their right to hold a resolution meeting to resolve their differences prior to commencement of the hearing, or met but were unable to reach agreement; or
 - The expiration of the 30-day period beginning with the receipt of the due process complaint, whichever occurs first.

Appointment

The Board President, or in his or her absence or inability the Vice President, will appoint an IHO immediately after the IHO selected from the rotational list indicates he or is available.

The Board will rescind the appointment of an IHO and appoint a new one if, the parties to the hearing mutually agree that the IHO is either incapacitated or otherwise unavailable or unwilling to continue the hearing or issue a decision. The appointment of a new IHO in such an instance will be made in accordance with the selection and appointment procedures established by this policy.

Compensation

The district shall compensate an impartial hearing officer for his or her services at the maximum rate established for such purpose by the Director of the Division of the Budget. Currently, this rate is \$100.00 per hour for pre-hearing, hearing, and post-hearing activities. In addition, impartial hearing officers may be

reimbursed for reasonable, actual and necessary expenses for automobile travel, meals and overnight lodging in accordance with the current district reimbursement rate set for district employees. Mailing costs associated with the hearing will also be reimbursed. The District will not reimburse impartial hearing officers for administrative assistance, secretarial or other overhead expenses.

Cancellation

The district shall attempt to provide an Impartial Hearing Officer with two (2) business days' advance notice of the cancellation or rescheduling of an impartial hearing. Should the district request the cancellation or rescheduling of a hearing date and fail to provide an Impartial Hearing Officer with two (2) days notice, the district agrees to pay the Impartial Hearing Officer a fee of \$100.00. The district shall not be responsible for costs associated with a parent or guardian's cancellation or adjournment of a hearing.

A copy of this policy will be forwarded to the impartial hearing officer at the time of appointment.

Records relating to the IHO process including, but not limited to, the request for initiation and completion of each impartial hearing will be maintained by the district and such information will be reported to the Office of Vocational and Educational Services for Individuals with Disabilities of SED as required by Commissioner's regulations.

Ref: 8 NYCRR §§200.2; 200.5; 200.21

Adoption date: 7/2/19

(X) Required☐ Local☐ Notice

4321.9 DECLASSIFICATION OF STUDENTS WITH DISABILITIES

The Board of Education recognizes that it may be appropriate to declassify some students with disabilities. A student may mature and develop skills such that they no longer require the special program, support services or accommodations offered by an Individualized Education Program (IEP), Individualized Education Services Program (IESP) or Services Plan (SP). The Committee on Special Education (CSE), the CSE Subcommittee or, the Committee on Preschool Special Education (CPSE), as applicable, is responsible for making this judgment, while adhering to the requirements of federal and state law and regulation.

Reevaluation

Prior to determining that a student is no longer eligible for special education services and should be placed in a full-time regular education program, the CSE, CSE subcommittee, or CPSE, as applicable, will conduct a declassification evaluation of the student in accordance with the process and procedures prescribed for the evaluation and reevaluation of students with disabilities, by applicable law and regulations. However, the CSE, CSE subcommittee, or CPSE members may determine after reviewing existing evaluation data that no additional information is needed to determine the student's continued eligibility for services.

When a determination is made that no additional data is needed for reviewing a student's continued eligibility for special education services, the CSE, CSE subcommittee, or CPSE Chairperson, as applicable, will notify the student's parents of that determination and the reasons for it, and of their right to nonetheless request an assessment. Unless the student's parents make such a request, the district will not conduct any further assessments.

The district will provide the student's parents with a copy of the reevaluation report and documentation regarding the eligibility determination.

Consistent with applicable law and regulation, the district will not conduct a declassification evaluation if the reason why a student is determined to be ineligible for special education services is that he or she has either:

1. Graduated with a regular high school or Regents diploma; or
2. Exceeded the age of eligibility for services.

However, in such an instance the district will provide the student with a summary of his or her academic achievement and functional performance that also includes recommendations on how to assist the student in meeting his or her post-secondary goals.

Declassification Support Services

It is the goal of the Board of Education to provide an opportunity for the student to succeed in the transition to the regular education program. In order to facilitate that success, the CSE/CPSE may offer educational and support services for a period of time, not to exceed one year. Declassification support services may include:

1. For the student, psychological services, social work services, speech and language improvement services, non-career counseling, and other appropriate support services.
2. For the student's teachers, the assistance of a teacher aide or a teaching assistant, and consultation with appropriate personnel.

The CSE/CPSE will ensure that the appropriate teachers and service providers are informed of the need for the transition services and will specify the nature and duration of those services.

Cross-ref: 4321, Programs for Students with Disabilities

Ref: 8 NYCRR §§100.1 (q); 200.2 (b)(8), 200.4 (b)(4-6), (c)(3)

Adoption date: 7/2/19

() Required
(X) Local
() Notice

4321.10 PROGRAMS AND SERVICES FOR PARENTALLY-PLACED NONPUBLIC SCHOOL STUDENTS WITH DISABILITIES

The Board of Education recognizes its responsibility to provide special education services to eligible students with disabilities enrolled by their parents in nonpublic schools located within its district, regardless of whether such students are residents of the district. The scope of that responsibility affects:

1. The district's child find activities for locating, identifying, and evaluating parentally-placed nonpublic school students with disabilities;
2. CSE and CSE subcommittee responsibilities for the development of an individualized education services program (IESP), or a services plan (SP), in the case of an out of state resident, for any such student determined to be eligible for special education services under the IDEA and Article 89;
3. The provision of services to such students;
4. The relationship between the district and nonpublic school officials and nonpublic school parents of students with disabilities, with whom the district is required to consult;
5. The district's data collection and reporting responsibilities; and
6. The district's use of federal funds available under the IDEA.

(Refer to policy 4321, Programs for Students with Disabilities under the IDEA and Article 89 for more information regarding the provision of special education services to students with disabilities enrolled in the district's public schools).

Consistent with applicable law and regulations, this policy does not apply to resident students with disabilities enrolled by their parents in a nonpublic school located within the district's boundaries because of a dispute over the provision of a free appropriate public education. Neither does it apply to charter school students, or to students placed in or referred to private schools by public agencies such as school district placements in approved private schools, Special Act school districts, and state-supported or state-operated schools.

District staff will obtain prior consent from the parent of a parentally-placed nonpublic school student with disabilities, or the student if the student is 18 years or older, for the release of personally identifiable information about the student from records collected or maintained pursuant to the IDEA between the district and the student's district of residence.

Location, Identification and Evaluation of Parentally-placed Nonpublic School Students with Disabilities:

The district's activities for locating and identifying parentally-placed nonpublic school students with disabilities will be comparable to those undertaken for students attending the district's public schools, and will be completed in a comparable time period, as well. However, district staff will consult with nonpublic school representatives and representatives of parents of parentally-placed students with disabilities regarding these activities, in order to ensure the equitable participation and an accurate count of such students.

The district will use the same procedures that apply to the evaluation of the district's public school students to evaluate and reevaluate parentally-placed nonpublic school students with disabilities. (Refer to policy 4321, Programs for Students with Disabilities under the IDEA and Article 89, for more information on those procedures).

CSE Responsibilities:

Once a parentally-placed nonpublic school student with disabilities is determined to be eligible for special education services under the IDEA and Article 89, the CSE or CSE subcommittee will develop an IESP or SP for the student in accordance with the following:

1. If the student is a New York State resident, the CSE or CSE subcommittee will develop an IESP based on the student's individual needs in the same manner and with the same contents as an individualized education program prepared for a public school student.
2. If the student is an out-of-state resident, the CSE or CSE subcommittee will develop an SP for the student in accordance with the IDEA and its implementing regulations.

Provision of Services:

Parents of nonpublic school students with disabilities eligible for special education services under this policy must submit to the Board a written request for such services on or before June 1 preceding the school year for which they want the district to provide services. However, if the student has not been first identified as a student with a disability until after June 1, the parent may submit the written request for services within 30 days after the identification, and the student will be entitled to services during the current year if the request is submitted before April 1.

The district will provide special education programs and services to parentally-placed nonpublic school students with disabilities with an IESP on an equitable basis, as compared to special education programs and services provided to other students with disabilities attending public and nonpublic schools within the district.

The district will provide special education programs and services to parentally-placed nonpublic school students with disabilities with an SP to the extent required by the IDEA and its implementing regulations, and in consultation with nonpublic school officials and representatives of parents of parentally-placed nonpublic school students with disabilities. In this regard, the district will expend a proportionate amount of the federal funds it receives under the IDEA to provide such services.

The district will provide parentally-placed nonpublic school students with disabilities only services, including materials and equipment, that are secular, neutral, and non-ideological.

Consultation:

The district will consult in a timely and meaningful manner with nonpublic school officials and representatives of parents of parentally-placed nonpublic school students with disabilities regarding the following issues:

1. The process that will be used to locate and identify parentally-placed nonpublic school students with disabilities, including who parents, teachers, and nonpublic school officials will be informed of the process, and how the process will work throughout the school year to ensure that the students can participate in special education and related services.
2. How, where and by whom special education and related services will be provided to such students, and with respect to students with an SP, the types of services that will be provided.
3. With respect to students with an SP, how a proportionate share of the federal funds the district receives under the IDEA will be spent on special education services to such students.
4. The determination of the proportionate amount of the district's IDEA funds available to serve parentally-placed private school students with disabilities, including how that amount was calculated.
5. How services will be apportioned if the proportionate amount of the district's available IDEA funds is not sufficient to serve all parentally-placed nonpublic school students with an SP, and how and when these decisions will be made. Notwithstanding, the district will provide services to students with an IESP, regardless of the apportionment of such federal funds.

The Superintendent will establish a process for obtaining from nonpublic school officials a written affirmation of their participation in the consultation process. If that affirmation is not secured within a reasonable time, the Superintendent will submit to the State Education Department documentation of the consultation process.

Data Collection and Reporting:

The Superintendent will establish a process for maintaining records and report to the commissioner of education on the number of parentally-placed nonpublic school students who are evaluated, and determined to have a disability, and receive special education services from the district.

Cross-ref: 4321, Programs for Students with Disabilities under the IDEA and New York's Education Law Article 89

Ref: Individuals with Disabilities Education Act (IDEA), 20 USC §612(a)(10)(A)
Education Law §§3602-c
8 NYCRR §2002.2 (a)(7)

Adoption date: 7/2/19

(X) Required

() Local

() Notice

**4321.11 PUBLIC REPORT ON REVISIONS TO DISTRICT POLICIES, PRACTICES
AND PROCEDURES UPON A FINDING OF SIGNIFICANT
DISPROPORTIONALITY**

The Board of Education recognizes that, despite the district's best efforts, there may be times when there might be a disproportionate representation of racial and ethnic groups in its special education programs and services, and/or with respect to the suspension of students with disabilities. To minimize the risk of such an occurrence, the Board has endeavored to adopt policies, practices and procedures for the district that are consistent with the IDEA and Article 89 of New York's Education Law, and their implementing regulations.

Nonetheless, upon learning of a significant disproportionality either in the suspension, identification, classification and/or placement of the district's students with disabilities, the Board will immediately review the district's policies, practices and procedures to determine whether they are fully compliant with the requirements of the IDEA and Article 89, or require revisions. If changes are needed, the Board will take immediate steps to adopt and implement any and all necessary revisions.

The Board will inform the public of any revisions to the district's policies, practices and procedures undertaken as a result of a finding of significant disproportionality. The Superintendent will notify school personnel responsible for implementing the revisions.

Cross-ref: 4321 *et seq.* as appropriate.

Ref: Individuals with Disabilities Education Act, 20 USC §§1412(a)(24); 1418(d);
34 CFR §§300.173; 300.646
8 NYCRR §§200.2(b)(15).

Adoption date: 7/2/19

() Required
(X) Local
(X) Notice

4321.12 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. The room will provide a supervised area in order to facilitate self-control, or when it is necessary to remove a student from a potentially dangerous situation or unanticipated situations that pose an immediate concern for the physical safety of the student or others. The location, size and access to the time out room will be in conformance with applicable laws and regulations. The Director of Pupil Personnel Services 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 PPS 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

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.

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. This approach will be limited to self-injurious or aggressive behaviors identified on the child's IEP. If the Committee on Special Education (CSE) or the Committee on Preschool Special Education (CPSE) is considering the use of aversive behavioral intervention for a specific child, they must submit an application to the Commissioner. If the application is approved, and if the CSE/CPSE decides to incorporate it into the IEP, they must then notify the Commissioner.

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 PPS will be responsible for implementation and oversight of this policy.

Ref: 8 NYCRR §200.22

Adoption date: 7/2/19

(X) Required

() Local

() Notice

4321.13 PRESCHOOL SPECIAL EDUCATION

The Board of Education recognizes the value of early intervention to address the needs of preschool children with disabilities. The Board further recognizes its responsibility to ensure that all resident preschool children with disabilities have the opportunity to participate in preschool programs, approved by the Commissioner of Education, from which they may benefit educationally. The Board authorizes the Superintendent of Schools to establish administrative practices and procedures which shall include:

1. locating, identifying, evaluating, referring and placing all preschool children (generally ages three and four) with disabilities. The register of children eligible to attend a preschool program is to be maintained and revised annually by the Committee on Preschool Special Education (CPSE);
2. ensuring that the parent(s)/guardian(s) of preschool age children with disabilities have received and understand the request for consent for evaluation of their child;
3. developing an individualized education program (IEP) for each preschool age child with a disability;
4. appointing and training appropriately qualified personnel, including the members of the CPSE; **[or, if the district doesn't provide preschool programming directly, insert the following: appointing appropriately qualified personnel to the CPSE, and ensuring that preschool education providers with whom the district contracts have appropriately trained and qualified personnel.]**
5. maintaining lists of impartial hearing officers and of State Education Department-approved special education programs within the county and adjacent counties in which the district is located;
6. preparing and keeping on file summary reports of student data including the number of preschool students with disabilities served, as well students referred but not served and the reasons why they are not served; and
7. reporting to the State Education Department the data on preschool children with disabilities as required, on a form prescribed by the Commissioner.

The duties described above will be carried out within the timeframes established by statute and regulation.

The Board of Education hereby establishes the CPSE as required under the Education Law. Its responsibilities will include the evaluation and recommendation for placement in appropriate approved programs and the provision of appropriate special education programs and services for each preschool child with a disability. The CPSE shall review, at least annually, the status of each preschool child with a disability.

It is ultimately the responsibility of the Board to arrange for the appropriate approved preschool program and services for the district's children. Should the Board disagree with the CPSE's recommendations, it shall send the recommendation back to the CPSE so that they may schedule a timely meeting to review the Board's concerns and to revise the IEP, as deemed appropriate.

In the event that a parent/guardian files a due process complaint, a meeting must be convened between the parent/guardian and representatives of the district to try and resolve the complaint within 15 days of receiving the notice, and before the initiation of an impartial hearing. Parents/guardians and the district will jointly determine who should be present at this meeting.

If an agreement cannot be reached, parent/guardians shall be offered mediation to resolve complaints regarding the education of preschool children with disabilities at the same time notice of the availability of an impartial hearing is provided.

The CPSE shall make an annual report on the status of each preschool child with a disability and report on the adequacy of preschool special education programs and services to the Board.

The Board directs the Superintendent to develop and maintain a plan which incorporates information concerning the provision of services for preschool children with disabilities, pursuant to the Regulations of the Commissioner of Education.

Cross-ref: 4321, Programs for Students with Disabilities
 4321.3, Allocation of Space for Special Education Programs
 4321.4, Independent Educational Evaluations
 4321.5, Confidentiality and IEP Distribution
 4321.8, Hearing Officer Appointment and Compensation
 4321.14, Special Education Personnel

Ref: Individuals with Disabilities Education Act, 20 U.S.C. §§1400 et seq.
 34 CFR §§300.12; 300.503
 Education Law §4410
 8 NYCRR Part 200, 200.2, 200.5, 200.16

Adoption date: 7/2/19

(X) Required

() Local

() Notice

4321.14 SPECIAL EDUCATION PERSONNEL

The Board acknowledges its responsibility to recruit, hire, train and retain highly qualified personnel, as defined in the federal Individuals with Disabilities Education Act (IDEA) and its accompanying regulations and in Article 89 of New York State Education law and its accompanying regulations, to provide special education programs and services. In addition, the Board is committed to appointing appropriately qualified personnel to the Committee (and subcommittee) on Special Education (CSE) and Committee (and subcommittee) on Preschool Special Education (CPSE).

The Board will fulfill its obligation with regard to special education personnel by taking measurable steps including, but not limited to the following:

1. Actively recruit personnel who possess prior experience working with students with disabilities.
2. Solicit resumes from graduates of institutions of higher education that offer programs in special education.
3. Seek candidates for teaching positions who are dually certified, to the extent possible.
4. Ensure that every member of the professional staff participates in annual professional performance reviews and professional development plans.
5. Provide appropriate ongoing training and professional development to CSE and CPSE members, and other special education program and service providers to ensure their continuing awareness of their obligations and responsibilities under the law.

The Superintendent is responsible for ensuring that the professional staff is appropriately certified, licensed and trained and that they meet the “highly qualified” standard established in federal and state law. In the event that highly qualified individuals are not available, despite the best efforts of the administration, the Board recognizes its responsibilities to meet the alternative standards established by the State Education Department. The Superintendent, in consultation with the **[insert appropriate title: i.e., Director of Pupil Personnel Services or Administrator for Special Education]**, shall prepare an annual report to the Board which provides information about the certifications and qualifications of the special education professional personnel, as well as a summary of the professional development opportunities offered

Cross-ref: 4321, Programs for Students with Disabilities
9240, Recruiting and Hiring
9700, Staff Development

Ref: Individual with Disabilities Education Act, 20 USC §§ 1412(a)(14), 1413(a)(3)
34 CFR §§ 300.156, 300.207
Education Law §4410
8 NYCRR §§ 200.2(b)(3), (12)

Adoption date: 7/2/19

4322

(x) Required

(X) Local

() Notice

4322 - PROGRAMS FOR THE GIFTED AND TALENTED

The Board of Education encourages the growth of district programs for the gifted to provide a flexible program to promote individual academic growth. The Superintendent shall be responsible for providing innovative leadership required for such a program.

Ref: Education Law §§3602(23); 4451-4453
8 NYCRR Part 142; §§117.3(c)(3),(f)

Adoption date: 7/2/19

() Required
(X) Local
(x) Notice

4325- 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.

Eligibility for academic intervention services will be determined based on a student's performance on school-based tasks including but not limited to results on state assessment exams, classroom assessments, progress monitoring tools, and grade level common assessments and/or in accordance with the uniformly applied district-developed district-adopted procedures. 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 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;
- the academic intervention instructional and/or support services to be provided;
- 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.

Ref: 8 NYCRR §§100.1(g); 100.2(r), (ee); 100.4(b)(4), (d) (Academic Intervention Services)

Adoption date: 7/2/19

(X) Required**() Local****(x) Notice****4326- PROGRAMS FOR ENGLISH LANGUAGE LEARNERS**

The Board of Education believes that students who, by reason of foreign birth or ancestry, have limited English proficiency (referred to here as “English Language Learners” or ELLs), will be more effective learners of both the language and the curriculum if they receive instruction in both their native language and English. The district will therefore take steps to identify ELL students and provide ELL students with an appropriate program of either Bilingual Education or English as a New Language.

Pursuant to this policy and the regulations of the Commissioner of Education, the Superintendent of Schools is directed to develop appropriate administrative regulations to ensure that students are:

1. screened to determine if the student is an ELL, in accordance with Parts 117 and 154 of the Commissioner's Regulations, a process that will include interviews and assessments and will assign each ELL student to the appropriate subpopulation (newcomer, developing, long term, former or inconsistent/interrupted formal education);
2. identified, as appropriate, as an ELL student with a disability;
3. annually evaluated to determine continued ELL eligibility. Included in the evaluation shall be each student's performance in English language proficiency and academic progress in content areas;
4. assured of access to appropriate instructional and support services, including guidance programs within the timeframes provided by Commissioner's Regulations; and
5. assured of having equal opportunities to participate in all school programs and extracurricular activities as non-ELL students.

The Superintendent shall be responsible for ensuring that the Commissioner of Education is provided with a comprehensive plan that describes the district's ELL program and includes all information specified in the Commissioner's Regulations, before the start of each school year. The district will also provide assurances that the district is providing appropriate school-related information to the parents (or persons in parental relation) of ELL students in English and the language they best understand.

The district will provide an orientation program annually for ELL parents and will meet individually with ELL parents at least once a year, in addition to regular parent/teacher meetings.

In addition, the Superintendent shall ensure that all teachers employed in any Bilingual and/or English as a New Language program are properly certified in accordance with the Commissioner's Regulations, and that all staff receive appropriate professional development on ELL students.

Cross-ref: 4321, Programs for Students with Disabilities
9700, Professional Development

Ref: Education Law §3204
English Acquisition, Language Enhancement, and Academic Achievement Act, 20 USC §§6801 et seq
Equal Educational Opportunities Act of 1974, §§201 et seq.,
20 U.S.C. §§1701 et seq.
8 NYCRR §§80-2.9; 80-2.10; 117; Part 154
Lau v. Nichols, 414 U.S. 563 (1974)
Rios v. Read, 480 F. Supp. 14 (1978)
Cintron v. Brentwood UFSD, 455 F. Supp 57 (1978)
Aspira of New York v. Board of Educ. (City of New York), 394 F. Supp. 1161 (1974)

Adoption date: 7/2/19

**PROGRAMS FOR ENGLISH LANGUAGE LEARNERS EXHIBIT
PLACEMENT IN A LANGUAGE INSTRUCTION EDUCATIONAL PROGRAM –
PARENTAL NOTIFICATION**

Dear Parent/Guardian:

Your child (insert child's name) has been identified as an "English Language Learner;" a student in need of help to learn English and the district is recommending placement in a (insert name of program). We have determined (insert child's name) eligibility, and placed (him or her) in such a program based on (insert reasons). Please review this letter, choose one of the options (see below) and sign and return the attached form within 5 school days.

(Child's name) is performing at (insert status of child's academic achievement). We have determined (his or her) level of English proficiency at (insert level) based on (insert how the district assessed that level).

We believe that placement in a (insert name of English instruction program) will help (insert child's name) both to learn English and increase (his/her) level of academic performance. Attached is a series of questions and answers we hope will help you better understand the program in which we have placed (insert child's name) and the benefits of that program.

The district will hold regular meetings at least twice a year for parents/guardians of English learners and we encourage you to attend. At those meetings, we will provide you with information about New York State's Learning Standards and the school's expectations that will help you to better understand the goals of your child's program and suggest ways you can help (insert child's name). In between meetings we are always ready to listen and respond to any questions and recommendations you might have. District staff will also meet with you individually once a year, in addition to regular parent/teacher meetings, to discuss your child's language development progress, English language proficiency assessment results, and language development needs in all content areas.

However, you should know that you have the right to:

1. request that (insert child's name) be immediately withdrawn from the instructional bilingual program that the district has offered your child and schedule a meeting with the building principal and the district supervisor of bilingual education. At a minimum, however, (insert child's name) must participate in an English as a New Language program;
2. request placement in another available program or method of instruction;
3. request assistance in selecting from among the various programs and methods of instruction available; and
4. accept the district's recommended placement.

Whatever your decision, we encourage you to help (insert child's name) attain English proficiency and high academic achievement levels. Some ways in which you can do this include: (insert some examples).

If you have any questions about this notice or the attached information, please contact (insert the name of the Building Principal or the program's coordinator). All of us in the district look forward to working with you to help (insert child's name) improve (his or her) English and overall academic skills.

Sincerely,

Building Principal

* * *

Questions and Answers About Your Child's English Instruction Educational Program

1. What methods of instruction will be used in my child's program?
2. Does the district offer any other programs for English language learners?
3. How do these other programs differ from the one offered my child in terms of methods of instruction, content, instructional goals and the use of English and a native language in instruction?
4. On what basis did the district select my child's program as opposed to another one?

5. How will my child's program specifically help (him or her) learn English and meet age appropriate academic achievement standards for grade promotion and graduation?
6. My child is classified as a student with a disability. How will my child's English learning program meet the objectives set out in (his or her) individualized education program?

Adoption date: 7/2/19

**PROGRAMS FOR ENGLISH LANGUAGE LEARNERS EXHIBIT
PLACEMENT IN A LANGUAGE INSTRUCTION EDUCATIONAL PROGRAM –
PARENT RESPONSE FORM.**

I, as parent/guardian of (insert child's name) , acknowledge receipt of the district's notification regarding my child's eligibility for an English Language Learner program. I elect the following option:

(check one box)

- ☐ I accept the district's recommended placement.
- ☐ I decline the district's recommended placement and request a meeting with the building principal and ELL program supervisor.
- ☐ I request my child's placement in a different district ELL program, (insert the name of the preferred program).

Print Name (Parent)

Parent Signature

Date

Mail to: (district provide mailing address)

Or email to: (provide district email address)

() Required
(X) Local
(X) Notice

4327 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.

In the case of medical issues, the district makes provisions for homebound instruction upon referral from the student's family physician to the building principal following the guidelines established by the Superintendent of Schools for placing a student on homebound instruction and the completion of the accompanying form.

If a student is on homebound instruction due to disciplinary reasons, the building principal will initiate the request. The principal will submit that request to the Assistant Superintendent for Instruction, who will review the case and forward it to the Superintendent. Arrangements will then be made for instruction.

The district will provide homebound instruction for any such resident student who will be absent from school for at least two consecutive weeks, unless otherwise required by law. The district will also provide home instruction for students suspended from school, consistent with State regulation.

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: 7/2/19

CLASS SIZE

The Board of Education desires to keep class sizes in the ranges where effective learning can best occur, recognizing that the actual number of students in classes can be quite variable, depending on the subject matter, the ages of the students, the need for individual attention, the use of laboratory or industrial equipment, and other related factors. It is recognized that smaller class sizes may afford a greater opportunity for individualization.

An effective class size policy may accommodate for differences in ability and learning styles.

The objective of the Class Size policy is to ensure that the Wantagh Public Schools provide a system of education in the best interests of the students within the mainstream of class size trends of the region. This must be coupled with the recognition that financial considerations and the availability of facilities have great impact on the school system and may well result in classes which are larger than provided for in the guidelines.

Adoption date: July, 1994
7/2/19

CLASS SIZE REGULATION

The Superintendent of Schools is responsible for guiding the Board of Education in its decisions regarding class size. The Superintendent, in making decisions regarding class size, should consider the following:

1. what is in the best educational interest of children;
2. input from Building Principals and other professional staff;
3. what is fiscally responsible and sustainable for the community;
4. physical space limitation at the building level.

The Superintendent will review these matters and make recommendations to the Board prior to its reorganization meeting in July based upon the data available at that time.

In making recommendations to the Board, the Superintendent will consider the following guidelines:

Maximum Class Size Grade K:	24
Maximum Class Size Grades 1-3:	25
Maximum Class Size Grades 4-6:	27
Maximum Class Size Grades 7-12:	28

The Superintendent will apprise the Board of criteria 1-4 in making recommendations in regard to the class sizes. The Board, after considering the data presented, may make exceptions.

The Superintendent will provide the Board of Education with an annual class size and district enrollment report to ensure that class size maximums are adhered to as well as to ensure that the district is being fiscally responsible while offering the wide range of academic opportunities to our students. If a secondary elective class size falls below 12, the Superintendent of Schools will make a recommendation to the Board of Education to determine whether to run that course or not.

Adoption Date:	7/94
Revised:	7/19
Revised:	8/21

() Required

(X) Local

(X) Notice

4511 TEXTBOOK SELECTION AND ADOPTION

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, in cooperation with the Assistant Superintendent for Instruction, shall recommend suitable lists of textbooks to be used in the schools for the Board's consideration.

Texts, once approved by the Board, shall not be superseded for a period of five years, except by a three-fourth's vote of 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.

The following criteria are to be considered in the selection of textbooks:

1. textbook or material should have been copyrighted within the past five years;
2. qualifications of the author(s) on the subject;
3. adaptability to existing instructional program;
4. accuracy of the information presented;
5. sufficient scope to meet the requirements of the curriculum as developed locally and approved by the State Education Department;
6. objectivity and impartiality in treatment of subject matter and freedom from bias and prejudice;
7. high quality format in respect to typography, arrangement of materials or pages, cover design, size and margins;
8. appropriateness to grade level as to vocabulary, sentence structure, and organization;
9. textbook series should meet grade-to-grade requirements. They should contain supplementary aids to learning, when desirable and necessary, such as a table of contents, introduction, study activities, exercises, questions, problems, selected references, bibliography, index glossary and appendices;

10. texts should include appropriate illustrative materials--pictures, maps, charts, graphs, diagrams, etc., which clarify the text and enrich the content;
11. materials should fairly represent the many ethnic and cultural groups and their contribution to American heritage; and
12. a reasonable balance of viewpoints regarding controversial issues should be presented.

The following criteria are to be considered in the selection of literary works for classroom use in teaching literature, as well as the assignment of such works to particular grade levels:

1. use of a compositional style which contributes to the reader's critical and appreciative understanding of the work;
2. sophisticated use of literary devices (i.e., metaphor, point of view, tone) to further student understanding of written concepts;
3. levels of student maturity and experience necessary for empathic reading of literature;
4. capacity of a work to capture student interest;
5. thematic treatment which promotes sound and healthy values for students;
6. intrinsic qualities that establish a work as a significant part of the literary heritage; and
7. variety to avoid duplication of theme, plot, setting, etc., unless such duplication affords opportunities for comparison and contrast or serves to reinforce understanding.

Cross-ref: 1420, Complaints about Curricula or Instructional Materials

Ref: Education Law §§701 et seq.; 1711; 2508; 2566

Adoption date: 7/2/19

() Required
(X) Local
(X) Notice

4513- LIBRARY MATERIALS SELECTION

The Board of Education supports the establishment and maintenance in each building of library-media centers which provide services to students and staff. The Board delegates the responsibility to the Superintendent or his/her designee for the selection and purchase of materials and equipment.

The library-media staff will work closely with students, staff and administrative personnel in the selection and evaluation of materials for purchase.

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:

1. provide information that will enrich and support the curriculum, taking into consideration the varied interests, abilities, and maturity levels of the students served;
2. provide information that will stimulate growth in factual knowledge, literary appreciation, aesthetic values, and ethical standards;
3. provide information that will enable students to make intelligent judgments in their daily lives;
4. provide information on opposing sides of controversial issues so that young citizens may develop under guidance the practice of critical reading and thinking;
5. provide information representative of the many religious, ethnic, and cultural groups and their contributions to our American heritage; and
6. place principle above personal opinion and reason above prejudice in the selection of materials of the highest quality in order to assure a comprehensive collection appropriate for the users of the library.

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.

In order to respond to any complaints about, or challenges to, the selection of library materials, the district has adopted regulations (1420-R, Complaints About Curricula or Instructional Materials Regulation) establishing a complaint procedure and providing for a committee to review such complaints or challenges.

If any person wishes to permanently remove materials from a school district library, he/she must seek the formal approval of the Board. The Board may determine that such materials should be removed. Such determination must not be based upon official suppression of ideas, but rather upon the educational suitability of the materials in question. Only the Board and/or the Superintendent may authorize said permanent removal of instructional materials, pursuant to the decision of the Board.

Cross-ref: 1420, Complaints about Curricula or Instructional Materials

Ref: Education Law §§1709(15); 1711(5)(f)
Board of Educ., Island Trees UFSD v. Pico, 457 US 853 (1982)

Adoption date: 7/2/19

() Required
(X) Local
(X) Notice

**4526- COMPUTER USE IN INSTRUCTION:
NETWORK ACCESS AND ACCEPTABLE USE**

The goal of the Wantagh Union Free School District in network access/acceptable use is to improve learning and teaching through interpersonal communication, student and staff access to information, research, staff development, collaboration and dissemination of successful educational practices, methods, and materials. It is the district's responsibility to instruct students about network and Internet safety, their role as a "network citizen" and the code of ethics involved with this new global community.

This policy shall be available for review by parents or guardians on request, and parents or guardians should be familiar with it. The regulation that accompanies this policy contains restrictions on accessing inappropriate and/or harmful material on the Internet through the district's computer network in order to protect users. In addition, the District will employ filtering technology and will monitor and attempt to properly channel online activities of students. However, there is a wide range of material available on the Internet that may not be in keeping with the particular views of the families or the students. The district recognizes that parents have primary responsibility for transmitting their particular set of values to their children and that the parents or guardians of minors are ultimately responsible for setting and conveying standards that their children should follow when using the Internet, media and information sources. Parents are also responsible for monitoring the students' use of the Internet and the district's network if students are using the district's computer network to access the Internet from home.

The Board believes that the benefits of Internet access that result from the vast amount of information resources and opportunities for collaboration outweigh the disadvantages of such access. However, parents or guardians may believe otherwise and therefore, may specifically request that the district not allow their child to have Internet access on the district's computer network. Such request must be made in writing, signed and dated by the parent(s) or guardian and delivered to the student's building principal. Parents or guardians must make separate written requests for each child that will be denied Internet access by the District.

In such cases where Internet use is part of the curriculum of a course or program, students will be permitted to complete alternative projects approved by the student's teacher.

All users of the district's computer network and the Internet must understand that use is a privilege, not a right, and that use entails responsibility. The district reserves the right to control access to the Internet for all users of its computers and network. The district may either allow or prohibit certain kinds of online activity, or access to specific websites.

Regulations and handbooks, to be developed by the Superintendent, in consultation with Director of Technology will provide specific guidance on this, as well as rules governing the use and security of the district's computer network. All users of the district's computer network and equipment shall comply with this policy and regulation. Failure to comply may result in disciplinary action as well as suspension and/or revocation of computer access privileges.

The Superintendent shall be responsible for designating the Director of Technology to oversee the use of district computer resources. The Director will prepare in-service programs for the training and development of district staff in computer skills, and for the incorporation of computer use in appropriate subject areas.

With increased concern about identity theft, unwarranted invasion of privacy and the need to protect personally identifiable information, prior to students being directed by staff to use any cloud-based educational software/application, staff must get approval from the Director of Technology. The Director of Technology will determine if a formal contract is required or if the terms of service are sufficient to address privacy and security requirements, and if parental permission is needed.

The Superintendent, working in conjunction with the designated purchasing agent for the district, the Director of Information Systems and Instructional Technology and the instructional materials planning committee, will be responsible for the purchase and distribution of computer software and hardware throughout district 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.

Cross-ref: 5300, Code of Conduct
 5695, Student Use of Personal Electronic Devices

Adoption date: 7/2/19

COMPUTER USE IN INSTRUCTION: NETWORK ACCESS AND ACCEPTABLE USE REGULATION

The following rules and regulations govern the use of the district's computer network system and access to the Internet.

I. Administration

- The Superintendent of Schools shall designate a **Director of Technology** to oversee the district's computer network.
- The Director of Technology shall monitor and examine all network activities, as appropriate, to ensure proper use of the system.
- The Director of Technology 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 Director of Technology 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 Director of Technology shall ensure that all disks and software loaded onto the computer network have been scanned for computer viruses.
- The Director of Technology will review staff requests to use 'cloud-based' educational software/applications to ensure that personally identifiable information (PII) is protected in accordance with district standards prior to student use.
- All student agreements to abide by district policy and regulations and parental consent forms shall be kept on file in the district office.

II. Internet Access

- Students will be provided Internet access throughout the school day.
- Students will be provided with individual access accounts
- Students may have Internet access for educational purposes only.
- Student Internet access may be restricted depending on the grade level.
- All users will be prohibited from accessing social networking sites; playing online games; purchasing or selling anything online (unless authorized for district purposes); personal email services; and watching videos online (unless authorized for a school purpose).
- Students are not to participate in chat rooms.
- Students may not construct their own web pages using district computer resources.

A staff member will be required to monitor these activities.

III. Acceptable Use and Conduct

- Access to the district's computer network is provided for educational purposes and research 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 written permission from the principal or Director of Information Systems and Instructional Technology may access the district's system from off-site (e.g., from home).
- All network users are expected to abide by the generally accepted rules of network etiquette. This includes being polite and using only appropriate language. Abusive or sexual language or images, vulgarities and swear words are all inappropriate.
- Network users identifying a security problem on the district's network must notify the appropriate teacher, administrator or Director of Information Systems and Instructional Technology. Under no circumstance should the user demonstrate the problem to anyone other than to the district official or employee being notified.

- Any network user identified as a security risk or having a history of violations of district computer use guidelines may be denied access to the district's network.
- A teacher, supervisor or administrator must approve any photograph to be exchanged through electronic means.

IV. Prohibited Activity and Uses

The following is a list of prohibited activity concerning use of the district's computer network. Violation of any of these prohibitions may result in discipline or other appropriate penalty, including suspension or revocation of a user's access to the network.

- 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.
- Using another user's account or password.
- Attempting to read, delete, copy or modify the electronic mail (e-mail) of other system users and deliberately interfering with the ability of other system users to send and/or receive email.
- 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 on the network.
- Using the network to send anonymous messages or files.
- Using the network to receive, transmit or make available to others a message that is inconsistent with the district's Code of Conduct.
- 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 on the district's computers and/or network without the permission of the appropriate district official or employee.
- Using district computing resources for commercial or financial gain or fraud.
- 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 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.

V. No Privacy Guarantee

Students using 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.

In addition, illegal activities are strictly prohibited. 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 that is used and provided.

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, mis-deliveries, or service interruptions caused by its own negligence or the errors or omissions of any user. 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.

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.

Adoption date: 7/2/19

(X) Required☐ Local☐ Notice**4526.1 INTERNET SAFETY**

The Board of Education is committed to undertaking efforts that serve to make safe for children the use of district computers for access to the Internet and World Wide Web. To this end, although unable to guarantee that any selected filtering and blocking technology will work perfectly, the Board directs the Superintendent of Schools to procure and implement the use of technology protection measures that block or filter Internet access by:

- adults to visual depictions that are obscene or child pornography, and
- minors to visual depictions that are obscene, child pornography, or harmful to minors, as defined in the Children's Internet Protection Act.

Subject to staff supervision, however, any such measures may be disabled or relaxed for adults conducting bona fide research or other lawful purposes, in accordance with criteria established by the Superintendent or his or her designee.

The Superintendent or his or her designee also shall develop and implement procedures that provide for the safety and security of students using electronic mail, chat rooms, and other forms of direct electronic communications; monitoring the online activities of students using district computers; and restricting student access to materials that are harmful to minors.

In addition, the Board prohibits the unauthorized disclosure, use and dissemination of personal information regarding students; unauthorized online access by students, including hacking and other unlawful activities; and access by students to inappropriate matter on the Internet and World Wide Web. The Superintendent or his or her designee shall establish and implement procedures that enforce these restrictions.

The Director of Technology designated under the district's policy on the acceptable use of district computers (policy 4526) shall monitor and examine all district computer network activities to ensure compliance with this policy and accompanying regulation. He or she also shall be responsible for ensuring that staff and students receive training on their requirements.

All users of the district's computer network, including access to the Internet and World Wide Web, must understand that use is a privilege, not a right, and that any such use entails responsibility. They must comply with the requirements of this policy and accompanying regulation, in addition to generally accepted rules of network etiquette, and the district's policy on the acceptable use of computers and the internet (policy 4526). Failure

to comply may result in disciplinary action including, but not limited to, the revocation of computer access privileges.

4526.1

As part of this policy, and the district's policy on acceptable use of district computers (policy 4526), the district shall also provide age-appropriate instruction regarding appropriate online behavior, including:

1. interacting with other individuals on social networking sites and in chat rooms, and
2. cyberbullying awareness and response.

Instruction will be provided even if the district prohibits students from accessing social networking sites or chat rooms on district computers.

Cross-ref: 4526, Computer Use in Instruction

Ref: Children's Internet Protection Act, Public Law No. 106-554
Broadband Data Services Improvement Act/ Protecting Children in the 21st Century Act, Public Law No. 110-385
47 USC §254
20 USC §6777

Adoption date: 7/2/19

4526.1R -INTERNET SAFETY REGULATION

The following rules and regulations implement the Internet Safety Policy adopted by the Board of Education to make safe for children the use of district computers for access to the Internet and World Wide Web.

I. Definitions

In accordance with the Children's Internet Protection Act,

- Child pornography refers to any visual depiction, including any photograph, film, video, picture or computer or computer generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct. It also includes any such visual depiction that (a) is, or appears to be, of a minor engaging in sexually explicit conduct; or (b) has been created, adapted or modified to appear that an identifiable minor is engaging in sexually explicit conduct; or (c) is advertised, promoted, presented, described, or distributed in such a manner than conveys the impression that the material is or contains a visual depiction of a minor engaging in sexually explicit conduct.
- Harmful to minors means any picture, image, graphic image file, or other visual depiction that (a) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion; (b) depicts, describes or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and (c) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

II. Blocking and Filtering Measures

- The Superintendent or his or her designee shall secure information about, and ensure the purchase or provision of, a technology protection measure that blocks access from all district computers to visual depictions on the Internet and World Wide Web that are obscene, child pornography or harmful to minors.
- The district's Director of Information Systems and Instructional Technology shall be responsible for ensuring the installation and proper use of any Internet blocking and filtering technology protection measure obtained by the district.
- The Director of Information Systems and Instructional Technology or his or her designee may disable or relax the district's Internet blocking and filtering technology measure only for adult staff members conducting research related to the discharge of their official responsibilities.

- The Director of Information Systems and Instructional Technology shall monitor the online activities of adult staff members for whom the blocking and filtering technology measure has been disabled or relaxed to ensure there is not access to visual depictions that are obscene or child pornography.

III. Monitoring of Online Activities

- The district's Director of Technology shall be responsible for monitoring to ensure that the online activities of staff and students are consistent with the district's Internet Safety Policy and this regulation. He or she may inspect, copy, review, and store at any time, and without prior notice, any and all usage of the district's computer network for accessing the Internet and World Wide Web and direct electronic communications, as well as any and all information transmitted or received during such use. All users of the district's computer network shall have no expectation of privacy regarding any such materials.
- Except as otherwise authorized under the district's Computer Network or Acceptable Use Policy, students may use the district's computer network to access the Internet and World Wide Web only during supervised class time, study periods or at the school library, and exclusively for research related to their course work.
- Staff supervising students using district computers shall help to monitor student online activities to ensure students access the Internet and World Wide Web, and/or participate in authorized forms of direct electronic communications in accordance with the district's Internet Safety Policy and this regulation.
- The district's Director of Technology shall monitor student online activities to ensure students are not engaging in hacking (gaining or attempting to gain unauthorized access to other computers or computer systems), and other unlawful activities.

IV. Training

- The district's Director of Technology shall provide training to staff and students on the requirements of the Internet Safety Policy and this regulation at the beginning of each school year.
- The training of staff and students shall highlight the various activities prohibited by the Internet Safety Policy, and the responsibility of staff to monitor student online activities to ensure compliance therewith.
- The district shall provide age-appropriate instruction to students regarding appropriate online behavior. Such instruction shall include, but not be limited to: positive interactions with others online, including on social networking sites and in chat rooms; proper online social etiquette; protection from online predators and personal safety; and how to recognize and respond to cyberbullying and other threats.

- Students shall be directed to consult with their classroom teacher if they are unsure whether their contemplated activities when accessing the Internet or World Wide Web are directly related to their course work.
- Staff and students will be advised to not disclose, use and disseminate personal information about students when accessing the Internet or engaging in authorized forms of direct electronic communications.
- Staff and students will also be informed of the range of possible consequences attendant to a violation of the Internet Safety Policy and this regulation.

V. Reporting of Violations

- Violations of the Internet Safety Policy and this regulation by students and staff shall be reported to the Building Principal.
- The Principal shall take appropriate corrective action in accordance with authorized disciplinary procedures.
- Penalties may include, but are not limited to, the revocation of computer access privileges, as well as school suspension in the case of students and disciplinary charges in the case of teachers.

Adoption date: 7/2/19

() Required
(X) Local
 (x) Notice

4531-FIELD TRIPS AND EXCURSIONS

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 or guardian before participating in such activity.

It is the policy of the Board to ensure supervision for any school groups (under its jurisdiction) who go to other schools to represent the school in competition, as guests, or on field trips and excursions.

Routine field trips are those taken within the community, the metropolitan area and New York State in general. The main criterion for assessing the value of a routine field trip is that it shall be a valuable educational experience relating directly to the educational program. Routine field trips must be approved by the Building Principal and the Assistant Superintendent for Instruction.

Field trips that extend beyond New York State shall be considered non-routine. It is district policy that the Board receive notification of such non-routine field trips before receiving approval by the Superintendent and prior to any announcements of the potential trips being issued to students. Teachers and administrators should be mindful of this because it will require ample prior planning to allow sufficient time for the Superintendent's consideration. Only after approval has been received by the Superintendent may teachers issue announcements and field trip request forms.

The Board discourages any overnight trips, even if curriculum related, which will result in being away when school is in session. However, the Superintendent will review each individual case on its merits. Prior approval by the Superintendent must be received for any overnight trip even if it takes place within the State of New York if it means that school will be missed. The noted exceptions to this are invitational sports events or curriculum in which case the Principal, in conjunction with the Assistant Superintendent for Instruction, will make the final determination regarding approval.

Extracurricular field trips are those for which attendance is optional and which are not an integral part of the school program. Extracurricular field trips such as ski trips, language trips to Canada, Mexico, etc., will not be financially supported by the Board. However, such trips must still receive approval from the Superintendent.

No school personnel shall participate in making arrangements for field trips during working hours if the trip is not a school-supported one. If any school employee makes arrangements for such trips on their own time, field trip permission forms issued must clearly state that the trip is not school sponsored. School premises may not be used for the departure or return of such trips.

Transportation

All members of such groups are required to travel together with the faculty representative of the school on the way to and from the place visited, and for the duration of the trip. Transportation is arranged by the Business Office and every group member is expected to go and return with the group unless specifically excused by the supervisor of the trip upon receipt of a written request by a parent or guardian. Such excused students are only to be released to their specific parent or guardian.

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:

1. 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
2. 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.

Ref: Education Law §§1604; 1709; 1804; 1903; 2503; 2554; 2590-e

Adoption date: 7/2/19

FIELD TRIPS AND EXCURSIONS REGULATION

Purpose of Field Trips

Field trips should be planned to enrich classroom experiences and provide the student with an educational experience directly related to the curriculum that the class is studying. This experience should be one that cannot be duplicated within the local school setting.

Pre-Field Trip Procedures

1. The faculty member(s) planning the field trip should be familiar with the facility to which the field trip will be taken and evaluate the setting for the appropriateness of the resources for the students in the particular grade and age level who would be going.
2. Once the decision has been made by the faculty member(s) to proceed with the field trip, a field trip request form should be processed. In the elementary school, approval for field trips must be obtained from the Building Principal. In the secondary school, approval must first be obtained from the Department Chairperson and then the Principal. The Principal will maintain a file of all field trip application forms and permission slips.
3. Field trip approval must be obtained, and, if using buses, a bus request made at least two weeks in advance of the proposed trip. Where possible, public transportation should be utilized in order to conserve energy.
4. Before going on any school sponsored trip, each student must have a "permission slip" signed by a parent or a guardian.
5. When there is a choice of scheduling field trips during school hours and at times when school is not in session, it is preferable to avoid school hours.
6. In all cases the Building Principal will be consulted by the sponsoring teacher or group and he/she will make a decision regarding the educational value of a proposed field trip.
7. Adequate chaperoning will be provided for all field trips so that students will have supervision throughout the entire field trip experience. It is recommended that a ratio of 1-10 on the elementary level (K-5), and 1-20 on the secondary level (6-12), adult-student chaperoning ratio be maintained. Parents can be included as chaperones in establishing this ratio.
8. In all matters arising during the trip, the teacher's decisions will prevail. If an administrator is on the trip, the administrator's decision will prevail.
9. Before announcing a field trip to students, teachers will discuss the possibilities with the Building Principal. If it is the type that will require Central Administrative approval, such approval shall be secured prior to announcing it to the students.

10. If a student requires medication, be certain to have written parental authorization describing the name of the medication, the dosage, and the allotted times the student should take the medication. A teacher has the right to decline administering medication to students. If a child must have medication and the parent or school nurse is not attending the trip, the child may have to stay home.
11. In all schools "Procedures for Successful Education Field Trips" shall be followed.

Field Trip Finances

Field Trip Implementation

1. All trips shall terminate at the school or location from which it originated. 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.
2. The teacher(s) who accompany the students on a field trip must maintain constant supervision over the students during the entire trip.
3. The same rules governing students' conduct at school apply to all trips outside the school.
4. Students taking part in school activities - field trips, sports -- that require a bus must ride the bus going to the planned destination and returning from the planned destination. In the secondary schools, students are not allowed to ride in student cars on field trips.
5. When returning from a field trip:
 - a. if students participating in a field trip return prior to the close of school, they are to report to their respective classes; and
 - b. if students participating in a field trip return after the close of school, the faculty member(s) supervising the students shall remain with them until the students are legally dismissed. The Board of Education assumes no responsibility for transporting students to their homes.
6. Every field trip bus shall have a teacher in charge who rides with the children on the bus.

Field Trip Restrictions

1. In the secondary schools, field trips should not be planned during the last two weeks of each marking period or the last six weeks of school. The Superintendent of Schools may make exceptions to this rule.
2. When a faculty member is planning a trip for a large group, participation by 80% of the student group involved is necessary.
3. Field trip approval is contingent upon proper coverage of a teacher's classes and/or funds available to hire qualified substitutes.
4. After the Principal has approved a field trip request, he/she will forward the transportation request to the Transportation Office. Such request will be granted subject to the availability of the buses for the date and hours requested.
5. In the secondary schools, any work missed by participation in a field trip must be made up.
6. Student's exclusion will occur if:
 - a. student is deemed a safety, security, or behavioral risk; or
 - b. student fails to return a signed permission slip by the day before the field trip.

Adoption date: 7/2/19

() Required

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, and experience to benefit the students of the district. For the purposes of this policy, volunteers are defined as individuals who assist the district and its students on an ongoing basis beyond the typical school day, including extracurricular activities such as clubs and athletics. Support provided by individuals at functions typically facilitated by the PTA or field trip chaperones are not bound by this policy.

Volunteers may be involved in many facets of school operations, but to the greatest extent possible volunteers shall not be permitted to have unsupervised direct contact with students. Should the advisor or coach of a club, activity, or sport decide that a volunteer's activity may necessitate regular unsupervised direct contact with students, they would need to inform the Human Resources Office where the volunteer would submit a formal application. Volunteers shall not be used to provide transportation for school-sponsored activities. 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.

Volunteers will be required to complete the form, be fingerprinted, and disclose any criminal convictions. 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 staff member who supervises volunteers may ask any volunteer who violates district policies, regulations or school rules to leave school grounds. 2 Each Building Principal shall be responsible for maintaining a current and complete list of all active volunteers and their assignments.

() Required
(X) Local
() Notice

4710 GRADING SYSTEMS

Grading is considered a positive tool to indicate achievement and development in each class or subject in which a student is enrolled. The Board of Education recognizes that the classroom teacher has the primary responsibility to evaluate students and determine student grades.

The district shall use a uniform grading system. Classroom teachers shall evaluate students and assign grades according to the established system.

Grading shall be based upon student improvement, achievement, and participation in classroom discussions and activities. Parents/guardians shall be provided a written report card at least four (4) times a year regarding their child's progress. The use of marks and symbols will be appropriately explained.

Grading shall not be used for disciplinary purposes, i.e., reducing grade for an unexcused absence, although a lower grade can be given for failure to complete assigned work or for lack of class participation.

All students are expected to complete the assigned class work and homework as directed. Students are also expected to participate meaningfully in class discussions and activities in order to receive course credit. If work is missed due to absence, the student is expected to make up the work. The student and/or the student's parent(s) or guardian(s) should discuss with the student's teacher an appropriate means of making up the missed work. With the possible exception of absences intended by the student as a means of gaining an unfair academic advantage (e.g., to secure more time to study for a test), every effort will be made to provide students with the opportunity and assistance to make up all work missed as a result of absence from class.

The professional judgment of the teacher shall be respected. Once a grade is assigned to a student by a teacher, the grade may only be changed by a district administrator after notification to the teacher of the reason for such change. Should an administrator enforce a grade change, he/she shall be prepared to report to the Superintendent of Schools and/or the Board.

Cross-ref: 5100, Attendance

Ref: Education Law §§3202; 3205 et seq.
Matter of Nathaniel D., 32 EDR 67 (1992)
Matter of Hegarty, 31 EDR 232 (1992)
Matter of Shepard, 31 EDR 315 (1992)
Matter of Handicapped Child, 32 EDR 83 (1992)
Matter of Ackert, 30 EDR 31 (1990)
Matter of Augustine, 30 EDR 13 (1990)
Matter of Boylan, 24 EDR 421 (1985)
Matter of Burns, 29 EDR 103 (1989)
Matter of Chipman, 10 EDR 224 (1971)
Matter of Dickershaide, 26 EDR 112 (1986)
Matter of Fitchett-Delk, 25 EDR 178 (1985)
Matter of Gibbons, 22 EDR 134 (1982)
Matter of LaViolette, 24 EDR 37 (1984)
Matter of MacWhinnie, 20 EDR 145 (1980)
Matter of McClurkin, 28 EDR 136 (1988)
Matter of Reid, 65 Misc 2d 718 (1971)
Matter of Rivers, 27 EDR 73 (1987)
Matter of Shamon, 22 EDR 428 (1983)

Adoption date: 7/2/19

(X) Required**() Local****() Notice****4750- 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. The district strongly believes that the retention of a student in grades k through 8 should only be considered as an absolute last resort after every other type of support or intervention has been attempted.

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 and to provide supports. The Building Principal and the parents/guardian must be notified promptly if a student is at risk for retention, and a special support program must be designed and implemented 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 Child Study Team, or ultimately the Committee on Special Education for evaluation. In any situation whereby the building team is considering retention for a student, the Superintendent of Schools must be notified and consulted.

Promotion/Retention

Elementary schools. At the elementary level, students who demonstrate grade level proficiency levels in math, reading, and writing must be promoted. retention is limited to those situations where the best interest of the child is reasonably assured. Every effort will be made to avoid retention as a support strategy and all available resources will be used to determine the child's appropriate placement.

Middle schools. Students who fail any course in the middle school will have the failure evaluated. A determination will be made as to the reason for the failure and the student may be required to repeat the subject, but in typical cases shall be promoted with recommendation for summer school. The decision will be arrived at by consensus from a case conference approach involving teacher, Principal and guidance counselor.

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. In any situation whereby the building team is considering retention for a student, the Superintendent of Schools must be notified and consulted. 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 in consultation with the Superintendent of Schools 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.

Cross-ref: 4321.2, School-wide Pre-referral and Intervention

Ref: Education Law §§ 305(47); 1709; 2503(4); 3202
8 NYCRR §§ 100.2(l); 100.3(b)(2); 100.4(b)(2),(e)
Isqwith v. Levitt, 285 App. Div. 833; 137 N.Y.S.2d 497 (1955)
Matter of Eckert, 13 EDR 270 (1979)
Op. Counsel, 1 EDR 775 (1952)

Adoption date: 7/2/19

() Required

(X) Local

(x) Notice

4770 GRADUATION REQUIREMENTS

The Board of Education will determine the graduation requirements of the district in accordance with the Regulations of the Commissioner of Education. The Superintendent of Schools shall develop regulations setting forth the diploma requirements. Such regulations shall be approved by the Board and shall be provided to students and parents each year once a student reaches the eighth grade.

Participation in the graduation exercises will be predicated on satisfactory completion of all graduation requirements.

Ref: 8 NYCRR §100.5

Adoption date: 7/2/19

() Required
(X) Local
() Notice

TEACHING ABOUT CONTROVERSIAL ISSUES

The Board of Education recognizes their broad responsibility for providing for a course of study in the schools that is appropriate to the age and ability of the students in the district. The Board also recognizes that within the broad parameters of curriculum, a teacher must be free to engage students in classroom discussion and debate in order to stimulate the exchange of ideas and critical thinking.

Controversial issues may arise that deal with matters about which there are varied levels of opposing views, biases emotions, and/or conflict. The Board wishes to ensure that controversial issues are presented in a manner that preserve the academic integrity of the district and reflects community values. Therefore, the Board establishes the following guidelines for teachers to follow when presenting controversial issues in the classroom:

1. In the classroom, matters of a controversial nature shall be handled as they arise in the normal course of instruction and not introduced for their own sake. Such issues shall be neither sought nor avoided.
2. When presenting various positions on a controversial issue, the teacher shall take care to balance major views and to assure that as many sides of the issues as possible are presented in a fair manner, with no position being espoused by the teacher as the only one acceptable.
3. When materials dealing with controversial topics are to be used, assigned or recommended, such materials must:
 - have educational value and be relevant to the curriculum;
 - be appropriate to the age and maturity level of the students; and
 - not adversely affect the attainment of the district's instructional goals or result in substantial disruption of the normal operation of the classroom.

Prior to presenting controversial materials to their students all teachers shall:

1. review carefully any and all material to be distributed to students with the understanding that they will be responsible and accountable for all materials distributed; and
2. notify the **Department Chairperson** in advance of the dissemination of any material likely to be considered controversial by staff, class or community.

The Chairperson will review the materials pursuant to the guidelines above.

Ref: *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503 (1969) (students have First Amendment rights)
Hazelwood v. Kuhlmeier, 484 U.S. 260 (1988) (limitations on students First Amendment rights in an educational setting)
Board of Education v. Pico, 457 U.S. 853 (1982) (balance discretion of the Board over educational affairs with student's constitutional rights)
Appeal of Malverne Union Free School District, 29 Educ. Dep't. Rept. 363 (1990) (teachers First Amendment rights in an educational setting)
Appeal of O'Connor, 29 Educ. Dep't. Rept. 48 (1989) (notification prior to dissemination of controversial materials)

Adoption date: 7/2/19

(X) Required

() Local

(X) Notice

ANIMALS IN THE SCHOOLS

The Board of Education recognizes that the study of living things is essential to effective instruction in the life sciences. The primary goals for demonstrations and investigations involving animals are to achieve an interest in and an understanding of the life processes, to demonstrate biological principles, and to teach proper care and handling of animals. Therefore, the Board requires that any such instructional activities, investigations, and projects be well-planned and adequately supervised, and be conducted with a respect for life and an appreciation of the health and safety of both animals and students.

The Board also recognizes that some students have a moral or religious objection to dissection or otherwise harming or destroying animals. In accordance with state law, students shall have the right to opt out of dissection activities, provided that the student performs an alternative project approved by the student's teacher. The objection must be substantiated in writing by the student's parent or guardian.

At the start of the school year, teachers of courses that include animal dissection shall give notice to the students in those classes of their opt-out rights and responsibilities under the law and this policy. Such notice shall be shared with parents of those students, and also be available upon request.

Ref: Education Law §809(4)

Responsible Use of Live Animals and Dissection in the Science Classroom, National Science Teachers Association Position Statement, revised March 2008 (www.nsta.org/about/positions/animals.aspx)

Adoption date: 7/2/19

STUDENT POLICIES GOALS

Concept and Roles in Student Personnel

The focus of the school system is on the learner, the student. The student's educational development toward the school's goals is the central concern of the Board of Education's policies and the administrator's regulations.

The Board will attempt to erase limitations of facilities and means that stand in the way of our schools' availability to all who are eligible to attend. This includes non-resident students (tuition students) who may be accepted in the regular and special schools and classes of the district.

The educational program and activities of the district shall be designated to meet the individual educational needs of qualified students with disabilities, and conducted in the regular school environment whenever possible.

Discrimination among students applying for admission to or attending our schools with respect to race, color, religion, creed, age, marital status, national origin, sex, disability or economic status is prohibited. This shall apply in the educational programs and activities, not limited to, but including, course offerings, athletic programs, guidance and counseling tests and procedures. An affirmative action program shall be an integral part of every aspect of educational policies and programs to the maximum extent possible.

Adoption date: July, 1994

EQUAL EDUCATIONAL OPPORTUNITIES

There shall be no discrimination among students applying for admission to or who attend our schools with respect to color, race, creed, religion, national origin, sex, disability, marital status or age.

Sex Discrimination

No discrimination among the sexes shall be permitted in opportunities for admission, participation in curricular and cocurricular activities including intramural and interscholastic sports, privileges and other advantages. In certain special cases, as provided by law and policies and regulations in this manual, separate provisions may be made for students according to sex with respect to such matters as protection of modesty in shower rooms and in sex instruction, grading standards in Physical Education and athletic competition, choral groups, drill teams, cheerleaders and the like.

The faculty will be especially sensitive in guarding against sex discrimination and stereotyping in all school operations.

Cross-ref: 5200, Cocurricular and Extracurricular Programs
 5270, Intramural Programs
 5280, Interscholastic Athletics

Ref: Civil Rights Act of 1964, as amended in 1972, Title VI, Title VII
 Executive Order 11246, 1965, amended by Executive Order 11375
 Educational Amendments of 1972, Title IX; 45 CFR, Parts 81, 86
 Education for all Handicapped Children Act (P.L. 94-142)
 Vocational Rehabilitation Act of 1973, §504
 Brown v. Board of Education, 347 U.S. 483 (1954)

Adoption date: July, 1994

EQUAL EDUCATIONAL OPPORTUNITIES REGULATION

Nondiscrimination

It is the duty of the school administration to prevent unjust discrimination in all aspects of school life.

No student shall suffer unjust discrimination or receive punishment for reasons of participation or membership in any lawful organization which carries on its activities outside the school unless these activities interfere with the objectives of the school.

No teacher may enforce a rule in class which is in conflict with a student's rights and responsibilities, or any other rules set by the school administration.

Copies of a statement of rights and responsibilities, as well as any other rules and regulations to which students are subject, are available to all students.

Any student who feels he/she has been unjustly discriminated against, believes his/her rights have been violated, or has any other grievance concerning school affairs or administrative decisions, may report said grievance to an administrator.

Sex Discrimination

That feature of the Board's policy on sex discrimination is based in part upon Federal Title IX regulations and recent court decisions and requires that henceforth:

1. in intramural and interscholastic athletics no sex discrimination shall be permitted with respect to sport or levels of competition, provisions of equipment and supplies, scheduling of games and practice times, opportunity to receive coaching and instruction, assignment of coaches and instructors, provisions of locker rooms, practice or competitive facilities, provision of medical facilities and services, and publicity. The school district is not required to duplicate the athletic program for males and females. The intent shall be to make each category of activity contribute to the goal of equal opportunity in athletics rather than to the details related to each of the categories. Equal aggregate expenditures for male and female teams are not required as disparate effect on opportunity.

Separate teams for each sex are permitted provided that the opportunities to participate are the same. There must be no concentration on a one-sex sport in any one season. If a group of one sex wants to participate in a sport which is only open to the other, either a team shall be set up for them, or both sexes permitted to play on the only available team.

From H.E.W. Memorandum on "Elimination of Sex Discrimination in Athletic Programs," dated September 1975:

"Contact sports and sports for which teams are chosen by competition may be offered either separately or on a unitary basis."

"Contact sports are defined as football, basketball, boxing, wrestling, rugby, ice hockey and any other sport the purpose of major activity of which involves bodily contact. Such sports may be offered separately."

If by opening a team to both sexes in a contact sport an educational institution does not effectively accommodate the abilities of members of both sexes, separate teams in that sport will be required if both men and women express interest in the sport and the interests of both sexes are not otherwise accommodated. For example, an institution would not be effectively accommodating the interests and abilities of women if it abolished all its women's teams and opened up its men's teams to women, but only a few women were able to qualify on the men's team."

2. In all classes, including Physical Education, Industrial Arts, Home Economics, and Typing, boys and girls must be treated and expected to perform on an equal and integrated basis. There may be no special adaptation made in classes because of the sex distinction, except that separation during participation in contact sports, according to ability, and in sex education is permitted.
3. All activities programs including clubs, forensics, music, drama and the like shall be equally available to both sexes. Separate vocal chorus groups based upon voice ranges, pom-pom groups, drill teams, cheerleaders, and the like, may be separated as to sex.
4. Honors, awards, letters and other means of recognizing meritorious student achievement shall be equally available to and in practice equally conferred upon both males and females.
5. Any separation of males and females into separate lines, rows, or other categories is prohibited except where requirements of modesty and rights of privacy of either sex might be jeopardized.
6. Benefits and services, including medical and insurance policies, services for students, counseling, assistance in obtaining employment and any kind of financial aid shall be equally available to males and females.
7. Title IX preempts all state and local laws, policies, regulations or other requirements in conflict therewith.
8. Testing and other materials used in counseling may not be different for males and females if they lead to different treatment of students on the basis of sex.

Cross-ref: 5311.3, Student Complaints and Grievances

Adoption date: July, 1994

SEXUAL HARASSMENT OF STUDENTS

The Board of Education is committed to safeguarding the right of all students within the school district to learn in an environment that is free from all forms of sexual harassment. Conduct is deemed to be sexual harassment when the recipient perceives such behavior as unwelcome. It is irrelevant that the harasser had no intention to sexually harass the person. The Board recognizes that sexual harassment of students can originate from a person of either sex against a person of the opposite or same sex, and from peers as well as employees, board members or any individual who foreseeably might come in contact with students on school grounds or at school-sponsored activities. When an alleged sexual harassment occurs and the district knows about it, they shall take immediate and appropriate corrective action.

The Board, consistent with State and Federal law, therefore condemns all unwelcome behavior of a sexual nature which may impose a requirement of sexual cooperation as a condition of academic advance, or which may have the purpose or effect of creating an intimidating, hostile, or offensive learning environment. The Board also prohibits any retaliatory behavior against complainants or any witnesses.

Any student who believes that he or she has been subjected to sexual harassment should report the alleged misconduct immediately, pursuant to 5020.1-R, so that appropriate corrective action, up to and including discharge of an employee or suspension of a student, may be taken at once. The complainant shall not be discouraged from reporting an incident of alleged sexual harassment. In the absence of a victim's complaint, the Board, upon learning of, or having reason to suspect, the occurrence of any sexual misconduct, will ensure that an investigation is promptly commenced by appropriate individuals.

The Superintendent of Schools is directed to develop and implement specific procedures on reporting, investigating and remedying allegations of sexual harassment. Such procedures are to be consistent with any applicable provisions contained in the district's policy manual, collective bargaining agreements, the tenure laws as well as other Federal and State laws on sexual harassment. Training programs shall be established for students and employees to raise awareness of the issues surrounding sexual harassment and to implement preventative measures to help reduce incidents of sexual harassment.

A copy of this policy and its accompanying regulation are to be distributed to all personnel and students and posted in appropriate places.

Ref: Education Amendments of 1972, Title IX, 20 U.S.C. §1681
Franklin v. Gwinnett County Public Schools, 112 S. Ct. 1028 (1992)
Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986)
34 CFR §§106.8; 106.9

Adoption date: July, 1994

SEXUAL HARASSMENT OF STUDENTS REGULATION

In addition to any relevant procedures contained in policy 5311.3, Student Complaints and Grievances, the following regulation will implement the Board of Education's policy concerning sexual harassment of students.

A student can be subject to sexual harassment by a student, employee, board member or any individual who foreseeably might come in contact with the student on school grounds or at school activities. Sexual harassment experienced by students is not always easily recognized. The following are examples of sexual harassment one should be aware of when dealing with a complaint of alleged sexual harassment:

1. unwanted sexual behavior, which may include touching, verbal comments, sexual name calling, spreading sexual rumors, gestures, jokes, pictures, leers, overly personal conversation, cornering or blocking student's movement, pulling at clothes, attempted rape and rape;
2. a female student in a predominantly male class subjected to sexual remarks by students or teachers who regard the comments as joking and part of the usual classroom environment;
3. impeding a girl's progress in classes, such as industrial arts, by hiding her tools, questioning her ability to handle the work or suggesting she is somehow "abnormal" for enrolling in such a class;
4. purposefully limiting or denying female students access to educational tools, such as computers; and
5. teasing a male student about his enrollment in a home economics class.

Procedures

The Board of Education shall designate a Compliance Officer to carry out the district's responsibilities associated with compliance with Title IX pursuant to policy 5311.3, Student Complaints and Grievances. In addition, the Board will designate a second individual for ensuring compliance with Title IX in regard to sexual harassment so that students who believe that they have been subjected to sexual harassment will have a second avenue of complaint, if the alleged harasser is the Compliance Officer.

The Board shall notify all students and employees of the name, office address and telephone number of both designees. In addition, the Board through this regulation has established grievance procedures that provide for prompt investigation and equitable resolution of student sexual harassment complaints.

The Superintendent of Schools shall implement specific and continuing steps to notify students, parents, employees, and prospective students or employees that the school district does not discriminate on the basis of sex in the educational programs or activities which it operates as required by Title IX. Such notification shall include publication in: local newspapers; newspapers and magazines operated by the district or by student, alumnae, or alumni groups for or in connection with the district; and memoranda or other written communications distributed to every student and employee.

All reports of sexual harassment will be held in confidence, subject to all applicable laws and any relevant provisions found in the district's policy manual and collective bargaining agreements.

Consistent with federal and state law, and all applicable provisions contained in the district's policy manual and collective bargaining agreements, the following procedures shall be employed in handling any report, investigation and remedial action concerning allegations of sexual harassment:

Students who believe they have been subjected to sexual harassment are to report the incident to the Compliance Officer or the second designee as described above. The Compliance Officer or designee shall notify the Building Principal and the Superintendent of all complaints. The student can pursue his/her complaint informally or file a formal complaint.

Investigation of a Complaint

Upon receipt of a formal or informal complaint, a prompt, thorough and impartial investigation of the allegations must follow. This investigation is to be conducted diligently. All witnesses shall be interviewed and if requested, the victim shall speak with an individual of the same sex. Complainants are to be notified of the outcome of the investigation.

Informal Complaints

In addition to notification to the Compliance Officer or the Board's designee as described above, students who believe they have been subjected to sexual harassment may request that an informal meeting be held between themselves and the Building Principal or Superintendent. The student may also request a meeting with a counselor or administrator of the same sex. Parents or guardians of the student shall be notified of their right to attend the interview with their child. The purpose of such a meeting will be to discuss the allegations and remedial steps available.

The Building Principal or Superintendent will then promptly discuss the complaint with the alleged harasser. The alleged harasser shall be informed of his/her right to representation by counsel. Should the alleged harasser deny the allegations, the Building Principal or Superintendent is to inform the complainant of the denial and request a formal written complaint to file with his/her report to the next level of management on what has transpired to date. If the complainant submits a formal complaint, a copy of the complaint shall accompany the Building Principal's or Superintendent's report with a recommendation for further action.

Should the harasser admit the allegations, the Building Principal or Superintendent is to obtain a written assurance that the unwelcome behavior will stop. Depending on the severity of the charges, the Building Principal or Superintendent may impose further disciplinary action. Thereafter, the Building Principal or Superintendent is to prepare a written report of the incident and inform the complainant of the resolution. The complainant is to indicate on the report whether or not he/she is satisfied with the resolution.

If the complainant is satisfied with the resolution, the incident will be deemed closed. However, the complaint may be reopened for investigation if a recurrence of sexual harassment is reported. The Building Principal or Superintendent is to inform the complainant to report any recurrence of the harassment or any retaliatory action that might occur. Should the complainant be dissatisfied with the resolution, he/she is to file a formal written complaint.

If during the Building Principal or Superintendent's informal attempt to resolve the complaint, the alleged harasser admits the allegations but refuses to give assurance that he/she will refrain from the unwelcome behavior, the Building Principal or Superintendent is to file a report with the next appropriate level in the complaint procedure. The report is to indicate the nature of the complaint, a description of what occurred when the Building Principal or Superintendent informed the alleged harasser of the allegations against him/her, the harasser's response to the allegations, and a recommendation that stronger corrective measures be taken. This report should be accompanied by the student's formal complaint.

Formal Complaints

Formal complaints may be submitted either to initially report any incidence of sexual harassment, or as a follow-up to an unsatisfactory resolution of an informal attempt to resolve a complaint. In the latter case, the formal written complaint is to be submitted to the Building Principal or Superintendent originally consulted, who will then forward it to the next appropriate level of management, e.g., the Superintendent or the Board of Education, for appropriate action.

The formal written complaint will consist of any appropriate forms and a copy of any applicable Building Principal or Superintendent reports. The appropriate forms solicit the specifics of the complaint, e.g., date and place of incident, description of sexual misconduct, names of any witnesses, and any previous action taken to resolve the matter.

The Superintendent or the Board shall take immediate, appropriate and corrective action upon a determination of sexual harassment. The Superintendent or the Board shall notify the complainant of any findings and action taken.

Remedial Action

If the investigation reveals that sexual harassment has occurred, appropriate sanctions will be imposed in a manner consistent with any applicable law, district policies and regulations and collective bargaining agreements. Depending on the gravity of the misconduct, sanctions may range from a reprimand up to and including dismissal of an employee or suspension or permanent suspension of a student.

Anyone subjecting complainants or witnesses to any form of retaliation will also be subject to disciplinary action in the manner prescribed by law and consistent with any applicable provisions in the district's policy manual or collective bargaining agreements. If the investigation reveals that no sexual harassment has occurred, or if the complainant is not satisfied with the remedial action taken after a finding of sexual harassment, the complainant may appeal to the next appropriate level in the complaint procedure. The appeal must include a copy of the original complaint, all relevant reports, the specific action being appealed, and an explanation of why the complainant is appealing.

Post Remedial Action

Following a finding of sexual harassment, victims will be periodically interviewed by the appropriate Building Principal or Superintendent to ensure that the harassment has not resumed and that no retaliatory action has occurred. In the discretion of the district, these follow-up interviews will continue for an appropriate period of time. A report will be made of any victim's response.

Complaint Records

Upon written request, complainants should receive a copy of any resolution reports filed by the Building Principal or Superintendent concerning his/her complaint. Upon substantiation, copies should also be filed with the student or employment records of both the complainant and the alleged harasser.

Investigation in the Absence of a Complaint

The Board will, in the absence of a victim's complaint, ensure that an investigation is commenced by the appropriate individuals, upon learning of, or having reason to suspect, the occurrence of any sexual harassment.

Adoption date: July, 1994

SEXUAL HARASSMENT FORMAL COMPLAINT FORM

Name and position of complainant _____

Date of complaint _____

Name of alleged sexual harasser _____

Date and place of incident _____

Description of misconduct _____

Name of witnesses (if any) _____

Has the incident been reported before? _____

If yes, when? to whom? _____

What was the resolution? _____

Reasons for dissatisfaction _____

**SEXUAL HARASSMENT COMPLAINT
APPEAL FORM**

Name and position of complainant _____

Date of appeal _____

Date of original complaint _____

Have there been any prior appeals? _____

If yes, when? to whom? _____

Description of decision being appealed _____

Why is the decision being appealed? _____

Adoption date: July, 1994

☐ Required
☒ **Local**
☐ Notice

THERAPY DOGS

The school district supports the use of therapy dogs by teachers or other qualified school personnel ("Owner") for the benefit of its students subject to the conditions of this policy.

A "Therapy Dog" is a dog that has been individually trained and certified to work with its owner to provide emotional support, well-being, comfort, or companionship to school district students. Therapy Dogs, for the purposes of this policy are not "service animals" as that term is used in the American with Disabilities Act.

Therapy Dogs are personal property of the teacher or employee and are not owned by the school district.

Therapy Dog Standards and Procedures

The following requirements must be satisfied before a therapy dog will be allowed in school buildings or on school grounds:

Requests

All individuals who wish to bring a therapy dog to school must submit a written application to the superintendent of schools or his/her designee. That application will be reviewed by the superintendent of schools or his/her designee, or, in the case of an individual wishing to apply for a district sponsored therapy dog in training, the application will be reviewed by a committee established by the superintendent for that purpose. A copy of the application is attached (the application needs two pathways, one for individuals who already own dogs that they wish to bring to school and one for staff members who wish to acquire a therapy dog through the district's program). For those individuals who wish to bring a therapy dog to school outside of the district's program, the request must be renewed each school year or whenever a different therapy dog will be used.

Training and Certification

The owner must submit the American Kennel Club's Canine Good Citizen or Therapy Dog Title. The certification must remain current at all times that the Therapy Dog is present in any district school buildings.

Health and Vaccination

The therapy dog must be clean, well groomed, in good health, housebroken, and immunized against diseases common to dogs. The owner must submit proof of current licensure from the local licensing authority and proof of the therapy dog's current vaccinations and immunizations from a licensed veterinarian.

Control

A therapy dog must be under the control of the teacher or school employee through the use of a leash or other tether unless the use of a leash or other tether would interfere with the therapy dog's safe, effective performance of its work or tasks.

Identification

The therapy dog must have appropriate identification clearly indicating that it is a therapy dog.

No Disruption

The therapy dog must not disrupt the educational process by barking, seeking attention, or engaging in any other disruptive behavior.

Health and Safety

The therapy dog must not pose a health and safety risk to any student, employee, or other person at school.

Supervision and Care of Therapy Dogs

The owner is solely responsible for the supervision and care of the therapy dog, including any feeding, exercising, and clean up while the animal is in a school building or on school property. The school district is not responsible for providing any care, supervision, or assistance for a therapy dog. Therapy dogs that are part of the school district's therapy dog program will be required to have designated "co-handlers" whose role it will be to assist with the care of the dogs and its integration into the entire school community.

Authorized Area(s)

The owner shall only allow the therapy dog to be in those areas in school buildings or on school property that are authorized by school district administrators.

Insurance

The owner must submit a copy of an insurance policy that provides liability coverage for the therapy dog while on school property.

Exclusion or Removal from School

A therapy dog may be excluded from school property and buildings if a school administrator determines that:

- A handler does not have control of the therapy dog;
- The therapy dog is not housebroken;
- The therapy dog presents a direct and immediate threat to others in the school; or
- The animal's presence otherwise interferes with the educational process.

The owner shall be required to remove the therapy dog from school premises immediately upon such a determination.

Allergic Reactions

If any student or school employee assigned to a classroom in which a therapy dog is permitted suffers an allergic reaction to the therapy dog, the owner of the animal will be required to remove the animal to a different location designated by an administrator.

Damages to School Property and Injuries

The owner of a therapy dog is solely responsible and liable for any damage to school property or injury to personnel, students, or others caused by the therapy dog.

This policy shall also be applicable to therapy dogs in training that are accompanied by a bona fide trainer.

Adoption date: October 2019

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 reduce the current level of unexcused absences, tardiness, and early departures (referred to in this policy as “unexcused absences”), encourage full attendance by all students, maintain an adequate attendance recordkeeping system, identify patterns of student unexcused absences, 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 and/or legal guardians, teachers, and administrators are notified of and understand this policy, the following procedures shall be implemented.

- The attendance policy will be included in student handbooks and will be reviewed with students at the start of the school year.
- Parents and/or legal guardians will receive a summary of this policy at the start of the school year.
 - 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) and/or legal guardians of the specific unexcused absences, remind them of the attendance policy, and review unexcused absence intervention procedures with them.
 - A back-to-school event will be held at the beginning of each school year to explain this policy and stress the parent’s and/or legal guardian’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 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.

Excused and Unexcused Absences

Excused absences are defined as absences, tardiness, and early departures from class or school due to personal illness, illness or death in the family, impassable roads, religious observance, quarantine, required court appearances, attendance at health clinics, approved college visits, approved cooperative work programs, military obligations, field trips, guidance and counseling appointments, or such other reasons as may be approved by the school principal.

All other unexcused absences are considered unexcused absences.

All unexcused absences must be accounted for. It is the parent's and/or legal guardian's responsibility to notify the school office within at least 24 hours of the unexcused absence and to provide a written excuse on the first day of the student's return to school.

General Procedures/Data Collection

- At the elementary level, attendance will be taken at the beginning of each day.
- At the secondary level, attendance will be taken during each class period.
- At the conclusion of each class period or school day at the secondary level, all attendance information shall be compiled and provided to the designated staff member(s) responsible for attendance.
- The nature of an unexcused absence shall be coded on a student's record.
- Student unexcused absence data shall be available to and should 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.
- Where consistent with other school practices, teachers and staff shall 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.

Attendance Incentives

The district will design and implement systems to acknowledge a student's efforts to maintain or improve school attendance. For example:

- Periodically, programs are run to recognize perfect attendance. Prizes can be raffled off, and a celebration of student success can be held.
- An attendance honor roll may be maintained to identify those students with perfect attendance subject to parental and/or legal guardian consent and applicable confidentiality rules.
- Letters of commendation may be sent from the Building Principals to acknowledge and recognize perfect attendance.

Disciplinary Consequences

Unexcused absences will result in disciplinary action consistent with the district's code of conduct. Those penalties may include, for example, detention or in-school suspension. Students may also be denied the privilege of participating in or attending extracurricular events.

In addition, designated staff member(s) will contact the student's parents and/or legal guardians and/or student's guidance counselor. Such staff member(s) shall remind parents and/or legal guardians of the attendance policy, explain the ramifications of unexcused absences, stress the importance of class attendance, and discuss appropriate intervention strategies to correct the situation.

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's performance on homework, tests, papers, projects, etc.

Students are expected to attend all scheduled classes. Consistent with the importance of classroom participation, unexcused absences may affect a student's class participation grade for the marking period.

At the high school level, any student with more than 10 unexcused absences for one-half year or 20 unexcused absences for a full year will not receive credit for that course. However, students with properly excused absences may make up the work for each absence, and those absences will not count toward the minimum attendance standard.

To ensure that parents and/or legal guardians 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) and/or legal guardian(s) by telephone and/or mail at appropriate intervals prior to the student reaching 10 or 20 unexcused absences.

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.

At all levels, all students with an excused absence are expected upon their return to consult with their teachers regarding missed work.

Only those students with excused absences 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 shall annually review building-level student attendance records and, if such records show a decline in student attendance, the Board shall revise this comprehensive attendance policy and make any revisions to the plan it deems necessary to improve student attendance.

Replacing: 5100R, Student Attendance Regulation
5110, School Attendance Areas
5160, Student Absences and Excuses
5160R, Student Absences and Excuses Regulation

Cross-ref: 1741, Relations with "Home Schools"
4321, Programs for Students with Special Educational Needs
4327, Homebound Instruction

Ref: Education Law §§1709; 3024; 3025; 3202; 3205-3213; 3225
8 NYCRR §§104.1; 175.6

Adoption date: July, 1994
Revised July, 2002

STUDENT ATTENDANCE REGULATION

For current regulation, please consult the Building Principal's "Disciplinary Handbook."

Adoption date: July, 1994

SCHOOL ATTENDANCE AREAS

The detail of the school attendance areas is available for inspection in the main district office.

Adoption date: July, 1994

SCHOOL CENSUS

The Board of Education directs the Superintendent of Schools to take such steps as necessary to take a complete school census every two years as law dictates in New York State.

The Board shall conduct an annual census in accordance with Education Law, sections 3240, 3241, and 3242 to locate and identify all children with disabilities who reside in the district. The Board shall establish a register of such children who are entitled to attend the public schools of the district during the following school year. The register of such children and others referred to the committee as possibly having a disability shall be maintained and revised annually by the district Committee on Special Education (CSE). The statistical data shall be forwarded to the CSE to readily determine the status of each student with a disability in the identification, location, evaluation, placement and program review process.

Ref: Education Law §3242

Adoption date: July, 1994

COMPULSORY ATTENDANCE AGES

Except as otherwise permitted by law, each resident minor from six (6) to sixteen (16) years of age shall receive full-time instruction in a public school.

Cross-ref: 1741, Relations with "Home Schools"

Ref: Education Law §§1711; 3201; 3202(1-a); 3204; 3205; 3206; 3208; 3225
8 NYCRR §101
Family Court Act §§711 et seq.

Adoption date: July, 1994

ENTRANCE AGE

Kindergarten

A child attaining his or her fifth birthday on or before December 1 of any year will be eligible for kindergarten in the preceding September.

A child attaining his or her fifth birthday after December 1 will not be eligible to enter kindergarten until the following September, except as follows:

Transfer students will be eligible for admission if they have attended another public school, a private school registered by the New York State Education Department, or any other school which maintains a program which is substantially equivalent to that required for a registered school.

First Grade

A child without previous school experience who attains his/her sixth birthday on or before December 1 of any year will be eligible for first grade in the preceding September.

A child attaining his/her sixth birthday after December 1 will not be eligible to enter first grade in the preceding September, except as follows:

Transfer students will be placed initially according to their records if they have attended another public school, a private school registered by the New York State Education Department, or any other school which maintains a program which is substantially equivalent to that required of a registered school.

After a reasonable period of observation the Building Principal will determine the final grade placement of each child.

Ref: Education Law §§709; 1712; 2503; 2514; 2555; 3202; 3205; 3210

Adoption date: July, 1994

SCHOOL ADMISSIONS*Post-Graduates*

A person over five and under twenty-one years of age who has not received a high school diploma is entitled to attend the public schools maintained in the district in which such person resides without the payment of tuition. A veteran of any age of the United States and who shall have been discharged therefrom under conditions other than dishonorable, may attend any of the public schools of the state upon conditions prescribed by the Board of Education, and such veterans shall be included in the student count for state aid purposes. A non-veteran under twenty-one years of age who has received a high school diploma shall be permitted to attend classes in the schools of the district in which such person resides or in a school of a board of cooperative educational services upon payment of tuition under such terms and conditions as shall be established in regulations promulgated by the commissioner; provided, however, that a district may waive the payment of tuition for such nonveteran, but in any case such a nonveteran who has received a high school diploma shall not be counted for any state aid purposes.

Cross-ref: 1610, Relations with Other Local Governmental Authorities

Ref: Education Law §§903; 904; 3202; 3208
Public Health Law §2164

Adoption date: July, 1994

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. Non-resident students shall only be allowed to attend district schools under the circumstances outlined in this policy.

Former Residents

Students shall be entitled to continue enrollment in the district so long as the circumstances which allowed them to enroll remain unchanged. Upon establishing residency outside the district boundaries, it is expected that parents will enroll their children in their new school district.

However, students who move out of the district late in the school year (after January 1) shall be permitted to finish that school year in the district on a tuition basis only, upon application to and recommendation from the Superintendent of Schools and approval of the Board of Education. Additionally, students in Grade 11, who move out of the district after January 1 of that year, shall be permitted to finish that school year and remain enrolled in the district through completion of Grade 12 (if they are expected to graduate in one year), on a tuition basis only, upon application to and approval from the Board of Education.

It is the policy of the district that, in limited circumstances, non-residents may attend district schools on a tuition basis.

However, the Board of Education may allow non-resident students to continue to attend District schools through the completion of Grade 12 on a tuition-free basis if the following conditions are met:

- The Student is a resident and has attended district schools for one year or more; and
- The Student has completed eleventh grade as a district resident, and can graduate within one calendar year; and
- The Student is a bonafide resident of the district on the first day of the final marking period of his or her junior year; and
- The Student has a record of good conduct.

The Board of Education may grant an exception and allow students in grades K-12 who become non-residents during the last marking period of a given school year to continue to attend the District's schools for the remainder of that school year on a tuition-free basis.

The foregoing exceptions may not be granted without the following:

1. An application to the Superintendent of Schools; and
2. A recommendation from the Superintendent of Schools; and

3. Approval by the Board of Education.

In addition, approval for any exceptions shall not be granted when parents have engaged in deception to conceal a change in residency in order to continue enrollment. The Board reserves the right to deny any such application and/or revoke the privilege of attending the District's schools tuition-free if the student has exhibited a record of misconduct such as, but not limited to, disciplinary referrals, excessive lateness, absenteeism, or anti-social behavior. Previously granted approval may be withdrawn at any time during the year, by action of the Board of Education for the foregoing reasons.

In addition, if it comes to the attention of the Administration and/or Board of Education that a parent/guardian of a student, and/or a student, who has been granted the privilege of attending the District's schools on a tuition-free basis, have engaged in deception to conceal a change in residency in order to continue enrollment and/or meet the exceptions delineated above, the parent/guardian and/or student may be subject to residency proceedings, which may result in exclusion from the District's schools and/or continuation of enrollment on a tuition-basis only. In such circumstances, the parent/guardian and/or student will be legally responsible for paying for the student's annual tuition. Such charges will be retroactive to the first day of the student's enrollment, following the change in residency.

The school district is not responsible for the transportation of non-resident students.

Future Residents

The children of families who have signed a contract to buy, build or lease a residence in the school district may be enrolled during the semester in which they expect to become residents without payment of tuition upon approval of the Board of Education. This courtesy shall extend for 45 days. Families who do not become official residents through closing on their property or paying rent to a property owner will be billed for the full tuition cost, retroactively to the first day of their child's entrance. The school district is not responsible for transportation of future District residents until such time as the individuals establish residency in the District.

Ref: Education Law §3202

Adoption date: July 1994

Revised: November 1997
 November 2009
 October 2013
 May 2014

ASSIGNMENT OF STUDENTS TO CLASSES

Each student has an assigned Guidance Counselor for middle and senior high school for the purposes of providing help in personal and social development; in the selection of a program of studies; and in college and career information.

Each student has a planned interview with his/her counselor at least once each year. In addition, a student may see his/her Counselor before or after school and during study halls. Parents are encouraged to meet with the Counselor at all grade levels.

At the beginning of each school year and at the mid-year, many student requests are made for changes of schedules. Reasons are varied. Each request submitted by the student is seriously considered and thoroughly reviewed by Counselors on an individual basis.

Valid requests for schedule changes are considered providing the following conditions prevail:

1. if the student failed with teacher in prior years;
2. if the student had the teacher for two consecutive years;
3. if there was a family problem with older brothers or sisters with that particular teacher; or
4. if a note from psychologist or doctor is provided stating that it is in the best interests of the student not to be assigned to a particular teacher. This will be considered at the Principal's discretion.

Ref: Education Law §§1709, 2503(4); 3202

Adoption date: July, 1994

STUDENT ABSENCES AND EXCUSES

Philosophy

The Board of Education believes it is the shared responsibility of the school and the home to assist students to develop desirable habits in relation to punctuality and attendance. The Board expects that every step will be taken by all appropriate school personnel to implement this policy.

Overview of Policy

The only excused absences are those due to illness of the student, death in the family, a doctor or dentist appointment, religious instruction or observance, or whenever the Building Principal considers that exemption from attendance is in the best interest of the student. Legal responsibility for habitual unexcused absence lies either with parents, students, or both.

Every student must attend school as required by state law.

Cross-ref: 5100, Student Attendance

Ref: Education Law §§1709(2); 3202(1-a); 3205; 3208; 3210; 3211; 3212;
3024; 3025
8 NYCRR § 175.6

Adoption date: July, 1994

STUDENT ABSENCES AND EXCUSES REGULATION

For current regulation, please consult the Building Principal's "Disciplinary Handbook."

Adoption date: July, 1994

STUDENT DISMISSAL PRECAUTIONS

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.**

A student may be released to either parent unless a custodial parent supplies the Superintendent of Schools with a certified copy of a court order or divorce decree to the contrary.

The Superintendent shall develop procedures to enable parents and guardians to amend the list of persons authorized to obtain the release of their children.

Ref: Education Law §3210(1)(c)

Adoption date: July, 1994

STUDENT DISMISSAL PRECAUTIONS REGULATION

The Superintendent of Schools or his/her designee shall maintain a list of individuals who are authorized to obtain the release of students in attendance at the school. No student may be released to the custody of any individual not the parent or guardian of the student, unless the individual's name appears upon the list.

Parents or guardians may submit a list of individuals authorized to obtain the release of their children from school at the time of the child's enrollment. The signature of the parent or guardian must be on or attached to such list.

A parent or guardian may amend a list submitted pursuant to this regulation at any time, in writing.

Certified copies of any orders or divorce decrees provided by the custodial parent, which restrict a parent's ability to seek the release of their child, shall be maintained by the Superintendent.

If any individual seeks the release from school of a student he or she must report to the school office and present identification deemed satisfactory by the Superintendent or his/her designee, who must check the authorized list and relevant court orders or divorce decrees before a student may be released. Particular caution should be exercised when the person seeking the release of a child exhibits to the school official an out-of-state custody order.

Early excuses for emergency reasons should be requested in writing by a parent/guardian. Medical releases are handled through the Nurse's Office. All other reasons for release must go through the Main Office, and students must be picked up in the Main Office. The person seeking the release must sign the register in the office.

In the event of an emergency, the Superintendent may release a student to some individual not appearing on the approved list only if the parent or guardian has been contacted by the Superintendent and has approved the release, and the Superintendent determines that an emergency exists.

Adoption date: July, 1994

RELEASED TIME FOR STUDENTS

Early Dismissal for Parent Conferences

Elementary schools will be closed at the end of the morning session on not more than three (3) days following the end of the first marking period in order that teachers of grades 1-6 may devote the afternoon to conferences with parents of all of their students, or as many of the parents as are able to participate in a conference.

Kindergarten teachers confer while students are instructed by special staff on these afternoons.

Restrictions re Leaving School Grounds

Students should not be permitted to leave the school grounds while school is in session, unless excused by someone in authority, e.g., attendance officer, Building Principal, or Assistant Principal or School Nurse.

Notification Procedures for Emergencies and Unusual Events

The procedures listed below are to be followed by the Principal whenever an emergency or any other event considered to be unusual occurs in his/her school building:

1. Notify the office of the Superintendent of Schools by telephone as soon as possible.
2. Prepare a written summary of the occurrence including a description of the nature of the occurrence and the names of students and/or staff members involved. Include statements about whether or not anyone was apprehended, charges being pressed, estimated damage, insurance coverage, the impact of the event upon the building, etc., and any other facts felt are pertinent.
3. Provide one copy of the written summary to the Superintendent's office as soon as possible. Preferably, the copy should be sent to the administrative offices by messenger.
4. Please be sure that the person in charge of the building during the Principal's absence is aware of these procedures so that he/she can follow them if an emergency or unusual event occurs during that absence.

Please note that an unusual occurrence is any incident involving a break-in, a serious act of vandalism, or any occurrence requiring the assistance of the Fire Department, the Police Department or the Rescue Squad.

Cross-ref: 4313, Teaching about Religion

Ref: Education Law §3210

Adoption date: July, 1994

RELEASED TIME FOR RELIGIOUS INSTRUCTION

According to provisions of Education Law and the Commissioner's Regulations, students may be released from school one hour each week for religious instruction, provided the student is registered in such courses and a copy of the registration is filed with the Principal. Such instruction must be scheduled for the last hour of the school day on a specific day of the week.

It is also permissible for students to be excused from school attendance for church attendance or special religious instruction.

A student will be released or excused for such religious instruction or observance only after receiving a written note written by the parent or guardian.

Ref: Education Law §3210
8 NYCRR §109.2
Zorach v Clauson, 343 U.S. 306 (1952)

Adoption date: July, 1994

INSTRUCTION ON DAYS OF RELIGIOUS OBSERVANCE

Each year the Commissioner of Education publishes a list of religious holidays which are recognized for religious observance. A copy of the list for the current year will be made available by the Principal.

Students will be excused from attendance for religious reasons; however, it will be the student's responsibility to make up any work provided on that day. New work may be introduced. Homework and tests may also be given to all students not observing the holiday as part of their religion. Students who are observing the holiday, as verified by a parental note, will be given sufficient time to make up the homework or test upon their return to the class. Teachers must exercise discretion in this matter and not automatically demand that the work be due upon the day of return. Upon a student's return, teachers should work out a mutually agreeable schedule for the make up of work missed. Teachers should also not seek to draw students out of classrooms of other teachers in order to make up tests. No field trips or major evening events may be scheduled requiring students to be present.

The holidays represented below are the holidays which will be recognized by the Wantagh Public Schools. The dates will be updated annually in accordance with the calendar for the year.

Rosh Hashanah	Purim
Yom Kippur	Holy Thursday
First two days of Sukkot	Good Friday
Shemini Atzeret/Simchat Torah	Easter Sunday
All Saints' Day	Passover (1st two and last two days of)
Feast of the Immaculate Conception	Good Friday-Eastern Orthodox
Christmas Day	Easter Sunday -Eastern Orthodox
Epiphany	Feast of the Ascension
Ash Wednesday	Shavout

Ref: Education Law §3210
8 NYCRR Part 109

Adoption date: July 1994

Revised: May 1995
January 2009

STUDENTS WITH HIV-RELATED ILLNESS

The Board of Education recognizes the public concern over the health issues surrounding Acquired Immune Deficiency Syndrome (AIDS) and Human Immunodeficiency Virus Infection (HIV). The Board also recognizes, based upon the current state of medical knowledge, that the virus associated with AIDS is not easily transmitted and there is no evidence that AIDS or the HIV virus can be transmitted by casual social contact in the open school setting.

The Board acknowledges the rights of those students diagnosed as having AIDS or HIV infection to continue their education as well as the rights of all students in the school district to learn and participate in school activities without being subjected to significant risks to their health. The Board also takes notice that under current law and regulations the disclosure of confidential AIDS and/or HIV-related information must be strictly limited.

Accordingly, it is the policy of the Board that no student shall be denied the opportunity to attend school, continue his/her education or take part in school-related activities solely on the basis of being diagnosed as having AIDS or HIV infection.

In accordance with current state law and regulations, it is also the policy of the Board to prevent any student from being subjected to adverse or discriminatory treatment or stigma because he or she has been diagnosed as having AIDS or being HIV-infected.

The Superintendent of Schools is hereby directed to develop administrative regulations in regard to the education of students diagnosed as having AIDS or being HIV-infected.

Cross-ref: 4315.1, AIDS Instruction
5420, Student Health Services
8123, Hygiene Precautions and Procedures

Ref: Public Health Law, Article 27-F
Education Law §§4401; 4401-a
8 NYCRR §200
10 NYCRR §63

Adoption date: July, 1994

STUDENTS WITH HIV-RELATED ILLNESS REGULATION*Confidentiality***A. Definitions**

"HIV-related illness" means any clinical illness that may result from or be associated with HIV infection, including AIDS.

"Protected individual" shall mean a person who is the subject of an HIV-related test or who has been diagnosed as having HIV-related illness.

"Capacity to consent" means an individual's ability, determined without regard to such individual's age, to understand and appreciate the nature and consequences of a proposed health care service, treatment or procedure, and to make an informed decision concerning such service, treatment or procedure.

B. Confidentiality and Release of Information

School officials and employees shall keep HIV-related information confidential, however obtained. The information shall not be disclosed to any person, unless the protected individual (or a person with capacity to consent) has completed and signed the Health Department Authorization for Release form ("Authorization Form"), a court order granted under Public Health Law §2785 has been issued, or the person to whom the information has been furnished is authorized to receive such information under Public Health Law (PHL) §2782 without a release form. Persons authorized to receive HIV information without a release include physicians providing care, agencies monitoring such care, and insurance companies for payment purposes. Disclosure to school personnel staff requires a release or court order.

If disclosure occurs pursuant to a signed release or order, the information shall only be released to those listed on such form or order, for the time period specified and only for the purpose stated on the form or order.

Such form shall be signed by the protected individual or when the protected individual lacks capacity to consent, a person authorized pursuant by law to consent to health care for the individual. Questions in regard to such capacity shall be referred to the school attorney.

C. Testing

No HIV-related testing of any student shall take place without first receiving the written informed consent of the person to be tested on a form approved by the State Health Department. Such consent shall only be given by an individual with capacity to consent as defined above.

D. Penalties

Persons who disclose confidential HIV information to unauthorized parties or who fail to obtain informed consent for the HIV test may be subject to a \$5,000 penalty and a criminal misdemeanor charge.

E. Procedures

1. The procedure set forth here shall be followed in any instance where the school district receives confidential HIV-related information concerning a student from the student and/or person in parental relation to the student without benefit of an Authorization Form or court order.
 - a. The Superintendent or building administrator to whom the information has been given shall request a meeting with the person in parental relation and/or the student for the purpose of discussing the student's condition, concerns and, should the situation arise, educational alternatives. Such alternatives may include homebound instruction during periods of short-term illness as well as provision of educationally related support services. At this point, school or public health personnel may be consulted provided that the appropriate Authorization Form is obtained. The person in parental relation and/or the student should be apprised of this and asked to sign such release form for personnel whose consultation is needed for delivery of appropriate educational services.
 - b. If a school officer or employee who has not been made privy to confidential HIV-related information pursuant to an Authorization Form or court order reasonably believes that a student may present a clear and imminent danger to an individual whose life or health may unknowingly be at significant risk as a result of contact with the person, he/she should express these concerns to the Superintendent of Schools who may attempt to obtain an Authorization Form from the individual or someone else with the capacity to consent. Should this request be refused, the Superintendent may recommend to the school board that the district seek an order for disclosure of confidential HIV-related information, pursuant to Public Health Law §2785.
2. The procedures set forth here shall be followed in any instance where the school district receives confidential HIV-related information concerning a student through the Authorization Form or through a court order.
 - a. The Superintendent, or building administrator to whom the HIV-related information has been released, may request a meeting with the parent, or person in parental relationship, and the student for the purpose of discussing educational alternatives. Such alternatives may include homebound instruction during periods of short-term illness as well as provision of educationally related support services. The Superintendent or building administrator may enlist the expertise of the child's physician, or any school or public health personnel, provided that the appropriate release forms have been obtained. If a parent concurs in writing to the provision of educational alternatives, no referral to the Committee on Special Education (CSE) will be made.

- b. (1) If a school officer or employee who has not been made privy to confidential HIV-related information pursuant to an Authorization Form or court order reasonably believes that a student may present a clear and imminent danger to an individual whose life or health may unknowingly be at significant risk as a result of contact with the person, he/she should express these concerns to the Superintendent of Schools. If the Superintendent has been given the authority, through the Authorization Form, to inform such person(s) who may be at significant risk, he/she should proceed to do so. If the Superintendent does not have this authority, he/she should attempt to obtain an Authorization Form from the individual or someone else with the capacity to consent. Should this request be refused, the Superintendent may recommend to the school board that the district seek an order for disclosure of confidential HIV-related information, pursuant to Public Health Law §2785.

(2) If a professional staff member of a school district who has been made privy to confidential HIV-related information pursuant to an Authorization Form or court order reasonably believes that a student may present a clear and imminent danger to an individual whose life or health may unknowingly be at significant risk as a result of contact with the person, he/she should make a referral of the student to the CSE, if appropriate. Staff are also expected to encourage students to seek advice from their physician and AIDS counseling centers and to behave responsibly by contacting those persons with whom they have engaged in behavior of significant risk.

3. If a professional staff member of a school district suspects that a student may have a disability, whether or not the staff member has been made privy to confidential HIV-related information, the staff member shall refer such student in writing to the CSE, or to the building administrator of the school which the student attends, in accordance with Part 200.4 of the Commissioner's Regulations.
4. If a student has been referred to the CSE and the CSE reasonably believes either (a) that the student may present a clear and imminent danger to an individual whose life or health may unknowingly be at significant risk as a result of contact with the student, or (b) that the student has or is suspected of having a disability and that the condition may be due, in whole or in part, to HIV-related illness, the CSE shall inform the Superintendent, who shall attempt to obtain an Authorization Form from the student or someone else with the capacity to consent. Should this request be refused, the Superintendent may recommend to the school board that the district seek an order for disclosure of confidential HIV-related information, pursuant to Public Health Law §2785.

When seeking the confidential information through either said Form or court order, the Superintendent shall attempt to have the person or court agree to disclose such information to the CSE, and may attempt to have the person or court agree to disclose such information to the classroom teacher(s) and any other personnel the Superintendent and the school attorney believe are appropriate.

5. If no such consent or court order is obtained, the district shall take no further action in this matter and shall instruct the appropriate officers or employees not to disclose information in regard to the case.
6. If confidential HIV-related information is obtained, it shall be disclosed only to those individuals listed on the form or pursuant to the court order and only for the purposes specified, for the specified time period.
7. At such time as the CSE receives confidential HIV-related information, it shall, on a case-by-case basis, review all of the medical information pertinent to the individual situation and make a determination as to whether the current mode of instruction and classroom setting for the student meets his or her current and ongoing needs or if it is appropriate. In making its determination, the CSE shall consider the following factors: (1) the physical condition of the student and any behavior which might increase the risk of transmission of the virus; and (2) the expected type of interaction with others in the school setting. The CSE may also consult with appropriate public health officials pursuant to article 27-F of the Public Health Law.

In all other respects, the CSE shall carry out its responsibilities and make recommendations based upon a written evaluation setting forth the reasons for the recommendations, to the student, parent or guardian of the student and Board of Education as it would with any other student who has or is suspected of having a disability.

Because of the provisions in article 27-F of the Public Health Law permitting physicians to disclose confidential HIV-related information under certain circumstances, the school physician will be required to attend all meetings of the CSE in regard to students suspected or diagnosed as having HIV-related illness.

The CSE shall also have the authority to invite the appropriate professionals familiar with HIV-related illness to any meeting concerning the educational program for any such student, providing however, that such professional is named on a completed and signed Authorization Form or a court order granted under Public Health Law §2785.

8. If the student had previously been evaluated and been recommended for placement by the CSE, and thereafter the student is deemed dangerous to himself or others, a short-term suspension (of five days or less) may be imposed, or other protective procedures may be invoked. However, where parents choose to exercise their due process rights under the appeal procedures set forth in state and federal law, a student must remain in the current placement until appeal procedures are completed, or parental consent or court order for alternative placement is obtained.

If the student had not been evaluated and recommended for placement by the CSE, section 6 (above) shall apply.

9. Pursuant to Public Health Law article 27-F, a physician may, upon the consent of a parent or guardian, disclose confidential HIV-related information to a state, county or local health officer for the purpose of reviewing the medical history of a child to determine the fitness of the child to attend school.

Additional Matters

In the event of the presence of any contagious or communicable disease (such as chicken pox or measles, etc.) in the school population, which may constitute a risk to an infected individual, the Superintendent or school nurse with authorization to obtain the confidential HIV-related information may inform the student, the student's parents or legal guardian about such risk. Any temporary decision or recommendation in such circumstances should be made by the individual's personal physician and the student's parents, in consultation with the Superintendent, school physician and nurse.

Adoption date: July, 1994

COCURRICULAR AND EXTRACURRICULAR PROGRAMS

Student activities shall be regarded as a vital part of the total educational program and shall be used as a means of developing wholesome attitudes, good relations among students, school and community as well as useful knowledge and skills.

A parent or guardian may request in writing that a student be excused from certain types of student activities for religious or physical reasons. The administration will consider the request in terms of the welfare of all students as well as the individual.

All student activities shall be carried on under the authority of the Board of Education and its delegated administrators. Residual funds from inactive student organizations shall revert to the General Organization (G.O.).

It shall be understood that all curricular and extracurricular activities shall be under the jurisdiction (supervision) of the Board of Education. It shall be further understood that no other group, organization, or individual shall give financial support to such activities or present awards of any kind to participate in activities considered part of the educational program unless approved by the Board.

Cross-ref: 5020, Equal Educational Opportunities
 5210, Student Organizations
 5250, Student Activities Funds
 5252, Student Activities Funds Management
 5800, Student Awards And Scholarships

Ref: Education Law §3210

Adoption date: July, 1994

STUDENT ORGANIZATIONS

The Board of Education endorses the creation of clubs and other approved school organizations for the purpose of reaching the interests of as many boys and girls as possible and shall endeavor to provide the necessary funds for supervision.

Cross-ref: 5200, Cocurricular and Extracurricular Activities
5252, Student Activities Funds Management

Ref: Education Law §§207; 414; 1709-a; 2503-a; 2554-a; 3201; 3201-a
Equal Access Act, 20 U.S.C.A. §§4071-4074
8 NYCRR Part 172
Matter of Jimenez, 9 EDR 172
Board of Education of the Westside Community Schools v. Mergens, No. 88-1597 (U.S. June 4, 1990)
Garnett By Smith v. Renton School Dist. No. 403, 865 F.2d 1121 (9th Cir., 1989)
Thompson v. Waynesboro Area School Dist., 673 F.Supp. 1379 (1987)
Student Coalition v. Lower Merion School Dist. Bd., 633 F.Supp. 1040 (1986)
Tinker v. Des Moines Independent Community School Dist., 393 U.S. 503, 89 S.Ct. 733 (1969)
Healy v. James, 408 U.S. 169, 92 S.Ct. 2338 (1972)

Adoption date: July, 1994

STUDENT PUBLICATIONS

Student publications are important elements of the instructional program and contribute directly to the accomplishment of the school's goals. The Board of Education shall encourage the development of school newspapers, annuals, and magazines.

Freedom of speech and of expression in student publications as guaranteed by the First Amendment are to be observed scrupulously by the administration, faculty and students. Freedom, however, does not mean unbridled license. Therefore, it is incumbent upon the legal staff to define the limits of students' freedom of speech respecting school affairs to protect the state's compelling interest in maintaining a school atmosphere conducive to an orderly program of learning. The administration retains a vested interest in exercising editorial control where appropriate.

Freedom of expression in our schools shall be interpreted as including, but not being contrary to:

1. development of student responsibility in distinguishing between freedom and license;
2. consideration by the faculty of the maturity levels of students and of appropriate standards of journalistic taste; and
3. care for the development of skills of written expression among students.

Cross-ref: 4810, Teaching About Controversial Issues
5311, Student Rights and Responsibilities

Ref: *Hazelwood School District v. Kuhlmeier*, 484 US 260, 108 S Ct 562 (1988)
Bethel School District v. Fraser, 478 US 675 (1986)
Tinker v. Des Moines Independent Community School Dist., 393 US 503, (1969)
Thomas v. Board of Education, Granville Central School Dist., 607 F 2d 1043 (1979)
Trachtman v. Anker, et al., 563 F 2d 512 (1977)
Eisner v. Stamford Board of Education, 314 F Supp 832, mod'f d. 440 F2d 803 (1971)
Frasca v. Andrew et al., 463 F Supp 1043 (1979)
Matter of Beil and Scariati, 26 EDR 109

Adoption date: July, 1994

STUDENT SOCIAL EVENTS

A number of our school goals are supported by well-conceived and well-mannered social events. Parents expect their children to learn to feel at ease in appropriate social situations. Social events have an important place in a well-rounded school program. The staff is encouraged to utilize such events intelligently.

School presentations, activities, dances etc., are the responsibility of the school administration.

No parties, dances or meetings involving students are to be held off the school grounds. Any exception must have the approval of the administration.

Cross-ref: 1520, Public Conduct on School Property
5312.1, Drug and Alcohol Abuse

Ref: Education Law §1709

Adoption date: July, 1994

STUDENT PERFORMANCES

The Board of Education recognizes that worthy educational values may be served by student participation in civic and community affairs. Instructors are encouraged to provide students for public performances when such performances contribute to the educational process and objectives of that particular class and when it does not interfere unduly with other classes or activities within the school.

School groups and individuals may, with the permission of the Building Principal, participate in local public events which fall into the following classifications:

1. events sponsored by the schools. Educational events in which the school serves as host shall have priority in scheduling appearances;
2. community functions organized in the interests of the school, such as those that might be originated by the P.T.A. and/or 6-12 Association;
3. non-commercial civic occasions of community, county, state or national interest of sufficient breadth to enlist general sympathy and cooperation;
4. events that are primarily patriotic in nature, such as Veteran's Day;
5. charity benefit activities provided such activity has been specifically approved in advance by the Superintendent; and
6. programs sponsored by established character-building agencies, or programs sponsored jointly by the district and mass communication media where the time or space given to the programs are of a public nature.

School groups may not participate in events that fall into any of the following classifications:

1. events that are for the purpose of private gain or for the advertising of any commercial project or product. A school name, the names of school-sponsored groups or school equipment shall not be exploited in events of a commercial nature;
2. events that are for the furtherance of any politically partisan interest. In questionable cases the matter shall be referred to the Board;
3. events that are primarily for the furtherance of any sectarian concern; and
4. events that cause undue amount of interference with the regular school program, or that cause an excessive amount of absence due to rehearsal or preparation.

Assemblies, public programs and public performances by students have an important place in a well-rounded educational program. They must, however, be consistent with the educational goals of the schools.

1. Programs should have both educational and inspirational value. All aspects of human endeavor should be considered including the comic as well as the tragic.
2. Programs should be varied and appeal to the interests of students.
3. Wide participation in the programs should be encouraged. Every student should be given opportunities during his/her school career to participate in some aspect of public performances and exhibitions.
4. Good taste should be demonstrated in the kinds of programs and behavior shown.

Ref: Education Law §§3229 and 3231-a

Adoption date: July, 1994

STUDENT ACTIVITIES FUNDS

The Board of Education authorizes the establishment of the extra-classroom activity fund. These are funds that are raised other than by taxation. They are developed for established clubs, organizations, and activities. The organizations and activities are supervised and administered by staff members designated by the district. Extra-classroom activity funds are those collected under teacher supervision by students and expended by them as they see fit provided that all transactions and procedures are in accordance with the rules and regulations established by the Board for the conduct, operation and maintenance of the extra-classroom activity and for the safeguarding, accounting and auditing of all monies received and derived therefrom.

The Board will annually in its reorganization meeting appoint a Treasurer and Auditor for extracurricular activity funds accounts.

The Board approves the use of double-signature checks for extracurricular funds.

Inactive Student Organizations

Residual funds from inactive student organizations shall revert to the General Student Organization Fund unless otherwise designated.

Cross-ref: 5200, Cocurricular and Extracurricular Programs
 5252-R, Student Activities Funds Management Regulation

Adoption date: July, 1994

STUDENT ACTIVITIES FUNDS MANAGEMENT

Responsibility and Security

The Board of Education will authorize the appointment each year of regular faculty/clerical staff and administrators to fill the following positions to oversee the student activity fund:

1. Chief Faculty Advisor
2. Central Treasurer
3. Comptroller
4. Cashier

All monies should be deposited in a designated depository of the district and whenever possible, invested in approved district investment vehicles, especially certificates of deposit.

A minimum of quarterly reports shall be made to the Board. The Central Treasurer is responsible for overseeing the funds. All requests for purchases are made by the individual organizations and approved by the Treasurer.

In addition, it will be the responsibility of the Cashier to deposit the funds and the Comptroller would prepare reports and maintain all records. The Cashier and Comptroller relationship will act as a safeguarding of funds. The Extraclassroom Activity Fund will be audited each year by the school district's independent auditor.

Accounting

Surplus funds from investments will be returned to the students through the General Organization Account. Use of surplus funds will be determined by a combined decision of the General Organization Faculty Advisor, General Organization President, and Principal.

All monies remaining from organizations which are dissolved or discontinued will be reported to the students through the General Organization Account or based upon the General Organization Committee's recommendation, the President of the General Organization, Central Treasurer, and Assistant Principal.

Cross-ref: 5200, Cocurricular and Extracurricular Programs
5210, Student Organizations

Ref: Education Law §207
8 NYCRR Part 172

Adoption date: July, 1994

STUDENT ACTIVITIES FUNDS MANAGEMENT REGULATION

Extra-classroom activity funds are defined as those funds that are raised other than by taxation (Board of Education subsidy excepted) or through charges of the Board for, by, or in the name of a school, student body, or any subdivision thereof.

Extra-classroom activity funds are those collected under teacher supervision by students and expended by them as they see fit provided that all transactions and procedures are in accordance with the rules and regulations established by the Board for the conduct, operation and maintenance of the extra-classroom activity and for the safeguarding, accounting and auditing of all monies received and derived therefrom.

The Board will annually, in its reorganization meeting, appoint a Treasurer and Auditor for extracurricular activity funds accounts.

The Board approves the use of double-signature checks for extracurricular funds.

Procedure for Inactive Activity Accounts

Prior to the termination of a student organization, all funds remaining in the treasury must be disposed of in one of the following ways:

1. expended by vote of the organization controlling these funds as provided for in the bylaws;
2. transferred to another student organization following the standard withdrawal procedure;
3. transferred to the district for a specific and designated purpose. When the student organization votes to dispose of funds in this manner, the following procedure will be applied:
 - a. The funds shall be turned over to the Clerk of the Board of Education along with a signed statement from the organization authorizing the district to use the funds in a specific manner as agreed upon by the student organization.
 - b. The funds shall be held in a trust agency fund until the proper expenditures have been made. Any balance remaining after these expenditures will be transferred to the General Fund for use by the district; or
4. transferred by motion of the Board to the General Student Organization if none of the preceding ways has been implemented.

For the purpose of activity funds management of extra-classroom activity funds, the following offices are hereby established with duties of each office as set forth below:

1. Chief Faculty Counselor

It shall be the duty of the Chief Faculty Counselor to:

- a. coordinate the financial planning of all projects with various student organizations;
- b. approve all pay orders drawn on the Central Treasurer;
- c. countersign all checks drawn; and
- d. determine the amount of financial support to be allocated to any project before it is undertaken.

2. Central Treasurer

It shall be the duty of the Central Treasurer to:

- a. supervise the work of the Comptroller and Cashier to see that all receipts and accounts are properly maintained;
- b. ensure that all disbursements of funds are made by prenumbered check forms signed by the Central Treasurer and countersigned by the Chief Faculty Counselor; and
- c. disburse funds only on the presentation of properly signed pay orders, in duplicate.

3. Comptroller

It shall be the duty of the Comptroller to:

- a. keep an account listing the receipts and disbursements of each individual activity;
- b. maintain a register of all receipts and disbursements of the complete student organization on register forms prescribed by the Board;
- c. secure monthly and verify the bank statement and the accounts of the individual organizations within the fund;
- d. signify by initial on every pay order sent to the Central Treasurer that the status of the account is as represented; and
- e. prepare at the end of each month a report indicating the total activity of each individual account within the extraclassroom activity fund, for the guidance of the Chief Faculty Counselor and the Board.

Cashier

4. It shall be the duty of the Cashier to:

- a. be responsible for the receipt of all funds collected for any extra-classroom activity account;
- b. issue a receipt for money received, the duplicate of which is to be kept intact in the receipt book;
- c. deposit said monies in the bank designated by the Board; and
- d. be accountable to the Comptroller for the proper handling of funds.

5. Auditor

The Board shall appoint an auditor distinct and separate from other officers, who shall make an annual audit to certify the accuracy of the reports presented by the other officers as mentioned above, for transmittal to the Board.

Cross-ref: 2210-R, Board Reorganizational Meeting Regulation
5250, Student Activities Funds

Adoption date: July, 1994

STUDENT CONTESTS

The Board of Education approves a selective policy of participation in contests. However, participation by students in any such activities must be on a purely voluntary basis and at no time can such participation interfere with the instructional program. In the high schools, the criteria of the National Association of Secondary School Principals relative to contests shall serve as a guide.

Where students so agree to participate in any activity sponsored by an outside organization, it shall be the responsibility of the sponsoring organization to assume the management of the contest, providing the students with detailed information, instructions, and rules governing the activity.

At no time will pressure be applied to enjoin students to participate in any contest sponsored by outside organizations.

Adoption date: July, 1994

INTRAMURAL PROGRAMS

Intramural sports shall be without discrimination and encouraged in all schools as part of the regular physical education program before and after school hours program in order that all students may have the opportunity to participate.

Cross-ref: 5020, Equal Education Opportunities

Ref: Education Law §§803; 3201; 3201-a
Title IX of the Education Amendments of 1972

Adoption date: July, 1994

INTRAMURAL PROGRAMS REGULATION

The Building Principal of the school or his/her designee shall be responsible for the program of intramural competition.

The Principal of the school or his/her designee shall see that the intramural competition program is properly organized and supervised, including the supervision of both participants and spectators.

Care shall be taken that such events are conducted primarily for the benefit of participants.

Adoption date: July, 1994

INTERSCHOLASTIC ATHLETICS

Interscholastic athletics for boys and girls is an integral and desirable part of the district's secondary school educational program. Individual and team sports shall be based upon comprehensive physical education instruction and intramural activities, seeking broad participation from all eligible secondary students. Lifetime or carry-over sports are to be particularly encouraged and supported. Parity in the number and kind of sports activities for girls and boys is a clear objective of the district.

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.

COACHING

All coaches will be held fully accountable to Section VIII of the New York State Public High School Athletic Association's Code of Conduct and Sportsmanship Policy, and as such should be fully familiar with the requirements set forth therein. For example, with respect to the expectations of all coaches:

The Coach is expected to:

1. Set a positive example both on and off the playing area.
2. Be aware that he/she is representing a school district, a school and a student body. Impressions made are lasting and hard to live down.
3. Recognize that athletic competition is a means toward an end, not an end in itself. Specifically, athletics should lead to the development of healthy, well-adjusted young men and women.
4. Approach competition as a healthy and constructive exercise, not a life and death struggle that requires victory at any price. It should be fun and enjoyable.

5. Recognize that the participants in individual or team sports are young men and women with human frailties and limitations who are capable of making mistakes.
6. Be prepared to win or lose. Be positive. Encourage peak performance within the rules of the game.
7. Command respect by personal attitude and behavior.
8. Be well-groomed. Wear appropriate attire be it casual or otherwise.
9. Do not use crude or abusive language with players, opponents, officials or spectators.
10. Respect the judgment of the officials. Although it is reasonable for the coach to question officials' decisions, and even to disagree, the officials' decisions must be accepted graciously. Questionable decisions may be referred to the Section VIII Protest Committee.
11. Handle dissatisfaction with officiating quietly and efficiently through the use of the rating cards supplied by BOCES.
12. Avoid behavior that will incite players, opponents or spectators.
13. Instruct players to respect officials. Questions concerning rules or interpretations should be made by the team captain as the team representative during the contest.
14. Encourage good sportsmanship and remove players from competition who demonstrate unacceptable behavior.
15. The athletic program is a total part of the educational opportunities provided for all students. It should be treated as just that.

In addition to the procedures of Section VIII, failure to comply by the coach may result in action by the District. In this regard, nothing contained herein shall limit the District's ability and/or right to take action against a coach for any act or omission which it considers misconduct and which is not specifically enumerated herein.

In addition to the procedures of Section VIII, in the area of fundraising and the collection of money, the coach is required to adhere to all rules, regulations and policies set forth by the district, and to ensure that all activities are approved by the Athletic Director and the School Principal/Assistant Principal.

Ref: Section VIII Code of Conduct
 Section VIII Sportsmanship Policy
Cross-ref: 5420, Student Health Services

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

Adoption date: July 1994

Revised: April 2015

INTERSCHOLASTIC ATHLETICS REGULATION

Eligibility

Section 135.4(c)(7)(ii)(a)(b), governing eligibility standards for secondary school interscholastic athletic team membership, as amended by the Board of Regents, effective October 29, 1980, authorizes boards of education to use approved athletic eligibility standards based on students' physiological maturity, physical fitness and sport skills rather than their age and grade alone as a determining factor for competitive team membership. The optional use of this "Athletic Placement Process (APP)" "Athletic Placement Process (APP)" eligibility standard allows students of advanced or slower maturity rates to compete at team levels best suited to their individual readiness and ability. The purpose of the amendment is to ensure to a greater degree the safety of secondary school students who participate in interscholastic athletic competition, and not intended to promote routine placement of students on varsity-level teams, nor as a means for promoting students' participation beyond four seasons in any varsity-level competition.

The amendment gives boards of education the following flexibility for determining interschool athletic team membership:

1. A board of education may use the students' age and grade as the sole criteria for team membership (as has been the practice); or
2. A board of education may use the "Athletic Placement Process (APP)" process for secondary school students' athletic team membership in specific sports the board selects; or
3. A board of education may use the "Athletic Placement Process (APP)" process for all secondary school interscholastic athletic team membership.

Interscholastic competition shall begin no earlier than seventh grade. When the criteria of age and grade alone is used as an athletic eligibility standard, students may compete only in like grade groups. The amendment permits students in grades no lower than seven to compete on a senior high school team. All participating students must be placed at levels of competition appropriate to their physiological maturity, physical fitness and skills in relation to other students on those teams in accordance with standards established by the Commissioner of Education.

Students are eligible for athletic competition in each sport during four consecutive seasons of such sport after students enter the ninth grade and prior to graduation. However, if a board of education has adopted a "Athletic Placement Process (APP)" procedure, participating students shall be eligible to compete during five consecutive seasons of each sport after their entry into the eighth grade or six consecutive seasons of each sport after their entry into the seventh grade.

If a high school uses the interschool athletic eligibility standard of age alone, a student shall be eligible for competition in grades nine through twelve only between his/her 14th and 19th birthdays.

The school's authorizing body shall record as part of its permanent record its decision regarding which eligibility criteria it adopts.

NYSPHSAA Regulations

Students are to familiarize themselves with the regulations of the NYSPHSAA. For varsity or J.V. competition, students must be between their 14th and 19th birthdays. If a student attains the age of 19 after September 1, he/she may participate the remainder of that school year in all sports. A student will be eligible for varsity participation only during the eighth consecutive semesters after entry in the ninth grade. A student 12-15 years old is eligible for Modified Program (Middle School) competition. One is ineligible when the sixteenth birthday is attained. A contestant in grades 7, 8 or 9 who competes with or against a junior varsity or varsity performer in a regulation game, match or meet shall not return to the modified athletic program competition in the same sport during that season. Contestants shall not be moved up to the Junior Varsity or Varsity teams after the completion of fifty percent of their modified athletic schedule unless the age of 16 is attained.

Training Rules and Health Habits

Constructive suggestions concerning team training and sports skills concerning what not to do are emphasized. Drinking alcoholic beverages, smoking, taking of illicit drugs and inappropriate behavior in or out of school will not be tolerated.

Physicals, Insurance, Parental Permission

Each team must have parental permission. New York State regulations require only one physical examination by the school physician for the school year, unless an athlete is absent from school during a sports season for five or more consecutive days due to illness or injury. In such instances, the athlete must be re-examined by the School Physician before returning to competition or practice.

Insurance coverage is provided for all participants. The insurance policy is of a supplementary nature to any type of personal coverage that a family already has.

Trips

The school is responsible for transportation to and from all contests outside the district. The only exception is that a student may go to a game and/or return only in the company of one of his/her parents. In that event, the parent must directly request permission from the Coach. Team members are responsible for their appearance as representatives of Wantagh High School on away trips. All team members are to dress in good taste.

Equipment and Locker Rooms

Students are responsible for all equipment issued to them. Team members are to respect the locker rooms and equipment of other schools as well as theirs. Students found damaging or destroying property or taking equipment will be subject to immediate dismissal from the squad.

Uniforms

Students participating in interscholastic sports shall be responsible for providing their own shoes. They will also be required to provide their own shirts, shorts, hoods, reversible jerseys, sweat suits, sweat pants and sweat shirts for practice.

Practice Attendance

Squad members must be personally excused by the Coach from attendance at all practice sessions. Students shall be allowed to participate in only one sport during a specific season. In the event that a squad member wishes to transfer from one sport to another he/she may do so only with approval of the two coaches involved and/or the Director of Athletics.

Injuries

Team members are to report all injuries to their Coach and to the Health Office.

Awards

Coaches are to recommend players for awards if they meet the established requirements. Attendance and punctuality at practice, observance of training rules, cooperation in upholding group regulations, attitude, and conduciveness toward instruction should be given primary consideration.

Rules of Behavior Set by Team Coaches

Team coaches shall have the authority to impose reasonable rules for members on their teams. These shall be regulated and supervised by the Director of Athletics.

Athletes represent Wantagh in a variety of events and are expected to maintain high standards of personal behavior. A coach may suspend or remove a player because of unacceptable behavior in or out of school and/or the breaking of training rules.

Ref: Education Law §3001-b; 3201-a
Title IX of the Education Amendments of 1972

Adoption date: July, 1994

Revised: September 2015

STUDENT CONDUCT

The philosophy of education of the Wantagh Public Schools is to help all children develop their full potential to the greatest extent possible so that they can take their places in our society as productive, well-adjusted, responsible citizens. Family, school, and community must join together to use all resources available to meet the immediate needs of basic education and the continuing challenge of life-long learning in our rapidly changing society.

The school is a community and, as such, all who work in it have a responsibility to uphold the rules and regulations that help it to function smoothly. Rights entail responsibilities as well. Therefore, we are intent on developing an attitude of self-respect, respect for others, and respect for authority. No student has the right to interfere with the education of others. If dialogue is interrupted or destroyed, then the goals we have established will go unfulfilled. It is thus the responsibility of each student to respect the rights of all who are involved in the educational process.

Students fulfill their responsibilities most of the time. Some fall short of that goal sometimes. In such cases, the adults in the school community will meet their responsibility to call attention to inappropriate behavior and to make suggestions for improvement.

Pupil Personnel staff, such as psychologists, social workers, and guidance counselors, are available to provide counseling and support to students in a preventative and/or interventive capacity.

When resolving student management problems, a multi-disciplinary approach is utilized which allows for input from a variety of sources including, but not limited to, administrators, teachers, and parents. In cases of students with disabilities, the Director of Pupil Personnel Services and the special education staff also are involved. It is the philosophy of the Wantagh Public Schools to educate students with disabilities in the least restrictive environment. However, if it is determined that students' behavior consistently interferes with their education precluding their taking advantage of the education offered, or if their behavior creates a classroom climate not conducive to learning for others, a referral to the Committee on Special Education is again made to determine the appropriateness of the present placement. A modification of the Individualized Education Program (IEP) and/or an alternative placement may be necessary.

This policy on student discipline is based upon the premise that students need structure, consistency, a sense of direction, and clear guidelines to follow. There is a strong belief in a firm but fair policy on discipline.

Discipline can be viewed essentially as a matter of self-control. Those who know how to follow the rules and who consider the feelings and needs of others will most likely not be disruptive in school. An additional factor is that students who feel good about themselves - with strong feelings of self-worth - will be more able to develop self-discipline and contribute to the smooth functioning of their class. Students are continually engaged in the process of learning these skills and are expected to invest in both the process and outcome.

Frequently, children's poor behavior is the result of having to work in an inappropriate academic setting. The district, in such cases, seeks to provide a setting more suited to their needs.

A student should have freedom and encouragement to express his/her individuality in any way so long as his/her conduct does not intrude upon and endanger the freedom of others to behave as they wish.

Respect for the individuality of students argues against attempts by the school to force student behavior into a common mold. The Board of Education's approved statement of school goals supports our position by emphasizing our schools' responsibility for helping each student to develop his/her unique abilities to the maximum.

The implementation of this policy calls for sensitive, tolerant, intelligent action on the part of the school staff so that fostering of individuality is not incompatible with educationally sound group effort.

Senior High School

General Statement

An important aspect of life at Wantagh High School is the expectation that students will behave in a responsible, adult manner. Freedom and privileges earned by students demand a balance that includes the continuing demonstration of a high level of responsibility - both as individuals and in groups. It is expected that students will behave appropriately in order that privileges earned in the past may be continued.

Schools are a training ground, a preparation for life in society. Students, parents, community members, and school personnel are responsible in a joint effort to provide a sound foundation for that development. Student contribution in this joint effort is most significant in order to maximize opportunities for achievement in class and all school activities. Students should serve as positive role models for each other.

Cross-ref: 5311.3, Student Complaints and Grievances

Ref: Education Law §§1709; 2801; 3214
8 NYCRR §100.2(l)

Adoption date: July, 1994

STUDENT CONDUCT REGULATION

The following statements represent a code of conduct for elementary students:

School rules

1. We will always treat others in a decent manner.
2. We will always allow others to learn.
3. We will practice responsibility.
4. We will help in the effort to keep our school a beautiful place.
5. We will always try to behave in a manner that will make our parents, teachers, and ourselves proud.

Incompliance with school rules will be dealt with on an individual basis and will result in a conference with the student, contact with a parent or guardian, after school or recess detention, and/or in a rare circumstance, student suspension from school.

Elementary students should be engaged in a learning process which incorporates a need to understand that the smooth and orderly operation of the school depends, in part, on cooperation. Violation of school rules not only prevents the offenders from doing their best but also infringes on the rights of others. To avoid unpleasant or harmful behavior, all students are urged to uphold school rules and to protect the rights of all students for a safe and healthy learning environment.

Middle School

The following procedures have been established in order to ensure the rights and responsibilities of all students:

A. General Statement

When a staff member recognizes that a student is behaving in a way that indicates potential disciplinary problems, the school will initiate preventive measures including:

1. Use of progress report - the teacher will send supplementary reports.
2. Conference with parents - administrator, counselor, or teacher may request parent conferences to clarify problems.
3. Counseling - primarily guidance counselor function.
4. Referral to school psychologist - administrator in consultation with team members and parent.
5. Use of support personnel - recommendation of team members.

Senior High - Study Hall

- Study hall time is an opportunity for students to improve their basic skills in all academic areas.
- Students are required to be seated in their assigned study hall at the beginning of the period so that the study hall teacher may take attendance. The library may be selected for research and library work only.
- Food is not to be taken from the cafeteria to the study hall. All refuse is to be deposited in the receptacles which are available there.

The Cafeteria

In order to keep the cafeteria clean and attractive, the following rules must be observed:

- a. Always use a tray.
- b. Keep milk cartons, food, and waste paper on the tray.
- c. Empty all debris from trays into the paper containers. Return any items that belong to the cafeteria to the receiving window.
- d. No more than 10 students may sit at a table.
- e. Keep tables, chairs, and floors clean.
- f. Push chairs back after eating.
- g. Talk in a normal voice.
- h. Keep the cafeteria lines orderly.
- i. Never push or run.
- j. Pick up and clean up any food you drop or spill.
- k. All food must be eaten at the table.
- l. Respect authority of adult(s) supervisors [in] cafeteria.

Lunch - Senior High

- Students are allowed to go out to lunch within the first six minutes of the period and are asked to leave and return via the auditorium lobby door. Those who remain are to arrive to lunch on time and may not linger or loiter in the rest rooms. They are considered tardy if they do not arrive within six minutes of the end of the previous period.
- When finished eating, students are to clean their tables of trays, utensils and trash and are to place all such items in the proper receptacles.
- Floors are to be checked for cleanliness.
- The back lawns of our neighbors are off limits. Should a ball fall over, students are asked to advise the supervisor on duty. It is important that students help us retain the good relationships the school has had with our neighbors over the years.
- Food or ice cream is not to be taken from the cafeteria into the halls or classrooms.
- Students are expected to leave in an orderly manner and cooperate with all lunch time supervisors on duty.

- Throwing of food or other objects or fighting in the cafeteria is an extremely serious offense, subject to severe disciplinary action of suspension.
- Students who go out to lunch should leave the grounds quickly and are not to loiter in front of the building or near the woods.

Out-to-Lunch Program - Senior High

The out-to-lunch policy adopted by the Wantagh Board of Education is a privilege granted to secondary 10-12 students on a year-by-year basis depending upon the acceptance of student responsibility. Ninth graders are not permitted to leave the campus. The plan calls for the following:

- If a student's parent gives him/her permission, the student may leave the campus during his/her assigned lunch period to have lunch away from school.
- The auditorium lobby is the only exit and entrance to be used. The out-to-lunch program does not permit hanging around the front of the building. Violators are subject to suspension.
- Lateness problems are subject to the regular cutting policy. Three latenesses equal one cut.
- Each student must be committed to the plan in order to make it work. Every time a student helps or encourages violating the rules, he/she jeopardizes the continuation of this program. This program shall be evaluated frequently.

General Procedures of Conduct: Senior and Middle Schools

1. Hallways

During passing time, it is expected that students will behave in an orderly manner. If students are in the halls while classes are in session, they must have a pass from a teacher.

2. Lockers

Locks and lockers are provided for students at no cost. However, the locks are the students' responsibility and must be paid for if lost. Therefore, students are not to divulge their combination. A periodic check will be made to ensure lockers are kept neat and clean. If any mechanical part of a locker is defective, the student should report it to the main office immediately. Parents and students are reminded that the school cannot be responsible for any loss incurred with the use of lockers.

Lunch - Elementary School

- When finished eating, students are to clean their tables of trays, utensils and trash and are to place all such items in the proper receptacles.
- Floors are to be checked for cleanliness.
- Food or ice cream is not to be taken from the cafeteria into the halls or classrooms or onto the playground.

5300-R

- Students are expected to leave in an orderly manner and cooperate with all lunch time supervisors on duty.
- Throwing of food or other objects or fighting in the cafeteria is an extremely serious offense, subject to severe disciplinary action of suspension.
- A note from home is required if a student wishes to go home for lunch.

Lockers

- Lockers are on loan to students and may be entered where warranted.
- The school is not responsible for personal belongings stolen or taken from lockers.
- Students should secure their possessions in their locker by installing a sturdy personal lock.

Distribution of Literature

Students may not distribute commercial material in school. However, they may distribute other literature, but they must first obtain approval from the administration and must clearly indicate the responsible issuing party or parties. Approval of time and place of distribution is mandatory.

Students will be held personally responsible for the content of the literature they distribute with reference to violating Civil Law, State Education Laws or school district policy.

Cross-ref: 4510, Instructional Materials
 5312, Prohibited Conduct
 5313.3, Student Suspension
 5320, Student Conduct on Buses
 5330, Searches and Interrogations

Adoption date: July, 1994

Revision date: July, 2004

STUDENT DISCIPLINE

Roles of Teachers, Administrators, Board of Education Members and Parents

The Role of the Teacher

Teachers should refer to the office certain types of behavior problems such as destruction of property, smoking, vicious behavior of any kind, illegal acts, even though one may feel up to dealing with the individual case. Beyond this, teachers should report to the building administrators only those problems which they may need help in solving. They should report these problems according to the procedures set up for this purpose, and they should confer with the administration in order to improve their ability to deal with that kind of problem in the future. If an illegal act was uncovered, the staff member will complete a deposition for the police, acting on behalf of the school district in concert with the administration.

The Roles of Administrators

The administration is responsible for school-wide procedures and policies and for working with the faculty, with groups and with individuals to establish two-way communication on the effective interpretation of policies and procedures. In dealing with difficult and complicated cases, the administrators may consult resource and supporting staff and advise them on these matters. They may ask the advice of individual staff members, such as guidance counselors, nurse-teachers, psychologists, social workers, or whoever can assist with the problem.

The Role of the Dean

The Dean of Students is responsible for the enforcement of the district's discipline code as well as school rules. The Dean supervises the functioning of the structured study hall and the office personnel. The Dean also assists with special duties assigned by the Building Principal. Infractions of school policy and rules will be brought to the attention of the Dean who in turn will inform the parents of the individual involved. The Dean will, in consultation with the Principal, determine what additional intervention, if any, is appropriate.

The Role of the Assistant Principal

The Principal and Assistant Principal, or someone acting on their behalf, are also expected to deal with individual students who are referred for violations of school rules. The administrators need to know how to deal with various kinds of behavior problems, and in so doing, will need to take one or more of the following steps: counseling the student and or arranging conferences when necessary with teacher, parents and student. This means that all students who commit the same type of offense will not necessarily receive the same type of punishment.

When a problem arises which is so serious that immediate corrective action must be taken, it shall be recommended to the Superintendent of Schools that the student be suspended for up to five days. Illegal activities are to be reported by the Principal to the police for follow-up.

1. The Principal and the Assistant Principal shall share the responsibility for developing sound school-wide policies and procedures and for providing the training, if needed, by those who will carry them out.
2. The Principal shall be available as a consultant on behavior problems involving individual students.
3. The Principal shall act upon the recommendation that a student be suspended before the recommendation is sent to the Superintendent.

The Role of the Superintendent of Schools

1. The Superintendent shall share with the Principal the responsibility for developing within each school, policies and procedures which are consistent with district-wide policies and procedures. The Superintendent shall also share with them the responsibility for providing the training needed for those who will carry out these policies and procedures.
2. The Superintendent shall serve as a consultant on serious behavior problems of individual students upon request of the Principal.
3. The Superintendent or designee shall act on all recommendations for suspension of students.

The Role of the Board of Education

The Board of Education shall make policies which are in harmony with applicable law. Policies are founded in the philosophy, goals, and objectives which pertain both to student learning and school-district operations.

The Board adopts specific policies related to discipline/punishment. It has established parameters for acceptable behavior and specified disciplinary outcomes for those individuals not meeting appropriate expectations.

Future need for the review of procedures or additional specification will occur according to an established process. Policies are detailed in the Policy Manual. Specific policies related to discipline/punishment are: 5312, 5313.1, and 5313.3.

Role of Parents

Parents should foster a sense of pride and responsibility toward their school and community. Special emphasis should be made in areas of respect for personal and school property, and most importantly, respect for authority. Good manners and a sincere concern for others start in the home and should continue during the school day.

Parents can support their children by joining various school organizations such as PTA and the 6-12 organization. These organizations would, in cooperation with teachers and administrators, help provide students with an educational experience which will develop productive and responsible citizens.

Cross-ref: 5311, Student Rights and Responsibilities
 5311.3, Student Complaints and Grievances
 5313, Penalties
 9280, Professional Staff Development

Adoption date: July, 1994

STUDENT RIGHTS AND RESPONSIBILITIES

Schools are for students. Schools reflect the educational philosophy of the community served. Parents, school staff and students are in pursuit of a common goal, a program preparing the participants for full, active, responsible participation in the community throughout their lives.

Such a program implies an appreciation for what has preceded us, an understanding of who and where we are, and the opportunity to exercise our rights and assume our responsibilities in participating in the determination of the community's direction.

Such a program promotes individual freedom, responsibility, and productive citizenship, as well as recognizes the rights and the standards of the community.

Such a program protects an individual through limitations upon the rights of others by living up to the guarantees of the U.S. Constitution and the laws of the state.

Personal or public irresponsibility, anarchy, or violence have no place in American democracy; neither do the extremes of regimentation and authoritarianism. The street can never be the alternative for the healthy, productive development of citizens; schools cannot tolerate conditions that drive students into the streets.

1. School boards are legally responsible for the establishment of school policy, and every effort should be extended to include in the formulation of school policy consideration for the developing maturity of the student. Concomitant responsibilities flow from the exercise of rights and privileges. Paramount among these are:
 - a. respect for oneself;
 - b. respect for others and their rights;
 - c. respect for individual dignity; and
 - d. respect for legally constituted authority and the legal responsibility of those in authority.
2. All rules and regulations to maintain the process of education must be common knowledge. Orientation programs and free student handbooks should provide this information in clear and understandable language. Any changes should be widely publicized in print in both school and community media, and no regulations should be summarily drafted and enforced.
3. The Board, certificated staff, and student governments should work cooperatively within the limitations prescribed by law in the establishment of these regulations. The amending, appeal, and student referenda and recall processes for the establishment and enforcement of these rules should be clearly defined and made available to all interested and affected parties.

4. Students must be free to establish and should be encouraged to participate in student governments that provide all students, through a representative system, a voice in school affairs. All registered students should be eligible to hold office.
5. Schools are for students and students should be involved in the educational process in their schools. Certificated staff members should solicit student suggestions and recommendations concerning curricular offerings. Curriculum offerings in local schools should meet the needs and interests of all students.
6. Freedom of speech is guaranteed to all citizens, and students must be allowed to exercise their constitutionally protected rights of free speech, petition, and assembly as long as they do not interfere with the educational process.
 - a. Materials presented to students should be relevant to the course and appropriate to the maturity level and intellectual ability of the students. Students should have the opportunity to investigate different views related to topics and materials introduced or presented. Teachers should, at all times, strive to promote tolerance for the views and opinions of others and for the rights of individuals to form and hold differing views and opinions. The teacher should further be responsible for permitting the expression of the views and opinions of others and to encourage students to examine, evaluate and synthesize all available information about such topics and materials.
 - b. School newspapers, yearbooks, literary magazines, and other publications should be guaranteed the right of freedom of the press, subject to the existing laws of libel and obscenity. As learning experiences within the school, the staff should have qualified advisers and should seek the highest publication standards. Other non-school sponsored student publications should be subjected to locally determined procedures for distribution on school premises.
7. The activities of students other than at school functions carried on entirely outside of normal hours and off school premises should not be the responsibility of the school and no student should be penalized because of such outside activities.
8. Students should be allowed the use of school facilities for school-sponsored extracurricular activities and should be encouraged to participate. Clubs, recreational events, and other such related activities must be scheduled in keeping with normal board policy and provide for supervision according to school rules.

9. Students have a right to an education and to equality of educational opportunity. Disciplinary measures that deprive him/her of this right should be utilized only in extreme cases. Disciplinary actions of administrators and teachers should be fair and consistent in all cases and resorted to only when the student, by his/her conduct, reveals his/her inability to recognize the rights of others.
10. Schools should establish a clearly defined procedure for the consideration of student problems and the processing of student complaints.

Rights of Students

A public school must be an orderly environment in which learning is not jeopardized by disruptions.

Within the limitations of the discipline code, students must be given opportunities to bear responsibilities and to accept the reasonable exercise of authority. One of the most important student responsibilities is to obey a school rule or policy until such a rule or policy is revoked. No written document can guarantee that authority will always be used reasonably or that rights will never be abused. The intent of this statement is to provide guidance in areas which have been sources of staff-student conflict. Students need freedom to grow, develop, make decisions, and to learn from their errors if they are to become self-sufficient adults. A necessary assumption is that students will accept the responsibilities that go along with their rights and that school staff members will use their authority with respect for the human dignity of their students.

What follows is a summary of basic students' rights in the Wantagh Public Schools:

A. The Right to Learn and Participate in Planning

Each student has the right to attend school and to gain an education as provided by law. Although students may not be skilled in content or curriculum design, their opinions about courses, course material, and procedures can be important and deserve full consideration. Therefore, we welcome constructive criticism and suggestions from all students as we review and revise course content.

B. The Right to Privacy of Records

Permanent record files are intended to provide information which can be used to develop the best possible educational program for each student.

Information typically includes progress reports, subject grades, achievement records, test data, medical records, and other evaluative information. A parent, legal guardian, and student over 18, have the right to inspect educational records. Information in the files will not be disclosed to persons outside the school district without the permission of the parents, except in cases where records are subpoenaed by legal authorities. Individuals seeking a review must schedule an appointment.

C. The Right of Expression

Students may exercise their rights of free speech and expression so long as they do not interfere with the operations of the regular school program.

D. The Right to Participate in Extra-curricular Activities

Students have the right to participate in extra-curricular activities sponsored by the school and will not be excluded on the basis of race, sex, religion, national origin, or disabilities. The organization has a right to establish criteria for membership provided such criteria are relevant to the purpose and activities of that group. The activity must be adequately supervised for the purpose of maintaining order and of assuring the well-being of the participants.

E. The Right to Personal Property

Students have a right to be secure in their persons, papers, and effects, including money, books, materials, and supplies. However, school authorities may conduct a search of a student where reasonable grounds for such a search exists.

F. The Right to Non-discrimination

Decisions made by school authorities concerning all regular school and school-related activities shall not be based on race, sex, origin religion, creed, economic status, political beliefs, or disabilities.

G. The Right to Publish the School Newspaper (as appropriate to different levels)

Publications, such as school newspapers, should reflect the policy and judgment of the student editors and school authorities. Students have the responsibility to refrain from libel and obscenity, and to observe the normal rules of responsible journalism.

Responsibilities of Students

A. Responsibility to Obey School Rules

It is the responsibility of all students to obey school rules. Disruptive behavior and infractions of school rules will be met with administrative action.

B. Responsibility for Academic Work Including Attendance and Behavior

Daily attendance is important to the continuity of instruction. When students are absent, they or a parent should call a classmate or the teacher to obtain homework assignments. Absence must be accounted for in writing on the day a student returns. Whenever possible, a student should try to obtain notes from a classmate pertaining to work missed during an absence from school. Students will be responsible for all work missed during their absence. If several days of instruction are missed and the student has fallen behind the class, the student should take advantage of the teachers' availability before or after school. Arrangements for out-of-class help should be made in advance with subject teachers.

Cutting of class, lateness to school or class, truancy, and leaving school without permission are subject to disciplinary action.

Classroom behavior affects the quality and quantity of the class work accomplished and therefore may be reflected in the classwork grade.

C. Responsibility for Dress and Grooming

School is a place of business and students are expected to dress appropriately for the serious pursuit of studies. Dress may be casual but must always be in good taste. A form of clothing or hairstyle which detracts from the learning process will not be permitted.

D. Freedom of Speech/Expression

Provision for expression of differences of opinion as provided in the First Amendment shall be adequately provided and protected. Prohibition of a particular expression of opinion, or means of expression, shall be based upon something more than a mere desire to avoid the discomfort and unpleasantness that always accompany an unpopular point of view.

E. Distribution of Literature

Students may not distribute commercial material in school. However, they may distribute other literature but must first obtain approval from school authorities as to the time and place of distribution. Students must clearly indicate the responsible issuing party or parties.

Students will be held personally responsible for the content of the literature they distribute with reference to violating civil law, State Education Laws or school district policy.

Political Activities

The role of the schools is to provide a forum for exchanging all points of view and political persuasions equally. Each student must then come to his/her own conclusions after hearing all sides. A balance of views is expected.

Freedom of Speech/Expression

Provision for expression of differences of opinion as provided in the First Amendment shall be adequately provided and protected. Prohibition of a particular expression of opinion, or means of expression, shall be based upon something more than a mere desire to avoid the discomfort and unpleasantness that always accompany an unpopular point of view.

Cross-ref: 4810, Teaching About Controversial Ideas
5220, Student Publications
5310, Student Discipline
5311.1, Student Due Process Rights
5311.3, Student Complaints and Grievances
5313.1-R, Detention Regulation
5313.3, Student Suspension

Ref: 8 NYCRR §100.2(l)(1)(i)
Education Law §3214

Adoption date: July, 1994

STUDENT DUE PROCESS RIGHTS

Students have a right to an education and any disciplinary measure which deprives them of this right must be applied with discretion and according to constitutional guidelines. Minor disciplinary problems are handled within the school by teachers, with the Dean and Assistant Principal and Building Principal dealing with the more serious disciplinary problems which could result in suspension.

Cross-ref: 5311, Student Rights and Responsibilities
 5311.3, Student Complaints and Grievances
 5313.3, Student Suspension

Adoption date: July, 1994

STUDENT GOVERNMENT

The Right to Student Governance (as appropriate for different levels)

Elected student governments symbolize democratic principles at work in the school. The right to vote and hold office is not restricted by race, ethnic background, religion, beliefs, disciplinary record, achievement, or ability. It is important for students to recognize that with the right to vote goes the responsibility to exercise that right and to do so wisely.

Adoption date: July, 1994

STUDENT COMPLAINTS AND GRIEVANCES

Purpose

1. To define the correct procedure for students to follow in resolving grievances.
2. To allow students to come before a committee with peer representation.
3. To secure at the lowest possible level an equitable solution to the problem for those parties involved with the grievance.

Definitions

1. A grievance shall be defined as a claim allegedly caused by a misinterpretation, violation, or inequitable application of student's rights. Cases where a teacher's professional judgment is involved may not be grieved provided the judgment does not violate a student's rights.
2. Days shall be designated as only school days; holidays and weekends are not to be considered applicable.

General Conditions

1. The formal procedures described herein do not limit the right of any student having a problem to discuss it with the Principal or any appropriate administrator without the assistance of the Student Grievance Committee.
2. The student must initiate definite action on the grievance within ten (10) days following the event or occurrence which is the basis for the grievance or the complaint shall be considered invalid (as waived).
3. It is the intent that this procedure be used only when direct negotiation between the parties involved would aggravate the existing relationship between the two factions.
4. Failure at any level of a school system administrator or the Board of Education to submit a written decision within the specified time limits shall permit the aggrieved student to take said grievance to the next level of this procedure.

Failure by the student at any level of this procedure to take the grievance to the next level within the specified time limit shall be considered acceptance of the decision rendered at that level.

5. Since it is important that formal grievances be processed as rapidly as possible, the number of days indicated at each level should be considered as a maximum, and every effort should be made to expedite the process. The time limits specified may, however, be extended by mutual written agreement of the parties involved.
6. All formal grievances and decisions rendered shall be in writing.
7. In the event a grievance is filed after June 1 of any year and this procedure will not allow for a settlement prior to completion of the school year, all parties involved shall use their best effort to resolve the grievance within ten (10) week days of the event or occurrence which is the basis for the grievance.

Cross-ref: 0100, Equal Opportunity
1400, Public Complaints
5020-R, Equal Educational Opportunities Regulation
5300, Student Conduct
5310, Student Discipline
5311, Student Rights and Responsibilities
5311.1, Student Due Process Rights
5313.3, Student Suspension

Ref: Education Law §3214
Title IX, Education Amendments of 1972, 20 USC 1681
Rehabilitation Act of 1973, §504, 29 USC §794

Adoption date: July, 1994

STUDENT COMPLAINTS AND GRIEVANCES REGULATION*Procedure*1. Level One

The student takes up the grievance with the person immediately concerned.

- a. In those cases where the student feels that the relationship is already such that further contact with the other party can only make matters worse, the student may complete a grievance identification form and return it to the student Grievance Committee within five (5) days. A grievance identification form may be obtained in the student council bookstore and in the general office.
- b. One committee member shall be assigned to contact the student by telephone. Within five (5) days a meeting of the committee will be held for the purpose of rendering a validity judgment on the grievance. At this time the student will be advised by the committee as to whether he/she must make another effort to resolve the problem at level one or continue to level two.

2. Level Two

If the problem is not resolved at level one, the student may submit a formal grievance to the Committee. The Committee shall immediately refer the grievance to the appropriate administrator. The administrator will discuss the grievance with all parties involved, including parents of the student, if necessary. The student may choose a representative of the Committee to assist him/her in discussion. Following the discussion, the administrator shall render a decision to all parties involved, in writing, within ten (10) days after receiving the grievance form.

3. Level Three

If the student is not satisfied at level two, the student may appeal to the Superintendent of Schools or the Superintendent's delegated representative within five (5) days of receiving the written decision. The Superintendent or the Superintendent's delegate will discuss the grievance with all parties involved including the parents of the student, if necessary. The student may choose a representative of the Committee to assist him/her in discussion. Following the discussion, the Superintendent or the Superintendent's delegate shall render a decision to all parties involved, in writing, within ten (10) days of receiving the appeal.

4. Level Four

If the student is not satisfied with the decision at level three, he/she may appeal to the Board of Education for a decision within five (5) days of receiving the written decision. The grievance shall be placed on the agenda of a Board meeting for consideration within one (1) month of receiving the appeal. All involved parties shall be notified of the meeting and should be prepared to discuss the grievance with the Board. The student may choose a representative of the Committee to assist him/her in discussion. Following the discussion and consideration the Board shall render a decision to all parties involved, in writing.

5. Level Five

If the student and/or the student's parents or guardian wish to pursue the grievance, the student must involve due process of the court system. The Committee may assist the student's legal representative with any information regarding the grievance. However, the Committee can do no more.

Committee Membership

1. Three Committee members from each grade level shall be appointed by the President of the Student Council.
2. One of the three senior Committee members shall be appointed Chairperson by the President of the Student Council.
3. The student members of the Committee shall select two faculty members to participate on the Committee.
4. The faculty shall select two teachers to participate as Committee members.
5. An administrator shall be named by the School Principal to act as a direct communications link to the Committee. The administrator shall have no voting powers and is not a Committee member. The administrator acts as a consultant in matters concerning administrative practice and procedure.
6. Insofar as possible the Committee should reflect a broad and diverse point of view. Furthermore, whenever possible, Committee members should carry over from one year to the next to ensure continuity and understanding of the Committee's work.

Suggestion and Complaint Board - Senior High School

The Suggestion and Complaint Board shall be composed of two Seniors, Juniors, Sophomores and one student Chairperson, plus a teacher-sponsor to help guide and serve as a consultant.

Students at Wantagh High School shall have a multitude of channels to express their concerns and grievances, real or alleged.

Teachers, Department Chairpersons, Guidance Counselors, Pupil Personnel Service and Administrators will stand ready and willing to listen to any student who wishes to be heard.

Students with a personal problem should consult their Guidance Counselor. A question about school policy, the way things are done, a suggestion or a feeling that a disciplinary decision has been unfair should be referred to the Student Suggestion and Complaint Board. Concerns or suggestions which are valid or justifiable may lead to the Suggestion and Complaint Board's suggesting or recommending the need for further study and investigation of the issue by the proper school authority. With proper grounds an appeal from a disciplinary decision is also possible except for suspension cases.

The Suggestion and Complaint Board is intended to communicate in both directions and render a service to both student and school.

Adoption date: July, 1994

CARE OF SCHOOL PROPERTY BY STUDENTS

Vandalism

In accordance with Section 1709 of the Education Law, the Board of Education shall hold parents and legal guardians (other than the state, or the local Social Services Department, or a foster parent) liable for willful, malicious or unlawful acts of destruction to school district property committed by children over ten and less than eighteen years of age. In conformity to law, the limit of such liability shall be two thousand five hundred dollars (\$2,500).

When such acts of destruction occur, the Superintendent of Schools or his/her designee shall seek criminal prosecution to the fullest extent of the law. The Superintendent shall seek to recover the cost of damages from parents or legal guardians. If recovery cannot be made, the Superintendent may authorize counsel to the Board to bring a cause of action in a civil court of competent jurisdiction to obtain a judgment to recover such damages.

Textbooks and School Equipment

Taxpayer funds supply the textbooks and school equipment used by the students. Each student is expected to return the textbooks and equipment issued to him/her. Any damage or loss results in the student being expected to pay for the damage or loss.

If the book issued is a used one, the student should be sure that any damage to the book is noted on the book receipt card he/she signs. The student will be held responsible and expected to pay for any other damage when he/she returns the book.

Cross-ref: 1520, Public Conduct on School Property
5312, Prohibited Conduct

Ref: Education Law §§1604(35); 1709(36)
State law now permits parental liability for up to two thousand five hundred dollars (\$2500).

Adoption date: July, 1994

STUDENT DRESS CODE

School is a place of business and students are expected to dress appropriately for the serious pursuit of studies. Dress may be casual but must always be in good taste. A form of clothing or hairstyle which detracts from the learning process will not be permitted.

Students should dress appropriately for school and show evidence of good taste and cleanliness. Clothing of a bizarre or distracting nature is not allowed nor is any clothing which is considered unsafe or a health hazard.

Dress at all times should be neat.

Dress that exposes parts of the anatomy not normally exposed at either school or at work will not be tolerated.

Shoes must be worn at all times for health and safety reasons. Students are not permitted to walk barefooted anywhere on school grounds. Violators will be referred for disciplinary action.

Ref: Education Law, §1709(2)

Adoption date: July, 1994

PROHIBITED CONDUCT*Secondary Schools*

Students must acquaint themselves with all school rules and regulations. Particular attention should be paid to the rules of special areas such as libraries, gymnasiums, stages, cafeterias, auditoriums and study halls.

- Fighting or threatening another is prohibited.
- Card playing or gambling is not permitted on school grounds at any time.
- Drug abuse, possession or sale of, intent to sell or exchange of any drugs or narcotics is an illegal act which is subject to serious legal consequences. Violators will be referred to the police and at a minimum will be suspended for five (5) days.
- Whistling, shouting or making loud noises is to be avoided at all times.
- Bringing fads, gadgets, gimmicks, radios, extraneous materials that do not contribute to the learning process or detract from it, are forbidden.
- Pushing, jostling, or other impolite or dangerous action in the cafeteria line, will not be tolerated. Cutting in ahead of other students is also forbidden. While eating, students should follow the same rules of good behavior that they would at home. Throwing objects of any kind is dangerous to other students and is therefore strictly forbidden. Throwing of food or other objects in the cafeteria is subject to immediate suspension.
- To prevent the scattering of food around the building, all food must be consumed in the cafeteria only, and refuse is not to be thrown on the floors or in the hall.
- Running, crowding, pushing or other behavior which is contrary to safety is not allowed in the halls.
- Students are not permitted to throw snowballs on school property. This is a highly dangerous practice and will not be tolerated.
- Teachers' desks, files, bookcases and closets are to be considered the private property of the teacher and must not be used by students unless they have been given permission to do so.
- Faculty lounges and rest rooms are for the exclusive use of the faculty.
- No student is to leave a class without a pass.
- Possession or use of firecrackers, fireworks or any type of explosive in the school building or on school grounds is against the law and is regarded as a very serious act. Such possession or use will result in immediate suspension and possible notification of police.
- For flagrant or repeated violation of the Athletic Code of ethics, spectators will be evicted from the area.
- Students who claim illness, but do not obtain a pass to the Nurse, and stay in the lavatory all period, will be handled as a class cut. Students who are ill and go home without permission from the Nurse or Attendance Office will be handled according to our cut policy.
- Intoxicating beverages are prohibited from school grounds. Violators are subject to immediate suspension.
- Knives or dangerous weapons are prohibited from school grounds.
- Frisbees thrown either on school grounds or inside the building will be confiscated and chronic violators disciplined.

General Regulations – Elementary School

Students must acquaint themselves with all school rules and regulations. Particular attention should be paid to the rules of special areas such as libraries, gymnasiums, stages, cafeterias and auditoriums.

- Fighting or threatening another is prohibited.
- Card playing or gambling is not permitted on school grounds at any time.
- Whistling, shouting or making loud noises is to be avoided at all times.
- Students are not to chew gum while in the school building.
- Bringing fads, gadgets, gimmicks, radios, extraneous materials that do not contribute to the learning process or detract from it, are forbidden.
- Pushing, jostling, or other impolite or dangerous action in the cafeteria line will not be tolerated. Cutting in ahead of other students is also forbidden. While eating, students should follow the same rules of good behavior that they would at home. Throwing objects of any kind is dangerous to other students and is therefore strictly forbidden. Throwing of food or other objects in the cafeteria is subject to immediate suspension.
- Running, crowding, pushing or other behavior which is contrary to safety is not allowed in the halls.
- To prevent the scattering of food around the building, all food must be consumed in the cafeteria only, and refuse is not to be thrown on the floors or in the hall.
- Students are not permitted to throw snowballs on school property. This is a highly dangerous practice and will not be tolerated.
- Teachers' desks, files, bookcases and closets are to be considered the private property of the teacher and must not be used by students unless they have been given permission to do so.
- Faculty lounges and rest rooms are for the exclusive use of the faculty.
- Possession or use of firecrackers, fireworks or any type of explosive in the school building or on school grounds is against the law and is regarded as a very serious act. Such possession or use will result in immediate suspension.
- Knives or other dangerous weapons are prohibited from school grounds. Frisbees thrown either on school grounds or inside the building will be confiscated and chronic violators disciplined.

Cross-ref: 1520, Public Conduct on School Property
 5300-R, Student Conduct Regulation
 5311.4, Care of School Property by Students
 5313, Penalties

Ref: Education Law §1709 (36)

Adoption date: July, 1994

Revision date: July, 2004

DRUG AND ALCOHOL ABUSE

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, 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 terms "alcohol and 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-alikes, and any of those substances commonly referred to as "designer drugs." 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 disciplinary action taken. 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, tobacco, 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, tobacco, 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.

Cross-ref: 5230, Student Social Events
5430, Student Psychological Services

Ref: Drug-Free Schools and Communities Act, 20 USC §§3171 et seq.
Drug-Free Schools and Campuses, 34 CFR Part 86
Public Law 101-226
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
New Jersey v. T.L.O., 105 S.Ct. 733 (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
Matter of Pollnow, 22 EDR 547 (1983)
Matter of Vetter, 20 EDR 547 (1981)
Matter of Rodriguez, 8 EDR 214 (1969)

Adoption date: July, 1994

DRUG AND ALCOHOL ABUSE REGULATION

Primary Prevention

The intent of primary prevention programming is to prevent or delay the onset of alcohol, tobacco, and other substance use by students. The components of this programming shall include:

1. A sequential K-12 prevention curriculum that provides for:
 - Accurate and age-appropriate information about alcohol, tobacco, and other substances, including the physical, psychological, and social consequences of their use/abuse.
 - Information about the relationship of alcohol and other substance use/abuse to other health-compromising issues such as AIDS, teenage pregnancy, eating disorders, child abuse, suicide, and dropping out of school.
 - Helping students develop appropriate life skills to resist the use of alcohol and other substances and to promote healthy life styles.
 - Helping students identify personal risk factors for alcohol and other substance use/abuse and the steps needed for risk reduction.
 - Helping students develop a positive self-concept.
 - Helping students identify when they are under stress through non-chemical means.
2. Training school staff, parents and guardians so that they may gain information and skills necessary to reinforce the components of this policy in the home, school and community.
3. Community education about the issues of alcohol and other substance use/abuse as a basis for providing a consistent message to district youth.
4. Positive alternatives to alcohol and other substance use/abuse, such as peer leadership programs, service projects, and recreational and extra-curricular activities. Such activities will be planned collaboratively by students, school staff, parents, community members, and agencies.

Intervention

The intent of intervention programming is to eliminate any existing use/abuse of alcohol and other substances, and to identify and provide supportive services to kindergarten through 12th grade students at high risk for such use/abuse. The components of such programming shall include:

1. Providing alcohol and other substance use/abuse assessment as part of counseling services for students.
2. Developing a referral process between district schools and community providers.

3. Identifying and referring students to appropriate agencies when their use/abuse of alcohol and/or other substances requires counseling and/or treatment.
4. Providing services to students in or returning from treatment to ensure that the school environment supports the process of recovery initiated in the treatment program.
5. Providing individual, group, and family counseling targeted at students at high risk for alcohol and/or other substance use/abuse .
6. Educating parents on when and how to access the district's intervention services.
7. Ensuring confidentiality as required by Federal and State Law.

Disciplinary Measures

Disciplinary measures for students found to have used or to be using, in possession of, selling, or distributing alcohol and/or other substances and for students possessing drug paraphernalia are outlined in policy 5312, Prohibited Conduct. Similar disciplinary measures for district staff are addressed in Education Law sections 1711(5)(e), 2508(5), 3020-a, and 913.

Students who are disciplined for any of these infractions will be referred to the intervention services established by Board policy.

Staff Development

The Board recognizes that if the administrative, instructional, and non-instructional staff are to be responsible for understanding, implementing and modeling this policy, they must be trained about the components of an effective alcohol and other substance prevention program. Staff training will be an ongoing process including the following:

1. For all staff: (a) an understanding of why individuals use and abuse alcohol and other substances, (b) their role in implementing this policy, including how to identify students who exhibit high risk behaviors or who are using/abusing alcohol and other substances, and how to refer these students to the appropriate services established by this policy, (c) awareness of personal risk factors for alcohol and other substance use/abuse so that they may identify personal use/abuse problems and seek assistance, and (d) awareness of the special needs of students returning from treatment.
2. Additionally for teachers: the knowledge and skills necessary to implement the district's K-12 alcohol and other substance prevention curriculum.
3. For intervention staff: appropriate staff training for those identified to carry out the intervention function to ensure that their assessment, individual, group and family counseling and referral skills support the needs of high-risk, using, and abusing youth.
4. For prevention staff: appropriate staff training to ensure that they have the necessary knowledge and skills to support the application of prevention concepts through programming targeted at the school, home, and community.

Collaboration

The Board charges the Superintendent to collaborate with district staff, parents, students, community members, organizations, and agencies, including alcohol and other substance abuse service providers, in developing the specific programs and strategies necessary to implement this policy.

Adoption date: July, 1994

SMOKING

The Board of Education hereby bans smoking within all of its school buildings.

Students caught violating this policy will be subject to disciplinary penalties.

The Board policy on smoking will be prominently posted in each school building.

Cross-ref: 1530, Smoking on School Premises
9530, Smoking on School Premises by Staff Members

Ref: Public Health Law Article 13-E; §§206; 340; 347

Adoption date: July, 1994

PENALTIES

For current policy, please consult the Building Principal's "Disciplinary Handbook."

Cross-ref: 5310, Student Discipline
5312, Prohibited Conduct
5313.1-R, Detention Regulation

Adoption date: July, 1994

DETENTION

The Board of Education believes that detention is an effective method of discipline for students. A student who violates the student disciplinary code may be assigned detention by the school office or any member of the faculty.

A student may begin his/her detention on the day he/she is summoned to the office or on the following day. His or her assignment must be served on consecutive days unless a parental note is submitted.

A student may not excuse himself/herself from detention by leaving after the last class claiming illness; the student must see the School Nurse to be excused. A student may not be excused from detention for any of the following: extra-help, sports (meetings, practices, or games), club meetings, teacher detention. The only alternative to school detention will be in-school suspension.

Adoption date: July, 1994

DETENTION REGULATION

Senior High School Detention

In the event students are assigned detention, they are to report to the Detention Hall on the designated date.

Lateness to detention or failure to behave satisfactorily in the Detention Hall will mean extra days of detention.

Failure to show up as arranged or other major violations in the Detention Hall will be handled as a serious act of insubordination.

Students who refuse to attend detention when assigned are insubordinate and are subject to a parent conference and suspension.

Notification of all detention assignments are mailed home to the student's parents.

Students who officially leave school before the end of the school day may serve their detention immediately after their last class in the Structured Study Hall. Study Hall time during the day may not be used for detention. It is the responsibility of the student to prove that the student is scheduled to leave school officially prior to the end of the school day.

Middle School Detention

In the event a student is assigned detention, the student is to report to the Detention Hall on the designated date.

Failure to report as arranged is a major violation and will be handled accordingly.

Students who have knowledge of outside commitments at time of assignment to detention should make this knowledge known.

Privileges Denied

Students who have ten or more detentions outstanding by the end of the week will have their names placed on a privileges denied list. These students will be restricted from engaging in the out-to-lunch privilege as well as any extra-curricular activity (example: sports, band, clubs) for the coming week. Study hall time during the day may not be used for detention.

Cross-ref: 5311, Student Rights and Responsibilities
 5313, Penalties

Adoption date: July, 1994

STUDENT SUSPENSION

Suspension from classes or school is a serious matter. It means that the student has had significant difficulty in demonstrating acceptable behavior at school. Students cannot expect the school to invoke an unlimited number of suspensions without questioning the student's intentions of seriously remaining in school. According to law, suspensions from school up to five days require a conference with the student, and a contact with the parent. A student suspended in school must report to the in-school suspension room and is responsible for all classwork as well as all homework assignments.

Suspension beyond one week must call for a formal hearing at which time parents, student, and legal counsel, if requested, may question the evidence before the hearing officer renders a decision on the case.

The Board of Education or the Superintendent of Schools may suspend the following students from required attendance in school:

1. A student who is insubordinate or disorderly, or whose conduct otherwise endangers the safety, morals, health or welfare of others.
2. A student whose physical or mental condition endangers the health, safety or morals of himself/herself or of other students.

Five-Day Suspension

1. The Board delegates to the administration the power to suspend a student for a period not to exceed five school days. All suspensions shall be reported to the Superintendent, and parents notified of their right to a conference.
2. If a suspension of five days or less is determined to be the appropriate form of disciplinary action, the Superintendent/Building Principal shall immediately notify the student orally or in writing, and shall immediately notify the student's parent(s) or guardian(s) in writing that the student has been suspended from school. Written notice shall be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of the notice within 24 hours of the suspension at the last known address(es) of the parent(s) or guardian(s). If possible, such notice will also be provided by telephone. The notice shall provide a description of the charges against the student, and the incident(s) which resulted in the suspension, and shall inform the parent(s) or guardian(s) of their right to request an immediate informal conference with the Superintendent/Building Principal. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parent(s) or guardian(s). At this conference, the parent(s) or guardian(s) shall be permitted to ask questions of complaining witnesses under such procedures as may be established by the Superintendent/Building Principal. After the conference, the Superintendent/Building Principal shall promptly advise the parent(s) or guardian(s) of his/her decision and that they may appeal the decision to the Board.

3. No student may be suspended for a period in excess of five school days unless such student and the person in parental relation to such student shall have had an opportunity for a fair hearing, upon reasonable notice, at which such student shall have the right of representation by counsel, with the right to question witnesses against such student. Such hearing shall be held before the Superintendent if the suspension was ordered by the Superintendent. An appeal to the Board shall lie from the Superintendent's decision upon such hearing. If the suspension shall have been ordered by the Board, such hearing shall be before the Board.

Longer Suspension

In accordance with the provisions of the Gun-Free School Act (Public Law, 103-227, Title X, Part B), the Board of Education hereby adopts a policy pursuant to which a student who is determined to have brought a weapon as that term is defined in Title 18 U.S.D. section 921 to a school under the jurisdiction of the Board of Education shall be excluded from school for a period not less than one year, provided that the Superintendent of Schools may modify such exclusion requirement on a case-by-case basis in accordance with applicable federal and state laws, rules and regulations and after affording the student such due process as may be required. Students who have been determined to have brought a weapon to school shall be referred to the criminal justice or juvenile delinquency system. Longer suspensions may also be considered when serious infractions of student conduct occur as stated in 5312 and other subsections.

Procedure After Suspension

In the case of a student who is suspended as insubordinate or disorderly, and is of compulsory attendance age, immediate steps shall be taken for his/her attendance upon instruction elsewhere or for supervision or detention pursuant to the Family Court Act, Article Seven.

In the case of a student suspended for cause, 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.

Ref: Education Law Sections 3214; 3205

Note: Prior policies, Policy Manual, 5114, 5144 and 5144a, revised

REVISED: June, 1994
July, 1994
February, 1996
July, 2004

USE OF TIME OUT ROOMS

Purpose:

A time out room is an area for a student to safely deescalate, regain control, and prepare to expectations to return to his/her education program. Time out rooms are used in conjunction with a behavioral intervention plan in which a student is removed to a supervised area in order to facilitate self-control or to remove a student from a potentially dangerous situation. For the purpose of this policy, a potentially dangerous situation is an unanticipated situation that poses an immediate concern for the physical safety of a student or others.

Description of Time Out Room:

A time out room shall provide a means for continuous visual and auditory monitoring of the student. District staff shall continuously monitor the student in a time out room. Staff must be able to see and hear the student at all times.

The room shall be of adequate width, length, and height to allow the student to move about and recline comfortably. Wall and floor coverings should be designed to prevent injury to the student. There shall be adequate lighting and ventilation. The temperature of the time out 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. All local fire and safety codes shall be observed.

The time out room must be unlocked at all times and the door must be able to be opened from the inside. Under no circumstances may a locked room and space be use for the purposes of a time out.

Behavioral Management

A time out room will only be used as part of the District's behavior management. A student's individualized education program shall specify when a behavioral intervention plan includes the use of a time out room, including the maximum amount of time a student will need to be in a time out room as a behavioral consequence. Such maximum amount of time shall be determined on an individual basis based on the student's age and individual needs. Except for potentially dangerous situations described above, the time out room shall be used only in conjunction with a behavioral intervention plan that is designed to teach and reinforce alternative appropriate behaviors.

The District shall inform the student's parent(s) or guardian(s) prior to the initiation of a behavioral intervention plan that will incorporate the use of a time out room. The District shall further give the parent(s) or guardian(s) the opportunity to see the physical space that will be used as a time out room and provide the parents(s) or guardian(s) with a copy of the District's policy on the use of such rooms.

Factors Precipitating the Use of a Time Out Room:

The District may place a student in a time out room when: (1) the student's behavior affects the teacher's ability to teach and/or the ability of the other students in the classroom to learn and the student's removal is necessary to maintain or restore control over the classroom; (2) the student's behavior poses a threat to him/herself or another individual; (3) the student requests a break in the time out room to regain his/her composure or self-control; or (4) a potentially dangerous situation arises. Except in the event of a potentially dangerous situation, the placement of a student in a time out room shall be in conjunction with that student's behavioral intervention plan.

Recordkeeping:

The District shall establish and implement procedures to document the use of the time out room, including information to monitor the effectiveness of its use to decrease specified behaviors. The District shall review the data collected through such monitoring and make any needed changes to its time out procedures, as is appropriate.

Staff Training:

The District shall provide staff training to those staff members who may be called upon to implement time out interventions.

Ref: Education law 8 N.Y.C.R.R. §200.2(c)

Adoption Date: May 2007

STUDENT CONDUCT ON SCHOOL BUSES

Riding a school bus is a privilege and can be removed at any time for disruptive and unsatisfactory conduct. Students who ride the school buses must obey all the regulations which are supplied when the passes are issued. All students being transported are under the authority of the bus driver and must obey him/her. Failure to do so may result in the privilege being temporarily or permanently revoked.

If a student does not have his/her pass, the student may be denied access to the bus.

Cross-ref: 5300-R, Student Conduct Regulation

Ref: Education Law §§3214; 3635

Adoption date: July 1994

Revised: October 2009

STUDENT CONDUCT ON SCHOOL BUSES REGULATION

The following rules are to be observed in bus conduct:

1. Bus passes must be shown when entering the bus.
2. Students must be at the bus stop and ready when the bus arrives.
3. Students must not enter or leave the bus while it is in motion.
4. Students must pass in front of rather than behind bus.
5. Students must remain seated until the bus stops.
6. Students are not to extend their head or arms from windows.
7. Swearing or other vile language must not be used.
8. The use of tobacco and/or intoxicants is forbidden. Violations are subject to the regular school rules.
9. Quarreling, fighting or rough play will not be tolerated.
10. Loud speaking cannot be tolerated.
11. Students must obey the bus driver.
12. Students are to help the bus driver to keep the bus neat and clean.
13. Students must ride their assigned buses. Middle School buses are off limits to high school students.

Observance of these few simple rules help to keep the passengers safe, by letting the bus driver concentrate on safe driving.

Upon review of the facts,] violators of these rules may be denied the privilege of riding the school bus at the discretion of the principal as follows:

1st reported offense: 5 days

2nd reported offense: 10 days

Additional reported offenses: 10 days or more

Adoption date: July 1994

Revised: October 2009

SEARCHES AND INTERROGATIONS

The right of inspection of student's school lockers and desks is inherent in the authority granted Boards of Education and administrators and should be exercised so as to assure parents that the school, in pursuing its "in loco parentis" relationships with their children, will employ every safeguard to protect the well-being of those children.

Cross-ref: 5300-R, Student Conduct Regulation

Ref: *N.J. v. TLO*, 105 S.Ct. 733
People v. Overton, 24 N.Y. 2d 522
People v. Scott D., 34 N.Y. 2d 483
People v. Ronald B., 61 A.D. 2d 204

Adoption date: July, 1994

STUDENT SEARCHES AND INTERROGATIONS REGULATION*Questioning and Apprehension*

The following steps shall be taken to cooperate with the authorities:

1. The officer shall properly identify himself/herself.
2. If a police officer states that it is his/her intention to arrest a student, then the student should be produced, and his/her parents or guardian immediately notified, if possible; the student should be advised of his/her right to consult his/her parents and to remain silent until that time. It is the responsibility of the police officer to comply with any requirement to obtain an arrest; however, a warrant need not be produced in order for the arrest to be effective.
3. Except for a crime committed on school property, police authorities have no power to interview children in school buildings and the school district has no right to make children available for such purpose. If a police officer requests access to a student for interrogation (as opposed to arresting him/her) which does not concern a crime committed on school property, then the officer should be politely advised that the school cannot make students available for that purpose, and the he/she should take the matter up directly with the parents. A crime is defined as a misdemeanor or a felony.

County, State and Federal Governments

Agencies of the local county and state police as well as the agencies of the Federal Government, such as postal inspectors, treasury agents, and agents of the Federal Bureau of Investigation are governed by the same rules as above.

Adoption date: July, 1994

STUDENT WELFARE

Preserving the safety and protecting the health and general welfare of individual students and of the student body on school property and/or at and during school-sponsored activities are the legal and moral responsibilities of the Board of Education.

Adoption date: July, 1994

(X) Required

(x) Local

() Notice

STUDENT WELLNESS

The Wantagh School District is committed to providing school environments that promote and protect children's health, well-being, and ability to learn by supporting healthy eating and physical activity. The District will convene a representative district wellness committee that meets throughout the year.

The school district will implement, monitor, review, and, as necessary, revise school nutrition and physical activity policies. The wellness committee will serve as a resource to school sites for implementing those policies. The committee consists of a group of individuals representing the school and community, and should include parents, students, and representatives of the school food authority, members of the school board, school administrators, teachers, health professionals, and members of the public.

Given the documented connection between proper nutrition, adequate physical activity and educational success, the Board of Education adopts the following goals and authorizes the following actions to provide district students with a school environment that promotes student health and wellness and reduces childhood obesity.

For purposes of this policy, "school campus" means all areas of district property accessible to students during the school day; "school day" means the period from the midnight before to 30 minutes after the end of the official school day; and "competitive food" means all food and beverages other than meals reimbursed under federal food programs available for sale to students on the school campus during the school day.

I. Foods and Beverages Available to Students on School Campus During the School Day

The Board recognizes that a nutritious, well-balanced, reasonably-portioned diet is essential for student wellness. To help students possess the knowledge and skills necessary to make nutritious food choices for a lifetime, the district shall ensure that all foods and beverages available in school promote good nutrition, balance, and reasonable portion sizes. The district shall ensure that all foods and beverages available for sale to students on the school campus during the school day meet or exceed the program requirements and nutrition standards found in federal regulations.

To accomplish this, the Board directs that the district serve healthy and appealing foods and beverages at district schools, following state and federal nutrition guidelines, as well as safe food preparation methods.

A. School Meals – the district shall:

1. Include fruits, vegetables, salads, whole grains, and low fat items at least to the extent required by federal regulations.
2. Encourage students to try new or unfamiliar items.
3. Make efforts to ensure that families are aware of need-based programs for free or reduced-price meals and encourage eligible families to apply.
4. Consider serving produce and food from local farms and suppliers.
5. Make free drinking water available at locations where meals are served.

B. Meal Scheduling – the district shall:

1. Provide adequate time to eat.
2. Schedule lunchtime between normal lunch hours (approximately 11 a.m. - 1:30 p.m.)

C. Foods and Beverages Sold Individually (e.g., a la carte, vending machines, school stores) – the district shall:

1. Ensure that all such items meet the nutrition standards set in federal regulations for competitive foods regarding whole grains, fruits, vegetables, calories, fat, saturated fats, trans fats, sugar, sodium, and caffeine.
2. Permit the sale of fresh, frozen or canned fruits and vegetables, if processed pursuant to federal regulations, as exempt from the nutrition standards.
3. Work with existing vendors or locate new vendors that will comply with nutrition standards.

D. Fund-Raising Activities – the district shall:

1. Ensure that all fundraisers selling food or beverages to students on school campus during the school day meet the competitive foods nutrition standards set in federal regulations for whole grains, fruits, vegetables, calories, fat, saturated fats, trans fats, sugar, sodium, and caffeine.
2. Promote non-food items to sell, or activities (physical or otherwise) in which to participate.
3. Student groups conducting fundraisers which take place off the school campus or outside the school day are encouraged to obey this policy.
4. Outside organizations (e.g., Parent groups, booster clubs) conducting fundraisers which take place off the school campus or outside the school day are encouraged to follow this policy.

E. School and Class Parties, Celebrations, and Events where food and beverages are provided, but not sold – the district shall:

1. This section applies to all school and classroom parties, snacks which have been brought in for the class or school, celebrations, food provided to learn about cultures or countries, and other events where food is provided but not sold.
2. Schools shall set guidelines for the frequency and content of classroom and school-wide celebrations where food and beverages are provided.
3. The district shall promote the use of food and beverage items which meet the standards for competitive foods and beverages, promote non-food activities, and discourage foods and beverages which do not meet those standards, at celebrations.
4. Model the healthy use of food as a natural part of celebrations.

F. Marketing of Foods and Beverages

1. Any food or beverage that is marketed on school grounds during the school day must meet at least the federal nutrition standards for competitive items.
2. This restriction applies to all school buildings (interior and exterior), school grounds, school buses and other vehicles used to transport students, athletic fields, structures, parking lots, school publications, and items such as vending machines, equipment, posters, garbage cans, or cups.
3. Marketing includes all advertising and promotions: verbal, written, or graphic, or promotional items.
4. This restriction does not apply to personal opinions or expression, or items used for educational purposes.
5. This restriction applies to all purchases and contracts made after the effective date of this provision.

II. Physical Activity

Physical activity is an important factor in staying healthy and being ready to learn. The Board encourages every student to develop the knowledge and skills necessary to perform a variety of physical activities, to regularly participate in physical activity, and to appreciate and enjoy physical activity as an ongoing part of a healthy lifestyle. In addition, staff, families, and community are encouraged to participate in and model physical activity as a valuable part of daily life. The district's Physical Education program shall adhere to the curricular requirements of the Commissioner of Education and the New York State Learning Standards.

A. Physical Education

The District shall provide a comprehensive program of physical education/physical activity, based upon New York State and National Standards to all students in grades K-12. All students in grades K-12, including students with disabilities, special health-care needs, and in alternative educational settings, will receive physical education. Instruction in physical education shall focus on physical fitness, health, skills, coordination and positive sporting behaviors.

All physical education classes shall be taught by New York State certified physical education instructors. Time allotted for physical activity shall be consistent with national standards and in compliance with The Regulations of the New York State Commissioner of Education (135.1). Student involvement in other activities involving physical activity (e.g., interscholastic or intramural sports) will not be substituted for meeting the physical education requirement. Students will spend at least 50 percent of physical education class time participating in moderate to vigorous physical activity.

The physical education curriculum shall provide:

1. Each school shall encourage safe and enjoyable activities for all students.
2. Facilities for physical activity on school grounds shall be well-maintained and meet applicable local, state and federal standards for safety.
3. Instruction in a variety of motor skills that are designed to enhance the physical, mental and social/emotional development of every child.
4. Opportunities to improve students' emerging social and cooperative skills.
5. Opportunities to gain a multi-cultural perspective through the study of sports and games of other cultures. Instruction in individual and team activities to encourage life-long fitness.
6. Fitness education and assessment that help students acquire knowledge of physical fitness concepts understand the relationship of lifestyle to wellness and improve and/or maintain their personal fitness level. Students shall engage in physical education for at least the minimum number of hours or days per week under State requirements.
7. Physical Education classes shall incorporate the appropriate NYS Learning Standards.
8. Promote, teach and provide opportunities to practice activities that students enjoy and can pursue throughout their lives (e.g., yoga, fitness walking, step aerobics).
9. The performance of physical activity shall not be used as a form of discipline or punishment.
10. The withholding of physical activity shall not be used as a form of discipline or punishment whenever possible.

B. Health Education

The District shall provide a comprehensive health education program, based upon a well-defined scope and sequence in grades K-12, taught by certified health educators. The health curriculum shall embrace National and New York State standards, and shall provide the opportunity to explore topics related to social, mental, emotional, physical and environmental well-being. All health education teachers will provide opportunities for students to practice or rehearse the skills taught through the health education curricula.

The District will include in the health education curriculum the following essential topics:

1. The relationship between healthy eating and personal health and disease prevention.
2. Food guidance from MyPlate, USDA food labels, balancing all food groups and making positive food choices, importance of nutrients.
3. Social influences on healthy eating, including media, family, peers, and culture
 - making healthy choices at restaurants.
 - resisting peer pressure related to unhealthy dietary behavior, eating disorders, and accepting body size differences.
4. How to find valid information or services related to nutrition and dietary behavior.
5. How to develop a plan and track progress toward achieving a personal goal to eat healthfully.
6. Influencing, supporting, or advocating for others' healthy dietary behavior.
7. Decision making, communication, goal setting and planning.
8. Advocacy, self-management, bullying and violence prevention, unintentional injury.
9. Nutrition and physical activity.
10. Alcohol, tobacco and other drug prevention.
11. Human Sexuality, sexual risks, HIV/AIDS education.

C. Student Wellness:

As part of its commitment to nurturing the social and emotional wellness of our students, the district shall provide a variety of services and programs including, but not limited to:

1. Individual or group counseling
2. Crisis intervention
3. Referrals to local agencies
4. Monitoring medical conditions and concerns
5. Academic counseling and guidance support
6. Educational testing
7. Consultation services

The Director of Guidance, the Director of Pupil Personnel Services, building level administrators, and central office administration will work collaboratively in conjunction with the wellness committee to ensure that programs and services that support student social and emotional wellness are implemented across all school buildings.

D. Recess

All elementary school students will have at least 20 minutes a day of supervised recess, preferably outdoors, during which schools should encourage moderate to vigorous physical activity verbally and through the provision of space and equipment. Teachers will not completely eliminate daily recess and activity time as a consequence because students need physical activity breaks.

1. Maintain daily allotment of recess time for elementary school.
2. Permit scheduling recess before lunch.
3. Recess will be held outdoors whenever possible, and indoors during the most inclement weather, at the discretion of the Building Principal.

E. Physical Activity in the Classroom

1. Promote the integration of physical activity in the classroom, both as activity breaks and as part of the educational process (e.g., kinesthetic learning).
2. If the district is under severe time or space constraints, consider meeting the state requirements for Physical Education through collaborative and integrative in-classroom activity, under the supervision of a Physical Education teacher.

F. Extracurricular Opportunities for Physical Activity

1. Promote clubs and activities that meet the various physical activity needs, interests, and abilities of all students (e.g., walking, hiking), including before and after school activities.
2. Promote students walking/biking to school (with proper storage of bicycles), safe routes to school.
3. The school district may set eligibility requirements for participation in extracurricular activities. Doing so does not constitute the withholding of physical activity opportunities for students.

III. Nutrition Promotion and Education

The Board believes that nutrition promotion and education is a key component in introducing and reinforcing healthy behaviors in students. Nutrition promotion and education that teaches the knowledge, skills, and values needed to adopt healthy eating behaviors shall be integrated into the curriculum. Nutrition promotion and education information shall be offered throughout the school campus including, but not limited to, school dining areas and classrooms. Staff members who provide nutrition promotion and education shall be appropriately certified and trained. The district's broader Health Education program shall incorporate the appropriate New York State Learning Standards.

The Board's goals for nutrition promotion and education include that the district will:

1. Include nutrition education as part of not only health education classes, but also classroom instruction in subjects such as math, science, language arts, social sciences and elective subjects.
2. Include enjoyable, developmentally appropriate, culturally relevant, participatory activities, such as contests, promotions, taste testing, farm visits, and school gardens.
3. Promote fruits, vegetables, whole grain products, low fat dairy products, safe and healthy food preparation methods, and health enhancing nutrition practices.

4. Emphasize caloric balance between food intake and energy expenditure.
5. Teach media literacy with an emphasis on food marketing.

IV. Other School-Based Activities

The district may implement other appropriate programs that help create a school environment that conveys consistent wellness messages and is conducive to healthy eating and physical activity. Such activities may include, but are not limited to, health forums or fairs, health newsletters, parent outreach, student and parent surveys, employee health and wellness activities, limiting the use of food as a reward, reviewing food marketing and advertising in school, hosting or promoting community-wide events, and offering wellness-related courses in the district's adult education program.

V. Implementation

The Board shall designate the Superintendent or his/her designee as District Wellness Coordinator responsible for ensuring that the provisions of this policy are carried out throughout the district. The Board may also designate one person in each building as School Wellness Coordinator to ensure that the wellness activities and actions are being implemented at the building level.

VI. Monitoring and Review

The District Wellness Coordinator, shall develop a summary report every three years to the Board and the public on the implementation and effectiveness of this policy. Every three years, the District Wellness Coordinator, in consultation with appropriate personnel and advisory committees, shall monitor and review the district's wellness activities to determine the extent that district schools are complying with this policy, how this policy compares to model wellness policies, and the progress made toward attaining the goals of this policy and whether this policy is having a positive effect on increasing student wellness and decreasing childhood obesity in the district. Based on those results, this policy, and the specific objectives set to meet its goals, may be revised as needed.

Parents, students, food service professionals, physical education teachers, school health professionals, school administrators, the general public, and the school board shall be provided with the opportunity to participate in the development, implementation and periodic review and update of this wellness policy. To do this, the district shall invite participation via methods such as notices in school publications; staff and student announcements, handbooks and memos; the district website; and outreach to school-associated organizations interested persons and those with valuable expertise.

The district shall inform and update the public (including parents, students and others in the community) about the content and implementation of this wellness policy by posting this policy (and any updates) on the district website and in each school lunch area, referencing the policy and its availability on school publications and notices, and providing information about new and ongoing wellness policy activities to parents, staff and students via established communication channels.

The district shall monitor and review the implementation and effectiveness of this policy by conducting:

1. Periodic informal surveys of Building Principals, classroom staff, and school health personnel to assess the progress of wellness activities and their effects.
2. Periodic checks of the nutritional content of food offered in the cafeterias for meals and a la carte items, and sales or consumption figures for such foods.
3. Periodic checks of the nutritional content of food available in vending machines, and sales or consumption figures for such foods.
4. Periodic checks of the amount of time students spend in Physical Education classes, and the nature of those activities.
5. Periodic checks of student mastery of the nutrition education curriculum.
6. Periodic review of data currently collected by the district, including:
 - a. attendance data, particularly absences due to illness;
 - b. test scores;
 - c. rates of suspension, discipline, and violent incidents;
 - d. physical education scores on flexibility, endurance, and strength (i.e., fitness test results);
 - e. student BMI (Body Mass Index) statistics, as collected in accordance with the State Department of Health efforts; and
7. Periodic surveys of student/parent opinions of cafeteria offerings and wellness efforts.
8. Periodic review of professional staff development offered which focuses on student wellness.
9. NYSSBA's Student Wellness Assessment Checklist (or equivalent assessment tool) *every three years* to review the effectiveness of this policy.

VII. Recordkeeping

The district shall keep records as required by federal regulations, including documentation of the following: this policy; the district's community involvement activities described above; that the policy is made available to the public; the assessments done every three years; how the public is informed of the assessment results; and when and how the policy is reviewed and updated.

Ref: P.L. 111-296 (The Healthy, Hunger-Free Kids Act of 2010), §204 amending 42 USC §1758b
P.L. 108-265 (Child Nutrition and WIC Reauthorization Act of 2004), §204
42 USC §§1758(f)(1); 1766(a) (Richard B. Russell National School Lunch Act)
42 USC §1779 (Child Nutrition Act)
7 CFR §§210.10; 210.11; 210.12; 210.15; 210.18; 210.30 (National School Lunch Program participation requirements – nutrition standards for lunch and competitive foods; community involvement; recordkeeping; state review; local wellness policy)
7 CFR §§220.8; 220.12 (School Breakfast Program participation requirements – nutrition standards for meals and competitive foods)
8 NYCRR Part 135 (Health and Physical Education curricular requirements); §114.1 (School Breakfast Program Requirements)
Appeal of Phillips, 37 EDR 204 (1997) (dec. no. 13,843) (physical education requirements)
Appeal of Williams, 32 EDR 621 (1993) (dec. no. 12,934) (physical education requirements)

Adoption date: March 2007

Revised: November 2018

STUDENT HEALTH SERVICES

Health

A completed Emergency Health Form and Immunization Record is required of every student in the district.

The Health Office is available for emergency cases, such as accidents and sudden serious illnesses in addition to a regular ongoing health program.

Students must have a pass from a teacher to be admitted to the Health Office. If a student is involved in an accident or becomes seriously ill in school, he/she should ask his/her teacher for a pass to the School Nurse. Students are reminded that the Health Office is not intended as a substitute for class, boredom, or social activities.

The School Nurse will not dispense any medication unless a confirming note is on record in the Health Office from the student's family physician or parent. The medication is to be brought to the Health Office with the prescription label and notes from home.

Students who are summoned by the School Nurse will receive an official pass from the Health Office and are requested to report at the time indicated on the pass.

Students who go home because of illness without going to the School Nurse for a medical dismissal are in serious violation of our school rules and are subject to our regular cut policy.

First Aid

First aid is such treatment as will protect the life and comfort of the patient until authorized treatment is secured. In all accident cases or cases of emergency, the responsibility for the care and treatment of the individual should be shifted to the parent or guardian as soon as possible.

The family physician should be called in case of severe emergency or collapse. If the family physician is not immediately available, the School Physician or any available physician should be called.

Dressing applied by a physician or parent should not be removed.

The person giving first aid should attempt to find and make the student aware of the cause of the condition and ways and means of prevention in the future.

Any injury sustained by a student in the school building or on the playground must be reported to the Building Principal and the School Nurse if either is available. For any accident occurring on school grounds, the teacher in charge of the activity must complete an accident report. These reports are in the Nurse's office. Teachers must report the accident to the Nurse just as soon as possible after the accident has occurred. When there is any doubt as to whether the accident is a bona fide one or extremely minor in nature, filing an accident report is in order immediately.

Whenever an injury is sustained by a student on school property, parents should be promptly notified by the School Nurse so that a joint determination regarding further treatment can be made. This notification is mandatory when said injury involves the head and/or eyes.

No internal medication should be administered even in emergencies to any student by school personnel other than a physician who has examined and prescribed for that particular student.

Illness

Students who find it necessary to leave school because of illness are to report to the School Nurse or School-Nurse Teacher. Teachers cannot give students permission to leave school grounds. Students who leave without permission are truant from school.

Students who become ill may be excused by the School Nurse or School Nurse-Teacher only after the home has been contacted. No student is to be sent home until it is certain that someone in authority will be there to receive him/her.

Any student, injured or ill, and sent home at the discretion of the School Nurse or Nurse-Teacher or person in authority must be accompanied by his/her parent or a person designated by the parent as responsible in his/her absence. The ill or injured student is not permitted to walk by himself/herself, ride a bus or bicycle, or drive his/her own car home, without parental permission.

If the parent cannot make arrangements for having his/her child transported home, it will be the responsibility of the School Administrator to request the parent to arrange for taxi service or to designate some member of the staff to accompany the child home in a district vehicle.

Communicable Diseases

It shall be the responsibility of the Building Principal to assist in meeting the provisions of the Health Department concerning communicable and contagious diseases by promptly reporting to the School Nurse the presence of such disease.

When students have been excluded from school on account of communicable diseases, they are to present to a School Nurse or School Nurse-Teacher a certificate of a physician stating that they may be re-admitted to school.

Health Examinations and Immunizations

All school students, new enterers and attendees must meet the school immunization requirements as set forth in Section 2164 of the Public Health Law.

1. Measles, mumps and rubella vaccines must have been given after the first birthday in order to be acceptable for school entry and attendance.
2. Measles and mumps disease history is acceptable only when certified by a physician.
3. Rubella disease history is no longer acceptable regardless of source. The only alternative to rubella vaccination is serological evidence of rubella antibodies. Note, however, that the rubella requirement is waived for female students who have reached the age of 11 years.

Four doses of inactivated polio vaccine administered after 1968 is an acceptable alternative to three doses of trivalent oral polio vaccine.

*Public Health Law: Section 2164***§2164. Definitions; immunization against poliomyelitis, mumps, measles, diphtheria and rubella**

1. As used in this section, unless the context requires otherwise:
 - a. The term "school" means and includes any public, private or parochial child caring center, day nursery, day care agency, nursery school, kindergarten, elementary, intermediate or secondary school.
 - b. The term "child" shall mean and include any person between the ages of two months and eighteen years.
 - c. The term "person in parental relation to a child" shall mean and include his father or mother, by birth or adoption, his legally appointed guardian, or his custodian. A person shall be regarded as the custodian of a child if he has assumed the charge and care of the child because the parents or legally appointed guardian of the minor have died, are imprisoned, are mentally ill, or have been committed to an institution, or because they have abandoned or deserted such child or are living outside the state or their whereabouts are unknown.
2. Every person in parental relation to a child in this state shall have administered to such child an adequate dose or doses of an immunizing agent against poliomyelitis, mumps, measles, diphtheria, rubella and hemophilus influenza type b (Hib), which meets the standards approved by the United States Public Health Service for such biological products and which is approved by the state department of health under such conditions as may be specified by the public health council.
3. The health practitioner who administers such immunizing agent against poliomyelitis, mumps, measles, diphtheria, hemophilus influenza type b (Hib) and rubella to any such child shall give a certificate of such immunization to the person in parental relation to such child.
4. In the event that a person in parental relation to a child makes application for admission of such child to a school or has a child attending school and there exists no certificate or other acceptable evidence of the child's immunization against poliomyelitis, mumps, measles, diphtheria, rubella, and, where applicable, hemophilus influenza type b (Hib), the principal, teacher, owner or person in charge of the school shall inform such person of the necessity to have the child immunized, that such immunization may be administered by any health practitioner, or that the child may be immunized without charge by the health officer in the county where the child resides, if such person executes a consent therefor. In the event that such person does not wish to select a health practitioner to administer the immunization, he shall be provided with a form which shall give notice that as a prerequisite to processing the application for admission to, or for continued attendance at, the school such person shall state a valid reason for withholding consent or consent shall be given for immunization to be administered by a health officer in the public employ, or by a school physician or nurse. The form shall provide for the execution of a consent by such person and it shall also state that such person need not execute such consent if subdivision eight or nine of this section apply to such child.

5. (a) No principal, teacher, owner or person in charge of a school shall permit any child to be admitted to such school, or to attend such school, in excess of fourteen days, without the certificate provided for in subdivision five of this section or some other acceptable evidence of the child's immunization against poliomyelitis, mumps, measles, diphtheria, rubella, and, where applicable, hemophilus influenza type b (Hib); provided, however, such fourteen day period may be extended to not more than thirty days for an individual student by the appropriate principal, teacher, owner or other person in charge where such student is transferring from out-of-state or from another country and can show a good faith effort to get the necessary certification or other evidence of immunization.
- (b) A parent, guardian or any other person in parental relationship to a child denied school entrance or attendance may appeal by petition to the Commissioner of Education in accordance with the provisions of section three hundred ten of the Education Law.
6. If any physician licensed to practice medicine in this state certifies that such immunization may be detrimental to a child's health, the requirements of this section shall be inapplicable until such immunization is found no longer to be detrimental to the child's health.
7. Whenever a child has been refused admission to, or continued attendance at, a school as provided for in subdivision seven of this section because there exists no certificate provided for in subdivision five of this section or other acceptable evidence of the child's immunization against poliomyelitis, mumps, measles, diphtheria, rubella and, where applicable, hemophilus influenza type b (Hib), the principal, teacher, owner or person in charge of the school shall:
 - a. forward a report of such exclusion and the name and address of such child to the local health authority and to the person in parental relation to the child together with a notification of the responsibility of such person under subdivision two of this section and a form of consent as prescribed by regulation of the commissioner, and
 - b. provide, with the cooperation of the appropriate local health authority, for a time and place at which an immunizing agent or agents shall be administered, as required by subdivision two of this section, to a child for whom a consent has been obtained. Upon failure of a local health authority to cooperate in arranging for a time and place at which an immunizing agent or agents shall be administered as required by subdivision two of this section, the commissioner shall arrange for such administration and may recover the cost thereof from the amount of state aid to which the local health authority would otherwise be entitled.

8. This section shall not apply to children whose parent, parents, or guardian hold genuine and sincere religious beliefs which are contrary to the practices herein required, and no certificate shall be required as a prerequisite to such children being admitted or received into school or attending school.
9. The commissioner may adopt and amend rules and regulations to effectuate the provisions and purposes of this section.

Cross-ref: 5191, Students with HIV-Related Illness
8123.1, Contagious Diseases

Ref: Public Health Law §2164

Adoption date: July, 1994

Revised: January, 1995

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STUDENT PSYCHOLOGICAL SERVICES

Special psychological counseling service will be made available to all students enrolled in the schools. Written parental approval is required prior to any psychological counseling or testing.

The Board of Education provides this service because it believes that:

1. children learn best when their emotional needs are met. The first and most important responsibility of the school is to educate - to teach children the necessary attitudes and skills to enable them to live successfully in our community and country; and
2. anything that hinders the teaching-learning process is the concern of the school.

All persons directly or indirectly concerned with any person receiving psychological counseling shall handle the relationship in a professional manner.

All information divulged in conversations or case conference reporting shall be regarded as highly confidential.

Cross-ref: 5312.1, Drug and Alcohol Abuse
 5460, Suspected Child Abuse and Maltreatment

Adoption date: July, 1994

STUDENT SOCIAL SERVICES

Students in apparent need of welfare assistance may be investigated or referred to the proper community agency.

Adoption date: July, 1994

STUDENT SAFETY

The Board of Education is responsible that proper attention is paid to the safety of students.

The Superintendent of Schools is responsible for recommending to the Board plans for giving proper attention to the safety of students.

Principals and all members of the school staff and school-contracted agents are responsible for the safety of students enrolled in the schools, on school buses and while they are on the school premises from the moment they leave their homes to go to school until they return home.

It is the responsibility of the Principal and teachers to arrange for adequate supervision of playgrounds while school is in session. Special attention should be given to the prevention of accidents and to the development of habits of good citizenship.

The Principal, in cooperation with the police or other agencies, shall provide for safety of students on or around school property.

Cross-ref: 8100, Safety Program
8132, Fire Drills

Ref: Education Law §§806; 808; 3212-a
8 NYCRR §§107.1; 141.8; 141.10

Adoption date: July, 1994

STUDENT SAFETY REGULATION

Eye-Safety Devices

Eye-safety devices shall be provided for all science rooms and industrial arts shops.

Rules for use of eye-safety devices in science and industrial arts rooms:

1. Every student, teacher, and visitor shall be required to wear eye-protective devices whenever he or she is participating or observing in an instructional or experimental program in industrial arts or science laboratories involving: hot solids, liquids, molten metal; milling, sawing, turning, shaping, cutting or stamping any solid material; heat treatment, tempering or kiln firing of any metal or other material; gas or electric arc welding; repair or servicing of any vehicle; caustic or explosive chemicals or materials; bunsen burners; heating chemicals, heating glassware or mixing solutions.
2. Teacher and students shall put on eye-safety devices before starting any work involving the above list of activities or any others that may be dangerous and are not covered by the above list. They shall not remove devices until the exercise is completed and materials, supplies and equipment are put away. Permission for removal of eye safety devices shall be given by the teacher only.
3. Anyone entering any of the classrooms listed above shall be provided with the proper eye-safety devices and shall not remove them until they leave the room, or until the teacher in charge indicates that they may be removed.
4. The above rules shall be in effect at all times whether school is in session or not.
5. It is not felt that eye-safety devices need to be provided for cafeteria personnel or for homemaking rooms.
6. District maintenance personnel shall be provided with the proper eye-safety devices for the repairs requiring them. Arc welding and oxy-acetylene welding areas should be protected by flame-proof canvas curtain where other personnel are walking or working.
7. It is essential that lenses of eye-safety devices be kept clean. Cleaning should be done with soap and warm water before each individual uses them, if classroom sets are used, or cleaned by each student each day, if glasses are provided for individual students. At the end of the semester, eye-safety devices should be disinfected by washing in hot water with soap, by rinsing all traces of soap and then completely immersing all parts for ten (10) minutes in a solution of germicidal deodorant fungicide. Remove and let dry by air; do not rinse after removing from fungicide.
8. Lenses for required eye-safety devices shall be constructed with approved safety glass lenses or with lenses which meet or exceed the standards of the American Standard Practices for Occupational and Educational Eye and Face Protection, 287.1 - 1968, promulgated by the American National Standards Institute, Inc.

Adoption date: July, 1994

STUDENT BICYCLE USE

Bicycles are to be parked in the bicycle parking area only and securely locked. The school assumes no responsibility for theft or damage to bicycles or any other personal property brought to school.

Adoption date: July, 1994

STUDENT AUTOMOBILE USE

Car Registration, Parking - Violations and Penalties

Students who drive a car or motorbike to school must have it registered with the school office. No cars or motorbikes may be parked on the school parking lot without being registered. Only student-assigned parking spaces may be utilized. Violators who park in other spaces are subject to detention and suspension.

Parking - (Seniors Only)

Application forms for student parking are available in the Main Office. Since there are a limited number of student parking spaces available, ONLY SENIORS WILL BE ELIGIBLE. Information listing the requirements that a student must meet in order to obtain a parking sticker and retain parking privileges will be distributed upon request for an application. It is the student's responsibility to be absolutely certain where parking is permitted. Seniors who register in the Main Office may park their vehicles only in the areas designated for student parking. The standard rules of proper use of an automobile will apply at all times. Students who endanger others by improper use of their vehicle will be denied parking privileges. **NO STUDENT IS TO USE THE AREAS SET ASIDE FOR FACULTY PARKING OR VISITOR PARKING.** Detention will be assigned without warning for students failing to park in the spaces designated for students.

The parking field is part of the school and all rules and regulations of the school apply there as well.

All traffic courtesies are to be honored. Maximum speed: 10-15 miles per hour. Speeding or reckless driving is a serious and dangerous offense.

There are about 77 available spaces for student parking and these spaces are painted white indicating student parking. Due to these limited spaces, most student parking must be off school grounds and subject to regular police traffic regulations.

Students must not park their cars in staff parking spaces or illegal places around the circle. Students who violate these regulations are subject to disciplinary action. Chronic offenders will be handled accordingly.

Only the following locations are available for student parking:

- Front Sr. H.S. Parking Lot Spaces 76 - 105
- East Middle School Lot - There are many additional spaces

Illegal Parking

- It is illegal to park on school grounds in any area other than those places mentioned above.
- Do not park anywhere in the area of the gym entrance.

- Do not park in teachers' assigned spaces. Do not park in the visitors' parking spaces.
- Do not park in the bus lanes or any place adjacent to the building.
- Do not park in any spaces that block the entry or departure routes to our schools.

Parking violations are serious:

Action - 1st offense: sticker warning to student
 2nd offense: detention and warning to parents
 3rd offense: suspension
 4th offense: revocation of right to park on school grounds anywhere

Adoption date: July, 1994

SUSPECTED CHILD ABUSE AND MALTREATMENT

The Board of Education recognizes that because of their sustained contact with school-aged children, employees are in an excellent position to identify abused or maltreated children and refer them for treatment and protection.

Pursuant to applicable law, any school official or employee who has reasonable cause to know or suspect that a child has been subjected to abuse or maltreatment will immediately report this to the Director of Pupil Personnel Services who will report the case to the New York State Child Abuse and Maltreatment Register, as required by law.

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 for Child Abuse and Maltreatment.

School employees and officials will 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 employee 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 employees and other persons who report instances of child abuse immunity in good faith from any liability that might otherwise be incurred.

The district will cooperate to the extent possible with authorized child protective services workers in investigations of alleged child abuse.

The school district shall maintain an ongoing training program which will address the identification and reporting of child abuse and maltreatment.

Cross-ref: 5430, Student Psychological Services
 5500, Student Records
 9135, Suspected Child Abuse by District Personnel

Ref: Child Protective Services Act of 1973
 Social Services Law §§411 et seq.
 Family Court Act §1012
 Family Educational Rights and Privacy Act,
 20 USC §1232g, 45 CFR §99.36
 Education Law §3209-a

Adoption date: July, 1994

SUSPECTED CHILD ABUSE AND MALTREATMENT REGULATION

New York State Law (Child Protective Service Act of 1973, as amended) provides for reporting of suspected cases of child abuse by school personnel. 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:

1. 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
2. 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
3. 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.

Conditions Which May Indicate Abuse

The following symptoms or manifestations, if appearing in patterns, MAY be indications of possible child abuse:

A. Bruises, Welts and Scars

1. Bruises confined to the buttocks and lower back are almost always related to punishment
2. Finger and thumb prints may be found on the arms where a child was grabbed
3. Human bite marks
4. Using a blunt instrument in punishment will often leave an imprint of the object
5. Loop marks will result when a doubled-over cord or rope is used
6. Lash marks are seen after beating with a belt, switch, or ruler
7. Choke marks on the neck
8. Tie marks are sometimes seen on ankles and wrists

- B. Burns
 - 1. Cigarette burns - a circular, punched out area of similar size
 - 2. Dry contact burns (without blister formation) result from holding a child against a radiator
 - 3. Hot water burns - can result in marks indicating a clearcut water level (i.e., wrists, thighs, etc.)
- C. Eye Damage
 - 1. Area of the eye will be discolored and possibly cut
- D. Unexplained Injuries
 - 1. Vague explanations by parents and/or child
- E. Contradictory Stories
 - 1. Stories may vary from day to day or from one family member to another
 - 2. Story does not seem feasible when considering injury
 - 3. Absurd explanations of injury
- F. Seeming Avoidance of Seeking Medical Service
- G. Refusal to Respond to Questions as to Circumstances of Injury - Possibly Out of Fearfulness
- H. Constant Wearing of Long Sleeves and High Collars to Avoid Detection
- I. Severe Abdominal or Back Pains

Neglected or maltreated child, according to the Family Court Act, is a child less than 18 years of age:

- 1. whose physical, mental, or emotional condition has been impaired or is in danger of becoming impaired as a result of the failure of his parents or other person legally responsible for his care to exercise a minimum degree of care:
 - a. 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
 - b. 1. 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

2. who has been abandoned by his/her parent(s) or other person legally responsible for his/her care.

Conditions Which May Indicate Possible Maltreatment

It is important to note that maltreatment is more difficult to detect and document than is child abuse. Emotional and psychological maltreatment, for example, may go undetected, but almost always leads to child abuse. Maltreatment may range from the simple, e.g., failure to provide glasses, to the complex e.g., failure to provide adequate food and clothing, verbal and psychological harassment, etc. Some signs and symptoms to look for are:

1. sudden and unusual changes in behavior;
2. increased irritability, confusion, inattentiveness;
3. changes in legibility, neatness, caliber of homework;
4. changes in attendance, discipline, academic performance;
5. stealing;
6. loss of weight, listlessness, depression;
7. shift in use of language;
8. alcoholism;
9. reports of parental drug use;
10. poorly dressed, personal hygiene problems;
11. rejection of friends, withdrawn behavior;
12. high absence rate, psychosomatic illnesses;
13. highly aggressive or assaultive;
14. sudden and irrational flare-ups involving strong emotion; and
15. inadequate adult supervision.

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, ungovernability, 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 district employees, including building administrators, teachers, registered nurses, doctors, psychologists or psychiatrists, and all other employees who come in contact with students are required to report all cases of suspected child abuse or maltreatment to the Director of Pupil Personnel Services.

2. Upon receipt of a report of suspected abuse or maltreatment, the Director of Pupil Personnel Services shall immediately:
 - a. inform the Superintendent of Schools of the information received; and
 - b. either:
 - (1) phone the New York State Child Abuse and Maltreatment Center (800-342-3720) and inform them verbally of the problem; or
 - (2) contact the above agency by telephone facsimile machine on a form supplied by the Commissioner of Social Services; and
 - c. the Nassau County Children's Protective Service Central Registry Unit (832-2450); and
 - d. file a written report with the Nassau County Child Protective Service (upon Form DSS-2221 which may be obtained from the Nassau County Child Protective Service. A copy of the form should be retained by the Director of Pupil Personnel Services.); and the statewide central registry of child abuse and maltreatment within forty-eight hours after the above report.

The Director of Pupil Personnel Services, with the assistance of the School Social Worker, Principal or Administrator in charge, and the reporting staff member, will respond by going to the building immediately to follow up on the report.

3. The Director of Pupil Personnel Services may take 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 by the School Physician. Such actions may be performed at public expense if they will provide appropriate documentation when filing the report. A camera and film shall be kept at the school and be available for this purpose.
4. The written report that must be filed shall include:
 - a. the name and address of the child and his/her parent(s) or guardian(s);
 - b. if applicable, the name and address of the residential care facility or program in which the child resides or is receiving care;
 - c. the child's age, sex, and race;
 - d. the nature of the child's injuries, abuse or maltreatment, including evidence of prior injuries, abuse or maltreatment to the child and his/her siblings;
 - e. if known, the name of the person(s) alleged to be responsible for causing the injury(ies), abuse or maltreatment;
 - f. the members of the family/family composition (i.e., father, mother, 2 sisters, grandmother, etc.);
 - g. the source of the report;
 - h. the person making the report and where he/she can be reached;
 - i. the actions taken by the reporting source, including the taking of photographs and/or x-rays, removal or retaining of the child, and/or notifying the medical examiner or coroner; and
 - j. any other information which the Commissioner of Social Services may require.

5. The school physician shall notify the appropriate police authorities or the Nassau County Children's Protective Service to take custody of any child the physician is treating, whether or not additional medical treatment is required, if he/she believes the child is in danger. The Director of Pupil Personnel Services and/or Social Worker and/or School Nurse/Nurse-Teacher at the school will remain with the child until a caseworker from the Nassau County Children's Protective Services arrive at the school. The Nassau County Children's Protective Service has the right to take the child into protective custody without the consent of the parent. The caseworker of the Nassau County Children's Protective Service is primarily responsible to advise the parent or legal guardian, in person or by telephone, that he or she is taking the child into custody. If the parent is not at home, a copy of a DSS-2221 form will be left there indicating that the child is in the custody of the Nassau County Children's Protective Service. The Building Administrator may desire to contact the parents, but this is not required. Upon acceptance of the case by the Nassau County Children's Protective Service's agent as being possible child abuse or maltreatment, the district shall have no further jurisdiction over the case.

In the event that the Director of Pupil Personnel Services is not available, the Building Principal or person in charge will follow the procedures outlined above.

6. If it should be necessary for the Nassau County Children's 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 the Director of Pupil Personnel Services, Principal or other school official, unless circumstances require otherwise. The school official shall examine and verify the credentials of the Nassau County Children's 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.

7. The Superintendent can request a summary report of an investigation of a case referred to Child Protective Services. The adult subject of a case of suspected child abuse or maltreatment has a right to a copy of all information in the State Central Register. 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.
8. All district employees who are required to report suspected child abuse shall be required to attend ongoing training sessions regarding identification and reporting of all cases of suspected child abuse.
9. All district employees who are required to report suspected child abuse shall be provided with a copy of these regulations and the related Board policy concerning child abuse and reporting requirements.
10. Only one report of any suspected abuse is required.

11. 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.
12. 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.
13. 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.
14. If a report of child abuse or maltreatment has been determined to be unfounded, all records, both in the State Central Register and in school files, shall be expunged. The Office of Pupil Personnel Services will notify the schools of all such unfounded cases.

Adoption date: July, 1994

STUDENT RECORDS

The Board of Education recognizes the legal requirement to maintain the confidentiality of student records. The procedures for the confidentiality of student records shall be consistent with federal statutes, including the Family Educational Rights and Privacy Act of 1974 (FERPA) and its implementing regulations, and the Commissioner's Regulations.

The Superintendent of Schools shall be responsible for ensuring that all requirements under federal statutes and Commissioner's Regulations shall be carried out by the district.

Annual Notification

At the beginning of each school year, the district shall notify in writing parent(s) or guardian(s) and students 18 years of age or older ("eligible students") currently in attendance of their rights under FERPA and this policy.

The notice must include a statement that the parent or eligible student has a right to:

1. inspect and review the student's education records;
2. a specification of the intent of the school district to limit the disclosure of personally identifiable information contained in a student's education records except:
 - a. by prior written consent of the student's parent(s) or guardian(s) or the eligible student;
 - b. as directory information; or
 - c. under certain limited circumstances, as permitted by FERPA.
3. request that records be amended to ensure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights;
4. file a complaint with the U.S. Department of Education alleging failure of the district to comply with FERPA and its regulations; and
5. obtain copies of this policy and the locations where copies may be obtained.

The policy applicable to the release of student directory information applies equally to military recruiters, the media, colleges and universities, and prospective employers.

The district shall arrange to provide translations of this notice to non-English speaking parents in their native language.

Cross-ref: 1120, School District Records
4321, Programs for Students with Special Educational Needs
4720, Testing Programs
5460, Suspected Child Abuse and Maltreatment

Ref: Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1232-g; 34 CFR Part 99
Education Law §§2(13); 225; 301

Adoption date: July, 1994

STUDENT RECORDS REGULATION

It is recognized that the confidentiality of pupil records must be maintained. The following necessary procedures have been adopted to guarantee the protection of pupil records.

Pursuant to the "Family Educational Rights and Privacy Act of 1974" it shall be the policy of this school district with respect to parents of a student under 18 years of age and with respect to students 18 years of age or older (an "eligible student") to permit such persons 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, and intended for school use or to be available to parties outside the school or school system, and specifically including, but not necessarily limited to, identifying data, academic work completed, level of achievement (grades, standardized achievement test scores), attendance data, scores on standardized intelligence, aptitude, and psychological tests, interest inventory results, health data, family background information, teacher or counselor ratings and observations, and verified reports of serious or recurrent behavior patterns.

Administrative Responsibility for Student Records

1. The Building Principal or head of the office or program concerned shall be responsible, directly, and through the Superintendent of Schools and Board of Education, for the observance of law, policy, regulations, and directives in the collection of information for student records, their maintenance and protection, the proper dissemination of information contained therein, and the forwarding of records for official purposes to higher authority when so directed.
2. The Principal or head of office concerned shall make maximum provision for protection of records from review by unauthorized school and non-school personnel, and for maximum physical security of such records. It is the responsibility of each school to preserve the rights to privacy of students and parents.
3. The Principal or head of office concerned shall ensure that school staff under his/her jurisdiction receive periodic instruction and training regarding the privacy rights of students and parents, and the confidential handling of student records.

Types of Records

1. Permanent Records
 - a. The forms of all permanent records maintained in schools and in other offices of the school district shall be approved by the Superintendent, and shall be available for public inspection.
 - b. Approved permanent records are as follows:
 1. the cumulative record, personal and education data
 2. the cumulative health record
 3. attendance roll book
 4. reports of psychological examinations

- c. The school may record on the permanent record a listing of honors and awards, and entries as to participation in school and extracurricular activities. The permanent record may be used to record out-of-school incidents or activities of the student or his/her family.

2. Obsolete Records

Transfer of records and disposition of obsolete records:

- a. When a student moves from one of our schools, a copy of the permanent record will be forwarded to the new school upon receipt of a request from the other school.
- b. The permanent record will be retained in the main office (inactive file).
- c. Regulations concerning the disposal of obsolete records are provided in the "Records Retention and Disposition Schedule No. I-S-I" (SED 7/72).
- d. The prior written consent of the student's parents or eligible student shall not be necessary. However, upon the forwarding of the student's records, the parent(s) of the student or eligible student shall be notified in writing that the records have been transferred.

Such notice shall be by certified letter, return receipt requested and such letter shall be forwarded to the parents or eligible student not later than the close of business of the day upon which the student's records are forwarded to the neighboring district.

Access to Student Records: Basic Principles

Principals and other staff shall be guided by these basic principles:

- 1. The parent has the right to see all his/her child's school records, both permanent and temporary. The parent is entitled to see such records, and not merely to have items selected and read by school officials.
- 2. In keeping with the individual's right to privacy, no part of a student's record may be divulged to any person, organization or agency in any manner not covered by these or subsequent regulations unless:
 - a. there is written consent of the parent or legal guardian (or)
 - b. there is a valid court order for such information. (In such cases, the Principal shall notify the parent immediately in writing, of the information which has been subpoenaed.) (or)
 - c. there is a directive from the office of the Superintendent of Schools for such information to be made available.
- 3. Doubt in the mind of the Principal as to the propriety of disclosing information from a student's record is sufficient justification for withholding or denying information until the doubt is dispelled or proper authority is shown. Questions concerning the security and accessibility of student records should be addressed to the Superintendent.

Access to Records by Parents, Legal Guardians and Students

Parents of a student under 18 years of age or an eligible student shall have an opportunity for a hearing to challenge the content of that student's school records, to insure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein.

1. All information that is made a part of the permanent record of a student shall be made available upon a request for examination by the parent or legal guardian.
2. As in the case of permanent records, temporary records, such as guidance folders, progress reports, grades, teacher notes, and medical records, psychological and psychiatric reports, held by the school shall be made available for examination by the parent or legal guardian upon request.
3. When a parent or legal guardian requests to see his/her child's records, he/she shall be accorded an expeditious opportunity to do so, and to make notes regarding any such material. The Principal shall arrange for a member of the professional staff to assist the parent in interpreting the records. Records may not be removed from the school.
4. In the case of children of estranged, separated or divorced parents, Principals shall communicate solely with the parent or guardian with whom the child resides and who is, therefore, responsible for the attendance of the child in school.
5. The above described rights of parents or legal guardians for access to student records shall apply equally in the case of high school graduates of any age.

Access to Records by School Staff

Within the parameters of confidentiality set forth in these regulations, Principals and heads of offices shall restrict access to student records to those members of the professional and administrative staff whose duties and responsibilities require such access. This applies to all permanent and temporary records, including guidance records, medical and psychological records, held by the school.

Release of Information to Persons, Organizations or Agencies other than Parents, Legal Guardians, Students or Staff

Student records, and any material contained herein which is personally identifiable, are confidential and may not be released or made available to persons other than parents or students without the written consent of parents of students 18 years of age or younger.

Except with the informed written consent of the parent or legal guardian, no information concerning the student may be released to non-school agencies or individuals, including employers, colleges or universities, sponsors of scholarship or aid programs, city, state or federal agencies, the courts, labor unions, fraternal organizations, probation or welfare departments, doctors, etc., except as required by law or current regulations.

Schools may use standard consent forms, signed by the parent, granting permission to the school to provide pertinent records to colleges and employers. Such consent forms shall be valid only while the student is registered in the school.

Such records and material may be made available without the written consent of parents or eligible students in the following cases:

1. to other school officials, including teachers within the district who have legitimate educational interests;
2. to officials of another school in which the student intends to enroll, if the parents or student are notified of the transfer of records, are given a copy if they desire one, and have an opportunity for a hearing to challenge the content of the records;
3. to authorized representatives of certain designated federal and state agencies, including state educational authorities, for the purpose of the audit and in connection with the enforcement of federal legal requirements;
4. in connection with a student's application for or receipt of financial aid; and
5. pursuant to court order or subpoena, after notification to the parent or eligible student.
6. The written consent of the parent or legal guardian for release of information to non-school agencies or individuals is not required where the Principal determines that an emergency exists in which the welfare of the student requires the release of information before such consent can be obtained.

In the case of students 18 years old or older, or high school graduates of any age, the written consent of the student or graduate shall be sufficient authorization for the release of such information.

Nothing contained in these regulations shall be deemed to restrict the authority of the Superintendent or his/her designee to direct or restrict the release of information to law enforcement authorities in appropriate circumstances.

Derogatory or Inaccurate Entries in Student Records

1. The student and parent have the right to answer or explain in writing any derogatory material entered in any of the student's records, including guidance records, and such written answer shall be included in the record by the Principal.
2. In addition to the right to file a written answer to derogatory material, the parent or legal guardian shall have the right to appeal derogatory or inaccurate entries in his/her child's record. Information considered derogatory or inaccurate shall be expunged from the record by the Principal or higher authority when the parent's claim of unfairness or inaccuracy is sustained. Appeals shall be made in the following manner:
 - a. The parent may confer with the Principal. The Principal may modify or expunge the entry from the student's record where such action is warranted.
 - b. The parent may appeal in writing to the Principal. The Principal shall rule on such written appeal, in writing, within fifteen working days following receipt of the appeal from the parent.

- c. The parent may appeal the ruling of the Principal, in writing, to the Superintendent.
- d. Decisions of the Superintendent may be appealed to the Board of Education and its decisions may be appealed to the Commissioner in accordance with law and established procedures.
- e. The parent or legal guardian is entitled to see the information used by the reviewing authority in deciding the appeal.

3. Any corrections or deletions of inaccurate or erroneous statements must be initialed by the Principal.

All instructional material, including teachers' manuals, which are used in connection with a research or experimental program must be available for inspection by the parents or guardians of the children engaged in such program. "Research or experimentation program or project" is defined as a program or project "designed to explore or develop new or unproven teaching methods or techniques."

Notification shall be sent to parents of students under 18 years of age and to eligible students informing them of their rights pursuant to the "Family Educational Rights and Privacy Act of 1974."

Ref: Education Law §§225; 3211; 3212-a; 3214

Adoption date: July, 1994

MISCELLANEOUS STUDENT POLICIES

School Directory

It shall be the policy of the district to deny lists of names of students and personnel employed by the Board of Education to all commercial concerns and organizations.

Class Rings

The following procedures will be in effect relative to the sale and purchasing of class rings:

1. The high school principal shall decide whether or not class rings shall be sold in school.
2. If the decision is made to permit the sale, any and all manufacturers, jewelry stores, and other suppliers will be given the opportunity to seek the class ring business. Notice of this opportunity will be placed in the Wantagh-Seaford Citizen as the official newspaper of the district. Such notice will indicate a time and place at which all interested suppliers will be given an opportunity to present their rings and programs.
3. All prospective vendors who express an interest by April 30 of the preceding sales year are allowed to compete for the prospect of the sale of these rings.
4. A committee of students, in conjunction with the high school class advisor and administrators, will review the prices, ring quality and sales programs of the prospective vendors.
5. That said student committee, after reviewing the program of the prospective vendors, shall render a single recommendation to the administration as to which vendor should sell rings to the respective class.
6. All meetings will take place at a time that does not conflict with a student's academic obligation.
7. The promotion of class rings might include auditorium presentations, posters and ads in the school newspaper. No school personnel need be involved in the promotion, sale or delivery of the class ring. However, the student ring committee would promote class rings in the school through these media. The supplier representative would participate in person in auditorium presentations and other class meetings as authorized by the administration. In addition, promotional material would be directed to parents to ensure that a reasoned decision is made regarding any purchase of a class ring. Student selected supplier representatives, assisted by students from the ring committee, would personally address groups of students during nonacademic times.
8. Actual sales could be handled at a portable table in the hall, lunchroom or gymnasium during non-academic time by the ring supplier, without any student or school personnel involvement. In order to accommodate all interested students (given their schedules), the sale process may take more than one visit to the school. Once the ring sale process has been established, however, subsequent visits by the supplier would be conducted in a reasonable manner, at a place and time established by school administration.

9. Delivery of the rings would be accomplished in the same manner as the sale, during non-academic times as regulated by the school administration. Ring deliveries might take place at an "event," such as a dance or a ceremony.
10. For the first year of implementation all prospective vendors will be given until May 15 to express their interest in competing for prospective sales.

We believe this ten-step process will not involve significant use of school property, time or personnel, nor will it interfere with academics.

Lockers

Students may report to their lockers before and after school, and before and after lunch. The school is not responsible for any book losses that may result from books being placed on shelves in the cafeteria corridor. A student's locker is school property and may be subject to search if deemed necessary.

Use of the locker is subject to all regular school rules and regulations. A student's visit to his/her locker at any other time does not constitute a valid excuse for being late to class.

Each student is to use only that locker which has been assigned to him/her. The student is not to divulge the combination of the locker, and must keep the locker locked at all times. The school assumes no responsibility for property lost or taken.

No student is to open or tamper with another student's locker. A sturdy personal lock may be utilized to secure a student's locker. If his/her locker is broken the student must advise the Main Office immediately.

School Symbols

The Board of Education recognizes that symbols such as school colors, song, motto, flag and ring frequently play important roles in school life. The Board endorses their selection and identification with the activities of the schools so long as they conform to the following criteria:

1. their existence and use support the goals of the school system;
2. they cast no aspersion upon any members of the school and community with respect to color, race, national origin or creed;
3. no student of the district is required to support, adhere to, employ or possess any such symbol; and
4. where student's purchase of a symbol or materials for making it is the only acceptable way to acquire it, designs and standard specifications will be made available both to students and potential vendors. Student purchases will be made at their discretion from any available symbol vendors preferably off the school premises and during out-of-school time.

Access to Students

It is the policy of the district that members of the press or other organizations outside of the school setting may not receive direct access to students without written parental permission. In the absence of written parental permission, the building administrator in charge should attempt to receive verbal parental permission. If this is not possible, the building administrator in charge may then function in loco parentis and make a decision one way or the other.

Recognition of Religious Holidays

It is the policy of this district that all students be exposed to and allowed to participate in the educational and cultural aspects of those religious holidays approved by the Commissioner of Education.

Decorations, music, ornaments and other educational items associated with the approved programs regarding the holidays must be in good taste and approved by each building principal.

The Superintendent of Schools shall develop and provide curricula and program guidelines for each approved holiday as required.

Religious services, real or simulated, are expressly forbidden.

Student Production of Services and Materials

Students may produce services and materials in the schools only when such production furthers such student's educational development.

Costs of services and products produced in school shops and laboratories, for non-school use or consumption, shall be borne by the user or consumer when such costs are over and beyond normal instructional and material costs.

Availability of services and products for non-school use (such as servicing automobiles in vocational shops) shall be for students of the district.

Services are to be rendered to others at the discretion of the administration.

Adoption date: July, 1994

PREGNANT STUDENTS

When one of our students becomes pregnant, her relationship to the normal school program changes. Her, and her unborn child's safety, health and welfare become matters of concern.

The Board of Education is determined to do all in its power to assist such students by providing supportive educational services during the period of pregnancy and in the post-natal period.

She may return to school after the termination of pregnancy.

While the mother is absent from school, she will be provided with home or other instruction upon request, until able to return as provided in a statement by her physician.

Ref: *Ordway v. Hargraves*, 323 F Supp 1155 (1971)
Perry v. Grenada Municipal Separate School District, 300 F Supp 748
(1969)
Matter of Murphy, 11 EDR 180 (1972)

Adoption date: July, 1994

PREGNANT STUDENTS REGULATION*Unmarried Pregnant Students*

To facilitate the provision of educational services to unmarried mothers, the following procedures will be instituted:

1. When any school staff becomes aware of possible pregnancy, the School Nurse assigned to the building should be notified for investigation. As part of their investigation the parent or guardian will be contacted.
2. Upon completion of this investigation, the Building Principal shall thereupon convene a consultative panel consisting of the family physician (if any), the School Physician, the School Psychiatrist, and/or Psychologist, the School Social Worker, and any other professional deemed necessary.
3. The panel shall make a detailed study of the case and recommend appropriate action to the building and district administration.
4. Based on a discussion with the appropriate Directors, the Building Principal shall make the decision, relying heavily on the panel's recommendation, as to the appropriate educational services to be provided to the particular unmarried mother.
5. The panel shall be reconvened at any time that a review of the case seems warranted.

Adoption date: July, 1994

EMPLOYMENT OF STUDENTS

Following are the rules for the selection of students to be hired for summer needs:

1. First preference shall be given to students who have finished their senior year and have enrolled for advanced education for the following September. If needs cannot be met from this group, students completing their junior year may be selected.
2. No student may be hired for more than one summer excepting cases where continuity of running a summer program makes this desirable. (This qualification will provide one junior and one senior employee for the Summer High School Office.)
3. When known, financial need should be given major consideration in selection.
4. A student's voluntary work during the year in a similar capacity should be a selection consideration.

Working Papers

Working papers are needed by all students from age fourteen (14) through seventeen (17). A person may apply at any time prior to looking for employment. A Social Security number is required. Applications are available in the Senior High Attendance Office before or after school. The instructions should be read carefully.

A Birth Certificate or Baptismal Paper must accompany all applications.

Working papers will be processed with the student in person only, daily after school at 2:30 p.m. The medical form may be signed by the family doctor or the school doctor. An appointment should be made with the School Nurse if a student wishes an examination by the school physician.

Adoption date: July 1994

STUDENT GIFTS AND SOLICITATIONS

The acceptance of trophies, prizes or awards from persons or organizations not connected with the schools is not approved unless they conform to the policy of the Board of Education and the corresponding administrative regulations providing for awards for distinguished success in any school activity.

School students shall not be requested to contribute to or participate in any organized drive to raise funds for any non-school group or purpose either on, in or about the school premises.

Charitable programs involving goods or services may be permitted at the discretion of the Superintendent of Schools, but participation by any school unit will be purely voluntary and school comparisons will be discouraged.

The Board discourages the use of students for soliciting funds or in sales campaigns to finance school-sponsored extracurricular activities or projects of non-school organizations or groups.

Adoption date: July, 1994

STUDENT AWARDS AND SCHOLARSHIPS

The Board of Education encourages the instructional staff to maintain a set of criteria and procedures for presenting letters or other suitable awards to students for scholarship and distinguished service in any school activity. In all cases, the relationship between the award and the relevant goal or goals of the schools shall be pointed out.

The instructional staff is authorized to review and approve, or reject, proposed trophies, prizes, scholarships or other awards from non-school donors. Acceptance must be consistent with the following criteria:

1. the proposed award must be considered free from motives of personal or corporate gain and publicity;
2. the criteria for making the award shall be under the control of the instructional staff or acceptable to the staff; and
3. the purposes, either implied or explicit, of the proposed award must be consistent with our schools' goals.

Cross-ref: 1800, Gifts from the Public
5200, Cocurricular and Extracurricular Programs

Ref: Education Law §§404; 1709
Matter of Wilson, 59 NY2d 461

Adoption date: July, 1994

STUDENT AWARDS AND SCHOLARSHIPS REGULATION

Prizes or awards offered to our students by outside organizations will not be permitted under school auspices unless permission has been granted by the Principal.

Scholarship and awards are to be given on the basis of achievement, citizenship, and possibly need. To be eligible for any award under the jurisdiction of the Board of Education, a student must be a regularly enrolled student of the Wantagh Secondary Schools.

The administration and guidance counselors of the Wantagh Schools will render every assistance to graduates in securing scholarships and admission to colleges and universities.

Adoption date: July, 1994

[] Required

[X] Local

[] Notice

FISCAL MANAGEMENT GOALS

The Board of Education recognizes excellent fiscal planning as a key factor in attaining the district's educational goals and priorities. The Board seeks to engage in thorough advance planning of multi-year budgets, associated tax levies and revenues, fund balance and reserves, and to devise expenditures which achieve the greatest educational returns given the district's available resources. The Assistant Superintendent for Business will prepare a report on fund balance and reserves to the Board at least annually in August.

The Board's establishment of sound fiscal management policies is based on the following tenets.

1. All laws and regulations governing the use of public funds shall be strictly adhered to.
2. All district monies shall be expended in an efficient and judicious manner, to bring the greatest benefit to the district.
3. Funds for which the district has no immediate need shall be legally invested where they can bring the greatest return.
4. Restricted funds ("Reserves") will be established and maintained at optimal levels to provide stable and sustainable future budgets and tax levies. To the extent possible, undesignated reserves (the amounts available to meet operating contingencies) will be maintained at 5% of annual revenues or higher (recommended) or the maximum permitted by N.Y.S. law and/or Commissioner's regulation.
5. Pursuant to GASB 54, said fund balance will be reported in the following classifications, where applicable:
 - Non-spendable – amounts that cannot be spent because they are in a non-spendable form (e.g. inventory) or legally or contractually required to be maintained intact.
 - Restricted – amounts limited by external parties or legislation (e.g. reserves, grants or donations)
 - Committed – amounts limited by Board policy.
 - Assigned – amounts that are intended for a particular purpose.
 - Unassigned – amounts available for consumption or not restricted in any manner.

Fund balance will be monitored and maintained at optimal levels to meet current and future cash flow and contingency planning needs. To the extent possible, the General Fund total fund balance (this equals restricted, committed, assigned, and unassigned fund balance) will be maintained at 15% to 20% or more of total revenues (recommended) or the maximum permitted by N.Y.S law and/or Commissioner's regulation.

6. The unassigned, unexpended surplus (“unappropriated fund balance”) shall be maintained at the maximum legally permitted level, and the assigned fund balance will be at the lowest sustainable level.
7. All receipts and expenditures shall be recorded fully and in the proper manner.
8. The district shall seek and receive all state and federal funds for which it qualifies.
9. All funds, including cash in buildings, extra-classroom account funds, gifts, and bequests shall be provided maximum protection from misappropriation.
10. A formal process shall be developed linking fiscal resources and program priorities to the budget.
11. The budget shall reflect the views of the school community, which may include administrators, teachers, students, and taxpayers, in translating the educational needs and aspirations of the community in a composite financial plan.
12. To the extent possible, program evaluation shall be used to assess the effectiveness of all educational programs provided to district students, and future appropriations shall be adjusted accordingly.
13. Debt planning and multi-year capital planning will be incorporated into the budget planning process. To the extent possible, debt service expenditures will be maintained at 2.5% to 4% of total operating expenditures (recommended), or the maximum permitted by N.Y.S law and/or Commissioner’s regulation.

Adoption date: July 1994

Revised: August 2014

Revised: April 6, 2017

☐ Required
☒ **Local**
☐ Notice

BUDGET PLANNING

The Superintendent of Schools, with the assistance of the Assistant Superintendent for Business, shall be responsible for preparation of the budget. This shall include developing a budget calendar in accordance with regulation 6110-R, and adhering to that calendar. The budget calendar shall be approved by the Board of Education in advance of the preparation of the district's annual budget.

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

The budget for the ensuing school year shall be thoroughly reviewed by the Board before its presentation to the voters for final adoption.

Cross-ref: 2260, Citizens Advisory Committees

Ref: Education Law §§1608(2)-(4); 1716(2)-(4); 1804(4); 1906(1); 2002(1); 2003(1); 2004(1); 2022(2); 2023; 2023-a; 2601-a
Fiscal Management (NYSSBA, 1997)

Adoption date: April 6, 2017

BUDGET PLANNING REGULATION

The budget calendar prepared by the Superintendent of Schools shall include:

- a schedule which sets forth all important meetings and dates, including deadlines for budget proposals from within the district;
- commencement dates and deadlines for certain budgetary tasks such as the estimation of all revenues and income expected to be received by the district;
- events such as the preliminary dates for the Board of Education's consideration of the tentative budget.

The budget calendar will also set forth the name of every individual (or their title) who is assigned to perform a particular task with regard to the development of the budget.

As part of the budget planning process, the Superintendent or School Business Official will evaluate:

- the educational philosophy, goals and objectives of the district and their modification where required;
- the district education program and support systems such as transportation and business affairs;
- the district's technology needs and objectives;
- census and enrollment projections;
- the condition of the physical plant for operation and maintenance needs and new construction;
- debt service schedules;
- the tax levy limit for the upcoming year and the possibility of voters overriding the limit if necessary; and
- estimated revenue from sources other than the property tax, such as state and federal aid.

Adoption date: April 6, 2017

☐ Required
☒ **Local**
☐ Notice

BUDGET TRANSFERS

The transfer of funds between and within functional unit appropriations of the General Fund is commonly required during the school year. The Superintendent of Schools, in accordance with the Regulations of the Commissioner of Education, is authorized to make budget transfers between line item accounts, so long as the transfer for any one item does not exceed \$10,000. The Superintendent is also authorized to make budget transfers that do not exceed \$25,000 when the transfers are between line items in the same functional budget. The Superintendent will report any transfers up to these thresholds to the Board as an information item quarterly. The Superintendent is also authorized to delegate the responsibility for approving budget transfers, in accordance with the limits set forth in this policy, to the Assistant Superintendent for Business.

All transfers in excess of the above thresholds require prior Board of Education approval.

Ref: Education Law §1718
8 NYCRR §170.2(l)

Adoption date: April 6, 2017
Revised: August 22, 2019; June 18, 2020

[] Required
[X] **Local**
[] Notice

PROPERTY TAX EXEMPTIONS

Where property tax exemptions for school tax purposes are authorized by law, and for those where action by the Board of Education is required to approve the granting of such exemptions, the Board of Education authorizes the property tax exemptions as listed below.

The application process, eligibility determination, and any other eligibility decisions, including the establishment of filing deadlines shall reside with the Nassau County Department of Assessment, who administers the exemption programs in accordance with all applicable laws.

The following property tax exemptions are authorized:

- Senior Citizens Exemption
- Limited Income and Disabilities Exemption
- Volunteer Firefighters and Ambulance Worker's Exemption
- Veteran's Exemptions (Alternative, Cold War)

Real Property Tax Law Section 459-c, 466-c and 467

Adopted: May 2021

☐ Required☒ **Local**☐ Notice

SENIOR CITIZENS' DISCOUNTS

Senior Citizens' Discounts

The district extends to all residents of the Wantagh School District community, 65 years of age, or older an invitation to be guests at all school-sponsored activities and functions. These include athletic events, plays, carnivals, concerts, etc. that are held on the campus of the Wantagh School District.

The district encourages participation in these events by the community's senior citizens by offering free admission to the aforementioned functions. Presentation of a valid local ID at the time of admission will allow senior citizens free admission to school functions held on the school campus.

Adoption date: July 1994

Revised: April 6, 2017

[] Required
 [X] **Local**
 [] Notice

FEDERAL FUNDS

Special Projects Funded by the Federal Government and/or Private Sources

General Statement

The district, when seeking and accepting monies from the federal government and/or private sources, foundations and donations, shall be governed by the following statement of policy:

- Education in the district should be financed primarily from the revenues obtained from local and state sources.
- The federal government should be requested to continue its present payments to this district to defray the necessary local costs of providing education for the children and adults of those families who are valued members of the community by virtue of employment or residence on federal property, or are engaged in employment pertaining to national defense projects.
- Other monies available from the federal government and/or private source, in support of educational programs in pre-school, elementary, secondary and adult levels, should be sought only to meet identifiable needs which cannot be met with district resources.

Detailed Requirements

All projects shall contribute to the attainment of adopted district goals and be compatible with district procedures.

The district administration shall retain the direction, supervision and control over all phases of any program.

Project proposals shall include an accurate picture of the phase-out schedule and the district commitments for continuance. The school system shall comply with all requirements involved in the acceptance of the project and the projected continuance.

The proposed educational program shall not cause an excessive burden to the existing or any future budgets, and financing shall be provided, either by district funds or project funds, so that support will be maintained continuously for the duration of the project. Projects shall be funded sufficiently to support all direct and indirect costs.

All purchases made with federal funds shall follow the Federal Funds Procedural Manual. This manual can be found as part of the district's purchasing policy and regulations. Individuals paid with federal funds shall be required to submit a Personnel Accountability Report (Payroll Verification Form) in accordance with the attached procedure.

All new proposal ideas will be developed after notification to the Board of Education, and proposals shall be submitted to the Board for final approval, insofar as practical, at least thirty (30) days prior to the deadline date for making application for the program. All projects shall follow the established procedures for the district for federal and/or private foundation or donation funded projects as far as negotiations, written commitments from the contracting agency, procurement of personnel and materials, administration, evaluation and reporting are concerned.

Cross-ref: 6700, Purchasing
6740, Purchasing Procedures

Ref: Education Law §3713

Adoption date: July 1994

Revised: April 6, 2017; May 2021

[] Required

[X] **Local**[] **Notice**

PERSONNEL ACCOUNTABILITY REPORT (PAYROLL VERIFICATION FORM) PROCEDURE

Employees who are paid either in full or in part with federal funds must complete a Personnel Accountability Report, also referred to as a Payroll Verification Form.

The schedule for completing the form is as follows:

Source of funds	Monthly	Semi-Annual (January and June)
100% federal funding from the same source		X
100% federal funding with different sources	X	
Split between federal funding and general fund	X	

A sample of the Payroll Verification Form is attached. It will be distributed from the Payroll Office and returned to the Business Office. The actual form will contain the following attestation:

“The above information is proof of verification of services provided which have been paid out of Federal Funds, including but not limited to, funding from the Every Student Succeeds Act (e.g. Title funds) and funding from the Individuals With Disabilities Education Act (e.g. Section 611 and 619).

Please sign and return this form to the Business Office.”

Demo Central School District

10 School Way
Ste. 207
New York, NY 11733

Payroll Verification Form

Employee Name: Nurse, Jane D
Employee ID: 16
Primary Pay Profile: NURSE
Check Location: EL

Payroll Check Date Range: 7/1/2013 - 6/30/2014

Account	Description	Earning Code	Percent	Earnings
A 2110.130-77-0000	TEACHING SALARIES HS	CONTRACT	50.00	3,382.50
F201 2110.150-00-00	INSTRUCTIONAL SALARIES	CONTRACT	50.00	3,382.50
Earnings Total:				6,765.00

The above information is proof of verification of services provided which have been paid out of Federal Funds.

Employee's Signature

Date _____

Employer's Signature _____

Date _____

Adoption Date: May 2021

[X] Required

[] Local

[] Notice

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.

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.

* Section 39 of the General Municipal Law requires Boards of Education to adopt a comprehensive investment policy which will set forth both the district's general operative policy as well as instruction to its administrators and staff regarding the investing, monitoring and reporting of the district's funds.

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; 6-m; 6-n; 6-p; 6-r; 10; 11; 39

Adoption date: July 1994

Revised: April 6, 2017

[X] Required

[] Local

[] Notice

INVESTMENTS REGULATION

Authorized Investments

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

Savings Accounts or Money Market Accounts of designated banks;

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

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

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

- B. All funds may be invested in Revenue Anticipation Notes or Tax Anticipation Notes of other school districts and municipalities, with the approval of the State Comptroller.
- C. Only Reserve Funds established by sections 6-d, 6-j, 6-l, 6-m and 6-n of General Municipal Law may be invested in obligations of the school district.

Conditions

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

- A. Collateral

In accordance with provisions of GML Section 10, all deposits including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured:

1. By a pledge of “eligible securities” with an aggregate “market value” as provided by GML Section 10, at least equal to the aggregate amount of deposits from the categories designated below.
 - a. Obligations issued, or fully insured or guaranteed as to the payment of principal and interest, by the United States of America, an agency thereof or a United States government sponsored corporation.
 - b. Obligations partially insured or guaranteed by any agency of the United States of America, as a proportion of the market value of the obligation that represents the amount of the insurance or guaranty.
 - c. Obligations issued or fully insured or guaranteed by the State of New York may be accepted as security for deposit of public money, or
2. By an eligible “irrevocable letter of credit” issued by a qualified bank (other than the bank with which the money is being deposited or invested), payable to the Wantagh Union Free School District, for a term not to exceed ninety (90) days with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest rating categories (based upon the credit of such bank or holding company) by at least one nationally recognized statistical rating organization or by a bank (other than the bank with which the money is being deposited or invested) that is in compliance with applicable federal minimum risk-based capital requirements, or
3. By an eligible “surety bond” payable to the Wantagh Union Free School District as security for at least equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims-paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.
4. Collateralization will be monitored no less frequently than on a weekly basis. Collateral will not be required with respect to the direct purchase of obligations of New York State, the United States and federal agencies, the principal and interest of which are guaranteed by the United States Government.

B. Delivery of Securities

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

C. Written Contracts

1. Written contracts are required for certificates of deposit and custodial undertakings and Repurchase Agreements. With respect to the purchase of direct obligations of United States, 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, New York State, or other governmental entities may be purchased and that the school district shall make payment upon delivery of the securities or the appropriate book-entry of the purchased securities. No specific repurchase agreement will be entered into unless a master repurchase agreement has been executed between the school district and the trading partners. While the term of the master repurchase agreement may be for a reasonable length of time, a specific repurchase agreement will not exceed thirty (30) days.

D. Designation of Custodial Bank

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

E. Selection of Financial Institutions

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

F. Operations, Audit, and Reporting

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

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

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

Local Finance Law §§24.00, 25.00, 165.00

General Municipal Law §§6(d); 6(j); 6(l-n, p, r); 10; 11; 39

Adoption date: July 1994

Revised: April 6, 2017

[] Required
 [X] Local
 [] Notice

FUND BALANCE POLICY

The Governmental Accounting Standards Board (GASB) has issued Statement No. 54, *Fund Balance reporting and Governmental Fund Type Definitions* (GASB 54). The objective of this Statement 54 is to enhance the usefulness of fund balance information by providing clearer fund balance classifications that can be more consistently applied.

Fund Balance Classifications (pursuant to GASB Statement 54)

Fund balance amounts will be reported by the District according to the following classifications:

Nonspendable - consists of assets that are inherently nonspendable in the current period either because of their form or because they must be maintained intact, including prepaid items, inventories, long-term portions of loans receivable, financial assets held for resale, and principal of endowments.

Restricted - consists of amounts that are subject to externally enforceable legal purpose restrictions imposed by creditors, grantors, contributors, or laws and regulations of other governments; or through constitutional provisions or enabling legislation. Because the State regulates the establishment, funding and use of school district reserves, generally, reserves will be classified as restricted fund balance.

Committed - consists of amounts that are subject to a purpose constraint imposed by a formal action of the government's highest level of decision-making authority before the end of the fiscal year, and that require the same level of formal action to remove the constraint. The New York State Office of the State Comptroller at the present time believes that in New York State school districts will not have any committed fund balance.

Assigned - consists of amounts that are subject to a purpose constraint that represents an intended use established by the board or by their designated official. The purpose of the assignment must be narrower than the purpose of the general fund, and in funds other

than the general fund, assigned fund balance represents the residual amount of fund balance. Assigned Fund Balance generally includes encumbrances and appropriated fund balance.

Unassigned - represents the residual classification for the government's general fund, and could report a surplus or deficit. In funds other than the general fund, the unassigned classification should be used only to report a deficit balance resulting from overspending for specific purposes for which amounts had been restricted, committed, or assigned.

General Policy

Fund balance measures the net financial resources available to finance expenditures within current or future periods. The district's general fund unassigned fund balance will be maintained at a level up to the maximum legal limit in order to provide the district with financial stability and a margin of safety to fund unanticipated contingent expenditures that may occur unexpectedly during the fiscal year. The general fund unassigned fund balance used for these purposes may only be appropriated by resolution of the Board of Education unless voter approval is required.

Any portion of fund balance may be applied or transferred for a specific purpose either by voter approval if required by law or by formal action of the Board of Education if voter approval is not required. Amendments or modification to the applied or transferred fund balance must also be approved by formal action of the Board of Education.

The Board of Education shall delegate the authority to assign fund balance, for encumbrance purposes, to the person(s) to whom it has delegated the authority to sign purchase orders. In circumstances where an expenditure is incurred for a purpose for which amounts are available in multiple fund balance classifications (e.g., expenditures related to reserves) the Board will assess the current financial condition of the district and then determine the order of application of expenditures to which fund balance classification will be charged.

Adoption date: April 2012

Revised: April 6, 2017

☐ Required
☒ **Local**
☐ Notice

AUTHORIZED SIGNATURES

The Board of Education authorizes the signature on checks issued against all accounts of the school district to be that of the Treasurer or, in his/her absence, the Deputy Treasurer.

The Board hereby authorizes the use of check signing machines with safeguards for the school district's protection and with facsimile signatures of the Treasurer and Deputy Treasurer. Said machines shall be maintained in the exclusive and secured possession of the Treasurer and Deputy Treasurer, respectively.

The Treasurer/Deputy Treasurer shall be present and shall control the affixing of his/her signature when checks are run. He or she should maintain a log of checks signed and should verify the sequence of check numbers that are used. Accounts payable checks in excess of \$10,000 require dual signatures by authorized signers. The signing of blank checks is expressly forbidden.

Extraclassroom activity fund checks shall be signed by both the Student Activity Accounts Treasurer and the Central Treasurer of the extracurricular activity fund.

Contracts authorized by Board resolution shall be signed by the Board President or in his/her absence the Vice-President, unless a different signatory is identified in the Board resolution. Purchase orders for goods and/or services identified in the various budget codes of the school district budget may be executed by the Purchasing Agent responsible for the procurement of such goods and/or services.

The Board authorizes the payment in advance of audit of claims for all public utility services, postage, freight and express charges, in accordance with law.

Ref: Education Law §§1720; 1724; 2523
8 NYCRR §§170.1(c)(d); 172

Adoption date: July 1994
Revised: April 6, 2017

☐ Required
☒ **Local**
☐ Notice

FISCAL ACCOUNTING AND REPORTING

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

Accounting and Reporting Systems

The system of accounts will conform to the Uniform System of Accounts for School Districts, as defined by the State Comptroller's Office. In addition, accounting and reporting will adhere to generally accepted governmental accounting standards. The accounting system will yield information necessary for the Board to make policy decisions and perform its oversight function.

The Board directs the Assistant Superintendent for Business to keep informed of changes in state and/or Government Accounting Standards Board (GASB) accounting requirements and implement changes, as appropriate. The Board expects that the Assistant Superintendent for Business will communicate new standards and/or requirements to the Board, as necessary, so that the Board can carry out its responsibilities.

Proposed expenditures will be budgeted under and the actual expenditures will be charged to categories that most accurately describe the purpose for which monies are to be spent.

The Board directs the Treasurer to keep it informed of the financial status of the district through monthly cash reconciliation and budget status reports and annual fiscal reports, including periodic projections of the end of year fund balance. The Treasurer should highlight any deviation in actual fiscal conditions from planned fiscal conditions and offer recommendations to the Board to remedy the situation. The Assistant Superintendent for Business will prepare and submit, through the Superintendent, to the Board and the Commissioner of Education, such reports as are prescribed by law. These shall be filed with appropriate governmental bodies as required under law or regulation. The district will cooperate with governmental agencies and research organizations as required by law for data concerning the fiscal operations of the district.

The district shall be audited annually by an independent certified public accountant or a public accountant. The auditor's report shall be adopted by resolution and a copy shall be filed with the Commissioner of Education.

The Superintendent is hereby directed to respond to all audit findings and recommendations. Such response is to include a statement of the corrective actions taken or proposed to be taken, or if action is not taken or proposed, an explanation of reasons, as well as a statement on the status of corrective actions taken on findings or recommendations contained in any previous report of examination or external audit, or any management letter for which a response was required.

The Superintendent shall also ensure that the provisions contained in the General Municipal Law in regard to audit reports are followed.

Cross-ref: 1120, School District Records
6660, Independent/External Audit

Ref: Education Law §§1610; 1721; 2117; 2528; 2577; 2590-i
General Municipal Law §§33; 34
8 NYCRR §§155.1; 170.1; 170.2

Adoption date: July 1994
Revised: April 6, 2017

[] Required
[X] **Local**
[] Notice

ACCOUNTING OF FIXED ASSETS

The Assistant Superintendent for Business shall be responsible for accounting for general fixed assets according to the procedures outlined in the Uniform System of Accounts for School Districts and GASB 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.

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

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

- a) Date of acquisition;
- b) Description;
- c) Cost or value;
- d) Location;
- e) Asset type;
- f) Estimated useful life; and
- g) Date and method of disposition.

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

Adoption date: July 2011

Revised: April 6, 2017

() Required
(X) Local
() Notice

INVENTORY AND FIXED ASSETS ACCOUNTING

In order to provide for the proper control and financial reporting of district property, the Board directs the Assistant Superintendent for Business, in accordance with the Uniform System of Accounts for School Districts and GASB 34, to be responsible for oversight of fixed assets accounting. The District defines fixed assets as non-consumable assets with a normal service life of more than two years.

The business office shall develop and maintain a system of internal controls for all fixed assets and other inventoried district property.

Inventory Records:

- All equipment items costing in excess of \$5,000 shall be inventoried.
- All non-equipment capital assets costing in excess of \$15,000 shall be inventoried.

These records will serve to:

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

The following information must be maintained on the equipment/fixed asset inventory:

- a) Name and description of property
- b) Asset type
- c) Location
- d) Serial number and/or other identification number
- e) Cost or value of the asset at acquisition
- f) Acquisition date
- g) Date and method of disposition

The Assistant Superintendent for Business shall arrange for the annual inventory and appraisal of school district property, equipment and material. Any discrepancies between the inventory and the district's property records on file should be traced and explained.

Capitalization of Assets:

Assets with a useful life of greater than three years will be considered for capitalization. The threshold to be used for the following purposes and or categories of assets is as follows:

	<u>Physical and Insurance Purposes</u>	<u>Financial Reporting (GASB #34)</u>
Land improvements	\$ 10,000	\$ 25,000
Buildings and improvements	\$ 10,000	\$ 50,000
Furniture and equipment	\$ 5,000	\$ 5,000
Technology equipment	\$ 1,000	\$ 1,000

Donated items will be capitalized at a fair-market value on the date of the donation.

Some assets individually may fall below the capitalization threshold but may be purchased in large quantities by the district. Examples include library books, textbooks, and computers. The district may choose to capitalize these assets as groups.

All assets will be depreciated using the straight-line method. Residual value will be considered.

Useful lives will be determined in the year of purchase based on general guidelines obtained from professional organizations and asset's present condition. Depreciation expense will be calculated beginning in the year of acquisition.

Adopted: August 21, 2014

Revised: April 6, 2017

[] Required
 [X] **Local**
 [] Notice

CLAIMS AUDITOR

The Board of Education will designate and appoint a claims auditor for the district. The claims auditor shall serve at the pleasure of the Board. The claims auditor shall report directly to the Board. The claims auditor may not be a member of the Board of Education; the clerk or treasurer of the Board; the Superintendent of Schools or other official of the district responsible for business management; the person designated as purchasing agent; and/or clerical or professional personnel directly involved in accounting and purchasing functions of the district; the individual or entity responsible for the internal audit function, the independent auditor responsible for the annual external audit, and/or a close or immediate family member of an employee, officer or contractor providing services to the district. For purposes of this policy, a close family member shall be defined as a parent, sibling or nondependent child, and an immediate family member shall be defined as a spouse, spouse equivalent, or dependent (whether or not related).

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

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

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

Cross-ref: 6680, Internal Audit Function

Ref: Education Law §§1604 (35); 1709(20-a); 1724; 2509; 2526; 2554(b)
 8 NYCRR §170.12(c)
Matter of Levy, 22 EDR 550 (1983)

Adoption date: August 2005
 Revised: April 6, 2017

☐ Required
☒ Local
☒ Notice

INDEPENDENT EXTERNAL AUDITS

As required by law, the school district shall obtain an annual audit of its records by an independent certified public accountant or an independent public accountant. The report of such annual external audit shall be presented to the Board of Education by such accountant.

The district shall, within 90 days of the receipt of such report or letter, prepare a corrective action plan in response to any findings contained in the annual external audit report or management letter, or any final audit report issued by the state comptroller. This corrective action plan shall be presented to the Board for review. To the extent practicable, implementation of such corrective action plan shall begin no later than the end of the next fiscal year.

The district shall use a competitive request for proposals (RFP) process when contracting for such annual audit. In addition, pursuant to law, no external audit engagement shall be for a term longer than five consecutive years; provided, however, that the district, in its discretion, may permit an independent certified public accountant or an independent public accountant engaged under an existing contract for such services to submit a proposal in response to an RFP or to be awarded a contract to provide such services under a RFP process.

Cross-ref: 6600, Fiscal Accounting and Reporting
 6690, Audit Committees

Ref: Education Law §2116-a(3)

Adoption date: July 1994
 Revised: April 6, 2017

EXTERNAL AUDIT GUIDANCE FOR SCHOOL DISTRICT OFFICIALS

The Five Point Plan for increasing school district financial oversight and accountability includes a provision to enhance the effectiveness of external audits by:

- Requiring CPAs to present audit results directly to school boards.
- Require a formal school district response to the management letter and a corrective action plan for any reportable conditions.
- Provide guidance on internal controls and audit testing, including specific types of testing and suggested level of detail.

The following list provides some specific examples of the audit guidance that will be helpful to school districts in working with their CPAs in order to enhance the effectiveness of the audit process and help assure school district officials that their annual independent audit is providing effective accountability. The list may be helpful to school board members and district officials as they participate in the annual financial audit process.

► Prudent use of taxpayer dollars

Goods and services are procured in a manner so as to assure the prudent and economical use of public moneys in the best interest of the taxpayers.

- A comprehensive test of cash disbursements that includes sample testing of procurement for compliance with laws, rules, regulations and policies/procedures for competitive purchasing, bidding or use of state or county contracts. Controls designed to prevent purchasing from businesses owned or controlled by officers, employees or other related parties should also be reviewed and tested. Tests of transactions are expected to include verification that goods or services were properly authorized, received by the district, charged to the proper appropriation accounts and audited prior to payment. This testing should include review of requisitions, purchase orders, receiving slips, vouchers, invoices, cancelled checks, and postings to the accounting records.
- A review of the district's policies and procedures for procuring goods and services that are not subject to competitive bidding requirements, including sample testing of cash disbursements to ensure the district complied with its procurement policies and acquired goods and services of maximum quality at the lowest possible cost under the circumstances. This test will also help assure the district's procedures guard against favoritism, fraud and corruption.

- Expense reimbursements or other payments to board members, administrators and other district personnel should be tested to verify compliance with board policies, reasonableness, appropriateness of payment, and documentation of expenses.
- Expenditures for meals and refreshments at meetings, cell phones and purchases with credit cards should be reviewed for reasonableness.
- A comprehensive test of payroll disbursements that includes verification of the existence of the employee, authorization, time worked, accuracy of rates, overtime payments and distributions to appropriate expenditure categories by tracing from time records through the payroll records to the cancelled check. Testing of accounting records should also be performed such as payroll summaries and payments of taxes and other withholdings.

► **Sound internal control structure**

A sound internal control structure is in place and internal controls are appropriately designed and operating effectively.

- A sufficient understanding of the school district's system of internal controls including the district's control environment, control activities, system for risk assessment, information and communication, and monitoring. This audit procedure should also include a documented understanding of controls over the school district's computer systems that are significant to audit objectives.
- Testing of controls deemed significant to the audit's objectives. For example: observing district personnel actually performing the control procedures in the regular course of operations; examining documents and looking for evidence of approvals, sign-offs, etc.; and replicating a control procedure to test whether it was applied correctly.
- Analytical procedures should be performed to identify unusual trends, activities or transactions. Revenue and expenditure trends should be reviewed over a number of years, and significant budget variances investigated. Control and detail records for budget, revenue, payroll, procurement, capital project and capital asset activities should be scanned for questionable trends or entries, and unusual items investigated.
- A sample of budget amendments should be checked to verify they were completed before appropriations were over-expended to verify budget control over district expenditures.
- Documentation of how the evaluation of the district's control structure and the results of the analytical reviews will affect the audit approach for testing of controls and tests of transactions. This documentation should include the auditor's consideration of the risk of fraud, illegal acts, abuse, or violations of contract/grant provisions, and the impact these risks will have on audit testing.

► **Assets are safeguarded**

School district assets are safeguarded against loss, waste and abuse.

- Verification that a current asset inventory system is in place.
- Physical inspection of assets and personal property items, especially those items most susceptible to theft and abuse (e.g. computers, televisions, video equipment).
- Verification of adequacy of insurance coverage for assets and for employees with authorized access to those assets.

Adoption date: April 6, 2017

[] Required
 [X] **Local**
 [] Notice

PETTY CASH/PETTY CASH ACCOUNTS

Petty cash funds shall be established at each school, in the district clerk's office, the pupil personnel office, and the district's administration office for the purchase of materials, supplies or services under conditions requiring immediate payment.

The amount of each fund will not exceed \$100.00. The Board of Education shall appoint a custodian for each petty cash fund who shall administer and be responsible for such fund.

To ensure that these funds are properly managed, the following guidelines shall be followed:

1. Receipts and cash-on-hand must always total the authorized fund amount. All disbursements from such funds are to be supported by receipted bills or other evidence documenting the expenditure.
2. Payments may be made from petty cash for materials, supplies, or services requiring immediate payment. Sales tax on purchases will not be paid by the school district from petty cash funds.

The district shall reimburse uses of petty cash funds up to the extent of expenditures, with appropriate documentary support and as approved by the claims auditor. Petty cash funds provided for buildings or activities that do not operate during July/August must be closed out on June 30 and reestablished by Board of Education action at the reorganizational meeting of the Board in July.

Cross-ref: 6700, Purchasing

Ref: Education Law §§1604(26); 1709(29)
 8 NYCRR §170.4

Adoption date: July 1994
 Revised: April 2017
 November 2018

PETTY CASH ACCOUNTS REGULATION

The custodian appointed for each petty cash fund will be responsible for the following method of record keeping:

1. deposits to petty cash accounts will be made in amounts which shall not exceed payments made in cash from the fund;
2. payments made from the funds will be indicated by itemized receipts, receipted bills or other evidence of payments in form available for audit;
3. disbursements will be acknowledged by the signature of the individual receiving payment;
4. each disbursement will be properly budget coded prior to the disbursement of funds; and
5. a request to replenish the petty cash fund will be accompanied by a summary sheet, signed by the custodian responsible for the fund, with all expenditures properly accounted.

The custodian will disburse petty cash only for payment for materials, supplies and services, only when payment is required upon delivery.

Adoption date: April 6, 2017

[] Required
 [x] Local
 [X] Notice

INTERNAL AUDIT FUNCTION

The Board of Education recognizes its responsibility to ensure sound fiscal management of the district. To this end, the Board establishes an internal audit function to carry out the following tasks:

- Develop an annual risk assessment of district fiscal operations which shall include but not be limited to:
 - a. a review of financial policies and procedures,
 - b. the testing and evaluation of district internal controls;
- An annual review and update of such risk assessment; and
- Prepare reports, at least annually or more frequently as the Board may direct, which:
 - a. analyze significant risk assessment findings,
 - b. recommend changes for strengthening controls and reducing identified risks, and
 - c. specify timeframes for implementation of such recommendations.

To fulfill this function, the district may use inter-municipal cooperative agreements, BOCES shared services, or independent contractors as long as such personnel or entities performing the internal audit function comply with the Regulations of the Commissioner and meet professional auditing standards for independence between the auditor and the district. The district may also use existing personnel to fulfill this function but only if such persons shall not have any responsibilities for other business operations of the district while performing such function.

Personnel or entities performing this function shall report directly to the Board. The district's audit committee shall assist in the oversight of this internal audit function.

Cross-ref: 6690, Audit Committee

Ref: Education Law §2116-b

Adoption date: April 6, 2017

[] Required
[x] Local
[X] Notice

AUDIT COMMITTEE

The Board of Education will designate and appoint an Audit Committee for purposes of overseeing and carrying out the Board's audit policies and the performance of related duties and responsibilities. The district's Audit Committee shall be comprised of five members, including two (2) Board members and three (3) non-Board members.

The Board of Education will appoint the members, who will serve without compensation for one (1) year terms. The term of any Board member serving on the Audit Committee shall not exceed the member's term on the Board. The Board shall solicit applications from the public to fill the seat of any non-Board member who has served on the Committee for three continuous years, or if an unanticipated vacancy occurs. The selection of qualified applicants remains at the Board's discretion, and nothing contained herein precludes the Board from continuing the service of a non-Board member beyond three years of continuous service.

Members will be reimbursed for their actual and necessary expenses related to attending committee meetings. Audit Committee members are not required to be District residents.

The Board members who serve on the Audit Committee will act as liaisons to the Board of Education. One of the two Board of Education members who serve on the Audit Committee shall be the Board President. Employees of the school district are prohibited from serving on the committee.

The Audit Committee shall:

1. Recommend internal and external audit plans to the Board, specifying the areas of District operations to be reviewed for compliance with legal and regulatory requirements, operating efficiency and effectiveness;
2. Receive and review the resulting audit reports; and propose recommendations to the Board for action as may be necessary and appropriate;
3. Receive and review the report of the external auditor on any findings commented on during the annual audit report, and the management response thereto, and propose recommendations to the Board for action as may be necessary and appropriate;

4. Oversee the selection of the internal auditor and the external auditor, pursuant to the relevant Board policies, and make recommendations to the Board for appointment to said positions; and
5. Perform any other responsibilities outlined by the Board and/or as listed in the District's Audit Committee Charter (see attached exhibit, 6690-E).

The audit committee may conduct an executive session in accordance with law and Commissioner's regulation. If authorized by Board resolution, any Board member who does not serve on the Audit Committee may attend an executive session of the Committee.

It is not the intent of the Board of Education that the Audit Committee participate in or be responsible for the day to day operations of the school district or in the decisions that are the responsibility of the Superintendent of Schools or Assistant Superintendent for Business, or the other district administrators.

Ref: Education Law §2116-c
8 NYCRR §170.12 (d)

Adoption date: April 6, 2017

AUDIT COMMITTEE CHARTER

Audit Committee Authority

Pursuant to Board resolution dated December 5, 2005, the Board of Education of the **Wantagh Union Free School District** has established an audit committee to assist the Board of Education in the oversight of both the internal and external audit functions. The requirement to create an audit committee was established by Education Law §2116-c. *According to §2116-c(4), the role of an audit committee shall be advisory and any recommendations it provides to the Board shall not be substituted for any required review and acceptance by the Board of Education.*

Mission

The Board of Education has established an audit committee to provide independent assistance to the Board in the oversight of the following matters:

- Assist the Board in providing oversight of the internal audit, external audit, and claims audit functions, including the appointment of the internal, external, and claims auditors.
- Oversee the competitive Request for Proposal Process (RFP) used to solicit quotations for the District's annual external audit.
- Review the scope, plan and coordination of the external and internal audits.
- Provide a communications link between the external and internal auditors and the Board.

Membership

The membership duties of the Wantagh School District Audit Committee includes the following:

- **Good Faith** – Members of the Committee shall perform their duties in good faith, in a manner they reasonably believe to be in the best interests of the Committee and the District with such care as a generally prudent person in a similar position would use under similar circumstances.
- **Independence** – The following individuals are precluded from being an Audit Committee member:
 - Someone currently employed by the District
 - Someone currently or previously providing goods or services to the District during the past two years.

- Someone of the immediate family (spouse, spouse equivalent or dependent, whether or not related) or close family member (parent, sibling or nondependent child) of an individual who is an employee, officer or contractor providing goods or services to the district.
- Someone who is the owner of or has a direct and material interest in a company providing goods or services to the district.
- **Confidentiality** – During the exercise of duties and responsibilities, the Committee members may have access to confidential information. The Committee shall have an obligation to the district to maintain the confidentiality of such information.
- **Oath of Office** - All non-board members, who are members of the Audit Committee, should be administered the district's oath of office by the District Clerk.

Membership and Requisite Skills

The District's Audit Committee is comprised of five members, two of whom shall be the President of the Board of Education and a second Board Trustee, and three non-Board members. The Board of Education will appoint the members, who will serve without compensation in one (1) year terms. The term of any Board member serving on the Audit Committee shall not exceed the member's term on the Board. The Board shall solicit applications from the public to fill the seat of any non-Board member who has served on the Committee for three continuous years, or if an unanticipated vacancy occurs. The selection of qualified applicants remains at the Board's discretion, and nothing contained herein precludes the Board from continuing the service of a non-Board member beyond three years of continuous service..

The Committee members collectively should possess the expertise and experience in accounting, auditing, financial reporting and school district finances needed to understand and evaluate the school district's financial statements, the external audit of those statements and the district's internal audit activities. Accordingly, the Audit Committee's members should:

- Possess the requisite skills and experience necessary to understand technical and complex financial reporting issues.
- Have the ability to communicate with, and offer advice and assistance to, public finance officers and auditors.
- Be knowledgeable about internal controls, financial statement audits and management/operational audits.

Duties and Responsibilities

The duties and responsibilities of the District's Audit Committee include the following:

- **External Audit Focus**

- Provide recommendations regarding the selection of the external auditor to the Board of Education.
- Meet with the external auditor prior to commencement of the audit to review the engagement letter.
- Review and discuss with the external 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.
- Review the external auditor's assessment of the district's system of internal controls.
- Receive and review the draft annual audit report and accompanying draft management letter and, working directly with the external auditor, assist the Board of Education in interpreting such documents.
- Make a recommendation to the Board of Education on accepting the annual audit report.
- Review every corrective action plan developed by the school district and assist the Board of Education in the implementation of such plans.

- **Internal Audit Focus**

- Make recommendations to the Board of Education regarding the appointment of the internal auditor.
- Assist in the oversight of the internal audit function.
- Review the annual internal audit plan to ensure that high risk areas and key control activities are periodically evaluated and tested.
- Review the results of internal audit activities and significant recommendations and findings of the internal auditor.
- Monitor implementation of the internal auditor's recommendations by management.
- Provide input on the performance evaluation of the internal auditor.

- **Claims Audit Focus**

- Make recommendations to the Board of Education regarding the appointment of the claims auditor.
- Assist in the oversight of the claims audit function.

- Review the results of claims audit activities and significant recommendations and findings of the claims auditor.
 - Monitor implementation of the claims auditor's recommendations by management.
 - Provide input on the performance evaluation of the claims auditor.
- **Administrative Matters**
 - Hold regularly scheduled meetings.
 - Administer other related duties as prescribed by the Board of Education.
 - Review and revise the Audit Committee Charter.

Meetings and Notification

The Wantagh School District Audit Committee shall meet a minimum of four (4) times each year.

As a public body, the Audit Committee is subject to the requirements of the Open Meetings Law. However, the Audit Committee is authorized to conduct an executive session for the reasons delineated in Public Officer's Law § 105, as well as for the following purposes, as described in Education law § 2116-c:

- Meet with the external auditor prior to the commencement of the audit;
- Review and discuss with the external auditor any risk assessment of the district's fiscal operations; and
- Receive and review the draft annual audit report and accompanying draft management letter and, working directly with the external auditor, assist the Board in interpreting these documents.

An agenda of each meeting should be clearly determined in advance and the Audit Committee should receive supporting documents in advance, for reasonable review and consideration. The audit committee may conduct an executive session in accordance with law and Commissioner's regulation. Any member of the board of education who is not a member of the audit committee may be allowed to attend an executive session if authorized by a resolution of the board of education.

The Audit Committee shall prepare minutes of each meeting. At a minimum, the minutes will include the following:

- Copies of the meeting agenda
- Date, attendance and location of the meeting
- As appropriate, brief summary of the topics discussed

- Except as otherwise provided by law in connection with executive session, copies of materials discussed or presented at the meeting
- A record of all actions or recommendations agreed to by the committee

Decision-Making Process

A quorum constitutes a simple majority of the total membership and meetings will not be conducted unless a quorum is present. All decisions shall be reached by vote of a simple majority of the total membership.

Reporting Requirements

The Wantagh School District Audit Committee has the duty and responsibility to report its activities to the Board of Education. Periodic written reports of Audit Committee activities are an important communication link between the Audit Committee and the Board on key decisions and responsibilities. The Audit Committee's reporting requirements are to:

- Report on the scope and breadth of committee activities so that the Board of Education is kept informed of its work.
- Provide minutes of meetings which clearly record the actions and recommendations of the Committee.
- Report on their review of the District's draft annual audit report and accompanying management letter and their review of significant findings and recommendations of the internal auditor.
- Report on suspected fraud or abuse or material defects in the internal control systems.
- Report on indication of material or significant non-compliances with laws or District policies and regulations.
- Report on any other matters that should be disclosed to the Board of Education.

Review of the Charter

The Wantagh School District Audit Committee shall assess and report to the Board of Education on the adequacy of this Charter no less than an annual basis or as necessary. Charter modifications, as recommended by the Audit Committee, should be presented to the Board of Education in writing for their review and action.

Adoption date: April 6, 2017

(X) Required☐ Local☐ Notice

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 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 of more than \$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.

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.

On August 1, 2012, General Municipal Law (GML) Section 103 was amended to allow school districts to purchase certain goods and services (apparatus, materials, equipment and supplies) through the use of contracts let by the United States or any agency thereof, any state, and any county, political subdivision or district of any state. The amendment authorizes school districts and BOCES to "piggyback" on contracts let by outside governmental agencies in a manner that constitutes competitive bidding "consistent with state law." This "piggybacking" is permitted on contracts issued by other governmental entities, provided that the original contract:

- a) Has been let by the United States or any agency thereof, any state (including New York State) or any other political subdivision or district therein;
- b) Was made available for use by other governmental entities; and
- c) Was let in a manner that constitutes competitive bidding consistent with New York State law.

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

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.

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'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 cooperation with the requisitioning authority. The educational 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. Purchases will be made through available cooperative BOCES bids, state contracts of the Office of General Services or county contracts whenever such purchases are in the best interests of the district. In addition, the district may make purchases from correctional institutions and severely disabled persons through charitable or non-profit-making agencies, as provided by law.

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.

The Purchasing Agent will not be required to secure alternative proposals or quotations for:

1. emergencies where time is a critical factor;
2. procurements for which there is no possibility of competition (sole source items); or
3. very small procurements when solicitations or competition would not be cost effective.

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.

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

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

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: 2160, School Board Code of Ethics
6230, Federal Funds
6670, Petty Cash Accounts
6720, Bidding Requirements and Procedures
6740, Purchasing Procedures
9410, Conflict of Interest

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)

Adoption date: July, 1994

Revised: December 2009
 July 2012
 September 2014
 April 6, 2017
 May 2021

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.

H. Blanket Purchase Orders

Blanket purchase orders issued annually to local vendors may be used. The types of items blanket purchase orders can be used for are: day to day custodial and maintenance needs, minor repairs, minor technology purchases, certain science supplies, or for other items determined at the discretion of the Purchasing Agent. All policies, procedures and thresholds for items purchased on a blanket purchase order must still be followed.

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:

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 producers or growers. The amount expended in any fiscal year by the district may not exceed an amount equal to fifteen cents multiplied by the number of days in the school year multiplied by the total enrollment of the district.

Documentation: The district will maintain documentation consistent with sections 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;

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; or

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.

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 quotations or any other appropriate method of procurement, as set forth below.

1. Methods of Documentation

- a. 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. Written quotations will serve as documentation if formal bidding is not required.
- b. Requests for Proposals: the district will utilize RFP's to engage professional services providers in accordance with policy 6741.

2. 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:

- a. Purchase Contracts up to \$20,000
 - 1. Contracts below \$2,500: At the discretion of the Purchasing Agent
 - a. Although it is not necessary to obtain pricing, details supporting the purchase must still be attached to the requisition.
 - 2. Contracts from \$2,500 to \$20,000: Formal written quotes from at least three separate vendors (if available).
 - 3. Contracts in excess of \$20,000: Sealed bids in accordance with General Municipal Law, Section 103.
- b. Public Work Contracts up to \$35,000
 - 1. Contracts below \$5,000: At the discretion of the Purchasing Agent
 - a. Although it is not necessary to obtain pricing, details supporting the purchase must still be attached to the requisition.
 - 2. Contracts from \$5,000 to \$35,000: Formal written quotes from at least three separate vendors (if available).
 - 3. Contracts in excess of \$35,000: Sealed bids in accordance with General Municipal Law, Section 103.

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.

Cross-ref: 6230, Federal Funds
6720, Bidding Requirements and Procedures
6740, Purchasing Procedures

Adoption date: July 1994

Revised: September 1996
September 2004
July 2012
September 2014
April 6, 2017
May 2021

PURCHASING EXHIBIT*Methods of Competition to Be Used for Non-Bid Procurements*

	Pricing Support Attached	3 Written Quotes	RFP*	Other
Purchase Contracts up to \$20,000				
Less Than \$2,500	X			
\$2,500 to \$20,000		X		
Public Works Contracts up to \$35,000				
Less Than \$5,000	X			
\$5,000 to \$35,000		X		
Emergencies				X
Professional Services			X	
Leases of Personal Property				X
Second-Hand Equipment from Other Governments				X
Certain Food and Milk Purchases				X
Sole Source (for example, patented or monopoly items)				X

*RFP: Request for Proposal

Adoption date: July 1994

Revised: September 2004

July 2012

September 2014

April 6, 2017

May 2021

**Explanations of “Other” Methods of Competition to Be Used For
Non-Bid Procurements**

Emergencies: Informal solicitation of quotes or otherwise, to the extent practicable under the circumstances.

Leases of Personal Property: Section 1725 of the Education Law requires that a district will be subject to competitive bidding requirements for purchase contracts when it enters into a lease of personal property.

Second-Hand Equipment from Federal and State Governments: Section 103(6) of the General Municipal Law provides a statutory exception to the competitive bidding requirement by permitting the purchase of surplus and second-hand supplies, materials or equipment without competitive bidding from the federal or state governments or from any other political subdivision or public benefit corporation with the state.

Certain Food and Milk Purchases: Section 103(a)(10) of the General Municipal Law provides a statutory exception to the competitive bidding requirement by permitting a Board of Education to separately purchase eggs, livestock, fish and dairy products (other than milk), juice, grains and species of fresh fruits and vegetables directly from producers or growers without bidding.

Sole Source: Section 103 of the General Municipal Law provides a statutory exception to the competitive bidding requirement in limited situations where there is only one possible source from which to procure goods or services required in the public interest (such as in the case of certain patented goods or services or public utility services).

Adoption date: July 1994

Revised: April 6, 2017

[] Required
[X] Local
 [] Notice

PURCHASING AUTHORITY

The Board of Education designates the Assistant Business Manager as Purchasing Agent for the school district. The Board shall formally designate the individual named as purchasing agent at the annual organizational meeting, which will be recorded in the minutes of that meeting. If the individual so named becomes unable to fulfill the duties during the course of the year, the Board will designate another purchasing agent at the next Board meeting. The Purchasing Agent will be responsible for administering all purchasing activities and ensuring the quality and quantity of purchases made by the district.

All purchases shall be made through the Purchasing Agent.

The Purchasing Agent is authorized to issue purchase orders without prior approval of the Board when formal bidding procedures are not required by law and budget appropriations are adequate to cover such obligations.

All purchase orders issued by the Purchasing Agent in excess of \$20,000 shall also be reviewed by the Assistant Superintendent for Business.

The Purchasing Agent shall be responsible for preparing all bid specifications and a statement of general bidding conditions to be included in every notice or invitation to bid. If there are questions concerning specifications, the Purchasing Agent will consult with the requisitioner to clarify the matter so as to ensure that the appropriate goods or services are obtained.

Cross-ref: 2210, Board Organizational Meeting
 6700, Purchasing

Ref: Education Law §1709(20-a)
 Gen. Mun. Law §104-b(2)(f)

Adoption date: April 6, 2017

Revised: May 2021

☐ Required
☒ **Local**
☐ Notice

PURCHASING PROCEDURES

Requesting Goods and Services (Purchase Orders)

Purchase orders for budget items shall originate from the key personnel directly responsible for their use. The Purchasing Agent shall arrange appropriate administrative reviewing channels whereby purchase orders will be examined and approved, or disapproved, for purchasing.

The Purchasing Agent shall receive and process purchase orders in a manner most beneficial to the overall purposes of the school.

Describing Goods and Services (Specifications)

Product specifications will be written in a manner that will minimize vendor misinterpretation and yet be in the vernacular of the trade.

Specifications will be sufficiently broad to permit competition while retaining the desired level of quality. In all cases, the dominant factor should be quality.

Expenditures

It is the policy of the Board of Education that the administration strictly observes the letter and the spirit of all laws and regulations relating to purchases by the district and to the control of its finances and property.

Within the framework of applicable laws and regulation, purchases and use of materials and manpower shall be accomplished in accordance with good business practices with the primary purpose of serving the program of instruction.

Purchasing Procedures

The procurement function is one of the major business responsibilities of the Board of Education. The mechanical function of procurement may be delegated. However, under law, the Board has the sole authority and responsibility for all purchase contracts of the

district.

The duties of purchasing shall be centralized under the control of the Assistant Superintendent for Business with the assistance of the Assistant Business Manager, who shall serve as purchasing agent. The Assistant Superintendent for Business and Assistant Business Manager shall be familiar with and perform all activities within the limitations prescribed by law, legal opinions, and in accordance with Board policies.

Four fundamental functions of purchasing are:

1. to buy the proper product for the purpose required;
2. to have the product available when needed;
3. to buy the proper amount of the product; and
4. to pay the proper price.

Every transaction between a buyer and seller involving the transfer of property shall be by purchase order or formal contract.

Purchase orders and other obligations shall be signed by the Purchasing Agent.

Specifications governing materials are a joint responsibility of the educational and business offices.

Only through the use of efficient purchasing procedures can the school district ensure that needed goods and services are acquired in the most economical manner. The Board directs the Superintendent of Schools and the Assistant Superintendent for Business to develop administrative regulations on how purchasing is to be done in the district.

The purchasing is to be done by the purchasing agent on an official purchase order.

The purchasing agent is authorized to issue purchase orders without prior approval of the Board when formal bidding procedures are not required by law and budget appropriations are adequate to cover such obligations.

All purchases involving the use of federal funds shall follow the attached guidelines established in the Federal Funds Procedural Manual for the district.

Cross-ref: 6230, Federal Funds
 6700, Purchasing
 6740-P, Federal Funds Procedural Manual

Ref: Education Law §1704; 1718; 1720; 1724
 Office of the State Comptroller-Financial Management Guide

Adoption date: July 1994
Revised: April 6, 2017
 May 2021

PURCHASING PROCEDURES REGULATION

The purchasing of material, equipment, or supplies shall be governed by the following list of functions.

	<u>Function</u>	<u>Performed by</u>
A.	Requisition	Initiated by user Sent to proper official for approval Copy retained by school
B.	Specifications	Prepared in detail by either the Purchasing Department or the educational office requesting the purchase.
C.	Bids or Quotations	Checked and tabulated by Purchasing Department and after review with the requisitioner recommendations made to Board of Education on formal bids.
D.	Contract or Purchase	Contracts signed by designated board officials; orders signed by Purchasing Agent.
E.	Follow-Up	By Purchasing Department
F.	Receipt of Goods	Person other than requisitioner signs receiving copy of Purchase Order and forwards same to Purchasing Department indicating the quantity and quality of materials or services which have been received and are satisfactory.
G.	Invoice	Checked for price and quantity by Accounts Payable staff.
H.	Invoice Approved	By officer giving rise to the claim (e.g. department head, principal etc.)
I.	Invoice Approval	All claims are submitted to and reviewed by the district Claims Auditor for final approval before release.

Adoption date: July 1994
 Revised: April 6, 2017
 May 2021



FEDERAL FUNDS PROCEDURAL MANUAL

WANTAGH UFSD

Adopted May 6, 2021

Entire manual included in PDF version



FEDERAL FUNDS PROCEDURAL MANUAL

WANTAGH UFSD

Adopted May 6, 2021

INTRODUCTION

The Federal Uniform Grant Guidance (2 CFR, Part 200), commonly known as UGG, is a set of regulations that establishes rules that apply to all federal grants, regardless of which Federal agency is providing the award. These regulations streamlined the Office of Management and Budget (OMB) Circulars into one comprehensive policy guide. UGG are regulations that establish rules that apply to all federal grants, regardless of which Federal agency is providing the award. These regulations streamlined the Office of Management and Budget (OMB) Circulars into one comprehensive policy guide.

Note: All links and attachments are as of 2020.

Thanks to the Association of School Business Officials who diligently created a template that was available for use by all NYS school districts and edited by Wantagh UFSD.

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DEFINITIONS

BUDGET/ALLOWABLE USE OF FUNDS/COST PRINCIPLES

- **Advance payment:** means a payment that a Federal awarding agency or passthrough entity makes by any appropriate payment mechanism, including a predetermined payment schedule, before the non-Federal entity disburses the funds for program purposes.
- **Allowable cost:** A cost that complies with all legal requirements that apply to a particular Federal education program including statutes, regulations, guidance, applications and approved grant awards.
- **Education Department General Administrative Regulations (EDGAR):** A compilation of regulations that apply to Federal education programs. These regulations contain important rules governing the administration of Federal education programs, and include rules affecting the allowable use of Federal funds (including rules regarding allowable costs, the period of availability of Federal awards, documentation requirements, and grants management requirements). EDGAR is accessible at <http://www2.ed.gov/policy/fund/reg/edgarReg/edgar.html>.
- **Omni Circular or 2CFR 200:** Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. Federal cost principles that provide standards for determining whether costs may be charged to Federal grants. EDGAR requires all grantees and subgrantees to follow the cost principles set out in 2 CFR 200s at the following: <http://www.ecfr.gov/cgi-bin/text-idx?node=pt2.1.200&rgn=div5>. The Omni Circular, 2CFR 200, and Uniform Grant Guidance are all referring to the same document.

PURCHASING

- **Aggregate** refers to the aggregate amount to be expended during a 12-month period.
- **Purchase Order (PO)** is a document issued by the School District that authorizes a purchase transaction. The PO sets forth the descriptions, quantities, prices, discounts, date and other terms and conditions.
- **Requisition** is the initial purchase request that an employee enters into the District financial accounting software. Once the requisition has moved forward through the approval process it is printed out or emailed as a purchase order and the order is processed.
- **Simplified Acquisition Threshold (SAT)** is the abbreviation for the Federal guideline for Simplified Acquisition Threshold which is \$150,000.

CASH MANAGEMENT

- **Advance payment:** means a payment that a Federal awarding agency or passthrough entity makes by any appropriate payment mechanism, including a predetermined payment schedule, before the non-Federal entity disburses the funds for program purposes.

COMPENSATION-PERSONAL SERVICES EXPENSES AND REPORTING

- **Cost Objective:** A particular grant award or other category of costs used to track specific cost information (e.g. earmarks or set-asides that require the District to track expenditure information to ensure it spends a specific amount for a specific purpose).
- **Employee Compensation:** All amounts paid or accrued to an employee for services rendered during the award period. Compensation includes salaries, fringe benefits, stipends, bonuses and payments made under supplemental contracts. The District may require specific groups of employees to complete time sheets as verification of services rendered during an award period.
- **Multiple Cost Objectives Employees:** Employees who work on multiple cost objectives such as:
 - More than one Federal award;
 - A Federal award and a non-Federal award;
 - More than one activity within a Federal award that is separately tracked by the District (such as set-asides, earmarks or match/in-kind contributions).
- **Single Cost Objective Employees:** Employees who work exclusively on one cost objective.

CAPITAL ASSETS

- **Capitalization policy is used by a District to set a threshold, above which qualifying** expenditures are recorded as fixed assets, and below which they are charged to expense as incurred. The policy is typically set by District administration or the board of education. The capitalization policy also governs whether certain expenditures are accounted for as separate assets, or as part of a larger asset.
- **Computing Devices** are machines used to acquire, analyze, process, and publish data and other information electronically, including accessories (or “peripherals”) for printing, transmitting and receiving, or storing electronic information. Information technology systems are computing devices, ancillary equipment, software, firmware, and similar procedures, services (including support services), and related resources.
- **Equipment** is tangible personal property having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the non-Federal entity for financial statement purposes, or \$5,000. High-risk equipment of less than \$5,000 should also be safeguarded and tracked along with an inventory done every two years.
- **High-Risk Assets** are those items identified by the District as easily portable, desirable for personal use or easily marketable.. Currently computers, iPad, multi-media and audio assisted equipment, and other portable technology are considered theft-sensitive and high-risk.

- **Purchase Order (PO)** is a document issued by the School District that authorizes a purchase transaction. The PO sets forth the descriptions, quantities, prices, discounts, date and other terms and conditions.
- **Safeguarding** is defined as providing a reasonable assurance regarding prevention or timely detection of unauthorized acquisition, use or disposition of the District assets that could have a material effect on the financial statements.

RECORDS RETENTION

- **Permanent Retention Period** means the records should be retained and never destroyed.
- **Records** is defined as information contained in records regardless of its physical form (paper, microfilm, computer disk or tape, or other medium).
- **Retention Period** represents the period of time a document should be kept or “retained”. New York State School Districts should consult Records Retention Schedule LGS-1.

SUBRECIPIENT MONITORING AND MANAGEMENT

- **Contract:** A legal instrument by which a non-Federal entity purchases property or services needed to carry out the project or program under a Federal award. The term as used in Part 2 CFR does not include a legal instrument, even if the non-Federal entity considers it a contract, when the substance of the transaction meets the definition of a Federal award or subaward.
- **Contractor:** An entity that receives a contract, i.e. a legal instrument by which a non-Federal entity purchases property or services needed to carry out the project or program under a Federal award.
- **Pass-through Entity (PTE):** A non-Federal entity that provides a subaward to a subrecipient to carry out part of a Federal program.
- **Subaward:** An award provided by a PTE to a subrecipient for the subrecipient to carry out part of a Federal award received by the PTE. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program. A subaward may be provided through any form of legal agreement, including an agreement that the PTE considers a contract.
- **Subrecipient:** A non-Federal entity that receives a subaward from a PTE to carry out part of a Federal program; but does not include an individual that is a beneficiary of such program.

BUDGET/ALLOWABLE USE OF FUNDS/COST PRINCIPLES

RATIONALE

Developing grant budgets must be based on the proposed activities planned and described in the grant application to ensure the intent of the federal program is maintained. Budgeted expenditures must conform to that intent and be allowable under the Omni Circular (2CFR

200) as well as Education Department General Administrative Regulations (EDGAR), described under “Definitions.”

In compliance with 2CFR §200.302(b)(7) and EDGAR, procedures outlined in this section will enable management and staff to ensure the District is in compliance with the allowability requirements under the terms and conditions of the grant as well as the 2 CFR 200, Subpart E and EDGAR.

POLICY

FRAMEWORK FOR ANALYZING ALLOWABLE COSTS

To determine whether a cost is allowable under the program, staff must become familiar with the requirements under 2 CFR 200, Subpart E and EDGAR, as well as objectives of each grant.

Generally, when analyzing whether a particular cost is permissible, it is useful to perform the following analysis:

- Is the cost specifically included in the District's approved grant budget?
- Is the cost forbidden by Federal laws such as 2 CFR 200, Subpart E or EDGAR? (see below for examples)
- Is the cost permissible under the relevant Federal program?
- Is the cost consistent with the Federal cost principles in 2 CFR 200s?
- Is the cost consistent with program specific fiscal rules?
- Is the cost consistent with an approved program plan and budget, as well as any special conditions imposed on the grant?

While there are other important considerations District staff must take into account when analyzing whether a specific proposed cost is permissible, the above questions can provide a useful framework for the analysis.

FEDERAL COST PRINCIPLES

The Omni-Circular defines the parameters for the permissible uses of Federal funds. While there are many requirements contained in it, it includes core principles that serve as an important guide for effective grants management. These core principles require all costs to be:

- **Necessary** for the proper and efficient performance or administration of the program.
- **Reasonable.** In other words, it should be clear to an outside observer why a decision to spend money on a specific cost made sense in light of the cost, needs, and requirements of the program and that sound business practices were followed and purchases were comparable to current market prices.
- **Allocable** to the Federal program that paid for the cost. Under 2 CFR §200.405, this means that a program must benefit in proportion to the amount charged to the Federal program—for example, if a teacher is paid 50% with Title I funds, the teacher must work with the Title I program/students at least 50% of the time. This also means that recipients need to be able to track items or services purchased with Federal funds so they can prove they were used for Federal program purposes.

- **Authorized** under state and local rules. This means all actions carried out with Federal funds must be authorized and not prohibited by state and local laws and policies.
- **Adequately documented.** A recipient must maintain proper documentation so as to provide evidence to monitors, auditors, or other oversight entities of how the funds were spend over the lifecycle of the grant.
- **Consistent with policies and procedures.** The same policies and procedures should apply uniformly to both federally-financed and other activities of the District. For example, personnel whose travel is paid with Federal funds is reimbursed at the same rates as personnel whose travel is paid with state or local funds, and the grant is charged accordingly.
- **Not included as a match or cost-share.** An element of cost should not be included as a match or cost-share of another federal program, unless the specific Federal program authorizes Federal costs to be treated as such. Some Federal program statutes require the grantee to contribute a certain amount of non-federal resources to be eligible for the Federal program.
- **Net of all applicable credits.** The term “applicable credits” refers to those receipts or reduction of expenditures that operate to offset or reduce expense items allocable to the federal award. Typical examples of such transactions are purchase discounts; rebates or allowances; recoveries or indemnities on losses; and adjustments of overpayments or erroneous charges, such as credits. To the extent that such credits accruing to or received by the District relate to the Federal award, they shall be credited to the Federal award, either as a cost reduction or a cash refund, as appropriate.

The Omni-Circular also contains specific rules on selected items of costs. Costs must comply with these rules in order to be paid with Federal funds.

ALLOWABLE COSTS

Costs that may be Allowable under 2 CFR 200, Subpart E Under Specific Conditions:

<u>FS-10 Budget Item</u>	<u>Citation</u>
Professional and support salaries	§200.430
Purchased services	2 CFR Appendix II Contract provisions
Supplies and materials	§200.453
Travel expenses	§200.474
Employee benefits	§200.431
Equipment	§200.439

Budget Items for Other Grants

Advisory Councils	§200.422
Audit costs and related services	§200.425
Bonding costs	§200.427
Conferences	§200.432

Depreciation	\$200.436
Employee health and welfare costs	\$200.437
Insurance and indemnification	\$200.447
Maintenance, operations, and repairs	\$200.452
Memberships and subscriptions	\$200.454
Professional service costs	\$200.459
Proposal costs	\$200.460
Publication and printing costs	\$200.461
Rental costs of building and equipment	\$200.465
Training costs	\$200.472

COSTS FORBIDDEN BY FEDERAL LAW

2 CFR 200, Subpart E identifies certain costs that may never be paid with Federal funds. The following list provides examples of such costs. If a cost is on this list, it may not be supported with Federal funds. The fact that a cost is not on this list does not mean it is necessarily permissible. There are other important restrictions that apply to Federal funds, such as those detailed in 2 CFR 200s; thus, this list is not exhaustive.

UNALLOWABLE COSTS UNDER 2 CFR 200, Subpart E

- Advertising and public relations costs (with limited exceptions), are prohibited; includes promotional items and memorabilia, including models, gifts, and souvenirs
- Alcoholic beverages
- Bad debts
- Contingency provisions (with limited exceptions)
- Fundraising and investment management costs (with limited exceptions)
- Donations
- Contributions
- Entertainment (amusement, diversion, and social activities and any associated costs)
- Fines and penalties
- General government expenses (with limited exceptions pertaining to Indian tribal governments and Councils of Government (COGs))
- Goods or services for personal use
- Interest, unless specifically stated in §200.441 as allowable

UNALLOWABLE COSTS UNDER EDGAR (PART 76)

- The use of funds for religion
- The acquisition of real property (unless specifically permitted by programmatic statute or regulations which is very rare in Federal education programs)
- The use of funds for construction (unless specifically permitted by programmatic statute or regulations which is very rare in Federal education programs)
- Charging tuition or fees collected from students toward meeting matching, cost sharing, or maintenance of effort requirements of a program

PROGRAM ALLOWABILITY

Any cost paid with Federal education funds must be permissible under the Federal program that would support the cost.

Many Federal education programs detail specific required and/or allowable uses of funds for that program. Issues such as eligibility, program beneficiaries, caps or restrictions on certain types of program expenses, other program expenses, and other program specific requirements must be considered when performing the programmatic analysis.

Costs must be consistent with the purposes of the program in order to be allowable.

PROGRAM SPECIFIC FISCAL RULES

All Federal education programs have certain program specific fiscal rules that apply. Determining which rules apply depends on the program; however, rules such as supplement, not supplant, maintenance of effort, comparability, caps on certain uses of funds, etc. have an important impact when analyzing whether a particular cost is permissible.

Many state administered programs require LEAs to use Federal program funds to supplement the amount of state, local (and in some cases other Federal) funds they spend on education costs, and not to supplant – or replace – those funds. Generally, the “supplement, not supplant” provision means that Federal funds must be used to supplement the level of funds from non-Federal sources by providing additional services, staff, programs, or materials. In other words, Federal funds normally cannot be used to pay for things that would otherwise be paid for with state or local funds (and in some cases with other Federal funds).

Auditors generally presume supplanting has occurred in three situations:

- District uses Federal funds to provide services that the District is required to make available under other Federal, state, or local laws.
- District uses Federal funds to provide services that the District provided with state or local funds in the prior year.
- District uses Title I, Part A or Migrant Education Program funds to provide the same services to Title I or Migrant students that the District provides with state or local funds to nonparticipating students.

These presumptions apply differently in different Federal programs, and also in school wide program schools. Staff should be familiar with the supplement not supplant provisions applicable to their program.

INDIRECT COST RATE

The New York State Education Department (NYSED) calculates the restricted and unrestricted cost rates for all School Districts within the State of New York. NYSED issues a memo annually to the District stating the restricted and unrestricted costs rates to be used by the District, the period of time the rates are to be used for, and the types of programs/grants that the rates are to be used for.

Applying the Indirect Cost Rate

The Indirect Cost Rate percentage is multiplied against the actual direct costs (excluding distorting items such as equipment, contracts in excess of \$25,000, pass—through funds, etc.) incurred under a particular grant to produce the dollar amount of indirect costs allowable

to that award (34 CFR §75.564; 34 CFR §76.569). Once the District applies the approved rate, the funds that may be claimed for indirect costs have no Federal accountability and may be used as if they were non-federal funds. For Direct Grants, reimbursement of indirect costs is subject to the availability of funds and statutory or administrative restrictions (34 CFR §75.564).

APPROVED PLANS, BUDGETS AND SPECIAL CONDITIONS

As required by Omni Circular, all costs must be consistent with approved program plans and budgets. This includes the District's Consolidated Application to the NYSED Department of Public Instruction and school-level plans such as school wide plans.

Costs must also be consistent with all terms and conditions of Federal awards, including any special conditions imposed on the District's grants.

REVISION OF BUDGET AND PROGRAM PLANS

The budget plan is the financial expression of the project or program as approved during the federal grant application process. It shall be related to performance for program evaluation purposes whenever appropriate.

During the year, funding strategies may change for a variety of reasons. If an allowable cost is not in the original budget, a budget amendment must be submitted prior to the submission of the grant claim.

Approval shall be obtained whenever any of the following changes are anticipated under a non-construction award:

- Revision which would result in the need for additional funding.
- Cumulative transfers among direct cost categories, or among separately budgeted programs, projects, functions, or activities which exceed or are expected to exceed ten percent of the current total approved budget.

Districts are required to report deviations from budget and program plans, and request prior approvals for budget and program plan revisions to the New York State Education Department (NYSED), in accordance with this section.

Districts shall request prior approvals from NYSED for one or more of the following program or budget related reasons:

- Change in the scope or the objective of the project or program (even if there is no associated budget revision requiring prior written approval).
- Change in a key person specified in the application or award document.
- The need for additional District funding.
- The transfer of amounts budgeted for indirect costs to absorb increases in direct costs, or vice versa, if approval is required by NYSED.
- The inclusion of costs that require prior approval in accordance with the Omni-Circular.
- The transfer of funds allotted for training allowances (direct payment to trainees) to other categories of expense.
- Unless described in the application and funded in the approved awards, transfer, or contracting out of any work under an award. This provision does not apply to the purchase of supplies, material, equipment or general support services.

When requesting approval for budget and program plan revisions, Districts shall use NYSED provided grant modules that were used in the application process. District personnel should be aware of NYSED imposed time frames and other restrictions (if any) for budget revisions.

TRAINING

The District will provide training on the allowable use of federal funds to all staff involved in federal programs through activities such as:

- Distributing federal guidance documents;
- Distributing District policies and procedures;
- Developing templates, checklists and other guidance documents as appropriate;
- Internal training sessions;
- Routine staff meetings; and
- Informal technical assistance.

Districts will promote coordination between all staff involved in federal programs through activities such as:

- Routine staff meetings;
- Joint training sessions;
- Policies and procedures that address all aspects of Federal grants management;
- Sharing information that has cross-cutting impact such as single audits, monitoring reports, letters from oversight entities, etc.

SANCTIONS

Any District employee who violates this Procedure will be subject to appropriate discipline as reflected by comments to be placed in their personnel file.

PROCEDURES

Before Developing the Grant Budget and Submitting the Application: The grant budget must be based on the proposed activities planned and described in the grant application. Prior to developing the budget, the program manager must know the intent of the federal program and the activities that are allowable to be conducted with grant funds. For the purposes of this section, the program manager may be the Director of Student Services, Director of Pupil-Personnel Services, Title I Coordinator or any individual specifically designated by the Superintendent to manage a grant program. The program manager must coordinate with other District staff as appropriate to conduct the appropriate needs analysis using the appropriate data to determine the goals and objectives for the program and the activities that will be implemented to accomplish the goals and objectives. Once the goals, objectives, strategies, and activities are outlined, then the budget to carry out the identified strategies and activities should be developed.

Prior to completing the application, the program manager develops a detailed budget. The program manager coordinates with the District's Business Office in preparing the budget to ensure budgeted items are categorized according to the proper account codes. The budget entered into the grant application may not be as detailed. The detailed budget is to be modified

or revised as necessary to accommodate changes, which may result in an amendment to the application prior to incurring certain expenditures.

In addition, the program manager will work with stakeholder advisory groups to develop needs assessments before grant activities are budgeted. Collaboration with other District programs and any private schools attended by district students, for some grant funds, is a part of this process so that there is efficient use of resources.

Reviewing and Approving the Budget Prior to Submitting the Application Prior to submitting the grant application, the budget is reviewed by the program manager and the Business Office. Once they have verified that planned expenditures are properly coded and the total grant amount is correct, the grant is approved by the Superintendent.

Prior to the grant due date the program manager reviews the items in the proposed budget to ensure budgeted items are listed in the correct account codes according to grant guidance and the District's classification chart and to ensure the items are allowable. The budget is also reviewed to ensure that any costs requiring specific or prior approval are specifically identified and listed. If the program manager determines that a cost is not allowable, then a change is made to either reduce the grant amount or re-direct the unallowable cost to an allowable cost before submission by the Superintendent.

If a specific item of cost is determined to be unallowable the program manager would remove the cost from the application and/or budget. If the expense has already occurred and then determined to be unallowable, the Business Office would make a journal entry removing that expense from the budget and reclassifying it to a more appropriate location.

Once the program manager determines that all budgeted items are allowable and are budgeted in the proper account codes, the budget is sent to the Business Office.

Negotiating the Submitted Application

Once the grant application is submitted to the awarding agency, the designated program contact, usually the program manager assigned to the grant program, is available via phone and/or e-mail in the event that the awarding agency needs to contact the District to negotiate the application or to ask questions or seek clarification related to the proposed program and/or budget. The assigned program manager will seek guidance, if needed, from appropriate District personnel and will respond to any inquiries from the awarding agency as soon as possible but no later than five days. A delay in contacting the awarding agency delays final approval of the grant application, which delays grant program implementation and providing services to intended beneficiaries of the grant.

After Receiving the Approved Application

Within a short time of receiving the approved application from the awarding agency, a complete copy of the application will be provided to the Business Office from the program manager / superintendents office.

If the grant application is approved as submitted, Business Office enters the detailed budget into Nvision. If the award is for a different amount, the program manager will adjust the detailed budget to reflect the change and then coordinate the budget changes with the Business Office.

All grant budgets are entered into the accounts of the District in the general ledger as approved in the application.

In addition, the following steps are taken to ensure the District is prepared to implement the grant on the beginning date of the grant to maximize the effectiveness of the grants:

- Staff hired to work at the District are expected to be highly qualified and well prepared for the position.
- Program managers manage their programs and budgets according to all Federal, state and local rules.
- Staff is trained on local policies and procedures in order to ensure timely and effective grant implementation.
- The Business Official or his/her designee, or the Superintendent or his/her designee must approve all grant-related expenditures.

Program managers review their budgets to determine if the program expenditures are being effectively managed. Both program implementation and budgets are reviewed at that time. The Business Office will also monitor the program expenditures.

As program managers review their budgets and determine changes are needed, they will work with the Business Office to request budget changes and/or amendments to the grant or contract. The Superintendent, Business Office, and program manager will determine if budget changes need to occur. If there are changes to the budget, the program manager will submit the budget changes for the Superintendent's approval.

Program managers will complete any program or compliance reports required by the awarding agency. If the report is due the authorized official must submit. Program managers will coordinate with the District's authorized officials prior to the submission date to ensure all deadlines are met.

Amending the Application

The District consults and complies with the guidelines and procedures provided by the awarding agency as it pertains to when and how to submit an amendment to an approved application. Procedures are in place to ensure the District does not exceed any maximum allowable variation in the budget.

Monitoring and Amending the Budget and Program Description: Each federal program manager monitors their budgets and reviews the expenses to ensure that all funds will be expended in the allowable time frame. If the expenditures or program changes needed require an amendment the Federal program manager completes the amendment and submits the budget changes to the Superintendent for approval. Each awarding agency, and/or fund, has a different process for amending the program and budget. The program manager is responsible for understanding the requirements and submitting amendments in the appropriate manner.

Changes to payroll are submitted to the Business Office / payroll supervisor and are effective based on the new payroll date. If this creates a change in how an employee conducts time and effort the employee and their supervisor will be notified of the change and the effective date.

Attachments to Procedure:

- Important Sections of the Federal Register Rules and Regulations-Omni-Circular
- Refer to the following link providing NYSED Instructions for IDEA Part B Section 611 and 619 Grant Application and Budget Documents:

<http://www.p12.nysed.gov/specialed/finance/2019-20-idea-application-instruction-memo.html>

Legal References:

Education Department General Administrative Regulations
Federal Education Program Statutes
General Education Provisions Act
Omni-Circular

PURCHASING

RATIONALE

The purpose of a purchasing procedure is to ensure that the **Wantagh UFSD (“District”)** funds are appropriately spent in the most cost-effective manner and that the purchase has been approved by the required administrative hierarchy. The procedure will also assist District employees in understanding the purchasing process.

POLICIES

The following Board of Education Policies are collectively known as the “District Purchasing Policies”.

- 6700 – Purchasing
- 6700-R – Purchasing Regulation
- 6700-E.1 – Purchasing Exhibit
- 6700-E.2 – Explanation of “Other” Methods of Procurement to be used for Non-Bid Procurements
- 6710 – Purchasing Authority
- 6740 – Purchasing Procedures
- 6740-R – Purchasing Procedures Regulations
- 6740-P – Federal Funds Procedural Manual
- 6741 – Contracting for Professional Services

These additional policies also address the use of federal funds for purchasing:

- 6230 – Federal Funds
- 6230-P – Personnel Accountability Report Procedure

Nvision is the financial accounting software that the District uses for all business accounting.

The District Purchasing Policies supersede the procurement methods identified as per §200.381(a) of federal law.

PROCUREMENT PROCEDURE

- Annually the District evaluates its purchases to determine what supplies, materials, services, public work contracts will exceed in the aggregate the required threshold per General Municipal Law of \$20,000 for purchase/service contracts and \$35,000 for public work contracts.

- The Business Office either ensures appropriate Bids and Request for Proposals are developed and issued or that purchasing is based on an allowable purchasing method as permitted by District Purchasing Policies.
- Purchases will be made from the lowest and best bid submitted, based upon the lowest responsible dollar offeror.
- Request for Proposals will be evaluated and awarded based on weighting criteria developed, as part of the specifications.
- The District will provide justification and documentation of any contract awarded to an offeror other than the lowest responsible dollar offeror. The justification and documentation will set forth the reasons why such award is in the best interest of the district and otherwise furthers the purposes of Section 104-B of the General Municipal Law.
- Inferior service or product is cause for the removal of a vendor's name from the bidder's list.
- Bids or Request for Proposals will not be required for purchases made from:
 - County, state or federal contracts
 - Contract of another political subdivision
 - Sole Source items
 - Professional services that require special skill, expertise, or training,
 - Articles manufactured in a state correctional facility.
 - From agencies for the blind and severely disabled
 - From national cooperative contracts in accordance with applicable law
- Purchases not required to have a Bid or Request for Proposal issued, must adhere to the following:
 - Purchase contracts from \$2,500 to \$20,000 and public work contracts from \$5,000-\$35,000 require 3 quotes, attached to the requisition.
- Requisitioners create electronic requisitions within Nvision. All requisitions are electronically approved by the appropriate administrator.
- The requisition then moves forward to the Purchasing Agent, for final approval confirming that the purchase is compliant with the District's Purchasing Policy and Regulations.
 - Proper documentation must accompany the requisition.
- The purchase order is then printed and/or electronically mailed/mailed to the vendor and processed by the Business Office.
- Blanket purchase orders for goods or services are valid only for the time period and amount indicated on the purchase order. Examples of blanket POs include paper purchased from school supplies vendor throughout the year. Increases require approval by the purchasing agent. Blanket POs must go through the same approval process as regular POs.
- An employee will not be reimbursed unless a PO has been processed prior to the actual purchase and has submitted a paid receipt.
- District credit cards are issued on a limited basis. Purchases made with a District credit card must have a PO processed prior to use. Approval of purchases made with a District credit card shall follow the above listed procedures.
- When the product or services are received, the receiver checks off the items and signs the receiving copy of the PO and returns it to accounts payable. When accounts payable receives the bill, accounts payable matches the documents to the PO to ensure the District is only paying for items/services that were received.

- In accordance with Policy 6650 – Claims Auditor, the claims auditor is responsible for formally examining, allowing or rejecting all accounts, charges, claims or demands against the school district.
- The Claims Auditor provides the school board with a claims audit report.
- All documents and records retained by the District are in accordance with the New York State LGS-1 schedule.
- The Purchasing Agent informs staff on compliance to procurement procedures and policies as needed.

DEBARMENT AND SUSPENSION

Non-Federal entities are prohibited from contracting with or making subawards under “covered transactions” to parties that are suspended or debarred, or whose principals are suspended or debarred. “Covered transactions” include procurement contracts for goods and services awarded under a grant or cooperative agreement that are expected to equal or exceed \$25,000.

All non-procurement transactions entered into by a recipient (i.e., subawards to subrecipients), irrespective of award amount, are considered covered transactions, unless they are exempt as provided in 2 CFR section 180.215.

This verification may be accomplished by:

- Checking the Excluded Parties List System (EPLS) maintained by the General Services Administration (GSA). EPLS is no longer a separate system; however, the OMB guidance and agency implementing regulations still refer to it as EPLS and is available at <https://www.sam.gov/portal/public/SAM/>; or,
- Collecting a certification from the entity; or,
- Adding a clause or condition to the covered transaction with that entity.

The subrecipient cannot make a contract to parties listed on the EPLS through the System for Award Management (SAM). SAM contains the list of names of parties debarred, suspended, or otherwise excluded by federal agencies.

The Purchasing agent is charged with the responsibility of monitoring and ensuring compliance with the suspension and debarment procedures and documenting that contracts over \$25,000 have been verified on the System for Award Management (SAM) site:

- Responsible Contractors/vendors will sign and notarize the District’s certification form that is an addendum to our contract or part of our BID/RFP prior to any purchase and attached as supporting documentation to the purchase order.
- The Administrator of the grant will be responsible for checking the site for verification.
- A copy of the form must be retained.

This process will be done for all new vendors and existing vendors will be checked annually. Documentation should be maintained in the applicable vendor file.

WRITTEN PROCEDURES

Full and Open Competition

§ 200.319 Full and Open Competition

All procurement transactions must be conducted in a manner providing full and open competition. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitation for bids or requests for proposals must be excluded from competing for such procurements. Some of the situations considered to be restrictive of competition include but are not limited to:

- Placing unreasonable requirements on firms, in order for them to qualify to do business.
- Requiring unnecessary experience and excessive bonding.
- Noncompetitive pricing practices between firms or affiliated companies.
- Noncompetitive contracts to consultants that are on retainer contracts.
- Organizational conflicts of interest.
- Specifying only a “brand name” instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement.
- Any arbitrary action in the procurement process.

To ensure adequate competition:

- **Geographical preferences** are prohibited. The District must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable federal statutes expressly mandate or encourage geographic preference. Geographic location may be a selection criterion provided its applications leaves an appropriate number of qualified vendors given the nature and size of the project to compete for the contract.
- **Prequalified lists** of person, firms or products which are used in acquiring goods and services must be current and included enough qualified sources to ensure maximum open competition. The District must not preclude potential bidders from qualifying during the solicitation period.
- **Solicitation language** must incorporate clear and accurate descriptions of the technical requirements for the material, product, or service to be procured. The description must not contain features that will restrict competition. The description may include a statement of qualitative nature of the material, product or service to be procured and must set forth minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided. A “brand name or equivalent” description may be used, as a means to define the performance or other salient requirements of procurement, when it is impractical or uneconomical to make a clear and accurate description of the technical requirements. The specific features of the named brand which must be met by offerors must be clearly stated. Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

Methods of Procurement

§ 200.320 Methods of Procurement

NOTE: Local thresholds apply if more stringent. (See District Purchasing Policies.)

The following five methods are acceptable methods of procurement per the uniform grant guidance:

- A. **Micro-purchases** of supplies and services for similar like purchases in the aggregate of \$3,000 or less (\$2,000 for purchases subject to Davis Beacon) do NOT require quotes

to be received and effort should be made to distribute evenly these purchases to qualified suppliers.

- B. **Small purchases** of supplies or other property and services in excess of \$3,000 and do not exceed the yearly aggregate of \$150,000 do require quotes but NO pricing analysis. If used, price or rate quotations must be obtained from an adequate number of qualified sources. The yearly aggregate threshold of \$150,000 is inflation adjusted periodically and could change in the future.
- C. **Sealed bids** are required for purchases for similar like items in excess of the aggregate of \$150,000. Firm fixed price is awarded and must include at least two responsible bidders. Bids will be opened publicly, and award is usually to lowest bidder (based on fixed price). Sealed bids are publicly solicited and a firm-fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming to all the material terms and conditions of the invitation for bids, is the lowest price. If the District chooses a bid that was not the lowest, the District documents its selection as described in its procurement procedures (paragraph 4).
- D. **Competitive proposals** used for projects over the yearly aggregate of \$150,000 and may be fixed price or cost reimbursement.
 - 1) This method is typical for architectural/engineering professional services and price is not used. Instead contract is awarded to most qualified competitor with compensation subject to negotiation.
 - 2) Section 200.320(d) Specific requirements for competitive proposals are as follows:
 - o Requests for Proposals must be publicized and identify evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical;
 - o Proposals must be solicited from an adequate number of qualified sources;
 - o The non-federal entity must have a written method for conducting technical evaluations of the proposals received and for selecting recipients;
 - o Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.
- E. **Noncompetitive proposals** (sole source) is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:
 - 1) Item is only available from a single source;
 - 2) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
 - 3) The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity; or
 - 4) After solicitation of a number of sources, competition is determined inadequate. Follow Appendix II to Part 200 which has specific information for Equal Employment Opportunity, Davis Bacon Act, contract work hours, safety standards, and debarment and suspension.

§ 200.321 Contracting with Small and Minority Businesses, Women's Business Enterprises, and Labor Surplus area firms

The District will take all necessary affirmative steps to assure that minority businesses, women's business enterprises and labor area surplus firms are used when possible.

Affirmative steps include:

- Placing qualified small and minority businesses and women's business enterprises on solicitations lists and assuring they are solicited whenever they are potential sources.
- Divide total requirements when economically feasible into smaller tasks or quantities to permit maximum participation by small and minority businesses and women's business enterprises.
- Using the services and assistance of such organizations as the Small Business Administration and the Minority Business Development agency of the Department of Commerce.
- Requiring the prime contractor, if subcontracts are to be let, to take affirmative steps listed above.

The District will also procure recovered materials and comply with section 6002 of the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act.

§ 200.322 Procurement of Recovered Materials

Procurement of recovered materials must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The District will procure only items designated in guidelines of the EPA that contain the highest % of recovered materials practicable and where the purchase price of the items exceeds \$10,000.00 or the value of what was purchased the previous year exceeded \$10,000.00.

§ 200.323 Contract Cost and Price Analysis

The District must perform a cost or price analysis with every procurement action more than the SAT \$150,000, or lower state or local threshold, refer to District Policy, including contract modifications. Before receiving bids or proposals, an independent estimate must be made by the District. In all cases where a cost analysis is performed, the District must negotiate profit as a separate element of the price for each contract in which there is no price competition. Costs or prices based on estimated costs for contracts are allowable only when costs incurred, or cost estimates are included in negotiated prices. The cost plus % of cost and % of construction cost methods **MUST NOT** be used. The method and degree of analysis is dependent on the facts surrounding the procurement situation and documentation should be maintained in procurement files.

To establish a fair and reasonable profit, consideration must be given to:

- Complexity of work to be performed
- Risk borne by the Contractor and the Contractor's investment
- Amount of subcontracting
- Quality of its record of past performance
- Industry profit rates for similar work in geographical area

§200.324 Federal Awarding Agency or Passthrough Agency Review

The District must make available, upon request to the federal awarding agency or pass-through entity, technical specifications on proposed procurement where the federal awarding

agency or passthrough entity believes such review is needed to ensure that the item or service specified is the one being proposed for acquisition. This review will generally take place prior to the time the specification is incorporated into a solicitation document. However, they may request to review the specifications after the solicitation has been developed. The District must also make available upon request all procurement documents during the procurement review.

§ 200.325 Bonding Requirements

For construction or facility improvement contracts or subcontracts exceeding the SAT, the federal awarding agency or pass-through entity may accept the bonding policy and requirements of the non-federal entity provided that the federal awarding agency or pass-through entity has made a determination that the Federal interest is adequately protected. If such determinations have not been made the minimum requirements must be as follows:

- Bid guarantee (Bid Bonds) equivalent to 5% of the bid price
- Performance bond for 100% of the contract price
- Payment bond for 100% of the contract price

§ 200.326 Contract Provisions

The District's contracts must contain the applicable provisions described in Appendix II to Part 200 - Contract provisions for Non-Federal Entity Contracts Under Federal Awards.

All contracts made under federal awards must contain provisions covering the following as applicable:

- Contracts for more than the SAT (\$150,000) must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate
- All contracts more than \$10,000 must address termination for cause and convenience including the manner by which it will be affected and the basis for settlement
- Equal Employment Opportunity
- Davis Bacon Act
- Contract Work Hours and Safety Standards
- Right to Inventions Made Under a Contract or Agreement
- Clean Air Act
- Debarment and Suspension
- Byrd- Anti Lobbying Amendment
- Procurement of Recovered Materials

SETTLEMENT OF ISSUES ARISING OUT OF PROCUREMENTS

The District alone is responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the District of any contractual responsibilities under its contracts. Violations of law will be referred to the local, state, or federal authority having proper jurisdiction.

PROTEST TO RESOLVE DISPUTE

The District handles and resolves disputes relating to procurements and discloses information regarding the protest to the awarding agency. The Business Official along with the program manager is responsible for evaluation and award of the contract. The Business Official or designated staff is responsible for completing protest procedures.

Applicable Federal laws include:

- §200.318 General procurement standards
- §200.319 Competition
- §200.320 Methods of procurement to be followed
- §200.321 Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms
- §200.322 Procurement of recovered materials
- §200.323 Contract cost and price
- §200.325 Bonding requirements
- §200.326 Contract provisions

CONFLICT OF INTEREST

The following district policies address conflicts of interest:

- 2160 – School District Officer and Employee Code of Ethics
- 9120.1 – Conflict of Interest (Nepotism)

§ 200.318(c) General Procurement Standards

In accordance with the Omni Circular implementation the following conflict of interest policies must be followed by all districts.

EMPLOYEE CONFLICT OF INTEREST

The Omni Circular includes the following provisions and must be addressed in school district policy:

No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the School District may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, the School District may set standards for situations in which the financial interest is not substantial, or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees or agents of the School District.

Substantial state and federal requirements exist pertaining to standards of conduct and conflict of interest. The District maintains written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and

administration of contracts. 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 these policies may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

ORGANIZATIONAL CONFLICT OF INTEREST

The District has adopted Code of Ethics and Conflict of Interest policies, setting forth the standards of conduct required of all Board members, district officers and employees under the provisions of the General Municipal Law.

In accordance with policy, 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:

- a firm, partnership or association in which he/she is a member or employee.
- a corporation in which he/she is an officer, director or employee;
- a corporation in which he/she, directly or indirectly, owns or controls 5% or more of the stock;
- a contract between the district and his/her spouse, minor child or dependents, except for 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.

In addition to the above, 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.

DISCLOSING CONFLICT OF INTEREST

The School District must disclose in writing any potential conflict of interest to NYSED in accordance with applicable Federal awarding agency policy.

In accordance with the policies, any Board member, officer or employee of the 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.

The Board of Education for the District affirms its commitment to adhere scrupulously to all applicable provisions of law regarding material conflicts of interest. Knowing or willful violation of the District’s conflict of interest policies by any employee may result in disciplinary action

up to and including dismissal. Any officer, employee or member of the public noting or suspecting a violation of these policies is encouraged to bring the matter, either in confidence or in public, to the Board of Education or the Superintendent of Schools.

CONFLICT OF INTEREST PROCEDURE

- Annually, the District will provide all employees with the Code of Ethics and Conflict of Interest Policies. Employees will be required to confirm that they have read and understand the District's policies.
- Board of Education Members and employees involved with the purchasing process will complete and file a Conflict of Interest and Disclosure Form with the Business Office.
- Any discrepancies will be shared with the Board President, who will then communicate to the entire Board by October 31.

CASH MANAGEMENT

POLICY

The District must minimize the time elapsing between the transfer of funds from NYSED and the disbursement by the District. Two methods are provided in federal regulations: advance payment and reimbursements. Records that identify adequately the source and application of funds for federally-funded activities. These records must contain information pertaining to Federal awards, authorizations, obligations, unobligated balances, assets, expenditures, income and interest and be supported by source documentation.

ADVANCE PAYMENTS

If the District receives payment in advance it must maintain or demonstrate the willingness to maintain both written procedures that minimize the time elapsing between the transfer of funds and disbursement by non-Federal entity, and financial management systems that meet the standards for fund control and accountability.

Advance payment Procedure

Non-Federal entities must be authorized to submit requests for advance payments and reimbursements at least monthly when electronic fund transfers are not used, and as often as they like when electronic transfers are used, in accordance with the provisions of the Electronic Fund Transfer Act. Whenever possible, advance payments must be consolidated to cover anticipated cash needs for all Federal awards made by the Federal awarding agency to the recipient.

Advance payments of Federal funds:

- Must be deposited and maintained in insured accounts whenever possible
- Must be maintained in interest-bearing accounts, unless the following apply:
 - The District receives less than \$120,000 in Federal awards per year.
 - The best reasonably available interest-bearing account would not be expected to earn interest in excess of \$500 per year on Federal cash balances.
 - Interest earned amounts up to \$500 per year may be retained by the District for administrative expense. If the District earns any additional interest on Federal advance payments deposited in interest-bearing accounts, contact NYSED or follow procedures stated in §200.305(9).

- The depository would require an average or minimum balance so high that it would not be feasible within the expected Federal and non-Federal cash resources.

REIMBURSEMENT

Reimbursement is the preferred method of payment when the District is unable to minimize the time elapsing between the transfer of funds and disbursement.

PROGRAM INCOME

Program income means gross income earned by the District that is directly generated by a supported activity or earned as a result of the federal award during the grant's period of performance. Program income must be used in accordance with the provisions of §200.307(e).

WRITTEN PROCEDURE

Payment §200.302(b)(6) Written procedures to implement the requirements of §200.305 Payment.

RECEIVING FUNDS

A. Cash/Check Received

- The individual (teacher, secretary, etc.) turning in cash/checks records a list of payees and amounts or a receipt to turn in with the funds that they are depositing with the school (financial) secretary.
- The school secretary reconciles the amount, letting the depositor know of any discrepancies and receipts all deposits (cash and checks.) A copy of each deposit is forwarded to the Business Office.
- The school secretary signs over custody of the cash/checks to the district messenger who deposits money to bank daily. A record signed by both the secretary and the district messenger indicating the date, time and amount of the deposit must be kept in the school.
- The Business Office verifies all deposits via online banking or through monthly bank statements.
- Deposits are receipted into financial accounting software by the Business Office staff.
- Cash receipts for student activity funds are recorded at the individual school and deposited by the district messenger.
- Lunch payments are brought to the school office in sealed bank envelopes and are signed over to the school secretary. The school secretary signs over the lunch payments to the district messenger for deposit on a daily basis.
- Lunch deposits are made online or by a food service employee. Students/families can deposit money into their lunch account by sending cash or check to the school

lunch cashier or deposit funds on-line through electronic deposit company. The food service employee credits matching funds amounts into the student specific lunch fund. The food service employee submits a monthly report of deposits made to the Business Office. The Business Office monitors the lunch account daily via the on-line banking system.

- All government aid payments are received via ACH to the District master account. The Business Office completes a receipt for these payments and receipts them into financial accounting software each month.
- The Business Office reconciles all bank accounts on a monthly basis.
- The Business Office transfers funds online between bank accounts as needed.

B. Federal Grants

- Budget is created and updated by program manager and approved by the Business Office in addition to the superintendent. The budget is submitted to the appropriate grant office using form FS-10.
- Expenditures must be approved by individual grant administrator along with the Purchasing Agent. All expenditures must fall within the grant guidelines of the submitted budget.
- Receipts must be turned into Business Office showing items matching the budget and signed off by the program manager.

C. Claims

- Claims are approved by the Business Official. District will provide funds for grants to cover grant expenditures until they are reimbursed through the claim process.
- Claims not paid in a reasonable amount of time will be investigated by the business manager or designated persons.

D. Receipt of Claim

- The Business Office verifies funds are received through bank records.
- The deposit records are entered into Nvision by the Business Office.
- Receipts will be reconciled with the claim and discrepancies will be investigated.

The District utilizes various bank and investment accounts with banks authorized by the Board of Education.

The District must minimize the time elapsing between the transfer of funds from NYSED and the disbursement by the District whether the payment is made by electronic funds transfer, or issuance or redemption of checks, warrants, or payment by other means.

COMPENSATION-PERSONAL SERVICES EXPENSES AND REPORTING

COMPENSATION-PERSONAL SERVICES EXPENSES

Costs of personal service compensation are allowable for a federal award to the extent that they satisfy the specific requirements of federal statute §200.430 Compensation—personal services. Charges to Federal awards must be based on records that accurately reflect the work performed. These records must:

- Be supported by a system of internal control which provides reasonable assurance that the charges are accurate, allowable, and properly allocated
- Be incorporated into the official records of the subrecipient

Compensation for employees engaged in work on federal awards will be considered reasonable to the extent that it is consistent with that paid for similar work in other activities of the District.

PROCEDURES

All employees paid with Federal funds must adhere to the procedures to complete the appropriate personnel records. These procedures also apply to employees paid with non-Federal funds that are used as a match (or in-kind contribution) in a Federal program. The personal service compensation must reasonably reflect the total activity for which the employee is compensated by the subrecipient and cannot exceed 100% of compensated activities.

A. Determining Cost Objectives

Process Owners: Director of Special Education

A cost objective is defined as a Federal grant award or other category of costs the District used to track specific cost information. In certain circumstances, the District may track the time employees spend on particular activities within a single Federal grant in order to demonstrate compliance with Federal requirements such as earmarks, set-asides or match/in-kind contributions. When the District uses employee compensation costs to meet these requirements they are known as “cost objectives.” In such a circumstance, an individual grant programs may have more than one cost objective.

The Director of Special Education will determine the cost objective for each employee and the employee/ Director of Special Education will provide appropriate means of documenting time spent on activities to satisfy the Federal grant requirements.

B. Standards for Documentation

Process Owners: Director of Special Education

Charges for federal awards for salaries and wages must be based on records that accurately reflect the work performed. In accordance with §200.430, these records must:

- Be supported by a system of internal controls which provides reasonable assurance that the charges are accurate, allowable, and properly allocated and be incorporated into official records
- Reasonably reflect total activity for which the employee is compensated, not exceeding 100% of compensated activities

- Encompass both federally assisted and all other activities compensated by the District on an integrated basis
- Comply with the established accounting policies and practices of the District, and
- Support the distribution of the employee's salary or wages among specific activities or cost objectives if the employee works on:
 - More than one federal award
 - A federal award and non-federal award
 - An indirect cost activity and direct cost activity
 - An unallowable activity and a direct or indirect activity

All employees who are paid in full or part with federal funds must keep specific documents to demonstrate the amount of time they spend on grant activities. This includes an employee whose salary is paid with state or local funds but is used to meet a required match or cost share for a federal program. These documents, known as time-and-effort records, are maintained in order to charge personnel costs to federal grants. Time and effort records must be maintained contemporaneously (as work occurs) and must contain the following elements:

- The activity (a brief description of what the employee did)
- Time frame (the amount of time it took the employee to do the work), and
- Funding source/program or other cost objective

Time-and-effort records must also:

- Be executed after the work is completed, and not before
- Account for the total activities of the employee (100% of their time) including employees working part time or overtime
- Specify the reporting period
- Be signed and dated by the employee
- Time and Effort records will be filed in the Business Office and will be retained as per Record Retention Schedule LGS-1

C. Multiple Cost Objective Employees

Employees working on multiple cost objectives need to support the distribution of the compensation among cost objectives if the employee works on multiple, unrelated activities per grant guidelines. The federal grant subrecipient determines process to determine what amount gets charged to the grant.

D. Reconciliation

Process Owners: Director of Special Education/ Payroll Supervisor

It is the District's practice to charge employee compensation costs to Federal programs based on budget estimates that reasonably approximate how an employee will work during the year. Documentation records should be adjusted in a timely manner if there are significant changes in the employee's work activity. District will reconcile payroll charges reflected in employee records at least annually, however it is recommended that the reconciliation occur quarterly or semi-annually. The District needs to determine if the time necessary maintaining supporting documentation is worth charging as a direct cost onto a Federal grant.

If the District identifies a variance between how an employee's salary was charged and how the employee worked, the District will adjust its payroll charges so that the amount charged to Federal funds reflects the employee's actual time and effort. The District will perform the adjustment at least annually, however it is recommended that the reconciliation occur quarterly or semi-annually. The final claim form should reflect actual (reconciled) amounts, not budget estimates.

All necessary adjustments must be made such that the final amount charged to the Federal award is accurate, allowable, and properly allocated.

E. Document Retention

Process owners: Payroll supervisor/ Director of Special Education
Time and Effort records must be maintained for a period of five (5) years.

Legal References: 2 CFR, Part 225,
Federal Statutes §200.430 Compensation—Personal Services
General Education Provisions Act
Omni-Circular

EQUIPMENT AND SAFEGUARDING ASSETS

RATIONALE

The maintenance of accurate records of District-owned land, buildings, furniture, equipment, intellectual property and materials is essential to any well-managed school.

POLICY

The School Board, therefore, instructs the administration to establish and maintain an inventory system which will account for these on an annual basis (not less than once every two years - UGG) in accordance with generally accepted accounting principles. The inventory shall be conducted by building staff; departments or third parties using forms made available by the District office. The Procedure itself will need to identify the staff responsible by title for your District and the timing each year the task is expect to occur and be completed by. Inventories are to be taken in the spring of each year, prior to the close of the school year. A copy of the complete inventory shall be filed in the District office.

School districts are required by state law to safeguard assets of the District. Assets acquired with Federal awards vest with the District subject to authorized use until the property is no longer needed for the project purpose, maintained un-encumbered and ultimate proper disposal. In addition, the terms of some Federal grants and bond covenants require specific identification of assets acquired with those moneys, impose restrictions on disposing of such assets and/or designate allowable uses of the proceeds of the sale of such assets.

PROCEDURES

All employees must adhere to the procedures to ensure the appropriate capitalization and safeguarding of assets with a useful life of more than one year.

WRITTEN PROCEDURES

Employees must adhere to the following procedures to ensure goods are maintained in a properly controlled and secured environment.

When the product or services are received, the receiving employee signs the receiving copy of the purchase order and returns to the Business Office. When accounts payable receives the bill, accounts payable matches the documents to the PO to ensure the District is only paying for items/services that were received.

INVENTORY

The District needs to be able to provide information where the item is located. Item should be readily identifiable if purchased with a Federal grant.

WRITTEN PROCEDURES

The inventory shall be conducted by building staff on an annual basis. Federal Uniform Grant Guidance requires the inventory to occur at least once every two years (section 200.313 (d)(2)). A copy of the complete inventory shall be filed in the district office.

Inventories must contain tag number, if applicable, description of the property, serial number or other I.D. number, source of funding, acquisition date, cost, vendor, and location. (Federal Uniform Grant Guidance section 200.313 (d)(1)).

1. Fixed assets are tagged with a District asset tag number by the department.
2. District staff are required to update inventories for equipment in their building that are valued over the thresholds set by Board of Education Policies 6635 – Accounting of Fixed Assets and 6645 – Inventory and Fixed Assets Accounting. (Federal Uniform Grant Guidance requires a capitalization level of not more than \$5,000 per unit acquisition cost, per section 200.333).
3. An inventory of high-risk assets should also be performed regardless of dollar amount.
4. Prior year inventory listings should be reviewed to assist in identifying assets missing, junked or sold during the current fiscal year.

DISPOSAL

- A. All School property and equipment deemed surplus shall be disposed of at the discretion of the School Board.
- B. When equipment acquired under a Federal award is no longer needed for the original project or program or for other activities currently or previously supported by a Federal awarding agency, the School District must request disposition instructions from the Federal awarding agency, if required by the terms and conditions of the Federal award. Disposition of the equipment will be made as follows, in accordance with the Federal awarding agency disposition instructions
 - 1) Items of equipment with a current per unit fair market value of \$5,000 or less may be retained, sold or otherwise disposed of with no further obligation to the Federal awarding agency.
 - 2) If the Federal awarding agency fails to provide requested disposition instructions within 120 days, items of equipment with a current per-unit fair-market value in excess of \$5,000 may be retained by the School District or sold.

- 3) The District may transfer title to the property to the Federal Government or an eligible third party.

LOST OR STOLEN ITEMS

Lost or stolen property should be reported to the building principal or program director as soon as the individual is aware of the missing item. The building principal or program director should then report the lost or stolen item to the superintendent or his/her designee.

REFERENCES IN UNIFORM GRANT GUIDANCE

Capital Assets §200.12

Equipment (Defined) §200.33

Equipment §200.313

- Title §200.313(a)
- Management Requirements §200.313(d)
- Use and Disposition of Equipment §200.313(e)

RECORDS RETENTION

RATIONALE

The purpose of a Records Retention procedure is to ensure that necessary records and documents of the District are adequately protected and maintained and to ensure that records that are no longer needed by the District, or are of no value are discarded at the proper time. The procedure will also assist District employees in understanding their obligations in retaining documents.

PROCEDURE

- A. The District will comply with the New York State Records Retention and Disposal Schedule LGS-1, as updated from time to time.
- B. If retention requirements under Federal Uniform Guidance requires a longer period the District will comply with OMB Part 200, Section 200.333 Retention Requirements for Records. Generally, Section 200.333 requires retention for three years from the date of submission of the final expenditure report or the submission of the quarterly or annual financial report to the Federal awarding agency or pass-through entity. Special conditions extend this period for any litigation, claim or audit started, notification received from awarding, cognizant or oversight agency to extend, records for real property or equipment (three years from disposition) and program income transaction occurring after the period of performance. If records are transferred to the awarding agency the retention period is not applicable. Further specific conditions apply to indirect cost rate proposal and cost allocations plan as to when the three- year period commences.

Attachments to Procedure: An electronic copy of New York State Records Retention and Disposal Schedule LGS-1 can be found at:

<http://www.archives.nysed.gov/records/local-government-record-schedule/introduction>

SUBRECIPIENT MONITORING AND MANAGEMENT

RATIONALE

The District may concurrently receive Federal awards as a recipient, a subrecipient, and a contractor, depending on the substance of its agreements with Federal awarding agencies and pass-through entities (PTEs). Therefore, a PTE must make case-by-case determinations whether each agreement it makes for the disbursement of Federal program funds casts the party receiving the funds in the role of a subrecipient or a contractor.

POLICY

SUBRECIPIENT / CONTRACTOR DETERMINATION

A non-federal entity may concurrently receive Federal awards as a:

- Recipient
- Subrecipient
- Contractor

PTE must make case-by-case determination whether each agreement it makes for the disbursement of federal program funds casts the party receiving the funds in the role of a Subrecipient, or Contractor.

The differences between Subrecipient and Contractor are as follows:

Subrecipient	Contractor
Creates a Federal assistance relationship	Purpose is to obtain goods and services for the District's own use and creates a procurement relationship
Determines who is eligible to receive what Federal assistance	Provides the goods and services within normal business operations
Has its performance measured in relation to whether objectives of a Federal program were met	Provides similar goods or services to many different purchasers
Has responsibility for programmatic decision making	Normally operates in a competitive environment
Is responsible for adherence to applicable Federal program requirements specified in the Federal award; and	Provides goods or services that are ancillary to the operations of the Federal program; and
In accordance with its agreement, uses the Federal funds to carry out a program for a public purpose specified in authorizing stature, as opposed to providing goods or services for the benefit of the PTE	Is not subject to compliance requirements of the Federal program as a result of the agreement, though similar requirements may apply for other reasons

SUBRECIPIENT REQUIREMENTS

The following information must be provided to all subrecipients:

- Federal award identification
- All requirements imposed by the PTE
- Any additional requirements that the PTE imposes on the subrecipient for the PTE to meet its own responsibility to the federal awarding agency including identification of any required financial or performance reports.
- An approved federally recognized indirect cost rate negotiated between the subrecipient and the federal government or, if no such rate exists, either a rate negotiated between the PTE and the subrecipient or a de minimis indirect cost rate
- A requirement that the subrecipient permit the PTE and auditors to have access to the subrecipient's records and financial statements, as necessary for the PTE to meet its requirements
- Appropriate terms and conditions concerning the closeout of the subaward

SUBRECIPIENT RISK OF NONCOMPLIANCE

Audit will evaluate subrecipient risk of noncompliance for purposes of determining appropriate subrecipient monitoring including consideration of such factors as:

1. Subrecipient experience with the same or similar subawards;
2. Results of previous audits, including whether the subrecipient receives a single audit and the extent to which the subaward has been audited as major;
3. Whether subrecipient has new personnel or substantially changed systems; and
4. Extent and results of Federal awarding agency monitoring.

REQUIRED SUBRECIPIENT MONITORING ACTIVITIES

The PTE must monitor the activities of the subrecipient as necessary to ensure that the subaward is used for authorized purposes, in compliance with Federal statutes, regulations, and the terms and conditions of the subaward; and that subaward performance goals are achieved. PTE monitoring of the subrecipient must include:

- Review financial and programmatic reports
- Follow-up and ensure that the subrecipient takes timely and appropriate action on all deficiencies pertaining to the federal award through audits, on-site reviews, and other means
- Issue management decisions for audit findings pertaining to the federal award provided to the subrecipient

PTE monitoring of the subrecipient plan should be

- Clearly identify necessary activities and responsible parties
- Review debarment lists
- Allow for consistency throughout monitoring activities

- Characteristics include data quality reviews, required progress reporting, site and desk reviews, potentially critical for large-scale projects, compliance auditing and develop corrective action plans
- Once the process has concluded, develop and implement an internal action plan to revise policies and procedures, enforce compliance with the internal requirements and execute ongoing monitoring
- Utilize your internal auditors to conduct regular, detailed reviews
- Document the execution of monitoring activities and corrective action taken.

The remedies for non-compliance are as follows:

- If non-federal entities fail to comply with requirements, the PTE may impose additional conditions as described in statute §200.207
- If noncompliance cannot be remedied with additional conditions, the PTE may take one or more of the following actions, as appropriate:
 - Temporarily withhold cash payments
 - Disallow all or part of cost of the activity not in compliance
 - Wholly or partly suspend or terminate the federal award
 - Recommend that the federal agency initiate suspension and debarment proceedings
 - Withhold further federal awards
 - Take other remedies that may be legally available

APPENDIX 1

Important Sections of the Federal Register Rules and Regulations

§200.212 Suspension and debarment.

Non-federal entities and contractors are subject to the non-procurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, 2 CFR part 180. These regulations restrict awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in Federal assistance programs or activities.

§200.301 Performance measurement.

The Federal awarding agency must require the recipient to use OMB-approved standard information collections when providing financial and performance information. As appropriate and in accordance with above mentioned information collections, the Federal awarding agency must require the recipient to relate financial data to performance accomplishments of the Federal award. Also, in accordance with above mentioned standard information collections, and when applicable, recipients must also provide cost information to demonstrate cost effective practices (e.g., through unit cost data). The recipient's performance should be measured in a way that will help the Federal awarding agency and other non-Federal entities to improve program outcomes, share lessons learned, and spread the adoption of promising practices. The Federal awarding agency should provide recipients with clear performance goals, indicators, and milestones as described in §200.210 Information contained in a Federal award. Performance reporting frequency and content should be established to not only allow the Federal awarding agency to understand the recipient progress but also to facilitate identification of promising practices among recipients and build the evidence upon which the Federal awarding agency's program and performance decisions are made.

§200.302 Financial management.

(a) Each state must expend and account for the Federal award in accordance with state laws and procedures for expending and accounting for the state's own funds. In addition, the state's and the other non-Federal entity's financial management systems, including records documenting compliance with Federal statutes, regulations, and the terms and conditions of the Federal award, must be sufficient to permit the preparation of reports required by general and program-specific terms and conditions; and the tracing of funds to a level of expenditures adequate to establish that such funds have been used according to the Federal statutes, regulations, and the terms and conditions of the Federal award. See also §200.450 Lobbying.

(b) The financial management system of each non-Federal entity must provide for the

following (see also §§200.333 Retention requirements for records, 200.334 Requests for transfer of records, 200.335 Methods for collection, transmission and storage of information, 200.336 Access to records, and 200.337 Restrictions on public access to records):

(1) Identification, in its accounts, of all Federal awards received and expended and the Federal programs under which they were received. Federal program and Federal award identification must include, as applicable, the CFDA title and number, Federal award identification number and year, name of the Federal agency, and name of the pass-through entity, if any.

(2) Accurate, current, and complete disclosure of the financial results of each Federal award or program in accordance with the reporting requirements set forth in §§200.327 Financial reporting and 200.328 Monitoring and reporting program performance. If a Federal awarding agency requires reporting on an accrual basis from a recipient that maintains its records on other than an accrual basis, the recipient must not be required to establish an accrual accounting system. This recipient may develop accrual data for its reports on the basis of an analysis of the documentation on hand. Similarly, a pass-through entity must not require a subrecipient to establish an accrual accounting system and must allow the subrecipient to develop accrual data for its reports on the basis of an analysis of the documentation on hand.

(3) Records that identify adequately the source and application of funds for federally-funded activities. These records must contain information pertaining to Federal awards, authorizations, obligations, unobligated balances, assets, expenditures, income and interest and be supported by source documentation.

(4) Effective control over, and accountability for, all funds, property, and other assets. The non-Federal entity must adequately safeguard all assets and assure that they are used solely for authorized purposes. See §200.303 Internal controls.

(5) Comparison of expenditures with budget amounts for each Federal award.

(6) Written procedures to implement the requirements of §200.305 Payment.

(7) Written procedures for determining the allowability of costs in accordance with Subpart E—Cost Principles of this part and the terms and conditions of the Federal award.

§200.303 Internal controls.

The non-Federal entity must:

(a) Establish and maintain effective internal control over the Federal award that provides

reasonable assurance that the non-Federal entity is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award. These internal controls should be in compliance with guidance in “Standards for Internal Control in the Federal Government” issued by the Comptroller General of the United States or the “Internal Control Integrated Framework”, issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).

(b) Comply with Federal statutes, regulations, and the terms and conditions of the Federal awards.

(c) Evaluate and monitor the non-Federal entity's compliance with statutes, regulations and the terms and conditions of Federal awards.

(d) Take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings.

(e) Take reasonable measures to safeguard protected personally identifiable information and other information the Federal awarding agency or pass-through entity designates as sensitive or the non-Federal entity considers sensitive consistent with applicable Federal, state, local, and tribal laws regarding privacy and obligations of confidentiality.

§200.305 Payment.

(a) For states, payments are governed by Treasury-State CMIA agreements and default procedures codified at 31 CFR Part 205 “Rules and Procedures for Efficient Federal-State Funds Transfers” and TFM 4A-2000 Overall Disbursing Rules for All Federal Agencies.

(b) For non-Federal entities other than states, payments methods must minimize the time elapsing between the transfer of funds from the United States Treasury or the pass-through entity and the disbursement by the non-Federal entity whether the payment is made by electronic funds transfer, or issuance or redemption of checks, warrants, or payment by other means. See also §200.302 Financial management paragraph (b)(6). Except as noted elsewhere in this part, Federal agencies must require recipients to use only OMB-approved standard governmentwide information collection requests to request payment.

(1) The non-Federal entity must be paid in advance, provided it maintains or demonstrates the willingness to maintain both written procedures that minimize the time elapsing between the transfer of funds and disbursement by the non-Federal entity, and financial management systems that meet the standards for fund control and accountability as established in this part. Advance payments to a non-Federal entity must be limited to the minimum amounts needed and be timed to be

in accordance with the actual, immediate cash requirements of the non-Federal entity in carrying out the purpose of the approved program or project. The timing and amount of advance payments must be as close as is administratively feasible to the actual disbursements by the non-Federal entity for direct program or project costs and the proportionate share of any allowable indirect costs. The non-Federal entity must make timely payment to contractors in accordance with the contract provisions.

(2) Whenever possible, advance payments must be consolidated to cover anticipated cash needs for all Federal awards made by the Federal awarding agency to the recipient.

(i) Advance payment mechanisms include, but are not limited to, Treasury check and electronic funds transfer and must comply with applicable guidance in 31 CFR part 208.

(ii) Non-Federal entities must be authorized to submit requests for advance payments and reimbursements at least monthly when electronic fund transfers are not used, and as often as they like when electronic transfers are used, in accordance with the provisions of the Electronic Fund Transfer Act (15 U.S.C. 1693-1693r).

(3) Reimbursement is the preferred method when the requirements in paragraph (b) cannot be met, when the Federal awarding agency sets a specific condition per §200.207 Specific conditions, or when the non-Federal entity requests payment by reimbursement. This method may be used on any Federal award for construction, or if the major portion of the construction project is accomplished through private market financing or Federal loans, and the Federal award constitutes a minor portion of the project. When the reimbursement method is used, the Federal awarding agency or pass-through entity must make payment within 30 calendar days after receipt of the billing, unless the Federal awarding agency or pass-through entity reasonably believes the request to be improper.

(4) If the non-Federal entity cannot meet the criteria for advance payments and the Federal awarding agency or pass-through entity has determined that reimbursement is not feasible because the non-Federal entity lacks sufficient working capital, the Federal awarding agency or pass-through entity may provide cash on a working capital advance basis. Under this procedure, the Federal awarding agency or pass-through entity must advance cash payments to the non-Federal entity to cover its estimated disbursement needs for an initial period generally geared to the non-Federal entity's disbursing cycle. Thereafter, the Federal awarding agency or pass-through entity must reimburse the non-Federal entity for its actual cash disbursements. Use of the working capital advance method of payment

requires that the pass-through entity provide timely advance payments to any subrecipients in order to meet the subrecipient's actual cash disbursements. The working capital advance method of payment must not be used by the pass-through entity if the reason for using this method is the unwillingness or inability of the pass-through entity to provide timely advance payments to the subrecipient to meet the subrecipient's actual cash disbursements.

(5) Use of resources before requesting cash advance payments. To the extent available, the non-Federal entity must disburse funds available from program income (including repayments to a revolving fund), rebates, refunds, contract settlements, audit recoveries, and interest earned on such funds before requesting additional cash payments.

(6) Unless otherwise required by Federal statutes, payments for allowable costs by non-Federal entities must not be withheld at any time during the period of performance unless the conditions of §200.207 Specific conditions, Subpart D—Post Federal Award Requirements of this part, 200.338 Remedies for Noncompliance, or one or more of the following applies:

(i) The non-Federal entity has failed to comply with the project objectives, Federal statutes, regulations, or the terms and conditions of the Federal award.

(ii) The non-Federal entity is delinquent in a debt to the United States as defined in OMB Guidance A-129, "Policies for Federal Credit Programs and Non-Tax Receivables." Under such conditions, the Federal awarding agency or pass-through entity may, upon reasonable notice, inform the non-Federal entity that payments must not be made for obligations incurred after a specified date until the conditions are corrected or the indebtedness to the Federal Government is liquidated.

(iii) A payment withheld for failure to comply with Federal award conditions, but without suspension of the Federal award, must be released to the non-Federal entity upon subsequent compliance. When a Federal award is suspended, payment adjustments will be made in accordance with §200.342 Effects of suspension and termination.

(iv) A payment must not be made to a non-Federal entity for amounts that are withheld by the non-Federal entity from payment to contractors to assure satisfactory completion of work. A payment must be made when the non-Federal entity actually disburses the withheld funds to the contractors or to escrow accounts established to assure satisfactory completion of work.

(7) Standards governing the use of banks and other institutions as depositories of advance payments under Federal awards are as follows.

(i) The Federal awarding agency and pass-through entity must not require separate depository accounts for funds provided to a non-Federal entity or establish any eligibility requirements for depositories for funds provided to the non-Federal entity. However, the non-Federal entity must be able to account for the receipt, obligation and expenditure of funds.

(ii) Advance payments of Federal funds must be deposited and maintained in insured accounts whenever possible.

(8) The non-Federal entity must maintain advance payments of Federal awards in interest-bearing accounts, unless the following apply.

(i) The non-Federal entity receives less than \$120,000 in Federal awards per year.

(ii) The best reasonably available interest-bearing account would not be expected to earn interest in excess of \$500 per year on Federal cash balances.

(iii) The depository would require an average or minimum balance so high that it would not be feasible within the expected Federal and non-Federal cash resources.

(iv) A foreign government or banking system prohibits or precludes interest bearing accounts.

(9) Interest earned amounts up to \$500 per year may be retained by the non-Federal entity for administrative expense. Any additional interest earned on Federal advance payments deposited in interest-bearing accounts must be remitted annually to the Department of Health and Human Services Payment Management System (PMS) through an electronic medium using either Automated Clearing House (ACH) network or a Fedwire Funds Service payment. Remittances must include pertinent information of the payee and nature of payment in the memo area (often referred to as "addenda records" by Financial Institutions) as that will assist in the timely posting of interest earned on federal funds. Pertinent details include the Payee Account Number (PAN) if the payment originated from PMS, or Agency information if the payment originated from ASAP, NSF or another federal agency payment system. The remittance must be submitted as follows:

(i) For ACH Returns:

Routing Number: 051036706

Account number: 303000

Bank Name and Location: Credit Gateway—ACH Receiver St. Paul, MN

(ii) For Fedwire Returns*:

Routing Number: 021030004

Account number: 75010501

Bank Name and Location: Federal Reserve
Bank Treas NYC/Funds Transfer Division
New York, NY

(* Please note organization initiating payment is likely to incur a charge from your Financial Institution for this type of payment)

(iii) For International ACH Returns:

Beneficiary Account: Federal Reserve Bank of New York/ITS (FRBNY/ITS)

Bank: Citibank N.A. (New York)

Swift Code: CITIUS33

Account Number: 36838868

Bank Address: 388 Greenwich Street, New York, NY 10013 USA

Payment Details (Line 70): Agency

Name (abbreviated when possible) and ALC

Agency POC: Michelle Haney, (301) 492-5065

(iv) For recipients that do not have electronic remittance capability, please make check** payable to: "The Department of Health and Human Services."

Mail Check to Treasury approved lockbox:

HHS Program Support Center, P.O. Box 530231, Atlanta, GA 30353-0231

(** Please allow 4-6 weeks for processing of a payment by check to be applied to the appropriate PMS account)

(v) Any additional information/instructions may be found on the PMS Web site at <http://www.dpm.psc.gov/>.

§200.308 Revision of budget and program plans.

(a) The approved budget for the Federal award summarizes the financial aspects of the project or program as approved during the Federal award process. It may include either the Federal and non-Federal share (see §200.43 Federal share) or only the Federal share, depending upon Federal awarding agency requirements. It must be related to performance for program evaluation purposes whenever appropriate.

(b) Recipients are required to report deviations from budget or project scope or objective, and request prior approvals from Federal awarding agencies for budget and program plan revisions, in accordance with this section.

(c) For non-construction Federal awards, recipients must request prior approvals from Federal awarding agencies for one or more of the following program or budget-related reasons:

(1) Change in the scope or the objective of the project or program (even if there is no associated budget revision requiring prior written approval).

(2) Change in a key person specified in the application or the Federal award.

(3) The disengagement from the project for more than three months, or a 25 percent reduction in time devoted to the project, by the approved project director or principal investigator.

(4) The inclusion, unless waived by the Federal awarding agency, of costs that require prior approval in accordance with Subpart E—Cost Principles of this part or 45 CFR part 75 Appendix IX, "Principles for Determining Costs Applicable to Research and Development under Awards and Contracts with Hospitals," or 48 CFR part 31, "Contract Cost Principles and Procedures," as applicable.

(5) The transfer of funds budgeted for participant support costs as defined in §200.75 Participant support costs to other categories of expense.

(6) Unless described in the application and funded in the approved Federal awards, the subawarding, transferring or contracting out of any work under a Federal award, including fixed amount subawards as described in §200.332 Fixed amount subawards. This provision does not apply to the acquisition of supplies, material, equipment or general support services.

(7) Changes in the approved cost-sharing or matching provided by the non-Federal entity. No other prior approval requirements for specific items may be imposed unless an exception has been approved by OMB. See also §§200.102 Exceptions and 200.407 Prior written approval (prior approval).

(8) The need arises for additional Federal funds to complete the project.

(d) Except for requirements listed in paragraph (c)(1) of this section, the Federal awarding agency is authorized, at its option, to waive prior written approvals required by paragraph (c) this section. Such waivers may include authorizing recipients to do any one or more of the following:

(1) Incur project costs 90 calendar days before the Federal awarding agency makes the Federal award. Expenses more than 90 calendar days pre-award require prior approval of the Federal awarding agency. All costs incurred before the Federal awarding agency makes the Federal award are at the recipient's risk (i.e., the Federal awarding agency is under no obligation to reimburse such costs if for any reason the recipient does not receive a Federal award or if the Federal award is less than anticipated and inadequate to cover such costs). See also §200.458 Pre-award costs.

(2) Initiate a one-time extension of the period of performance by up to 12 months unless one or more of the conditions outlined in paragraphs (d)(2)(i) through (iii) of this section apply. For one-time extensions, the recipient must notify the Federal awarding agency in writing with the supporting reasons and revised

period of performance at least 10 calendar days before the end of the period of performance specified in the Federal award. This one-time extension may not be exercised merely for the purpose of using unobligated balances.

Extensions require explicit prior Federal awarding agency approval when:

(i) The terms and conditions of the Federal award prohibit the extension.

(ii) The extension requires additional Federal funds.

(iii) The extension involves any change in the approved objectives or scope of the project.

(3) Carry forward unobligated balances to subsequent periods of performance.

(4) For Federal awards that support research, unless the Federal awarding agency provides otherwise in the Federal award or in the Federal awarding agency's regulations, the prior approval requirements described in paragraph (d) are automatically waived (i.e., recipients need not obtain such prior approvals) unless one of the conditions included in paragraph (d)(2) applies.

(e) The Federal awarding agency may, at its option, restrict the transfer of funds among direct cost categories or programs, functions and activities for Federal awards in which the Federal share of the project exceeds the Simplified Acquisition Threshold and the cumulative amount of such transfers exceeds or is expected to exceed 10 percent of the total budget as last approved by the Federal awarding agency. The Federal awarding agency cannot permit a transfer that would cause any Federal appropriation to be used for purposes other than those consistent with the appropriation.

(f) All other changes to non-construction budgets, except for the changes described in paragraph (c) of this section, do not require prior approval (see also §200.407 Prior written approval (prior approval)).

(g) For construction Federal awards, the recipient must request prior written approval promptly from the Federal awarding agency for budget revisions whenever paragraph (g)(1), (2), or (3) of this section applies.

(1) The revision results from changes in the scope or the objective of the project or program.

(2) The need arises for additional Federal funds to complete the project.

(3) A revision is desired which involves specific costs for which prior written approval requirements may be imposed consistent with applicable OMB cost principles listed in Subpart E—Cost Principles of this part.

(4) No other prior approval requirements for budget revisions may be imposed unless an exception has been approved by OMB.

(5) When a Federal awarding agency makes a Federal award that provides support for construction and non-construction work, the Federal awarding agency may require the recipient to obtain prior approval from the Federal awarding agency before making any fund or budget transfers between the two types of work supported.

(h) When requesting approval for budget revisions, the recipient must use the same format for budget information that was used in the application, unless the Federal awarding agency indicates a letter of request suffices.

(i) Within 30 calendar days from the date of receipt of the request for budget revisions, the Federal awarding agency must review the request and notify the recipient whether the budget revisions have been approved. If the revision is still under consideration at the end of 30 calendar days, the Federal awarding agency must inform the recipient in writing of the date when the recipient may expect the decision.

§200.313 Equipment.

See also §200.439 Equipment and other capital expenditures.

(a) Title. Subject to the obligations and conditions set forth in this section, title to equipment acquired under a Federal award will vest upon acquisition in the non-Federal entity. Unless a statute specifically authorizes the Federal agency to vest title in the non-Federal entity without further obligation to the Federal Government, and the Federal agency elects to do so, the title must be a conditional title. Title must vest in the non-Federal entity subject to the following conditions:

(1) Use the equipment for the authorized purposes of the project during the period of performance, or until the property is no longer needed for the purposes of the project.

(2) Not encumber the property without approval of the Federal awarding agency or pass-through entity.

(3) Use and dispose of the property in accordance with paragraphs (b), (c) and (e) of this section.

(b) A state must use, manage and dispose of equipment acquired under a Federal award by the state in accordance with state laws and procedures. Other non-Federal entities must follow paragraphs (c) through (e) of this section.

(c) Use. (1) Equipment must be used by the non-Federal entity in the program or project for which it was acquired as long as needed, whether or not the project or program continues to be supported by the Federal award, and the non-Federal entity must not encumber the property without prior approval of the Federal awarding agency. When no

longer needed for the original program or project, the equipment may be used in other activities supported by the Federal awarding agency, in the following order of priority:

(i) Activities under a Federal award from the Federal awarding agency which funded the original program or project, then

(ii) Activities under Federal awards from other Federal awarding agencies. This includes consolidated equipment for information technology systems.

(2) During the time that equipment is used on the project or program for which it was acquired, the non-Federal entity must also make equipment available for use on other projects or programs currently or previously supported by the Federal Government, provided that such use will not interfere with the work on the projects or program for which it was originally acquired. First preference for other use must be given to other programs or projects supported by Federal awarding agency that financed the equipment and second preference must be given to programs or projects under Federal awards from other Federal awarding agencies. Use for non-federally-funded programs or projects is also permissible. User fees should be considered if appropriate.

(3) Notwithstanding the encouragement in §200.307 Program income to earn program income, the non-Federal entity must not use equipment acquired with the Federal award to provide services for a fee that is less than private companies charge for equivalent services unless specifically authorized by Federal statute for as long as the Federal Government retains an interest in the equipment.

(4) When acquiring replacement equipment, the non-Federal entity may use the equipment to be replaced as a trade-in or sell the property and use the proceeds to offset the cost of the replacement property.

(d) Management requirements. Procedures for managing equipment (including replacement equipment), whether acquired in whole or in part under a Federal award, until disposition takes place will, as a minimum, meet the following requirements:

(1) Property records must be maintained that include a description of the property, a serial number or other identification number, the source of funding for the property (including the FAIN), who holds title, the acquisition date, and cost of the property, percentage of Federal participation in the project costs for the Federal award under which the property was acquired, the location, use and condition of the property, and any ultimate disposition data including the date of disposal and sale price of the property.

(2) A physical inventory of the property must be taken and the results reconciled with the property records at least once every two years.

(3) A control system must be developed to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft must be investigated.

(4) Adequate maintenance procedures must be developed to keep the property in good condition.

(5) If the non-Federal entity is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return.

(e) Disposition. When original or replacement equipment acquired under a Federal award is no longer needed for the original project or program or for other activities currently or previously supported by a Federal awarding agency, except as otherwise provided in Federal statutes, regulations, or Federal awarding agency disposition instructions, the non-Federal entity must request disposition instructions from the Federal awarding agency if required by the terms and conditions of the Federal award. Disposition of the equipment will be made as follows, in accordance with Federal awarding agency disposition instructions:

(1) Items of equipment with a current per unit fair market value of \$5,000 or less may be retained, sold or otherwise disposed of with no further obligation to the Federal awarding agency.

(2) Except as provided in §200.312 Federally-owned and exempt property, paragraph (b), or if the Federal awarding agency fails to provide requested disposition instructions within 120 days, items of equipment with a current per-unit fair-market value in excess of \$5,000 may be retained by the non-Federal entity or sold. The Federal awarding agency is entitled to an amount calculated by multiplying the current market value or proceeds from sale by the Federal awarding agency's percentage of participation in the cost of the original purchase. If the equipment is sold, the Federal awarding agency may permit the non-Federal entity to deduct and retain from the Federal share \$500 or ten percent of the proceeds, whichever is less, for its selling and handling expenses.

(3) The non-Federal entity may transfer title to the property to the Federal Government or to an eligible third party provided that, in such cases, the non-Federal entity must be entitled to compensation for its attributable percentage of the current fair market value of the property.

(4) In cases where a non-Federal entity fails to take appropriate disposition actions, the Federal awarding agency may direct the non-Federal entity to take disposition actions.

§200.314 Supplies.

See also §200.453 Materials and supplies costs, including costs of computing devices.

(a) Title to supplies will vest in the non-Federal entity upon acquisition. If there is a residual inventory of unused supplies exceeding \$5,000 in total aggregate value upon termination or completion of the project or program and the supplies are not needed for any other Federal award, the non-Federal entity must retain the supplies for use on other activities or sell them, but must, in either case, compensate the Federal Government for its share. The amount of compensation must be computed in the same manner as for equipment. See §200.313 Equipment, paragraph (e)(2) for the calculation methodology.

(b) As long as the Federal Government retains an interest in the supplies, the non-Federal entity must not use supplies acquired under a Federal award to provide services to other organizations for a fee that is less than private companies charge for equivalent services, unless specifically authorized by Federal statute.

§200.318 General procurement standards.

(a) The non-Federal entity must use its own documented procurement procedures which reflect applicable State, local, and tribal laws and regulations, provided that the procurements conform to applicable Federal law and the standards identified in this part.

(b) Non-Federal entities must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

(c)(1) The non-Federal entity must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the non-Federal entity may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-Federal entities may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The

standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-Federal entity.

(2) If the non-Federal entity has a parent, affiliate, or subsidiary organization that is not a state, local government, or Indian tribe, the non-Federal entity must also maintain written standards of conduct covering organizational conflicts of interest. Organizational conflicts of interest means that because of relationships with a parent company, affiliate, or subsidiary organization, the non-Federal entity is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization.

(d) The non-Federal entity's procedures must avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.

(e) To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services across the Federal Government, the non-Federal entity is encouraged to enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services.

(f) The non-Federal entity is encouraged to use Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.

(g) The non-Federal entity is encouraged to use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.

(h) The non-Federal entity must award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. See also §200.212 Suspension and debarment.

(i) The non-Federal entity must maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection

or rejection, and the basis for the contract price.

(j)(1) The non-Federal entity may use a time and materials type contract only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and materials type contract means a contract whose cost to a non-Federal entity is the sum of:

- (i) The actual cost of materials; and
- (ii) Direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

(2) Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, each contract must set a ceiling price that the contractor exceeds at its own risk. Further, the non-Federal entity awarding such a contract must assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

(k) The non-Federal entity alone must be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the non-Federal entity of any contractual responsibilities under its contracts. The Federal awarding agency will not substitute its judgment for that of the non-Federal entity unless the matter is primarily a Federal concern. Violations of law will be referred to the local, state, or Federal authority having proper jurisdiction.

§200.319 Competition.

(a) All procurement transactions must be conducted in a manner providing full and open competition consistent with the standards of this section. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. Some of the situations considered to be restrictive of competition include but are not limited to:

- (1) Placing unreasonable requirements on firms in order for them to qualify to do business;
- (2) Requiring unnecessary experience and excessive bonding;
- (3) Noncompetitive pricing practices between firms or between affiliated companies;

(4) Noncompetitive contracts to consultants that are on retainer contracts;

(5) Organizational conflicts of interest;

(6) Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement; and

(7) Any arbitrary action in the procurement process.

(b) The non-Federal entity must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts state licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

(c) The non-Federal entity must have written procedures for procurement transactions. These procedures must ensure that all solicitations:

(1) Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a “brand name or equivalent” description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated; and

(2) Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

(d) The non-Federal entity must ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, the non-Federal entity must not preclude potential bidders from qualifying during the solicitation period.

§200.320 Methods of procurement to be followed.

The non-Federal entity must use one of the following methods of procurement.

(a) Procurement by micro-purchases. Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (§200.67 Micro-purchase). To the extent practicable, the non-Federal entity must distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations if the non-Federal entity considers the price to be reasonable.

(b) Procurement by small purchase procedures. Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the Simplified Acquisition Threshold. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources.

(c) Procurement by sealed bids (formal advertising). Bids are publicly solicited and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bid method is the preferred method for procuring construction, if the conditions in paragraph (c)(1) of this section apply.

(1) In order for sealed bidding to be feasible, the following conditions should be present:

- (i) A complete, adequate, and realistic specification or purchase description is available;
- (ii) Two or more responsible bidders are willing and able to compete effectively for the business; and
- (iii) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

(2) If sealed bids are used, the following requirements apply:

- (i) Bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids, for state, local, and tribal governments, the invitation for bids must be publically advertised;
- (ii) The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;
- (iii) All bids will be opened at the time and place prescribed in the invitation for bids, and

for local and tribal governments, the bids must be opened publicly;

(iv) A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and

(v) Any or all bids may be rejected if there is a sound documented reason.

(d) Procurement by competitive proposals. The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:

- (1) Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical;
- (2) Proposals must be solicited from an adequate number of qualified sources;
- (3) The non-Federal entity must have a written method for conducting technical evaluations of the proposals received and for selecting recipients;
- (4) Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and
- (5) The non-Federal entity may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.
- (e) [Reserved]
- (f) Procurement by noncompetitive proposals. Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:
 - (1) The item is available only from a single source;

- (2) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
- (3) The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity; or
- (4) After solicitation of a number of sources, competition is determined inadequate.

§200.321 Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms.

- (a) The non-Federal entity must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.
- (b) Affirmative steps must include:
 - (1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
 - (2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
 - (3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
 - (4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
 - (5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
 - (6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.

§200.322 Procurement of recovered materials.

A non-Federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the

preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

§200.323 Contract cost and price.

- (a) The non-Federal entity must perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, the non-Federal entity must make independent estimates before receiving bids or proposals.
- (b) The non-Federal entity must negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.
- (c) Costs or prices based on estimated costs for contracts under the Federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for the non-Federal entity under Subpart E—Cost Principles of this part. The non-Federal entity may reference its own cost principles that comply with the Federal cost principles.
- (d) The cost plus a percentage of cost and percentage of construction cost methods of contracting must not be used.

§200.325 Bonding requirements.

For construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold, the Federal awarding agency or pass-through entity may accept the bonding policy and requirements of the non-Federal entity provided that the Federal awarding agency or pass-through entity has made a determination that the Federal interest is adequately protected. If such a determination has not been made, the minimum requirements must be as follows:

- (a) A bid guarantee from each bidder equivalent to five percent of the bid price. The "bid guarantee" must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the

bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.

- (b) A performance bond on the part of the contractor for 100 percent of the contract price. A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.

- (c) A payment bond on the part of the contractor for 100 percent of the contract price. A "payment bond" is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

200.326 Contract provisions.

The non-Federal entity's contracts must contain the applicable provisions described in Appendix II to Part 200—Contract Provisions for non-Federal Entity Contracts Under Federal Awards.

§200.327 Financial reporting.

Unless otherwise approved by OMB, the Federal awarding agency may solicit only the standard, OMB-approved governmentwide data elements for collection of financial information (at time of publication the Federal Financial Report or such future collections as may be approved by OMB and listed on the OMB Web site). This information must be collected with the frequency required by the terms and conditions of the Federal award, but no less frequently than annually nor more frequently than quarterly except in unusual circumstances, for example where more frequent reporting is necessary for the effective monitoring of the Federal award or could significantly affect program outcomes, and preferably in coordination with performance reporting.

§200.330 Subrecipient and contractor determinations.

The non-Federal entity may concurrently receive Federal awards as a recipient, a subrecipient, and a contractor, depending on the substance of its agreements with Federal awarding agencies and pass-through entities. Therefore, a pass-through entity must make case-by-case determinations whether each agreement it makes for the disbursement of Federal program funds casts the party receiving the funds in the role of a subrecipient or a contractor. The Federal awarding agency may supply and require recipients to comply with additional guidance to support these determinations provided such guidance does not conflict with this section.

(a) Subrecipients. A subaward is for the purpose of carrying out a portion of a Federal award and creates a Federal assistance relationship with the subrecipient. See §200.92 Subaward. Characteristics which support the classification of the non-Federal entity as a subrecipient include when the non-Federal entity:

- (1) Determines who is eligible to receive what Federal assistance;
- (2) Has its performance measured in relation to whether objectives of a Federal program were met;
- (3) Has responsibility for programmatic decision making;
- (4) Is responsible for adherence to applicable Federal program requirements specified in the Federal award; and

(5) In accordance with its agreement, uses the Federal funds to carry out a program for a public purpose specified in authorizing statute, as opposed to providing goods or services for the benefit of the pass-through entity.

(b) Contractors. A contract is for the purpose of obtaining goods and services for the non-Federal entity's own use and creates a procurement relationship with the contractor. See §200.22 Contract. Characteristics indicative of a procurement relationship between the non-Federal entity and a contractor are when the non-Federal entity receiving the Federal funds:

- (1) Provides the goods and services within normal business operations;
- (2) Provides similar goods or services to many different purchasers;
- (3) Normally operates in a competitive environment;
- (4) Provides goods or services that are ancillary to the operation of the Federal program; and

(5) Is not subject to compliance requirements of the Federal program as a result of the agreement, though similar requirements may apply for other reasons.

(c) Use of judgment in making determination. In determining whether an agreement between a pass-through entity and another non-Federal entity casts the latter as a subrecipient or a contractor, the substance of the relationship is more important than the form of the agreement. All of the characteristics listed above may not be present in all cases, and the pass-through entity must use judgment in classifying each agreement as a subaward or a procurement contract.

§200.331 Requirements for pass-through entities.

All pass-through entities must:

(a) Ensure that every subaward is clearly identified to the subrecipient as a subaward and includes the following information at the time of the subaward and if any of these data elements change, include the changes in subsequent subaward modification. When some of this information is not available, the pass-through entity must provide the best information available to describe the Federal award and subaward. Required information includes:

(1) Federal Award Identification.

(i) Subrecipient name (which must match the name associated with its unique entity identifier);

(ii) Subrecipient's unique entity identifier;

(iii) Federal Award Identification Number (FAIN);

(iv) Federal Award Date (see §200.39 Federal award date);

(v) Subaward Period of Performance Start and End Date;

(vi) Amount of Federal Funds Obligated by this action;

(vii) Total Amount of Federal Funds Obligated to the subrecipient;

(viii) Total Amount of the Federal Award;

(ix) Federal award project description, as required to be responsive to the Federal Funding Accountability and Transparency Act (FFATA);

(x) Name of Federal awarding agency, pass-through entity, and contact information for awarding official,

(xi) CFDA Number and Name; the pass-through entity must identify the dollar amount made available under each Federal award and the CFDA number at time of disbursement;

(xii) Identification of whether the award is R&D; and

(xiii) Indirect cost rate for the Federal award (including if the de minimis rate is charged per §200.414 Indirect (F&A) costs).

(2) All requirements imposed by the pass-through entity on the subrecipient so that the Federal award is used in accordance with Federal statutes, regulations and the terms and conditions of the Federal award.

(3) Any additional requirements that the pass-through entity imposes on the subrecipient in order for the pass-through entity to meet its own responsibility to the Federal awarding agency including identification of any required financial and performance reports;

(4) An approved federally recognized indirect cost rate negotiated between the subrecipient and the Federal Government or, if no such rate exists, either a rate negotiated between the pass-through entity and the subrecipient (in compliance with this part), or a de minimis

indirect cost rate as defined in §200.414 Indirect (F&A) costs, paragraph (f) of this part.

(5) A requirement that the subrecipient permit the pass-through entity and auditors to have access to the subrecipient's records and financial statements as necessary for the pass-through entity to meet the requirements of this part; and

(6) Appropriate terms and conditions concerning closeout of the subaward.

(b) Evaluate each subrecipient's risk of noncompliance with Federal statutes, regulations, and the terms and conditions of the subaward for purposes of determining the appropriate subrecipient monitoring described in paragraphs (d) and (e) of this section, which may include consideration of such factors as:

(1) The subrecipient's prior experience with the same or similar subawards;

(2) The results of previous audits including whether or not the subrecipient receives a Single Audit in accordance with Subpart F—Audit Requirements of this part, and the extent to which the same or similar subaward has been audited as a major program;

(3) Whether the subrecipient has new personnel or new or substantially changed systems; and

(4) The extent and results of Federal awarding agency monitoring (e.g., if the subrecipient also receives Federal awards directly from a Federal awarding agency).

(c) Consider imposing specific subaward conditions upon a subrecipient if appropriate as described in §200.207 Specific conditions.

(d) Monitor the activities of the subrecipient as necessary to ensure that the subaward is used for authorized purposes, in compliance with Federal statutes, regulations, and the terms and conditions of the subaward; and that subaward performance goals are achieved. Pass-through entity monitoring of the subrecipient must include:

(1) Reviewing financial and performance reports required by the pass-through entity.

(2) Following-up and ensuring that the subrecipient takes timely and appropriate action on all deficiencies pertaining to the Federal award provided to the subrecipient from the pass-through entity detected through audits, on-site reviews, and other means.

(3) Issuing a management decision for audit findings pertaining to the Federal award provided to the subrecipient from the pass-through entity as required by §200.521 Management decision.

(e) Depending upon the pass-through entity's assessment of risk posed by the subrecipient (as described in paragraph (b) of this section), the following monitoring tools may be useful for the pass-through entity to ensure proper accountability and compliance with program

requirements and achievement of performance goals:

- (1) Providing subrecipients with training and technical assistance on program-related matters; and
- (2) Performing on-site reviews of the subrecipient's program operations;
- (3) Arranging for agreed-upon-procedures engagements as described in §200.425 Audit services.
- (f) Verify that every subrecipient is audited as required by Subpart F—Audit Requirements of this part when it is expected that the subrecipient's Federal awards expended during the respective fiscal year equaled or exceeded the threshold set forth in §200.501 Audit requirements.
- (g) Consider whether the results of the subrecipient's audits, on-site reviews, or other monitoring indicate conditions that necessitate adjustments to the pass-through entity's own records.
- (h) Consider taking enforcement action against noncompliant subrecipients as described in §200.338 Remedies for noncompliance of this part and in program regulations.

§200.333 Retention requirements for records.

Financial records, supporting documents, statistical records, and all other non-Federal entity records pertinent to a Federal award must be retained for a period of three years from the date of submission of the final expenditure report or, for Federal awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, respectively, as reported to the Federal awarding agency or pass-through entity in the case of a subrecipient. Federal awarding agencies and pass-through entities must not impose any other record retention requirements upon non-Federal entities. The only exceptions are the following:

- (a) If any litigation, claim, or audit is started before the expiration of the 3-year period, the records must be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken.
- (b) When the non-Federal entity is notified in writing by the Federal awarding agency, cognizant agency for audit, oversight agency for audit, cognizant agency for indirect costs, or pass-through entity to extend the retention period.
- (c) Records for real property and equipment acquired with Federal funds must be retained for 3 years after final disposition.
- (d) When records are transferred to or maintained by the Federal awarding agency or pass-through entity, the 3-year retention

requirement is not applicable to the non-Federal entity.

- (e) Records for program income transactions after the period of performance. In some cases recipients must report program income after the period of performance. Where there is such a requirement, the retention period for the records pertaining to the earning of the program income starts from the end of the non-Federal entity's fiscal year in which the program income is earned.
- (f) Indirect cost rate proposals and cost allocations plans. This paragraph applies to the following types of documents and their supporting records: indirect cost rate computations or proposals, cost allocation plans, and any similar accounting computations of the rate at which a particular group of costs is chargeable (such as computer usage chargeback rates or composite fringe benefit rates).
- (1) If submitted for negotiation. If the proposal, plan, or other computation is required to be submitted to the Federal Government (or to the pass-through entity) to form the basis for negotiation of the rate, then the 3-year retention period for its supporting records starts from the date of such submission.
- (2) If not submitted for negotiation. If the proposal, plan, or other computation is not required to be submitted to the Federal Government (or to the pass-through entity) for negotiation purposes, then the 3-year retention period for the proposal, plan, or computation and its supporting records starts from the end of the fiscal year (or other accounting period) covered by the proposal, plan, or other computation.

§200.343 Closeout.

The Federal awarding agency or pass-through entity will close-out the Federal award when it determines that all applicable administrative actions and all required work of the Federal award have been completed by the non-Federal entity. This section specifies the actions the non-Federal entity and Federal awarding agency or pass-through entity must take to complete this process at the end of the period of performance.

- (a) The non-Federal entity must submit, no later than 90 calendar days after the end date of the period of performance, all financial, performance, and other reports as required by the terms and conditions of the Federal award. The Federal awarding agency or pass-through entity may approve extensions when requested by the non-Federal entity.
- (b) Unless the Federal awarding agency or pass-through entity authorizes an extension, a non-Federal entity must liquidate all obligations incurred under the Federal award

not later than 90 calendar days after the end date of the period of performance as specified in the terms and conditions of the Federal award.

- (c) The Federal awarding agency or pass-through entity must make prompt payments to the non-Federal entity for allowable reimbursable costs under the Federal award being closed out.
- (d) The non-Federal entity must promptly refund any balances of unobligated cash that the Federal awarding agency or pass-through entity paid in advance or paid and that are not authorized to be retained by the non-Federal entity for use in other projects. See OMB Circular A-129 and see §200.345 Collection of amounts due, for requirements regarding unreturned amounts that become delinquent debts.
- (e) Consistent with the terms and conditions of the Federal award, the Federal awarding agency or pass-through entity must make a settlement for any upward or downward adjustments to the Federal share of costs after closeout reports are received.
- (f) The non-Federal entity must account for any real and personal property acquired with Federal funds or received from the Federal Government in accordance with §§200.310 Insurance coverage through 200.316 Property trust relationship and 200.329 Reporting on real property.
- (g) The Federal awarding agency or pass-through entity should complete all closeout actions for Federal awards no later than one year after receipt and acceptance of all required final reports.

200.344 Post-closeout adjustments and continuing responsibilities.

- (a) The closeout of a Federal award does not affect any of the following:
 - (1) The right of the Federal awarding agency or pass-through entity to disallow costs and recover funds on the basis of a later audit or other review. The Federal awarding agency or pass-through entity must make any cost disallowance determination and notify the non-Federal entity within the record retention period.
 - (2) The obligation of the non-Federal entity to return any funds due as a result of later refunds, corrections, or other transactions including final indirect cost rate adjustments.
 - (3) Audit requirements in Subpart F—Audit Requirements of this part.
 - (4) Property management and disposition requirements in Subpart D—Post Federal Award Requirements of this part, §§200.310 Insurance Coverage through 200.316 Property trust relationship.

(5) Records retention as required in Subpart D—Post Federal Award Requirements of this part, §§200.333 Retention requirements for records through 200.337 Restrictions on public access to records.

(b) After closeout of the Federal award, a relationship created under the Federal award may be modified or ended in whole or in part with the consent of the Federal awarding agency or pass-through entity and the non-Federal entity, provided the responsibilities of the non-Federal entity referred to in paragraph (a) of this section, including those for property management as applicable, are considered and provisions made for continuing responsibilities of the non-Federal entity, as appropriate.

§200.430 Compensation—personal services.

(a) General. Compensation for personal services includes all remuneration, paid currently or accrued, for services of employees rendered during the period of performance under the Federal award, including but not necessarily limited to wages and salaries. Compensation for personal services may also include fringe benefits which are addressed in §200.431 Compensation—fringe benefits. Costs of compensation are allowable to the extent that they satisfy the specific requirements of this part, and that the total compensation for individual employees:

- (1) Is reasonable for the services rendered and conforms to the established written policy of the non-Federal entity consistently applied to both Federal and non-Federal activities;
 - (2) Follows an appointment made in accordance with a non-Federal entity's laws and/or rules or written policies and meets the requirements of Federal statute, where applicable; and
 - (3) Is determined and supported as provided in paragraph (i) of this section, Standards for Documentation of Personnel Expenses, when applicable.
- (b) Reasonableness. Compensation for employees engaged in work on Federal awards will be considered reasonable to the extent that it is consistent with that paid for similar work in other activities of the non-Federal entity. In cases where the kinds of employees required for Federal awards are not found in the other activities of the non-Federal entity, compensation will be considered reasonable to the extent that it is comparable to that paid for similar work in the labor market in which the non-Federal entity competes for the kind of employees involved.
- (c) Professional activities outside the non-Federal entity. Unless an arrangement is specifically authorized by a Federal awarding agency, a non-Federal entity must follow its written non-Federal entity-wide policies and

practices concerning the permissible extent of professional services that can be provided outside the non-Federal entity for non-organizational compensation. Where such non-Federal entity-wide written policies do not exist or do not adequately define the permissible extent of consulting or other non-organizational activities undertaken for extra outside pay, the Federal Government may require that the effort of professional staff working on Federal awards be allocated between:

- (1) Non-Federal entity activities, and
 - (2) Non-organizational professional activities.
- If the Federal awarding agency considers the extent of non-organizational professional effort excessive or inconsistent with the conflicts-of-interest terms and conditions of the Federal award, appropriate arrangements governing compensation will be negotiated on a case-by-case basis.
- (d) Unallowable costs. (1) Costs which are unallowable under other sections of these principles must not be allowable under this section solely on the basis that they constitute personnel compensation.
- (2) The allowable compensation for certain employees is subject to a ceiling in accordance with statute. For the amount of the ceiling for cost-reimbursement contracts, the covered compensation subject to the ceiling, the covered employees, and other relevant provisions, see 10 U.S.C. 2324(e)(1)(P), and 41 U.S.C. 1127 and 4304(a)(16). For other types of Federal awards, other statutory ceilings may apply.
- (e) Special considerations. Special considerations in determining allowability of compensation will be given to any change in a non-Federal entity's compensation policy resulting in a substantial increase in its employees' level of compensation (particularly when the change was concurrent with an increase in the ratio of Federal awards to other activities) or any change in the treatment of allowability of specific types of compensation due to changes in Federal policy.
- (f) Incentive compensation. Incentive compensation to employees based on cost reduction, or efficient performance, suggestion awards, safety awards, etc., is allowable to the extent that the overall compensation is determined to be reasonable and such costs are paid or accrued pursuant to an agreement entered into in good faith between the non-Federal entity and the employees before the services were rendered, or pursuant to an established plan followed by the non-Federal entity so consistently as to imply, in effect, an agreement to make such payment.
- (g) Nonprofit organizations. For compensation to members of nonprofit organizations, trustees, directors, associates, officers, or the

immediate families thereof, determination must be made that such compensation is reasonable for the actual personal services rendered rather than a distribution of earnings in excess of costs. This may include director's and executive committee member's fees, incentive awards, allowances for off-site pay, incentive pay, location allowances, hardship pay, and cost-of-living differentials.

(h) Institutions of higher education (IHEs). (1) Certain conditions require special consideration and possible limitations in determining allowable personnel compensation costs under Federal awards. Among such conditions are the following:

- (i) Allowable activities. Charges to Federal awards may include reasonable amounts for activities contributing and directly related to work under an agreement, such as delivering special lectures about specific aspects of the ongoing activity, writing reports and articles, developing and maintaining protocols (human, animals, etc.), managing substances/chemicals, managing and securing project-specific data, coordinating research subjects, participating in appropriate seminars, consulting with colleagues and graduate students, and attending meetings and conferences.
 - (ii) Incidental activities. Incidental activities for which supplemental compensation is allowable under written institutional policy (at a rate not to exceed institutional base salary) need not be included in the records described in paragraph (i) of this section to directly charge payments of incidental activities, such activities must either be specifically provided for in the Federal award budget or receive prior written approval by the Federal awarding agency.
- (2) Salary basis. Charges for work performed on Federal awards by faculty members during the academic year are allowable at the IBS rate. Except as noted in paragraph (h)(1)(ii) of this section, in no event will charges to Federal awards, irrespective of the basis of computation, exceed the proportionate share of the IBS for that period. This principle applies to all members of faculty at an institution. IBS is defined as the annual compensation paid by an IHE for an individual's appointment, whether that individual's time is spent on research, instruction, administration, or other activities. IBS excludes any income that an individual earns outside of duties performed for the IHE. Unless there is prior approval by the Federal awarding agency, charges of a faculty member's salary to a Federal award must not exceed the proportionate share of the IBS for the period during which the faculty member worked on the award.
- (3) Intra-Institution of Higher Education (IHE) consulting. Intra-IHE consulting by faculty is assumed to be undertaken as an IHE obligation requiring no compensation in addition to IBS.

However, in unusual cases where consultation is across departmental lines or involves a separate or remote operation, and the work performed by the faculty member is in addition to his or her regular responsibilities, any charges for such work representing additional compensation above IBS are allowable provided that such consulting arrangements are specifically provided for in the Federal award or approved in writing by the Federal awarding agency.

(4) Extra Service Pay normally represents overload compensation, subject to institutional compensation policies for services above and beyond IBS. Where extra service pay is a result of Intra-IHE consulting, it is subject to the same requirements of paragraph (b) above. It is allowable if all of the following conditions are met:

(i) The non-Federal entity establishes consistent written policies which apply uniformly to all faculty members, not just those working on Federal awards.

(ii) The non-Federal entity establishes a consistent written definition of work covered by IBS which is specific enough to determine conclusively when work beyond that level has occurred. This may be described in appointment letters or other documentations.

(iii) The supplementation amount paid is commensurate with the IBS rate of pay and the amount of additional work performed. See paragraph (h)(2) of this section.

(iv) The salaries, as supplemented, fall within the salary structure and pay ranges established by and documented in writing or otherwise applicable to the non-Federal entity.

(v) The total salaries charged to Federal awards including extra service pay are subject to the Standards of Documentation as described in paragraph (i) of this section.

(5) Periods outside the academic year. (i) Except as specified for teaching activity in paragraph (h)(5)(ii) of this section, charges for work performed by faculty members on Federal awards during periods not included in the base salary period will be at a rate not in excess of the IBS.

(ii) Charges for teaching activities performed by faculty members on Federal awards during periods not included in IBS period will be based on the normal written policy of the IHE governing compensation to faculty members for teaching assignments during such periods.

(6) Part-time faculty. Charges for work performed on Federal awards by faculty members having only part-time appointments will be determined at a rate not in excess of that regularly paid for part-time assignments.

(7) Sabbatical leave costs. Rules for sabbatical leave are as follow:

(i) Costs of leaves of absence by employees for performance of graduate work or sabbatical study, travel, or research are allowable provided the IHE has a uniform written policy on sabbatical leave for persons engaged in instruction and persons engaged in research. Such costs will be allocated on an equitable basis among all related activities of the IHE.

(ii) Where sabbatical leave is included in fringe benefits for which a cost is determined for assessment as a direct charge, the aggregate amount of such assessments applicable to all work of the institution during the base period must be reasonable in relation to the IHE's actual experience under its sabbatical leave policy.

(8) Salary rates for non-faculty members. Non-faculty full-time professional personnel may also earn "extra service pay" in accordance with the non-Federal entity's written policy and consistent with paragraph (h)(1)(i) of this section.

(i) Standards for Documentation of Personnel Expenses (1) Charges to Federal awards for salaries and wages must be based on records that accurately reflect the work performed. These records must:

(i) Be supported by a system of internal control which provides reasonable assurance that the charges are accurate, allowable, and properly allocated;

(ii) Be incorporated into the official records of the non-Federal entity;

(iii) Reasonably reflect the total activity for which the employee is compensated by the non-Federal entity, not exceeding 100% of compensated activities (for IHE, this per the IHE's definition of IBS);

(iv) Encompass both federally assisted and all other activities compensated by the non-Federal entity on an integrated basis, but may include the use of subsidiary records as defined in the non-Federal entity's written policy;

(v) Comply with the established accounting policies and practices of the non-Federal entity (See paragraph (h)(1)(ii) above for treatment of incidental work for IHEs.); and

(vi) [Reserved]

(vii) Support the distribution of the employee's salary or wages among specific activities or cost objectives if the employee works on more than one Federal award; a Federal award and non-Federal award; an indirect cost activity and a direct cost activity; two or more indirect activities which are allocated using different allocation bases; or an unallowable activity and a direct or indirect cost activity.

(viii) Budget estimates (i.e., estimates determined before the services are performed) alone do not qualify as support for charges to Federal awards, but may be used for interim accounting purposes, provided that:

(A) The system for establishing the estimates produces reasonable approximations of the activity actually performed;

(B) Significant changes in the corresponding work activity (as defined by the non-Federal entity's written policies) are identified and entered into the records in a timely manner. Short term (such as one or two months) fluctuation between workload categories need not be considered as long as the distribution of salaries and wages is reasonable over the longer term; and

(C) The non-Federal entity's system of internal controls includes processes to review after-the-fact interim charges made to a Federal awards based on budget estimates. All necessary adjustment must be made such that the final amount charged to the Federal award is accurate, allowable, and properly allocated.

(ix) Because practices vary as to the activity constituting a full workload (for IHEs, IBS), records may reflect categories of activities expressed as a percentage distribution of total activities.

(x) It is recognized that teaching, research, service, and administration are often inextricably intermingled in an academic setting. When recording salaries and wages charged to Federal awards for IHEs, a precise assessment of factors that contribute to costs is therefore not always feasible, nor is it expected.

(2) For records which meet the standards required in paragraph (i)(1) of this section, the non-Federal entity will not be required to provide additional support or documentation for the work performed, other than that referenced in paragraph (i)(3) of this section.

(3) In accordance with Department of Labor regulations implementing the Fair Labor Standards Act (FLSA) (29 CFR part 516), charges for the salaries and wages of nonexempt employees, in addition to the supporting documentation described in this section, must also be supported by records indicating the total number of hours worked each day.

(4) Salaries and wages of employees used in meeting cost sharing or matching requirements on Federal awards must be supported in the same manner as salaries and wages claimed for reimbursement from Federal awards.

(5) For states, local governments and Indian tribes, substitute processes or systems for allocating salaries and wages to Federal awards may be used in place of or in addition to the records described in paragraph (1) if approved by the cognizant agency for indirect cost. Such systems may include, but are not limited to, random moment sampling, "rolling" time studies, case counts, or other quantifiable measures of work performed.

(i) Substitute systems which use sampling methods (primarily for Temporary Assistance for Needy Families (TANF), the Supplemental Nutrition Assistance Program (SNAP), Medicaid, and other public assistance programs) must meet acceptable statistical sampling standards including:

(A) The sampling universe must include all of the employees whose salaries and wages are to be allocated based on sample results except as provided in paragraph (i)(5)(iii) of this section;

(B) The entire time period involved must be covered by the sample; and

(C) The results must be statistically valid and applied to the period being sampled.

(ii) Allocating charges for the sampled employees' supervisors, clerical and support staffs, based on the results of the sampled employees, will be acceptable.

(iii) Less than full compliance with the statistical sampling standards noted in subsection (5)(i) may be accepted by the cognizant agency for indirect costs if it concludes that the amounts to be allocated to Federal awards will be minimal, or if it concludes that the system proposed by the non-Federal entity will result in lower costs to Federal awards than a system which complies with the standards.

(6) Cognizant agencies for indirect costs are encouraged to approve alternative proposals based on outcomes and milestones for program performance where these are clearly documented. Where approved by the Federal cognizant agency for indirect costs, these plans are acceptable as an alternative to the requirements of paragraph (i)(1) of this section.

(7) For Federal awards of similar purpose activity or instances of approved blended funding, a non-Federal entity may submit performance plans that incorporate funds from multiple Federal awards and account for their combined use based on performance-oriented metrics, provided that such plans are approved in advance by all involved Federal awarding agencies. In these instances, the non-Federal entity must submit a request for waiver of the requirements based on documentation that describes the method of charging costs, relates the charging of costs to the specific activity that is applicable to all fund sources, and is based on quantifiable measures of the activity in relation to time charged.

(8) For a non-Federal entity where the records do not meet the standards described in this section, the Federal Government may require personnel activity reports, including prescribed certifications, or equivalent documentation that support the records as required in this section.

(a) Fringe benefits are allowances and services provided by employers to their employees as compensation in addition to regular salaries and wages. Fringe benefits include, but are not limited to, the costs of leave (vacation, family-related, sick or military), employee insurance, pensions, and unemployment benefit plans.

Except as provided elsewhere in these principles, the costs of fringe benefits are allowable provided that the benefits are reasonable and are required by law, non-Federal entity-employee agreement, or an established policy of the non-Federal entity.

(b) Leave. The cost of fringe benefits in the form of regular compensation paid to employees during periods of authorized absences from the job, such as for annual leave, family-related leave, sick leave, holidays, court leave, military leave, administrative leave, and other similar benefits, are allowable if all of the following criteria are met:

(1) They are provided under established written leave policies;

(2) The costs are equitably allocated to all related activities, including Federal awards; and,

(3) The accounting basis (cash or accrual) selected for costing each type of leave is consistently followed by the non-Federal entity or specified grouping of employees.

(i) When a non-Federal entity uses the cash basis of accounting, the cost of leave is recognized in the period that the leave is taken and paid for. Payments for unused leave when an employee retires or terminates employment are allowable in the year of payment.

(ii) The accrual basis may be only used for those types of leave for which a liability as defined by GAAP exists when the leave is earned. When a non-Federal entity uses the accrual basis of accounting, allowable leave costs are the lesser of the amount accrued or funded.

(c) The cost of fringe benefits in the form of employer contributions or expenses for social security; employee life, health, unemployment, and worker's compensation insurance (except as indicated in §200.447 Insurance and indemnification); pension plan costs (see paragraph (i) of this section); and other similar benefits are allowable, provided such benefits are granted under established written policies. Such benefits, must be allocated to Federal awards and all other activities in a manner consistent with the pattern of benefits attributable to the individuals or group(s) of employees whose salaries and wages are chargeable to such Federal awards and other activities, and charged as direct or indirect costs in accordance with the non-Federal entity's accounting practices.

(d) Fringe benefits may be assigned to cost objectives by identifying specific benefits to specific individual employees or by allocating on the basis of entity-wide salaries and wages of the employees receiving the benefits. When the allocation method is used, separate allocations must be made to selective groupings of employees, unless the non-Federal entity demonstrates that costs in relationship to salaries and wages do not differ significantly for different groups of employees.

(e) Insurance. See also §200.447 Insurance and indemnification, paragraphs (d)(1) and (2).

(1) Provisions for a reserve under a self-insurance program for unemployment compensation or workers' compensation are allowable to the extent that the provisions represent reasonable estimates of the liabilities for such compensation, and the types of coverage, extent of coverage, and rates and premiums would have been allowable had insurance been purchased to cover the risks. However, provisions for self-insured liabilities which do not become payable for more than one year after the provision is made must not exceed the present value of the liability.

(2) Costs of insurance on the lives of trustees, officers, or other employees holding positions of similar responsibility are allowable only to the extent that the insurance represents additional compensation. The costs of such insurance when the non-Federal entity is named as beneficiary are unallowable.

(3) Actual claims paid to or on behalf of employees or former employees for workers' compensation, unemployment compensation, severance pay, and similar employee benefits (e.g., post-retirement health benefits), are allowable in the year of payment provided that the non-Federal entity follows a consistent costing policy.

(f) Automobiles. That portion of automobile costs furnished by the entity that relates to personal use by employees (including transportation to and from work) is unallowable as fringe benefit or indirect (F&A) costs regardless of whether the cost is reported as taxable income to the employees.

(g) Pension Plan Costs. Pension plan costs which are incurred in accordance with the established policies of the non-Federal entity are allowable, provided that:

(1) Such policies meet the test of reasonableness.

(2) The methods of cost allocation are not discriminatory.

(3) For entities using accrual based accounting, the cost assigned to each fiscal year is determined in accordance with GAAP.

(4) The costs assigned to a given fiscal year are funded for all plan participants within six months after the end of that year. However, increases to normal and past service pension

§200.431 Compensation—fringe benefits.

costs caused by a delay in funding the actuarial liability beyond 30 calendar days after each quarter of the year to which such costs are assignable are unallowable. Non-Federal entity may elect to follow the "Cost Accounting Standard for Composition and Measurement of Pension Costs" (48 CFR 9904.412).

(5) Pension plan termination insurance premiums paid pursuant to the Employee Retirement Income Security Act (ERISA) of 1974 (29 U.S.C. 1301-1461) are allowable. Late payment charges on such premiums are unallowable. Excise taxes on accumulated funding deficiencies and other penalties imposed under ERISA are unallowable.

(6) Pension plan costs may be computed using a pay-as-you-go method or an acceptable actuarial cost method in accordance with established written policies of the non-Federal entity.

(i) For pension plans financed on a pay-as-you-go method, allowable costs will be limited to those representing actual payments to retirees or their beneficiaries.

(ii) Pension costs calculated using an actuarial cost-based method recognized by GAAP are allowable for a given fiscal year if they are funded for that year within six months after the end of that year. Costs funded after the six month period (or a later period agreed to by the cognizant agency for indirect costs) are allowable in the year funded. The cognizant agency for indirect costs may agree to an extension of the six month period if an appropriate adjustment is made to compensate for the timing of the charges to the Federal Government and related Federal reimbursement and the non-Federal entity's contribution to the pension fund. Adjustments may be made by cash refund or other equitable procedures to compensate the Federal Government for the time value of Federal reimbursements in excess of contributions to the pension fund.

(iii) Amounts funded by the non-Federal entity in excess of the actuarially determined amount for a fiscal year may be used as the non-Federal entity's contribution in future periods.

(iv) When a non-Federal entity converts to an acceptable actuarial cost method, as defined by GAAP, and funds pension costs in accordance with this method, the unfunded liability at the time of conversion is allowable if amortized over a period of years in accordance with GAAP.

(v) The Federal Government must receive an equitable share of any previously allowed pension costs (including earnings thereon) which revert or inure to the non-Federal entity in the form of a refund, withdrawal, or other credit.

(h) Post-Retirement Health. Post-retirement health plans (PRHP) refers to costs of health

insurance or health services not included in a pension plan covered by paragraph (g) of this section for retirees and their spouses, dependents, and survivors. PRHP costs may be computed using a pay-as-you-go method or an acceptable actuarial cost method in accordance with established written policies of the non-Federal entity.

(1) For PRHP financed on a pay-as-you-go method, allowable costs will be limited to those representing actual payments to retirees or their beneficiaries.

(2) PRHP costs calculated using an actuarial cost method recognized by GAAP are allowable if they are funded for that year within six months after the end of that year. Costs funded after the six month period (or a later period agreed to by the cognizant agency) are allowable in the year funded. The Federal cognizant agency for indirect costs may agree to an extension of the six month period if an appropriate adjustment is made to compensate for the timing of the charges to the Federal Government and related Federal reimbursements and the non-Federal entity's contributions to the PRHP fund. Adjustments may be made by cash refund, reduction in current year's PRHP costs, or other equitable procedures to compensate the Federal Government for the time value of Federal reimbursements in excess of contributions to the PRHP fund.

(3) Amounts funded in excess of the actuarially determined amount for a fiscal year may be used as the Federal Government's contribution in a future period.

(4) When a non-Federal entity converts to an acceptable actuarial cost method and funds PRHP costs in accordance with this method, the initial unfunded liability attributable to prior years is allowable if amortized over a period of years in accordance with GAAP, or, if no such GAAP period exists, over a period negotiated with the cognizant agency for indirect costs.

(5) To be allowable in the current year, the PRHP costs must be paid either to:

- (i) An insurer or other benefit provider as current year costs or premiums, or
- (ii) An insurer or trustee to maintain a trust fund or reserve for the sole purpose of providing post-retirement benefits to retirees and other beneficiaries.

(6) The Federal Government must receive an equitable share of any amounts of previously allowed post-retirement benefit costs (including earnings thereon) which revert or inure to the non-Federal entity in the form of a refund, withdrawal, or other credit.

(i) Severance Pay. (1) Severance pay, also commonly referred to as dismissal wages, is a payment in addition to regular salaries and wages, by non-Federal entities to workers

whose employment is being terminated. Costs of severance pay are allowable only to the extent that in each case, it is required by (a) law, (b) employer-employee agreement, (c) established policy that constitutes, in effect, an implied agreement on the non-Federal entity's part, or (d) circumstances of the particular employment.

(2) Costs of severance payments are divided into two categories as follows:

(i) Actual normal turnover severance payments must be allocated to all activities; or, where the non-Federal entity provides for a reserve for normal severances, such method will be acceptable if the charge to current operations is reasonable in light of payments actually made for normal severances over a representative past period, and if amounts charged are allocated to all activities of the non-Federal entity.

(ii) Measurement of costs of abnormal or mass severance pay by means of an accrual will not achieve equity to both parties. Thus, accruals for this purpose are not allowable. However, the Federal Government recognizes its obligation to participate, to the extent of its fair share, in any specific payment. Prior approval by the Federal awarding agency or cognizant agency for indirect cost, as appropriate, is required.

(3) Costs incurred in certain severance pay packages which are in an amount in excess of the normal severance pay paid by the non-Federal entity to an employee upon termination of employment and are paid to the employee contingent upon a change in management control over, or ownership of, the non-Federal entity's assets, are unallowable.

(4) Severance payments to foreign nationals employed by the non-Federal entity outside the United States, to the extent that the amount exceeds the customary or prevailing practices for the non-Federal entity in the United States, are unallowable, unless they are necessary for the performance of Federal programs and approved by the Federal awarding agency.

(5) Severance payments to foreign nationals employed by the non-Federal entity outside the United States due to the termination of the foreign national as a result of the closing of, or curtailment of activities by, the non-Federal entity in that country, are unallowable, unless they are necessary for the performance of Federal programs and approved by the Federal awarding agency.

(j)(1) For IHEs only. Fringe benefits in the form of tuition or remission of tuition for individual employees are allowable, provided such benefits are granted in accordance with established non-Federal entity policies, and are distributed to all non-Federal entity activities on an equitable basis. Tuition benefits for

family members other than the employee are unallowable.

(2) Fringe benefits in the form of tuition or remission of tuition for individual employees not employed by IHEs are limited to the tax-free amount allowed per section 127 of the Internal Revenue Code as amended.

(3) IHEs may offer employees tuition waivers or tuition reductions for undergraduate education under IRC Section 117(d) as amended, provided that the benefit does not discriminate in favor of highly compensated employees. Federal reimbursement of tuition or remission of tuition is also limited to the institution for which the employee works. See §200.466 Scholarships and student aid costs, for treatment of tuition remission provided to students.

(k) For IHEs whose costs are paid by state or local governments, fringe benefit programs (such as pension costs and FICA) and any other benefits costs specifically incurred on behalf of, and in direct benefit to, the non-Federal entity, are allowable costs of such non-Federal entities whether or not these costs are recorded in the accounting records of the non-Federal entities, subject to the following:

(1) The costs meet the requirements of Basic Considerations in §§200.402 Composition of costs through 200.411 Adjustment of previously negotiated indirect (F&A) cost rates containing unallowable costs of this subpart;

(2) The costs are properly supported by approved cost allocation plans in accordance with applicable Federal cost accounting principles; and

(3) The costs are not otherwise borne directly or indirectly by the Federal Government.

§200.432 Conferences.

A conference is defined as a meeting, retreat, seminar, symposium, workshop or event whose primary purpose is the dissemination of technical information beyond the non-Federal entity and is necessary and reasonable for successful performance under the Federal award. Allowable conference costs paid by the non-Federal entity as a sponsor or host of the conference may include rental of facilities, speakers' fees, costs of meals and refreshments, local transportation, and other items incidental to such conferences unless further restricted by the terms and conditions of the Federal award. As needed, the costs of identifying, but not providing, locally available dependent-care resources are allowable. Conference hosts/sponsors must exercise discretion and judgment in ensuring that conference costs are appropriate, necessary and managed in a manner that minimizes costs to the Federal award. The Federal awarding agency may authorize exceptions where appropriate for programs including Indian

tribes, children, and the elderly. See also §§200.438 Entertainment costs, 200.456 Participant support costs, 200.474 Travel costs, and 200.475 Trustees.

§200.434 Contributions and donations.

(a) Costs of contributions and donations, including cash, property, and services, from the non-Federal entity to other entities, are unallowable.

(b) The value of services and property donated to the non-Federal entity may not be charged to the Federal award either as a direct or indirect (F&A) cost. The value of donated services and property may be used to meet cost sharing or matching requirements (see §200.306 Cost sharing or matching). Depreciation on donated assets is permitted in accordance with §200.436 Depreciation, as long as the donated property is not counted towards cost sharing or matching requirements.

(c) Services donated or volunteered to the non-Federal entity may be furnished to a non-Federal entity by professional and technical personnel, consultants, and other skilled and unskilled labor. The value of these services may not be charged to the Federal award either as a direct or indirect cost. However, the value of donated services may be used to meet cost sharing or matching requirements in accordance with the provisions of §200.306 Cost sharing or matching.

(d) To the extent feasible, services donated to the non-Federal entity will be supported by the same methods used to support the allocability of regular personnel services.

(e) The following provisions apply to nonprofit organizations. The value of services donated to the nonprofit organization utilized in the performance of a direct cost activity must be considered in the determination of the non-Federal entity's indirect cost rate(s) and, accordingly, must be allocated a proportionate share of applicable indirect costs when the following circumstances exist:

(1) The aggregate value of the services is material;

(2) The services are supported by a significant amount of the indirect costs incurred by the non-Federal entity;

(i) In those instances where there is no basis for determining the fair market value of the services rendered, the non-Federal entity and the cognizant agency for indirect costs must negotiate an appropriate allocation of indirect cost to the services.

(ii) Where donated services directly benefit a project supported by the Federal award, the indirect costs allocated to the services will be considered as a part of the total costs of the project. Such indirect costs may be reimbursed

under the Federal award or used to meet cost sharing or matching requirements.

(f) Fair market value of donated services must be computed as described in §200.306 Cost sharing or matching.

(g) Personal Property and Use of Space.

(1) Donated personal property and use of space may be furnished to a non-Federal entity. The value of the personal property and space may not be charged to the Federal award either as a direct or indirect cost.

(2) The value of the donations may be used to meet cost sharing or matching share requirements under the conditions described in §200.300 Statutory and national policy requirements through 200.309 Period of performance of subpart D of this part. The value of the donations must be determined in accordance with §§200.300 Statutory and national policy requirements through 200.309 Period of performance. Where donations are treated as indirect costs, indirect cost rates will separate the value of the donations so that reimbursement will not be made.

§200.438 Entertainment costs.

Costs of entertainment, including amusement, diversion, and social activities and any associated costs are unallowable, except where specific costs that might otherwise be considered entertainment have a programmatic purpose and are authorized either in the approved budget for the Federal award or with prior written approval of the Federal awarding agency.

§200.439 Equipment and other capital expenditures.

(a) See §§200.13 Capital expenditures, 200.33 Equipment, 200.89 Special purpose equipment, 200.48 General purpose equipment, 200.2 Acquisition cost, and 200.12 Capital assets.

(b) The following rules of allowability must apply to equipment and other capital expenditures:

(1) Capital expenditures for general purpose equipment, buildings, and land are unallowable as direct charges, except with the prior written approval of the Federal awarding agency or pass-through entity.

(2) Capital expenditures for special purpose equipment are allowable as direct costs, provided that items with a unit cost of \$5,000 or more have the prior written approval of the Federal awarding agency or pass-through entity.

(3) Capital expenditures for improvements to land, buildings, or equipment which materially increase their value or useful life are unallowable as a direct cost except with the prior written approval of the Federal awarding

agency, or pass-through entity. See §200.436 Depreciation, for rules on the allowability of depreciation on buildings, capital improvements, and equipment. See also §200.465 Rental costs of real property and equipment.

(4) When approved as a direct charge pursuant to paragraphs (b)(1) through (3) of this section, capital expenditures will be charged in the period in which the expenditure is incurred, or as otherwise determined appropriate and negotiated with the Federal awarding agency.

(5) The unamortized portion of any equipment written off as a result of a change in capitalization levels may be recovered by continuing to claim the otherwise allowable depreciation on the equipment, or by amortizing the amount to be written off over a period of years negotiated with the Federal cognizant agency for indirect cost.

(6) Cost of equipment disposal. If the non-Federal entity is instructed by the Federal awarding agency to otherwise dispose of or transfer the equipment the costs of such disposal or transfer are allowable.

(7) Equipment and other capital expenditures are unallowable as indirect costs. See §200.436 Depreciation.

§200.441 Fines, penalties, damages and other settlements.

Costs resulting from non-Federal entity violations of, alleged violations of, or failure to comply with, Federal, state, tribal, local or foreign laws and regulations are unallowable, except when incurred as a result of compliance with specific provisions of the Federal award, or with prior written approval of the Federal awarding agency. See also §200.435 Defense and prosecution of criminal and civil proceedings, claims, appeals and patent infringements.

§200.449 Interest.

(a) General. Costs incurred for interest on borrowed capital, temporary use of endowment funds, or the use of the non-Federal entity's own funds, however represented, are unallowable. Financing costs (including interest) to acquire, construct, or replace capital assets are allowable, subject to the conditions in this section.

(b)(1) Capital assets is defined as noted in §200.12 Capital assets. An asset cost includes (as applicable) acquisition costs, construction costs, and other costs capitalized in accordance with GAAP.

(2) For non-Federal entity fiscal years beginning on or after January 1, 2016, intangible assets include patents and computer software. For software development projects, only interest attributable to the portion of the

project costs capitalized in accordance with GAAP is allowable.

(c) Conditions for all non-Federal entities. (1) The non-Federal entity uses the capital assets in support of Federal awards;

(2) The allowable asset costs to acquire facilities and equipment are limited to a fair market value available to the non-Federal entity from an unrelated (arm's length) third party.

(3) The non-Federal entity obtains the financing via an arm's-length transaction (that is, a transaction with an unrelated third party); or claims reimbursement of actual interest cost at a rate available via such a transaction.

(4) The non-Federal entity limits claims for Federal reimbursement of interest costs to the least expensive alternative. For example, a capital lease may be determined less costly than purchasing through debt financing, in which case reimbursement must be limited to the amount of interest determined if leasing had been used.

(5) The non-Federal entity expenses or capitalizes allowable interest cost in accordance with GAAP.

(6) Earnings generated by the investment of borrowed funds pending their disbursement for the asset costs are used to offset the current period's allowable interest cost, whether that cost is expensed or capitalized. Earnings subject to being reported to the Federal Internal Revenue Service under arbitrage requirements are excludable.

(7) The following conditions must apply to debt arrangements over \$1 million to purchase or construct facilities, unless the non-Federal entity makes an initial equity contribution to the purchase of 25 percent or more. For this purpose, "initial equity contribution" means the amount or value of contributions made by the non-Federal entity for the acquisition of facilities prior to occupancy.

(i) The non-Federal entity must reduce claims for reimbursement of interest cost by an amount equal to imputed interest earnings on excess cash flow attributable to the portion of the facility used for Federal awards.

(ii) The non-Federal entity must impute interest on excess cash flow as follows:

(A) Annually, the non-Federal entity must prepare a cumulative (from the inception of the project) report of monthly cash inflows and outflows, regardless of the funding source. For this purpose, inflows consist of Federal reimbursement for depreciation, amortization of capitalized construction interest, and annual interest cost. Outflows consist of initial equity contributions, debt principal payments (less the pro-rata share attributable to the cost of land), and interest payments.

(B) To compute monthly cash inflows and outflows, the non-Federal entity must divide the annual amounts determined in step (i) by the number of months in the year (usually 12) that the building is in service.

(C) For any month in which cumulative cash inflows exceed cumulative outflows, interest must be calculated on the excess inflows for that month and be treated as a reduction to allowable interest cost. The rate of interest to be used must be the three-month Treasury bill closing rate as of the last business day of that month.

(8) Interest attributable to a fully depreciated asset is unallowable.

(d) Additional conditions for states, local governments and Indian tribes. For costs to be allowable, the non-Federal entity must have incurred the interest costs for buildings after October 1, 1980, or for land and equipment after September 1, 1995.

(1) The requirement to offset interest earned on borrowed funds against current allowable interest cost (paragraph (c)(5), above) also applies to earnings on debt service reserve funds.

(2) The non-Federal entity will negotiate the amount of allowable interest cost related to the acquisition of facilities with asset costs of \$1 million or more, as outlined in paragraph (c)(7) of this section. For this purpose, a non-Federal entity must consider only cash inflows and outflows attributable to that portion of the real property used for Federal awards.

(e) Additional conditions for IHEs. For costs to be allowable, the IHE must have incurred the interest costs after September 23, 1982, in connection with acquisitions of capital assets that occurred after that date.

(f) Additional condition for nonprofit organizations. For costs to be allowable, the nonprofit organization incurred the interest costs after September 29, 1995, in connection with acquisitions of capital assets that occurred after that date.

(g) The interest allowability provisions of this section do not apply to a nonprofit organization subject to "full coverage" under the Cost Accounting Standards (CAS), as defined at 48 CFR 9903.201-2(a). The non-Federal entity's Federal awards are instead subject to CAS 414 (48 CFR 9904.414), "Cost of Money as an Element of the Cost of Facilities Capital", and CAS 417 (48 CFR 9904.417), "Cost of Money as an Element of the Cost of Capital Assets Under Construction".

§200.472 Training and education costs.

The cost of training and education provided for employee development is allowable.

§200.473 Transportation costs.

Costs incurred for freight, express, cartage, postage, and other transportation services relating either to goods purchased, in process, or delivered, are allowable. When such costs can readily be identified with the items involved, they may be charged directly as transportation costs or added to the cost of such items. Where identification with the materials received cannot readily be made, inbound transportation cost may be charged to the appropriate indirect (F&A) cost accounts if the non-Federal entity follows a consistent, equitable procedure in this respect. Outbound freight, if reimbursable under the terms and conditions of the Federal award, should be treated as a direct cost.

§200.474 Travel costs.

(a) General. Travel costs are the expenses for transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business of the non-Federal entity. Such costs may be charged on an actual cost basis, on a per diem or mileage basis in lieu of actual costs incurred, or on a combination of the two, provided the method used is applied to an entire trip and not to selected days of the trip, and results in charges consistent with those normally allowed in like circumstances in the non-Federal entity's non-federally-funded activities and in accordance with non-Federal entity's written travel reimbursement policies. Notwithstanding the provisions of §200.444 General costs of government, travel costs of officials covered by that section are allowable with the prior written approval of the Federal awarding agency or pass-through entity when they are specifically related to the Federal award.

(b) Lodging and subsistence. Costs incurred by employees and officers for travel, including costs of lodging, other subsistence, and incidental expenses, must be considered reasonable and otherwise allowable only to the extent such costs do not exceed charges normally allowed by the non-Federal entity in its regular operations as the result of the non-Federal entity's written travel policy. In addition, if these costs are charged directly to the Federal award documentation must justify that:

- (1) Participation of the individual is necessary to the Federal award; and
- (2) The costs are reasonable and consistent with non-Federal entity's established travel policy.

(c)(1) Temporary dependent care costs (as dependent is defined in 26 U.S.C. 152) above and beyond regular dependent care that directly results from travel to conferences is allowable provided that:

- (i) The costs are a direct result of the individual's travel for the Federal award;
 - (ii) The costs are consistent with the non-Federal entity's documented travel policy for all entity travel; and
 - (iii) Are only temporary during the travel period.
- (2) Travel costs for dependents are unallowable, except for travel of duration of six months or more with prior approval of the Federal awarding agency. See also §200.432 Conferences.
- (d) In the absence of an acceptable, written non-Federal entity policy regarding travel costs, the rates and amounts established under 5 U.S.C. 5701-11, ("Travel and Subsistence Expenses; Mileage Allowances"), or by the Administrator of General Services, or by the President (or his or her designee) pursuant to any provisions of such subchapter must apply to travel under Federal awards (48 CFR 31.205-46(a)).
- (e) Commercial air travel. (1) Airfare costs in excess of the basic least expensive unrestricted accommodations class offered by commercial airlines are unallowable except when such accommodations would:
- (i) Require circuitous routing;
 - (ii) Require travel during unreasonable hours;
 - (iii) Excessively prolong travel;
 - (iv) Result in additional costs that would offset the transportation savings; or
 - (v) Offer accommodations not reasonably adequate for the traveler's medical needs. The non-Federal entity must justify and document these conditions on a case-by-case basis in order for the use of first-class or business-class airfare to be allowable in such cases.
- (2) Unless a pattern of avoidance is detected, the Federal Government will generally not question a non-Federal entity's determinations that customary standard airfare or other discount airfare is unavailable for specific trips if the non-Federal entity can demonstrate that such airfare was not available in the specific case.
- (f) Air travel by other than commercial carrier. Costs of travel by non-Federal entity-owned, -leased, or -chartered aircraft include the cost of lease, charter, operation (including personnel costs), maintenance, depreciation, insurance, and other related costs. The portion of such costs that exceeds the cost of airfare as provided for in paragraph (d) of this section, is unallowable.

§200.501 Audit requirements.

(a) Audit required. A non-Federal entity that expends \$750,000 or more during the non-Federal entity's fiscal year in Federal awards must have a single or program-specific audit conducted for that year in accordance with the provisions of this part.

(b) Single audit. A non-Federal entity that expends \$750,000 or more during the non-Federal entity's fiscal year in Federal awards must have a single audit conducted in accordance with §200.514 Scope of audit except when it elects to have a program-specific audit conducted in accordance with paragraph (c) of this section.

(c) Program-specific audit election. When an auditee expends Federal awards under only one Federal program (excluding R&D) and the Federal program's statutes, regulations, or the terms and conditions of the Federal award do not require a financial statement audit of the auditee, the auditee may elect to have a program-specific audit conducted in accordance with §200.507 Program-specific audits. A program-specific audit may not be elected for R&D unless all of the Federal awards expended were received from the same Federal agency, or the same Federal agency and the same pass-through entity, and that Federal agency, or pass-through entity in the case of a subrecipient, approves in advance a program-specific audit.

(d) Exemption when Federal awards expended are less than \$750,000. A non-Federal entity that expends less than \$750,000 during the non-Federal entity's fiscal year in Federal awards is exempt from Federal audit requirements for that year, except as noted in §200.503 Relation to other audit requirements, but records must be available for review or audit by appropriate officials of the Federal agency, pass-through entity, and Government Accountability Office (GAO).

(e) Federally Funded Research and Development Centers (FFRDC). Management of an auditee that owns or operates a FFRDC may elect to treat the FFRDC as a separate entity for purposes of this part.

(f) Subrecipients and Contractors. An auditee may simultaneously be a recipient, a subrecipient, and a contractor. Federal awards expended as a recipient or a subrecipient are subject to audit under this part. The payments received for goods or services provided as a contractor are not Federal awards. Section §200.330 Subrecipient and contractor determinations sets forth the considerations in determining whether payments constitute a Federal award or a payment for goods or services provided as a contractor.

(g) Compliance responsibility for contractors. In most cases, the auditee's compliance responsibility for contractors is only to ensure

that the procurement, receipt, and payment for goods and services comply with Federal statutes, regulations, and the terms and conditions of Federal awards. Federal award compliance requirements normally do not pass through to contractors. However, the auditee is responsible for ensuring compliance for procurement transactions which are structured such that the contractor is responsible for program compliance or the contractor's records must be reviewed to determine program compliance. Also, when these procurement transactions relate to a major program, the scope of the audit must include determining whether these transactions are in compliance with Federal statutes, regulations, and the terms and conditions of Federal awards.

(h) For-profit subrecipient. Since this part does not apply to for-profit subrecipients, the pass-through entity is responsible for establishing requirements, as necessary, to ensure compliance by for-profit subrecipients. The agreement with the for-profit subrecipient must describe applicable compliance requirements and the for-profit subrecipient's compliance responsibility. Methods to ensure compliance for Federal awards made to for-profit subrecipients may include pre-award audits, monitoring during the agreement, and post-award audits. See also §200.331 Requirements for pass-through entities.

APPENDIX 2

Grant Specific Programmatic and Fiscal Requirements by Program or Cluster of Programs

*NOTE: Compliance requirements follow a tiered approach. Uniform Guidance (2 CFR Part 200) applies to all Federal programs. EDGAR (Education Department General Administrative Regulations) applies to all Federal Education Programs. This section addresses the additional level(s) of Federal and State programmatic and fiscal requirements that are specific to only one grant or one cluster of programs.

Individuals with Disabilities Education Act (IDEA) Cluster

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- **84.027 Special Education—Grants to States (IDEA, Part B) IDEA**
 - **84.173 Special Education—Preschool Grants (IDEA Preschool)**
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SECTION I: PROGRAMMATIC FISCAL REQUIREMENTS

1. Grant Budget Development Procedures (FS-10)

Process Owner(s): the Director of Special Education is responsible for developing a compliant budget that utilizes the full amount of the award allocation and ensuring submission by the due date.

Procedures:

- Annually in spring, the Director of Special Education, gathers information regarding budget allocation, application submission instructions, and filing deadline from the NYSED IDEA website. The Director of Special Education reviews all available information focusing on any changes in filing, deadlines, cost allowability requirements, and/or cost allocation requirements as well as the current application's appendix for IDEA Allowable Costs list.
- The District's funding allocation remains generally consistent year-to-year. As a result, the budget development process for the next year's budget begins with a roll forward of the current year's budget. To prepare a roll forward budget, the designee obtains the following information:
 - Salaries and Benefit Costs - obtains current position detail including salary and benefits information for positions that are currently funded with IDEA grant funding . For positions that are filled at the time of budget development, salary and benefits information is based on the actual salary and benefits costs for the staff members in the positions. For the positions that are vacant at the time of budget development, the salary and benefits information is based on the last incumbent who held the position. Code 15 is used for teacher and licensed professionals. Code 16 is used for TAs, clerical, and any other employees that provide ancillary/support services, not direct, special education services. Allowable benefits include FICA, ERS/TRS, Workers' Compensation, Unemployment, Medical and Dental.
 - Contracts, Supplies, Travel – estimated based on current year's use in these areas.
 - ASEPS - obtains from the Office of Shared Accountability (OSA), the October BEDS numbers for students at Approved Special Education Providers (ASEPS). Calculates the estimated ASEPS allocation by multiplying the BEDS number by the required minimum per pupil allocation. The District provides funding to ASEPs under Education Law Section 4410-b through vendor contracts with the ASEPs for those students with disabilities ages 3-21 (Preschool, Kindergarten, and/or School-age Students) attending non-district special education programs using IDEA Section 611 and/or Section 619 funds.
 - CEIS – The District allocates up to 15% based on enrollment of the available Part B Section 611 IDEA funds for Coordinated Early Intervening Services (CEIS) during the budget development process for providing services to students that are not currently identified as needing special education or related services, but who need additional academic and behavioral supports to succeed in a general education environment. Services funded are based on the allowable options provided for in 20 USC Section 1413(f)(2) and 34 CFR Section 300.226(b).
- These services include deployment of the following positions: Behavior Specialist, Behavior Support Specialist, RTI Liaison. The salaries and benefits for these positions are recorded in the CEIS section of the application.

- The Director of Special Education verifies that the estimated total cost of salaries and benefits for these positions do not exceed the 15% maximum allocation.
- CCEIS – The District does not elect to fund CCEIS using Section 611 or 619 funds at this time.
- Indirect Costs - indirect costs calculated on the Modified Direct Cost Base (excludes ASEP funding and proposed contract expenditures more than \$25,000) multiplied by the maximum NYSED allowable restricted indirect cost rate.
- Subsequent to enrollment and services recommended, the District has made the financial decision to utilize IDEA funds for BOCES Services, Minor Remodeling, and Equipment.
- The Director of Special Education reviews the roll over budget, any modifications/additions/reductions to the program's needs in relationship to the roll forward budget and the current year's allocation amount (new staffing, supplies, contracts, travel for conferences). A listing of necessary supplies and contracts is compiled based on current student IEP needs and an evaluation of the effectiveness of the current programs and programmatic tools for continuation or modification for inclusion in the line-item budget as well as necessary travel for professional development. The Director of Special Education evaluates any newly proposed inclusions to ensure the expenditure and purpose meet the funding source guidelines for reasonableness, necessity and allowability. The Director of Special Education then constructs the FS-10 budgets based on the agreed upon program needs that are allowable costs to fully utilize the maximum allocation amount.
- The Director of Special Education reviews and submits the application to the Superintendent for approval and responds to any follow-up questions from the Superintendent. Once approved by the Superintendent, the application is mailed via certified mail to NYSED.
- Once the approved FS-10 is received, Director of Special Education provides a copy to the Business Office. The Business Office activates the project for this year's grant in Nvision.
- All workpapers and reports are maintained for a minimum of seven years.

2. **Grant Amendment Procedures (FS-10A)**

Process Owner(s): The Director of Special Education jointly with the Business Office are responsible for identifying the need for a grant budget amendment prior to the occurrence of overspending and/or when carryover funds are available and preparing the budget amendment form/carry over amendment form. The Director of Special Education is responsible for monitoring the due date for submissions of budget amendments and carryover fund budget amendment and ensuring submission by the due date(s).

Procedures:

- The Business Office reviews the spending on the grant in Budget Overview in Nvision with the Director of Special Education about unanticipated / changing needs. The Director of Special Education prepares a budget amendment to transfer funds from cost functions or object codes to other cost functions or object codes when:
- There is a variance in any major category of expenditure that exceeds 10 percent of the category amount in the approved budget, and that variance exceeds \$10,000; or
- A transfer of funds is to be made to a previously unbudgeted category.
- The current year's award amount is increased by the amount of the prior year's unspent carryover funds.
- The Amendment is prepared based on quotes for goods/services and/or estimated salary and benefits costs and reviewed and approved before submission to the Superintendent for approval and mailing.

- When the approved Amendment is received, the Business Office prepares a Budget Transfer in Nvision with the Amendment attached..
- All workpapers and reports are maintained for a minimum of 7 years.

3. Grant Final Claim Procedures (FS-10F)

Process Owner(s): The designee is responsible for overseeing the preparation of accurate, complete and timely FS-10Fs. The Business Office is responsible for monitoring the due date for submission of the Final Claims and ensuring submission by the due date(s).

Procedures:

- In the Spring, the Business Office investigates any unfilled purchase orders and ensure delivery and payment within the allowable grant period and prior to completion of the final claim.
- The Business Office reviews grant filing deadlines to determine which grants have reporting requires due in the next 30 days.
- Final Claims are prepared. The FS-10F is submitted to the Superintendent for signature and mailing.
- All workpapers and reports are maintained for a minimum of 7 years.

SECTION II: PROGRAMMATIC REQUIREMENTS

1. Voluntary Coordinated Early Intervening Services (CEIS)

- The District has elected to use up to 15% of IDEA federal funds to provide CEIS. Only school-age students without disabilities may benefit from CEIS. Policy information on CEIS is available at: <http://www.p12.nysed.gov/specialed/publications/policy/ceis908.htm>
- The District is required to review and certify the CEIS data displayed in VR16 by logging into the State's PD Data System at: <http://pd.nysed.gov>. The VR16 report will be under the applicable school year, under End-of-Year reports.
- The District maintains all required data in the District's student information system and student records to complete the required verification.
- The Director for PPS is responsible to complete the "End of Year Verification Reports" as necessary. The Director of Special Education monitors the filing deadlines for reporting.
- All workpapers and reports are maintained for a minimum of 7 years.

2. Child Find – Timely Evaluations and Eligibility – State Performance Plan – School District Data Submission for Federal Indicators

- The District is required to collect and report data through SIRS based on New York State's 6 year rotating cycle for Federal Indicators 7, 8, 11, 12, 13 and 14. All Special Education Administrators are required to be familiar with these Federal Indicators (available at: <http://www.p12.nysed.gov/specialed/spp/plan/contents.htm>
- The District is scheduled for 12 – FY 17/18, 13&14 – FY 18/19, none – FY 19/20, 7 – FY 20/21, 8 – FY 21/22, 11 – FY 22/23, 12 – FY 23/24, 13& 14 – FY 24/25.
- The District maintains all required data in the District's student information system and student records.

- The Director for PPS is responsible to complete the “October Verification Reports” and “End of Year Verification Reports” as necessary. The Director of PPS monitors the filing deadlines for reporting.
- Required data maintained by the District includes:
 - date of referral
 - date of written parent consent for an initial individual evaluation
 - date of the Committee on Preschool Special Education (CPSE) or Committee on Special Education (CSE) meeting to discuss evaluation results
 - number of days from receipt of parent consent to evaluate the child and the date of the CPSE or CSE meeting to discuss evaluation results
 - reasons for delays causing the 60-day timeline to not be met
- In accordance with NYS law and regulations, the evaluation and eligibility determination of a preschool or school age student must be made within 60 school or calendar days of receipt of the parent's consent to evaluation.
- The District recognizes the following as compliant reasons for delays:
 - Parents withdrew consent to evaluate
 - Student/parent moved out of school district before the determination of eligibility
 - Parents refused or repeatedly did not make the child available for the evaluation
 - Parents cancelled the evaluation/selected another evaluator
 - Child transferred to a new district after the evaluation period began and parents and new district agreed to an extended time period.
- The CPSE / CSE provides the parent with a list of approved programs that have a multidisciplinary evaluation component. The parent selects the approved evaluation program to conduct the individual evaluation of his or her child and the board of education arranges for the evaluation by the service provider selected by the parent. In addition, with the consent of the parents, approved evaluators and CPSEs / CSEs must be provided with the most recent evaluation report for a child in transition from programs and services provided pursuant to title two-a of article 25 of the Public Health Law.
- The CPSE / CSE provides the student's parent/guardian with the procedural safeguards notice annually and:
 - upon initial referral or parent's request for an evaluation
 - upon request by a parent
 - upon receipt of the first due process complaint in a school year requesting mediation or an impartial hearing
 - the first time in a school year when the school district receives a copy of a State complaint submitted to the New York State Education Department (NYSED)
 - when a decision is made to suspend or remove a child for discipline reasons that would result in a disciplinary change in placement
- In accordance with Part 200.2(c) of the Regulations of the Commissioner of Education, the District maintains and make available it's *Special Education District Plan* that includes:

- a description of the nature and scope of special education programs and services currently available to students and 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;
- identification of the number and age span of students and preschool students to be served by type of disability, and recommended setting;
- the method to be used to evaluate the extent to which the objectives of the program have been achieved;
- a description of the policies and practices of the board of education to ensure the continual allocation of appropriate space within the district for special education programs that meet the needs of students and preschool students with disabilities;
- 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;
- 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 nondisabled students;
- the estimated budget to support such plan;
- the date on which such plan was adopted by the board of education.
- All workpapers and reports are maintained for a minimum of 7 years.

3. Maintenance of Effort (MOE) Calculator Procedures

Definitions:

- **Maintenance of Effort (MOE):** Generally, a District may not reduce the amount of local, or State and local, funds that it spends for the education of children with disabilities below the amount it spent for the preceding fiscal year. There are two components to the District MOE requirement – the eligibility standard (§300.203(a)) and the compliance standard (§300.203(b)).
- **MOE Methods:** A District may use any one of the following four methods to meet both the eligibility and compliance standards:
 - Local funds only
 - The combination of State and local funds
 - Local funds only on a per capita basis or
 - The combination of State and local funds on a per capita basis
- **Eligibility Standard:** The eligibility standard in §300.203(a) requires that, in order to find a District eligible for an IDEA Part B subgrant for the upcoming fiscal year, the State must determine that the District has budgeted for the education of children with disabilities at least the same amount of local, or State and local, funds, as it actually spent for the education of children with disabilities during the most recent fiscal year for which information is available.

- **Compliance Standard:** The compliance standard in §300.203(b) prohibits a District from reducing the level of expenditures for the education of children with disabilities made by the District from local, or State and local, funds below the level of those expenditures from the same source for the preceding fiscal year. In other words, a District must maintain (or increase) the amount of local, or State and local, funds it spends for the education of children with disabilities when compared to the preceding fiscal year.
- **Per Capita:** Per capita, in the context of the District's MOE regulations, refers to the total amount of local, or State and local, funds either budgeted or expended by a District for the education of children with disabilities, divided by the number of children with disabilities served by the District.
- **Comparison Year:** The "comparison year" refers to the fiscal year that a District uses to determine the amount of local, or State and local, funds it must budget or spend, in order to meet both the District's MOE eligibility and compliance standards.
- **Allowable Exceptions to the LEA MOE Requirement:** Under §300.204, there are 5 instances where an LEA may reduce the level of expenditures for the education of children with disabilities made by the LEA below the level of those expenditures for the preceding fiscal year (for the compliance standard), and below the level of those expenditures for the most recent fiscal year for which information is available (for the eligibility standard). They are:
 1. The voluntary departure, by retirement or otherwise, or departure for just cause, of special education or related services personnel (e.g., special education teachers, speech pathologists, paraprofessionals assigned to work with children with disabilities)
 2. A decrease in the enrollment of children with disabilities
 3. The termination of the obligation of the agency, consistent with IDEA Part B, to provide a program of special education to a particular child with a disability that is an exceptionally costly program, as determined by the SEA, because the child—
 - i. Has left the jurisdiction of the agency
 - ii. Has reached the age at which the obligation of the agency to provide FAPE to the child has terminated; or
 - iii. No longer needs the program of special education;
 4. The termination of costly expenditures for long-term purchases, such as the acquisition of equipment or the construction of school facilities; and
 5. The assumption of cost by the high cost fund operated by the SEA under §300.704(c).

General Considerations:

- The District **MUST** meet MOE annually to be eligible for the subsequent year's IDEA Allocation.
- The District **MUST NOT** submit their LEA MOE Calculator for current year's Eligibility Standard until the previous year's Calculator has been approved. The reason for this requirement is that the determination regarding whether or not the District meets the current year's Eligibility Standard is based on their previous years Calculator requirements. The District is notified by e-mail once the MOE Calculator submission is approved.
- NYSED recommends that District that need assistance to complete the expenditure information on the MOE Calculator should contact Questar III BOCES – State Aid and Financial Planning. Questar III has an Excel worksheet and guidance information that will help Districts complete the expenditure information.

- While the Allowable Exception(s) and/or Adjustments tab is optional, this should be completed annually to ensure that the expenditure amount required for future year's MOE is as low as possible. This may not be needed in the current year to meet MOE but may be needed to meet MOE in future years.
- Title 34 of the Code of Federal Regulations (CFR) §300.600 requires each state to make determinations annually about the performance of each public school district based on its annual performance relating to State Performance Plan (SPP) indicators. The District has been identified as "Needs Intervention" in the "Performance" category based on performance of students with disabilities at the elementary/middle and/or high school levels on the ESSA accountability indicators and/or the district has one or more schools identified as TSI or CSI for the performance of students with disabilities. Any school district that has been determined to be a district needing assistance, intervention or substantial intervention for not meeting the requirements of Part B of IDEA, including the targets in the State Performance Plan, is prohibited from reducing its maintenance of effort under 34 CFR §300.203 for any fiscal year in which it is identified [34 CFR §300.608].

Process Owner(s): The Business Office is responsible for the annual preparation of accurate, complete and timely budget and actuals MOE calculator. The Business Office is responsible for reviewing the MOE calculators prepared and monitoring the due date for submission of the Final Claims and ensuring submission by the due date(s).

Procedures:

- The designee assigned to MOE is responsible for gathering information regarding MOE requirements, submission instructions, and filing deadlines from the NYSED IDEA website. The designee reviews all available information focusing on any changes in filing, deadlines, cost allowability requirements, and/or cost allocation requirements and prepared the MOE submissions.
- Maintenance of Effort Calculator for the Eligibility Standard
 - The current year's eligibility calculator cannot be submitted until the District's prior year eligibility calculator and two year's prior compliance calculator have been approved.
 - The designee reviews the current MOE calculator instructions and uses the most current version of the eligibility calculator provided by NYSED available at: <http://www.p12.nysed.gov/specialed/finance/idea-grant-application-guidance.html>
 - To complete the MOE Eligibility calculator:
 - On the current year's MOE tab, select "Eligibility"
 - On the current year's Amount tab, enter the District's Projected Child Count.
 - This is the number of students with disabilities the District plans to provide special education and relates services to according to an IEP or service plan in place.
 - This estimate is based on the prior year's students with disabilities counts from the VR 1-6 & VR 8 Reports modified for any known changes that the Director of Special Education is aware of.
 - On the current year's Amount tab, enter the District's General Fund Adopted Budget Amounts for the current year and any non-Section 611 and 619 special education budgeted expenditures such as budgeted special education summer school programs and transportation:

Possible Account Codes for inclusion in the MOE Expenditure Calculation:

General Fund

- A 2020 Supervision – Regular School (Special education supervision only)

- A 2021 Special Education Administration
- A 2250 Programs for Students with Disabilities School Age- School Year
- A 2810 Health Services (special ed. services only)
- A 2820 Psychological Services (special ed. services only)
- A 2825 Social Work Services (special ed. services only)
- A 2830 Pupil Personnel Services (special ed. services only)
- A 9098.0 Employee Benefits - (proportionate share based on applicable special ed. and related services salaries as a percentage of total salaries paid or actual costs for special ed. employees, if available)

Special Aid Fund

- F 2253 Programs for Students with Disabilities School Age-July/August (Section 4408 Education Law)
 - F 2251 Program for Students with Disabilities – DOH – Chapter 428 – Early Intervention Program
 - F 5511 Summer Transportation Services Students with Disabilities
- To allocate projected expenditures between state and local categories for expenditures where the funding source is not specifically identifiable,
 - Calculate the state share of revenue
 - + A3101 Basic Formula Aid Excess Cost Aid from Line 127 Total Excess Cost Aids from the GEN report
 - + A3104 Tuition for Students with Disabilities (Chapter 47, 66 and 721)
 - + F3289 Section 4408 School Age July/August Program (Tuition and Other)
 - + F2770 DOH Ch. 428 Early Intervention Program
 - Divide Total State Aid by Total Expenditure to determine the overall percentage that State Aid funds and apply this percentage to each category of expenses reported.
 - On the current year's Exc & Adj tab, enter the District's projected exceptions and adjustments:
 - Exception (a) Based on payroll system and general ledger, enter the actual amount paid for salary and benefits for any known terminations/resignations/retirements for any special education or related services personnel that were paid in the prior year with state and/or local funds that will not be paid in the current year and the projected costs of the replacement staff member(s). This does not need to be a 1:1 ratio.
 - Exception (c) Based on the ledger and STAC information, and discussion with the Director of Special Education, enter the cost reduction associated with the termination of the obligation of the District to provide special education to a particular student with a disability that is an exceptionally costly program due to any of the following reasons: left the jurisdiction, aged out, or no longer needs the program of special education that was paid previously but is not projected to be paid in the current year.
 - Exception (d) Based on the ledger and adopted budget, enter the reduction in cost for any long-term purchases, such as the acquisition of equipment or construction of school

facilities that was paid previously but is not projected to be paid in the current year. (THIS IS NORMALLY NOT USED)

- Once the MOE Eligibility Calculator is complete, the designee reviews Tab 4 “Multi-Year MOE Summary” to ensure that at least one of the four criteria have been met showing that the District has met the Eligibility Method for LEA MOE.
- The designee then reviews the results of the calculator and then submits the MOE Calculator via email to idea@nysed.gov with a subject line of “FY MOE Eligibility – Wantagh UFSD” with copies to the Director of Special Education, and Assistant Superintendent of Business.

Maintenance of Effort Calculator for the Compliance Standard

- The current year’s compliance calculator cannot be submitted until the District’s current year eligibility calculator and prior year’s compliance calculator have been approved.
- The designee reviews the current MOE calculator instructions and uses the most current version of the compliance calculator provided by NYSED available at: <http://www.p12.nysed.gov/specialed/finance/idea-grant-application-guidance.html>
- To complete the MOE Compliance calculator:
- On the current year’s MOE tab, select “Compliance”
- On the current year’s Amount tab, enter the District’s Actual Child Counts from the VR 1-6 & VR 8 Reports obtained the Director of Special Education.
- On the current year’s Amount tab, enter the District’s **actual** General Fund expenditures for the current year and **actual** expenditures for any **non**-Section 611 and 619 special education services such as special education summer school programs and transportation:

Possible Account Codes for inclusion in the MOE Expenditure Calculation:

General Fund

- A 2020 Supervision – Regular School (Special education supervision only)
- A 2021 Special Education Administration
- A 2250 Programs for Students with Disabilities School Age- School Year
- A 2810 Health Services (special ed. services only)
- A 2820 Psychological Services (special ed. services only)
- A 2825 Social Work Services (special ed. services only)
- A 2830 Pupil Personnel Services (special ed. services only)
- A 9098.0 Employee Benefits - (proportionate share based on applicable special ed. and related services salaries as a percentage of total salaries paid or actual costs for special ed. employees, if available)

Special Aid Fund

- F 2253 Programs for Students with Disabilities School Age-July/August (Section 4408 Education Law)
- F 2251 Program for Students with Disabilities – DOH – Chapter 428 – Early Intervention Program

▪ F 5511 Summer Transportation Services Students with Disabilities

- To allocate actual expenditures between state and local categories for expenditures where the funding source is not specifically identifiable,
- Calculate the actual state share of revenue
 - + A3101 Basic Formula Aid Excess Cost Aid from Line 127 Total Excess Cost Aids from the GEN report
 - + A3104 Tuition for Students with Disabilities (Chapter 47, 66 and 721)
 - + F3289 Section 4408 School Age July/August Program (Tuition and Other)
 - + F2770 DOH Ch. 428 Early Intervention Program
- Divide Total State Aid by Total Expenditure to determine the overall percentage that State Aid funds and apply this percentage to each category of expenses reported.
- Verify actual expenditures report to the ST-3 (Schedule A4 and Schedule B3) available through SAMS – these amounts must agree.
- On the current year's Exc & Adj tab, enter the District's actual expenditure exceptions and adjustments:
 - Exception (a) Based on payroll system and general ledger, enter the **actual** amount of salary and benefits for any known terminations/resignations/retirements (staff are coded as terminated in the HR system) for any special education or related services personnel that were paid in the prior year with state and/or local funds that will not be paid in the current year in the Departing Personnel Section and the **actual** costs of the replacement staff member(s) in the Replacement Personnel Section. This does not need to be a 1:1 ratio.
 - Exception (c) Based on the ledger and STAC information, and discussion with the Director of Special Education enter the **actual** cost reduction associated with the termination of the obligation of the District to provide special education to a particular student with a disability that is an exceptionally costly program due to any of the following reasons: left the jurisdiction, aged out, or no longer needs the program of special education that was paid previously but is not projected to be paid in the current year.
 - Exception (d) Based on the ledger and adopted budget, enter the reduction in cost for any long-term purchases, such as the acquisition of equipment or construction of school facilities that was paid previously but is not projected to be paid in the current year. (THIS IS NORMALLY NOT USED)
- Once the MOE Compliance Calculator is complete, the Business Office reviews Tab 4 "Multi-Year MOE Summary" to ensure that at least one of the four criteria have been met showing that the District has met the Compliance Method for LEA MOE.
- The Business Office reviews the results of the calculator with the Director of Special Education and then submits the MOE Calculator via email to idea@nysed.gov with a subject line of "FY MOE Compliance – Wantagh UFSD" with copies to the Director of Special Education, and Assistant Superintendent of Business.
- All workpapers and reports used to prepare the calculator are maintained for a minimum of seven years.

SECTION III: GRANT COMPLIANCE SELF-ASSESSMENT AND MONITORING

1. Grant Risk Assessment and Monitoring Process

Process Owner(s): Business Office and Director of Special Education

The Business Office and Director of Special Education review the IDEA grants for each Federal funded grant after approval has been received for the grant and prior to commencement of spending of funds.

If a grant is identified as high risk by the Business Office and Director of Special Education they will then place extra scrutiny on any transactions relating to the grant conducted throughout the year.

- All workpapers and reports are maintained for a minimum of 7 years.

2. Grant Program Compliance Monitoring

Process Owner(s): Director of Special Education

Procedures:

- The PPS Director is responsible for the compliant, efficient, effective program implementation. The PPS monitors the delivery and quality of programmatic services provided.
- The Special Education team monitors student progress toward mastery of the learning standards as well as a student's IEP goals. Student progress is monitored through a variety of data points. These include, but are not limited to: performance on district-wide benchmark assessments, report card grades, data from progress monitoring IEP goals, NYS assessments in ELA and Math, NYS Alternative Assessment performance, data collected while tracking progression toward earning a C-DOS credential, and also Regents exam performance.
- The Special Education Department provides cyclical professional development to all applicable staff regarding best practices and use of the intervention tools .
- The teaching staff have access to student progress reports through the learning tools and are expected to monitor student growth.
- The Director of Special Education evaluates staff usage and student progress to provide feedback and re-training as needed to the staff.
- All workpapers and reports are maintained for a minimum of 7 years.

3. Grant Budget and Expenditure Monitoring

Process Owner(s): Business Office/ Director of Special Education

Procedures:

- The Business Office and the Director of Special Education monitors spending of funds in accordance with budgeted amounts, facilitating spending and/or repurposing of funds and preparation of an amendment if expenditures are anticipated to exceed the allowable threshold.
- All program expenditures for goods and services are reviewed for allowability, reasonableness and necessity, inclusion in the budget and encumbrance during the grant period by the Director of Special Education.
- All workpapers and reports are maintained for a minimum of 7 years.

4. Grant Accounting and Reporting Monitoring

Process Owner(s): Business Office

Procedures:

- The Business Office is responsible for the accurate and completeness of recording all revenues and expenditure for the grant including using the appropriate grant budget code and ST-3 code.
- The Business Office is responsible for timely reporting expenditures in the appropriate categories on the FS-10F, ST-3, monthly Board Report, annual Financial Statements and Schedule of Federal Award Expenditures (SEFA).

5. Maintenance of Effort Monitoring

Process Owner(s): Business Office

Procedures:

- Budget Development Monitoring
 - The Business Office staff is responsible for ensuring that MOE is maintained during the General Fund budgeting process and reviews MOE compliance in conjunction with the final review of the General Fund Budget.
- Reporting Deadline Monitoring
 - The Business Office assigned to MOE is responsible gathering information regarding MOE requirements, submission instructions, and filing deadlines from the NYSED IDEA website and monitoring the due date for submission of the MOE Calculator for budget and for actuals and ensuring the accuracy and timeliness of the submission.

[X] Required

[] Local

[] Notice

CONTRACTING FOR PROFESSIONAL SERVICES

The Board of Education will make certain that professional services are secured in a manner that protects the integrity of the process, ensures the prudent use of taxpayer dollars and provides a high quality standard of service, in accordance with law and regulation. Professional services are defined as services requiring special skill and/or training, such as legal services, medical services, auditing services, property appraisals or insurance.

Purchasing professional services does not require competitive bidding. The Board directs the Assistant Superintendent for Business to take measures to ensure that a highly qualified professional is secured through the prudent and economical use of public money, which may include:

1. reviewing trade journals;
2. checking professional listings; and/or
3. inquiring of other districts or other appropriate sources.

The designated district staff will prepare a comprehensive written request for proposals (RFP), which will contain critical details of the services sought. The RFP will specify that the proposal include the structure of the relationship between the district and the provider, including, if applicable, the terms of the retainer, the hourly fees and other associated costs.

In reviewing the RFPs, the district will consider, at a minimum, the following factors:

1. the suitability of the individual/firm for the district's needs;
2. the special knowledge or expertise of the individual/firm;
3. the credentials and applicable certifications of the individual/firm;
4. the quality of the service provided by the individual/firm;
5. cost;
6. the staffing available from the firm or the time available from the individual;

The district will periodically, but not less frequently than every five (5) years, issue professional service RFPs and may conduct interviews as part of the RFP process. The written proposals submitted by applicants shall be maintained for at least six years.

The Superintendent, after a thorough review of the proposals, in consultation with the Assistant Superintendent for Business will recommend the professional service provider best suited to the district to the Board of Education for its approval.

Regardless of when during the year the professional service provider was engaged by the Board, at the annual organizational meeting the Board will appoint the attorney, physician, external auditor, or other professional, as applicable. Professional service providers selected and appointed in this manner will not be considered employees of the district.

The Superintendent is charged with developing administrative procedures to implement this policy.

Cross-ref: 2210, Board Annual Organizational Meeting
9500, Compensation and Benefits

Ref: General Municipal Law § 104-b
2 NYCRR §§ 315.2, 315.3
Trane Co. v Broome County, 76 A.D.2d 1015
Appeal of Lombardo, 38 Educ. Dept. Rep. 730
Opn. St. Comp. 92-33

Adoption date: April 6, 2017

☐ Required
☒ **Local**
☐ Notice

PAYROLL PROCEDURES

The Board of Education recognizes the importance of the payroll function to the effective administration of the district. The Board is also aware that this is an area at risk of fraud and abuse. The Board directs the Superintendent to establish procedures to reasonably ensure the accuracy and integrity of the payroll system.

A duly certified payroll is one that has been examined and approved by the Superintendent of Schools, or in his/her absence, the Assistant Superintendent for Business. It shall be the responsibility of the Assistant Superintendent for Business and his/her staff to prepare all payrolls.

The Superintendent will initiate a periodic test to verify the accuracy and appropriateness of the district payroll. This test shall be conducted by the Assistant Superintendent for Business. The test shall confirm that individuals listed on the payroll are currently employed by the district, and that the title, hours worked, and wages listed are correct. The test shall also confirm that individuals listed as employees are employees and not independent contractors. (The procedure for determining employment status is outlined in policy 9500, Compensation and Benefits.) The Superintendent will evaluate the results of the test and determine if improvements need to be made.

Payroll procedures will also be reviewed periodically by the internal auditor. The internal auditor will report findings and recommendations to the Board. It is the intention of the Board to take reasonable and necessary steps to safeguard the district's payroll.

Cross-ref: 6741, Contracting for Professional Services
 9500, Compensation and Benefits

Ref: Education Law Article 11; §§1604; 1719; 1720; 2116-a
 Retirement and Social Security Law §34
 2 NYCRR §§315.2; 315.3

Adoption date: August 2005
 Revised: April 6, 2017

☐ Required
☒ **Local**
☐ Notice

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 a rate set by the Board of Education at its reorganization meeting. Tax exemption certificates shall be issued and utilized as appropriate.

The Board, by majority vote, shall determine and approve which meetings and conferences may be attended by Board members and the Superintendent of Schools.

The Superintendent shall determine, in the first instance, whether attendance by district staff at any conference or professional meeting is in the best interest of the district and eligible for reimbursement of expenses under this policy.

To obtain reimbursement, the claimant must complete and sign an expense voucher, attach all receipts or other expense documentation, 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

Adoption date: April 6, 2017

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 a rate set by the Board of Education at its reorganization meeting. 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

- 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 amount pre-authorized by the Superintendent or designee.
- 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. 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

- The district will reimburse reasonable meal expenses for district meetings that take place on premises during regular meal hours with pre-approval by the Purchasing Agent.

- The district will reimburse reasonable meal expenses for overnight conferences and workshops off-premises at pre-approved cost limits.
- No alcohol expenses are reimbursable.

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.

Adoption date: April 6, 2017

[] Required
 [X] **Local**
 [] Notice

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 Assistant Superintendent for Business 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.

A report shall be given to the Board of Education of all such transactions no later than sixty (60) days after the sale.

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: April 6, 2017

[] Required
 [X] **Local**
 [] Notice

FACILITIES DEVELOPMENT GOALS

A quality educational program can best function in an environment that is conducive to learning, supports and encourages excellence in teaching, and provides a safe and comfortable place for students and staff.

Accordingly, the Board of Education establishes the following goals for facilities development:

1. developing a long-range planning and evaluation program;
2. providing the necessary facilities needed to serve all students in the district;
3. providing appropriate facilities and equipment that will best support and accommodate the needs of a quality educational program;
4. designing and constructing all facilities with particular attention to safety, security, and appropriate lighting, heating, ventilation, acoustics, spatial factors and aesthetic appearance;
5. reducing formality and tension by eliminating the undesirable aspects of traditional institutional atmosphere and appearance, to the extent possible;
6. planning for flexible and adaptable school spaces through incorporation of features such as moveable walls and multi-purpose facilities, in order to best accommodate present and future needs for instructional areas; and
7. considering the adaptability of school facilities to community use.

The Superintendent of Schools shall be responsible for establishing procedures to implement these goals and shall provide a status report to the board on a monthly basis.

Cross Ref: 8110, School Building Safety

Ref: 8 NYCRR 14.1 (School Buildings and Grounds General Requirements)
 8 NYCRR 155 (Educational Facilities)

Adoption date: April 6, 2017

[] Required
 [X] **Local**
 [] Notice

FACILITIES PLANNING

The Board of Education is ultimately responsible for the regular operation and orderly development of the school district's physical plant. In carrying out this responsibility, the Board is concerned with both short-term and long-range planning.

The Superintendent of Schools shall be responsible for the formulation and implementation of the following plans for school building facilities:

1. Comprehensive long-range facilities development plan. This plan shall be kept current and re-evaluated at least annually. It shall include an appraisal of the following:
 - a. Educational philosophy of the district, with resulting administrative organization and program requirements.
 - b. Present and projected pupil enrollments.
 - c. Space use and state rated pupil capacity of existing facilities.
 - d. Priority of need of maintenance, repair or modernization of existing facilities, including consideration of the obsolescence and retirement of certain facilities.
 - e. Provision of additional facilities.
2. Five-year capital facilities plan. This plan will be updated annually and shall include the following:
 - a. A yearly breakdown of the estimated expenses for construction, additions, alterations, major repairs, system replacement and repairs and maintenance and energy consumption.
 - b. A district wide building inventory including the number and type of facilities; the age, capacity, use and size of each building; and each building's safety ratings, energy sources, probable useful life, major system repairs needed and asbestos reports.

Cross-Ref: 7000, Facilities Development Goals

Ref.: 8 NYCRR Part 155 (Educational Facilities)

Adoption date: April 6, 2017

☐ Required
☒ **Local**
☐ Notice

NAMING FACILITIES

The Board of Education, 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.

Adoption date: July 1994

Revised: April 6, 2017

[] Required
[X] **Local**
[] Notice

SUPPORT SERVICES GOALS

Support services, which include safety and maintenance programs, transportation, food services, insurance management and office services, are essential to the successful functioning of the school district. Education is the district's central function, and all support services shall be provided, guided, and evaluated by this function.

In order to provide services that are truly supportive of the educational program, the Board of Education establishes these goals:

1. providing a physical environment for teaching and learning that is safe and pleasant for students, staff, and the public;
2. providing safe transportation and nutritious meals for students who use these services; and
3. providing timely, accurate, and efficient support services that meet district needs and promote district goals.

Adoption date: August 24, 2017

[] Required
 [X] **Local**
 [] Notice

SCHOOL BUILDING SAFETY

The Board of Education recognizes that a safe, secure and healthy school environment is necessary to promote effective learning. The Board is committed to ensuring that all school buildings are properly maintained and preserved to provide a suitable educational setting.

Consistent with the requirements of state law and regulations, the Board will:

1. Appoint a Health and Safety Committee composed of, but not limited to, representation from district administration, school staff, bargaining units and parents that shall participate in monitoring the condition of occupied school buildings to assure that they are safe and maintained in a state of good repair.
2. Review and approve all annual building inspections and building condition surveys.
3. Take immediate action to remedy serious conditions in school buildings affecting health and safety and report such conditions to the Commissioner of Education.

The Superintendent of Schools shall be responsible for the development of procedures for investigating and resolving complaints related to the health and safety issues in the district's buildings consistent with requirements of state law and regulations.

Cross-ref: 7100, Facilities Planning
 7365, Construction Safety
 8220, Buildings and Grounds Maintenance and Inspection

Ref: Education Law §§ 409-d (Comprehensive Public School Building Safety Program); 409-e (Uniform Code of Public School Buildings Inspection, Safety Rating and Monitoring)
 8 NYCRR Part 155 (Educational Facilities)
 9 NYCRR Parts 600-1250 (Uniform Fire Prevention and Building Code)

Adoption date: August 24, 2017

[] Required
 [] Local
 [X] Notice

PESTICIDES AND PEST MANAGEMENT

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.

The Board recognizes that pests can pose a significant risk to health and property and there may be significant risks inherent in using chemical pesticides in the school environment. Generally, pesticides will not be used on district playgrounds, turf, athletic or playing fields, unless there is an emergency. Emergencies will be handled in accordance with applicable law and regulation.

Provisions will be made for a least toxic approach to integrated pest management (IPM) for all school buildings and grounds in accordance with the Commissioner's regulations. Integrated pest management is a systematic approach to managing pests focusing on long term prevention or suppression with minimal impact on human health, the environment and non-targeted organisms.

Notification of Pesticide Application

All district staff and parents/guardians will be notified of pesticide applications performed at any school facility. A notice will be sent at the beginning of the school year which will include:

1. Notification of periodic pesticide applications throughout school year.
2. The availability of 48-hour prior written notification of pesticide applications to parents and staff who request such notice.
3. Instructions on how to register with the school to receive this prior written notification.
4. The name and number of the school representative who can provide further information.

A separate notice will be sent to staff and parents within two days of the end of winter and spring recess and within 10 days of the end of the school year which includes the date, location and product used for each pesticide application which required prior notification and each emergency application.

The Superintendent of Schools shall ensure the dissemination of this policy and conduct any training necessary to ensure that all staff are fully informed about pesticides and pest management.

Cross-ref: 8110, School Building Safety
8220, Building and Grounds Maintenance and Inspection

Ref: Environmental Conservation Law, Art.33 (Pesticides)
Education Law § 409-h (Requirements for Notification of Pesticide Applications); §409-k (Pesticide Alternatives)
6 NYCRR Part 325 (Application of Pesticides)
8 NYCRR 155.4 (Uniform Code of Public School Building Inspections, Safety Rating and Monitoring)
Desmond Americana v. Jorling, 153 AD2d 4 (3rd Dept. 1989)
IPM Workbook for New York State Schools, Cornell Cooperative Extension Community IPM Program with support from New York State Dept. of Environmental Conservation, August 1998

Adoption date: August 24, 2017

() Required
(X) Local
 () Notice

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 shall 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 shall 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 shall also address risk reduction/prevention, response and recovery with respect to a variety of types of emergencies and violent incidents in district schools.

In accordance with state law and regulation, the district shall 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 shall annually appoint a district-wide school safety team that includes, but is not be limited to, a representative from the following constituencies: the Board, students, teachers, administrators, and parent organizations, school safety personnel and other school personnel. This team shall be responsible for the development and annual review of the comprehensive district-wide school safety plan. The plan shall cover all district school buildings and shall 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 shall include all those elements required by law and regulation.

Building-level safety team and emergency response plans

Each Building Principal shall be responsible for annually appointing a school safety team that includes representation from teachers, administrators,

parent organizations, school safety personnel, other school personnel, local law enforcement officials, local ambulance and other emergency response agencies. The school safety team shall be responsible for the development and review of a building-level emergency response plan for each district building. The plan(s) shall address communication, emergency response (including ensuring that local responders have access to floor plans, blueprints, and other appropriate maps of school property and the immediate surrounding area), and evacuation at the building level and shall include all components required by law and regulation.

Within each building, the school safety team shall designate:

- an emergency response team that includes appropriate school personnel, local law enforcement officials and representatives from local, regional and/or state emergency response agencies to assist the school community in responding to a serious 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.

The Building Principal shall be 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) shall be confidential and shall not be subject to disclosure under the Freedom of Information Law or any other law. A summary of the building-level plan will be made available for public inspection.

Annual Review and Report

All plans shall be reviewed and updated, if necessary, by the appropriate safety team by May 1 every year. In conducting the review, the teams shall 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 shall remain in effect. If the district-wide plan requires change, then the updated plan shall 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. If the building-level plan requires change, a summary of it will be made available for public comment and public hearing. All plans must be adopted by the Board of Education by July 1.

The Superintendent of Schools shall be responsible for filing the district-level school safety plan and any amendments to the plan with the Commissioner within 30 days after their adoption. The district-wide plan will be posted on the district's website. Each Building Principal shall be responsible for filing the building-level safety plan for his or her building and any amendments to the plan with the appropriate local law enforcement agency and the state police within 30 days after their adoption.

Cross-ref: 0115, Bullying and Harassment Prevention and Intervention
 5300, Code of Conduct
 9700, Staff Development

Ref: Education Law §2801-a (school safety plans)
 Executive Law §2B (state and local natural and manmade disaster
 preparedness)
 8 NYCRR Part 155 (Educational Facilities)
 School Safety Plans Guidance, New York State Education Department,
 June 2010

Adoption date: August 24, 2017

(X) Required

(x) Local

(x) Notice

UNSAFE SCHOOL TRANSFER CHOICE

The Board of Education recognizes that, in accordance with law, there may be instances in which it must offer students the choice to transfer to a safe public school at the same grade level. Such transfer choice must be offered if:

1. the school a student would normally attend is designated a “persistently dangerous school” by the Commissioner of Education; or
2. a student becomes the victim of a “violent criminal offense” that occurs on the grounds of the school the student currently attends.

In accordance with federal and state law and regulations, the option to transfer to a safe school will be available only if there is a safe public school that eligible students can transfer to at the same grade level within the district. Therefore, the Board directs the Superintendent of Schools to develop a list identifying any school(s) designated by the Commissioner of Education as persistently dangerous that also includes any alternative safe public school(s) within the district for each grade level to which students may transfer. The list shall be revised annually and presented to the Board.

Notification of Transfer Rights

The Superintendent shall notify parents of all students in a school designated as persistently dangerous. Where there is more than one school in the district at a grade level, the Superintendent shall notify the parents of any student who becomes a victim of a violent criminal offense on school grounds, of their child’s right to transfer out of the school they currently attend. The notice shall:

1. explain that students may transfer only to a safe public school at the same grade level within the district,
2. identify the school(s) a student may transfer to,
3. explain the procedures for transfer, including the need for parents wanting their child to transfer to inform the Superintendent of their decision within the time frame stated in the notice.
4. inform parents of their right to request that their child be returned to the school of origin if they later reconsider their decision to allow the transfer.

The required notice shall be sent first class mail within ten (10) days after the district receives notice from the Commissioner of Education of the school’s designation as persistently dangerous. In the case of a student who is deemed to be the victim of a violent criminal offense on school grounds the notice shall be

sent first class mail within 24 hours of any such determination by the Superintendent.

To the extent practicable, the notice will be provided in the dominant language or mode of communication used by the parents.

Procedures for Transfer

The transfer of any student attending a school that is deemed to be persistently dangerous generally will occur within 30 school days after the district finds out about the designation. The transfer of a student determined to be a victim of a violent criminal offense on school grounds will occur generally within ten (10) calendar days of the determination.

A student transferring from a persistently dangerous school has the right to remain at the safe school he or she transfers to for as long as the school of origin continues to be identified as persistently dangerous. But such a student will remain at the safe school until he or she completes the highest grade level there if it is determined to be in the best educational interest of the student to remain there. The district will make such a determination based on the student's educational needs and other factors affecting his or her ability to succeed if returned to the school of origin.

A student who transfers because he or she became the victim of a violent criminal offense at his or her school of origin remains at the school transferred to until he or she completes the highest grade level there.

Upon parental request, any student who exercised his or her right to transfer to a safe school may return to the school of origin. Any such transfer back will be effective at the start of classes in the next school year following the request.

Transportation

The district shall provide transportation to students transferring to a safe school within the transportation limits established under New York's Education Law.

Procedures for Determining Whether a Student Has Become the Victim of a Violent Criminal Offense on School Grounds

In accordance with district procedures for the reporting of violations that constitute crimes, the Building Principal or designee shall promptly notify both local law enforcement and the Superintendent of all reports that involve the infliction of a serious physical injury upon another, a sex offense involving forcible compulsion, or any other offense that involves the use or threatened use of a deadly weapon under applicable provisions of New York's Penal Law.

Following receipt of any such report, the Superintendent shall proceed to determine whether any of the students involved in the reported incident has become the victim of a violent criminal offense on school grounds. In making this determination, the Superintendent shall:

1. consult with any law enforcement agency investigating the alleged violent criminal offense, and document his or her consultation with law enforcement officials,
2. consider any reports or records provided by law enforcement agencies investigating the situation, and
3. consult with the district's attorney prior to making any final determination,
4. document his or her findings.

A criminal conviction is not required for the Superintendent of Schools to make a determination that a student indeed has become the victim of a violent criminal offense on school grounds. However, a Superintendent's determination that a violent criminal offense has occurred cannot be used as evidence in any student disciplinary proceeding initiated against either the alleged victim or the perpetrator of the offense.

Upon a finding that a student has become the victim of a criminal violent offense on school grounds, the Superintendent will provide the student's parents with notice of the student's right to transfer to a safe school in accordance with the notice procedures established by this policy above. The Superintendent will document compliance with the notification requirements and the procedures followed to carry out the student's transfer if the parents elect to have the student transfer to another school.

Appeal of a Superintendent's Determination Regarding a Violent Criminal Offense

Parents may appeal to the Board of Education a Superintendent's determination regarding whether their child has become the victim of a violent criminal offense on school grounds.

Cross-ref: 5300, Code of Conduct
5710, Violent or Disruptive Incident Reporting

Ref: 20 USC §7912(a)
Education Law §2802(7)
Penal Law §10.00(1), (12)
8 NYCRR §120.5

Adoption date: August 24, 2017

☐ Required
☒ Local
☐ Notice

USE OF SURVEILLANCE CAMERAS ON SCHOOL PROPERTY

The Board of Education is responsible for maintaining and fostering student discipline, as well as safeguarding the facilities and property of the district. The Board further recognizes the importance of student, staff and visitor privacy. After careful consideration, the Board supports the use of surveillance cameras on school grounds. Cameras are an important component of the district's overall approach to safety. Surveillance cameras are intended to monitor student behavior, promote student and staff safety, and to deter vandalism and other criminal activity. However, this does not preclude other uses deemed appropriate by the Board of Education. Recordings may be used as evidence of misconduct in disciplinary proceedings, as permitted by law.

District surveillance cameras will only be used in public areas where there is no "reasonable expectation of privacy." Audio recordings shall not be utilized by school district employees without the express permission of the Superintendent or his/her designee; however, such prohibition does not preclude the use of audio recordings by law enforcement officials in accordance with their duties and/or as otherwise authorized by law.

Any video recording used for surveillance purposes in school buildings and/or on school property shall be the sole property of the district. The Superintendent or his/her designee shall be the custodian of such recordings. All video recordings will be stored in their original form and secured to avoid tampering and protect confidentiality. The district shall comply with all applicable state and federal laws related to student records in retaining these recordings.

Requests to view a video recording must be made in writing to the Superintendent or his/her designee. If the request is granted, viewing shall occur in the presence of the district's custodian of the recording. Under no circumstances will the video be duplicated and/or removed from district premises, unless in accordance with a court order and/or subpoena.

The district will post appropriate signage at entrances to the school notifying students, staff and the general public of the district's use of surveillance cameras. Students and staff will receive additional notification. Such notification may include publication in the district calendar, employee handbook and student handbook.

The Superintendent is authorized to develop such regulations and procedures as may be necessary to implement this policy.

Ref: 20 U.S.C. §1232g (Family Educational Rights & Privacy Act)
Arts & Cultural Affairs Law Art. 57-A
Public Officers Law §87
Records Retention & Disposition Schedules for Use by School Districts,
Schedule ED-1

Adoption date: August 24, 2017

BUILDINGS AND GROUNDS MAINTENANCE AND INSPECTION

To accommodate the district's educational program, the Board of Education is committed to providing suitable and adequate facilities. To this end, proper maintenance and inspection procedures are essential. The Board directs the Superintendent of Schools to ensure that proper maintenance and inspection procedures are developed for every school building.

Consistent with federal and state law and regulations, the following items will be included in the district's buildings and grounds maintenance and inspection procedures:

Comprehensive Maintenance Plan

A comprehensive maintenance plan for all major building systems will be instituted to ensure the building is maintained in a state of good repair. Such plan will include provisions for a least toxic approach to integrated pest management and establish maintenance procedures and guidelines which will contribute to acceptable indoor air quality. The plan shall be available for public inspection.

Procedures will also be established to ensure the safety of building occupants during maintenance activities including standards for exiting and ventilation, asbestos and lead protocols, noise abatement and control of chemical fumes, gases and other contaminants.

Building Condition Surveys

Each occupied district building will be assessed every five years by a building condition survey. This survey will be conducted by a team that includes at least one licensed architect or engineer and will include a list of all program spaces and inspection of building system components for evidence of movement, deterioration, structural failure, probable useful life, need for repair and maintenance and need for replacement. Building condition survey reports will be submitted to the Commissioner by January 15, 2001 and January 15th of every fifth year thereafter.

Annual Visual Inspections

A visual inspection of building system components in each occupied district building will take place annually except for years in which a Building Condition Survey is performed. The inspection will be conducted by a team including the Facilities Director or his/her designee, the district's architect, and a member of the Health and Safety Committee. The inspection will be completed by November 15th of each year and the report will be maintained in the Facilities Director's office.

A corrective action plan will be developed by a licensed architect or engineer if a deficiency exists in the building.

Fire Safety Inspections

An annual inspection for fire and safety hazards will be conducted in accordance with a schedule established by the Commissioner of Education. The inspection will be conducted by a qualified fire inspector and the report will be kept in the district office. Any violation of the State Uniform Fire Prevention and Building Code shall be corrected immediately or within a time frame approved by the Commissioner.

Safety Rating System

A safety rating keyed to the structural integrity and overall safety of each occupied school building will be provided on an annual basis in consultation with the Health and Safety Committee. Safety ratings will be based on the safety rating system developed by the Commissioner and will comply with all statutory and regulatory requirements.

Building Principals shall, on an on-going basis, undertake their own inspections of school buildings and grounds, searching for any dangerous or hazardous conditions and take immediate steps to remedy the problem.

Cross-ref: 6100, Annual Budget
 7100, Facilities Planning
 7365, Construction Safety
 8110, School Building Safety
 8115, Pesticides and Pest Management

Ref: 29 CFR §§ 1910 et seq. (OSHA Hazard Communication)
 40 CFR Part 763 (Asbestos Hazard Emergency Response Act)

Education Law §§ 409-d (Comprehensive Public School Safety Program); 409-e (Uniform Code of Public School Buildings Inspections, Safety Rating and Monitoring); 807-a (Fire Inspections)

Labor Law §§ 875-883(toxic substances)

Public Health Law §§ 4800-4808 (Right to Know, toxic substances)

Environmental Conservation Law § 33-0725 (Pesticides)

6 NYCRR Part 325 (Pesticides)

8 NYCRR §§ 155.1(Educational Facilities); 155.4 (Uniform Code of Public School Buildings Inspection, Safety Rating and Monitoring); 155.8 (Fire and Building Safety Inspections)

9 NYCRR Parts 600-1250 (Uniform Fire Prevention & Building Code)

12 NYCRR Part 56 (Industrial Code Rule concerning asbestos)

Appeal of Anibaldi, 33 Educ. Dep't Rep. 166 (1993) (district required to monitor student's physical symptoms when air quality caused health problems)

Guidelines for the Evaluation and Control of Lead-Based point Hazards in Housing, U.S. Department of Housing and Urban Development, Washington D.C., June 1995)

IPM Workbook for New York State Schools, Cornell Cooperative Extension Community IPM Program with support from New York State Dept. of Environmental Conservation, August 1998

Adoption date: August 24, 2017

[] Required
 [X] **Local**
 [] Notice

AUTHORIZED USE OF SCHOOL-OWNED MATERIALS AND EQUIPMENT

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

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

1. the individuals who may properly authorize the use of such material and/or equipment;
2. the lack of authority of the borrower to use such material or equipment for private, non-business purposes;
3. the responsibilities of the borrower for proper use, care and maintenance;
4. that, regardless of condition or other factors, all loaned equipment must be returned to the district. No item may be sold to or purchased by the borrower unless such equipment has been returned to the district for evaluation and, if necessary, disposal in accordance with district policy and procedures.

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

Individuals borrowing district-owned equipment shall be fully liable for any damage or loss occurring to the equipment during the period of its use, and shall be responsible for its safe return. In addition, since Board members, officers and employees are issued district owned equipment in connection with their work responsibilities, the individual using the district owned equipment shall not have an expectation of privacy with respect to information contained on the device (e.g., computer files, images, messages).

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

Cross-ref: 8332, Use of District Owned Cell Phones
 8630, Computer Resources and Data Management

Adoption date: August 24, 2017

☐ Required
☒ **Local**
☐ Notice

USE OF CELL PHONES

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

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

Cell phones are to be used for school district business purposes only and anything other than incidental private use is prohibited. Failure to follow these guidelines may result in revocation of the phone and discipline of the employee. In addition, since employees are issued district owned cell phones in connection with their work responsibilities, employees shall not have an expectation of privacy with respect to information contained on the device (e.g., text messages, records of phone calls).

As with any district-owned equipment, employees must take proper care of cell phones and take all reasonable precautions against damage, loss, or theft. Any damage, loss, or theft must be reported immediately to the Business Office. Since employees are responsible for the safe return of district-owned cell phones, employees who use district-owned cell phones may be liable for damages or losses which occur during the period of its use. District-owned cell phones shall be returned immediately upon the employee's retirement/termination of employment, or upon request. Employees who fail to return a district owned cell phone upon retirement/termination of employment or at the district's request will be billed for the actual cost of the cell phone and for all charges made after retirement/termination of employment or the district's request.

At least once per year, the Business Office shall evaluate and report to the Board on the cost and effectiveness of the district's cellular telephone plan.

Ref: Fourth Amendment, U.S. Constitution
 Fourteenth Amendment, U.S. Constitution
 City of Ontario, California v. Quon 130 S.Ct.2619 (2010)

Adoption date: August 24, 2017

☐ Required
☒ **Local**
☐ Notice

USE OF CREDIT CARDS AND COMMERCIAL ACCOUNT CARDS

The Board of Education does not permit the use of district credit cards.

To facilitate efficient operation by the Buildings and Grounds Department, the following commercial account cards will be provided:

1. Home Depot
2. Ace Hardware

All Home Depot and Ace Hardware purchases must be accompanied by an authorized purchase order.

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

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

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

Users must submit detailed documentation, including itemized receipts for actual and necessary expenses which have been incurred in connection with school-related business for which the commercial account card has been used.

The Superintendent of Schools, in consultation with the Assistant Superintendent of Business and the district's Purchasing Agent, shall establish regulations governing the issuance and use of commercial account cards. Each cardholder shall be apprised of the procedures governing the use of the credit card and a copy of this policy and accompanying regulations shall be given to each cardholder.

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

Cross-ref: 6700, Purchasing
 6830, Expense Reimbursement

Adoption date: August 24, 2017

[] Required
 [X] **Local**
 [] Notice

TRANSPORTATION

State Law

State Law mandates that transportation be provided at public expense for all children attending public and non-public school if the distance from the child's home to the school attended is greater than two miles for grades K through eight and greater than three miles for grades nine through twelve, and be provided for each such child up to a distance of fifteen (15) miles. Distance is the sole criterion for eligibility for transportation. State Law and Commissioner of Education decisions have been very consistent in not granting transportation on any basis except distance from home to school and requiring that all students in a given grade level be treated equally. The only exception to this rule relates to children with disabilities whose eligibility is based upon the needs of the individual student.

Local Policy

Transportation at public expense will be provided to all children attending a public or non-public school if the distance to the school is greater than the minimum limits noted below when measured from the roadway opposite the child's front door via public roads or walks to the point of measurement at each school site. Measurements are determined using the district designated routing software which is updated regularly. This measurement is made from home to school. Transportation shall be provided from home to school and school to home only, except as individually authorized by the Superintendent of Schools at no added cost to the district.

Transportation will be provided to students based on the following guidelines:

Kindergarten through grade five:	over one-half (0.5) mile
Grades six through eight:	over 0.88 of a mile
Grades nine through twelve:	over 1.24 miles

Local policy, as stated, is operative only when the general public has approved a budget which includes allocations for the service.

Appeals

After established administrative channels of appeal have been utilized, any person feeling aggrieved as a result of the implementation of the rules noted above may appeal to the Commissioner of Education in writing and request corrective action. This appeal, and all papers and documents related thereto, must also be served on the officer or officers whose act or decision is the subject of complaint.

Ref: Education Law §§310; 1709(25)(27); 3620-3627; 3635; 4402(4)

Adoption date: July 1994
Revised January 1999
Revised December 1999
Revised August 24, 2017

TRANSPORTATION REGULATION

A permanent bus pass will be issued to all eligible bus riders in Grades K-12. Transportation will be denied without a bus pass. In case of a lost bus pass, a duplicate will be issued and the district may impose a fine of \$5.00.

Lines of Authority

The Assistant Superintendent for Business is directly responsible for the Transportation Department of the school district. The Director of Transportation oversees the daily operation of the department.

Scheduling Problems

All complaints concerning scheduling should be forwarded to the Director of Transportation. In the event that an emergency situation exists, every attempt should be made to contact a central administrator. Telephone calls can be made, by building administrators, directly to transportation contractors when central office personnel are not available.

Non-Public School Students

Students attending non-public schools will be transported to locations within fifteen (15) miles of their residence. Mileage restrictions established by State Education Law will be followed. The distance between a student's home determines eligibility for transportation to the non-public school he/she legally attends.

Any parent desiring transportation for a student to a non-public school must file a written request for said transportation on or before April 1, proceeding the fall term of the school year, except that parent(s) moving into the district after that time have 30 days after establishing residency to file a written request. First time enrollees in a private or parochial school shall be permitted to submit their application by June 30. If a parent misses a filing date and makes a late filing, transportation services will be provided only upon the recommendation of the administration and approval of the Board of Education.

Eligibility Requirements

1. Elementary students attending Grades K-5 who live over one-half (0.5) mile and for non-public school students who live over one-half (0.5) mile and not more than fifteen (15) miles from school attending.

2. Secondary students attending Grades 6-8 who live over 0.88 of a mile and for non-public school students who live over 0.88 of a mile and not more than 15 miles from school attending.
3. Secondary students attending Grades 9-12 who live over 1.24 miles and for non-public school students who live over 1.24 miles and not more than 15 miles from school attending.

Measuring Distances

Students' eligibility for transportation will be determined by measuring the nearest available route from home to school. The measurement starting point begins on the roadway opposite the front door of the residence to the roadway opposite the front door of the school attending. In the case of the Wantagh Middle School, the roadway opposite the common driveway to the colonnade will be the determining factor.

Late Bus Requirements

Late buses will be provided to accommodate students involved in after-school activities, provided the number of students requesting is six (6) or more at their respective schools.

If there are fewer than six (6) students requesting late bus transportation, transportation services may be provided only upon the recommendation of the administration and approval of the Board of Education and only if there is no additional cost to the district.

If a late bus was provided and the number in a new school year falls below six (6), the Director of Transportation will notify the affected private or parochial school in the spring, or when it is discovered.

Special Transportation for Students with Disabilities

If a child has a disability and attends a special school, and the arrangements for transportation to this school have been made through the Committee on Special Education, then no special request for transportation is required. If a child has a temporary disability (accident, seasonal health problems, etc.) and the parents feel that special transportation should be provided, they should contact the Nurse of the school that the child attends through the Committee on Special Education procedures and complete the appropriate documents requesting the service.

Ref: Education law §§310; 1709(24), (25), (27); 3620-3627; 3635; 4402(4); 4404; 4405 (2)

Adoption Date: July 1994
Revised January 1999
Revised September 1999
Revised December 1999
Revised November 2006
Revised April 2007
Revised July 2015
Revised August 24, 2017

[] Required
[X] **Local**
[] Notice

SCHOOL BUS SCHEDULING AND ROUTING

Transportation to Locations other than the Student's Home

Transportation shall be provided from home to school and school to home except in special cases as authorized by the Superintendent of Schools. Such transportation may be authorized on an annual basis at no added cost to the district. In addition, the Superintendent may establish procedures for temporary changes to transportation on a day-to-day basis.

Requests shall be submitted in writing by the parent or legal guardian to the Principal of the school in question. The Principal, if he/she approves, shall refer such request to the Director of Transportation who will process the request assuring that:

1. the written request is signed by the parent or legal guardian and delineates the specific location other than the home to which the student should be transported;
2. any further change shall be for purposes of restoring transportation to the legal home of the student, except in special cases as authorized by the Superintendent;
3. there shall be no incremental costs to the district; and
4. the requested bus stop shall be on an established route emanating from the school in question.

After the Assistant Superintendent for Business has established that all of the above criteria have been met, the request shall be forwarded to the Superintendent for approval and implementation shall follow.

Adoption date: July, 1994
Revised: August 24, 2017

(X) Required

(X) Local

(X) Notice

ALCOHOL AND DRUG TESTING OF BUS 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 and to comply with federal regulations, the Board requires alcohol and controlled substance testing of school bus drivers and other covered district employees, mainly “drivers.”

A “driver” is defined as 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.

The district shall directly, by contract, or through a consortium, implement and conduct a program to provide alcohol and controlled substance testing of employees who operate a commercial motor vehicle, perform in a safety-sensitive position, and are required to hold a commercial driver’s license. Such employees include:

1. drivers of buses designed to transport sixteen (16) or more passengers, including the driver;
2. drivers of commercial motor vehicles whose manufacturer’s rating is 26,001 lbs. or more; and
3. any other employee who may drive or service a district vehicle (e.g. a mechanic who performs test drives, repairs, inspects, or loads or unloads a listed vehicle).

Controlled substance and alcohol tests will be conducted at the time of employment and randomly throughout the school year. In addition, testing will be conducted when a supervisor has a reasonable suspicion that an employee has engaged in prohibited alcohol or controlled substance use; after certain accidents; prior to return to duty when the employee has been found to violate district policy and federal regulations; and after the employee’s return to duty.

In accordance with federal and state law, a bus driver will not be permitted to 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 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 bus 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.

Any employee who is tested and found to have an alcohol concentration of at least 0.01, but less than 0.04, shall be removed from the position until his or her next regularly scheduled duty period, but not less than 24 hours following administration of the test. Any employee found to have violated this requirement may be disciplined in accordance with the provisions of the applicable collective bargaining agreement, district policy, and/or law.

If a driver has an alcohol concentration of 0.04 or greater, or has engaged in prohibited alcohol or controlled substance use, he or she will be removed from driving duties, and referred to a substance abuse professional. The employee may be required to complete a treatment program and/or be disciplined pursuant to district policy and/or collective bargaining agreement. No driver who has abused controlled substances and/or alcohol may return to duty unless he/she has successfully passed a required return to duty test. Thereafter, the driver will be subject to follow-up testing.

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. The district will pay for initial testing. If another test is necessary, the employee shall be responsible for the cost.

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 district drivers and other appropriate personnel prior to the initiation of the testing program and to each driver subsequently hired or transferred to a position subject to testing.

Cross-ref: 9320, Drug-Free Workplace
 9610, Staff Substance Abuse

Ref: Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C.
§§31136; 31306
49 U.S.C. §521(b)
49 CFR Part 391 (Qualifications/Disqualifications)
49 CFR Part 382 (Drug Testing Requirements)
49 CFR Part 40 (Testing Procedures)
49 CFR §395.2 (On-duty time defined)
Vehicle and Traffic Law §§509-1; 1192; 1193
Will v. Frontier CSD Bd. of Educ., 97 N.Y.2d 690 (2002)

Adoption date: August 24, 2017

ALCOHOL AND DRUG-TESTING OF BUS DRIVERS REGULATION

Any employee who operates a commercial motor vehicle and is in a safety-sensitive function shall be subject to alcohol and controlled substance testing. An employee having any questions concerning the district's policy or regulation, state law or the 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.

I. Covered Employees

Covered employees include district employees who operate a commercial motor vehicle, perform in a safety-sensitive position, and are required to obtain a commercial driver's license. Such employees include:

1. drivers of buses 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; and
3. any other employee who may drive or service a district vehicle (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.

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 is performing a safety-sensitive function 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.

Covered employees are required to be in compliance with district policy and regulation:

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.

II. Prohibitions and Consequences

The Supervisor of Transportation or his/her designee shall prohibit an employee from driving or servicing a school bus or other district_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 within six hours before duty;
3. has an alcohol concentration of 0.01 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 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.

An employee 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.

Any employee who tests 0.01 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.

In the event that an 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:

1. has been evaluated by a substance abuse professional;
2. has complied with any treatment recommendations; and

3. has received a satisfactory result from a return to duty test.

Upon return to duty, the employee will be subject to follow-up testing.

III. Types of Testing

The Superintendent of Schools and the Director of Transportation shall ensure that the following alcohol and drug tests are implemented and that any employee who is required to take an alcohol or controlled substance test shall be notified prior to the test that it is required pursuant to federal regulations or, in the case of pre-employment alcohol testing, district policy.

1. Pre-employment: Controlled substance and alcohol tests will be conducted before 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 transfer to a safety-sensitive function.
2. Post-accident: Alcohol and controlled substance tests will be conducted if a driver 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, 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 the Transportation Supervisor or other school official who has completed the minimum two hours of training has a reasonable suspicion that the driver 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 drives a school bus listed vehicle or performs other safety-sensitive duties. The supervisor who makes the determination of reasonable suspicion cannot do the testing.
4. Random Testing: Random alcohol tests shall be conducted annually at a minimum rate 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 or services a bus or district vehicle or performs other safety-sensitive duties.

Random controlled substance tests shall be conducted annually at a minimum rate 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.

5. Return-to-Duty Testing: An employee who refused to take a test or has engaged in prohibited alcohol and controlled substance use, except for alcohol concentration of between 0.01 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 0.01 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 an 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 0.01 alcohol concentration is considered a "negative" test.

2. If the alcohol concentration is 0.01 or greater, a second or confirmation test must be conducted. The confirmation test must be conducted using an EBT that 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 0.01 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 with 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 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:
 - a. Marijuana (THC metabolite)
 - b. Cocaine
 - c. Amphetamines
 - d. Opiates (including heroin)
 - 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 federally approved analysis such as chromatography/mass spectrometry (GC/MS or LC/MS).
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 or liquid 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. Recordkeeping and Reporting

The Transportation Supervisor shall ensure that alcohol and drug testing records are maintained 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.

VII. Required Notification

Every affected 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.

VIII. Penalties

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 bus driver convicted of driving a school bus 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 bus 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.

Adoption date: August 24, 2017

**ALCOHOL AND DRUG TESTING PROGRAM
ACKNOWLEDGMENT FORM**

I, _____, have received, read and understand the Alcohol and Drug Testing Program policy and regulation. I consent to submit to the alcohol and drug testing program as required by law and district policy and regulation.

I understand that if I am being required to submit to a pre-employment alcohol test or a diluted specimen re-tests, such test is required pursuant to district policy for employment with the district and not pursuant to federal regulations.

NOTE: The paragraph above includes dilute specimen re-tests, which should only be included if that is what the district elects to do.

I understand that if I violate district policy, regulation or the law, I may be subject to discipline up to and including termination or I may be required to successfully participate in a substance abuse evaluation and, if recommended, a substance abuse treatment program. If I am required to and fail to or refuse to successfully participate in a substance abuse evaluation or recommended substance abuse treatment program, I understand I may be subject to discipline up to and including termination.

Signature of Employee

Date

Adoption Date: August 24, 2017

☒ Required☒ Local☐ Notice**SUBJECT: SCHOOL FOOD SERVICE PROGRAM (LUNCH AND BREAKFAST)****Meal Charge and Prohibition Against Meal Shaming Policy**

The Wantagh Union Free School District participates in the National School Lunch Program and School Breakfast Program to receive commodities and subsidies from the U.S. Department of Agriculture. In return, the Wantagh Union Free School District provides free and reduced-price meals to elementary and secondary students in its schools and serves meals that meet federal requirements.

The Superintendent or designee will carry out the rules of the School Lunch and Breakfast Programs. The Wantagh Union Free School District's Reviewing Official and Verification Official or the Department of Social Services Office of Temporary and Disability Assistance (ODTA) will determine student eligibility. Appeals regarding eligibility should be submitted to the Wantagh Union Free School District's Hearing Official.

The Wantagh Union Free School District may allow free or reduced-priced meals for qualifying Wantagh Union Free School District students after receiving a written application from the students' parent or guardian or a "direct certification letter" from the (ODTA). Applications will be provided by the Wantagh Union Free School District to all families.

School officials must also determine eligibility for free or reduced-price meals by using the Direct Certification Matching process. Any student residing in a household receiving federal assistance through the Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance to Needy Families (TANF), or Medicaid is automatically eligible for free meals (and milk); eligible families will not have to complete further applications. The District will notify parents or guardians of eligibility, giving them the opportunity to decline free meals (and milk).

Child Nutrition Program Authorization

Since the Wantagh Union Free School District participates in one or more Child Nutrition Program, the Superintendent has developed rules which address:

- What can be charged;
- The system used for identifying and recording charged meals;
- The system used for collection of repayments; and
- Ongoing communication of this policy to parents and students. The Wantagh Union Free School District's meal-charge policy and procedures will be distributed to all households that transfer into the Wantagh Union Free School District during the school year. The policy and procedures may vary by grade. The Wantagh Union Free School District will also provide details regarding payment methods on its website.

I. Purpose – Charging Meals

The goal of the Wantagh Union Free School District is to provide student access to nutritious no- or low-cost meals each school day and to ensure that a pupil whose parent/guardian has unpaid school meal fees is not shamed or treated differently than a pupil whose parent/guardian does not have unpaid meal fees.

Unpaid charges place a large financial burden on our district. The purpose of this policy is to ensure compliance with federal requirements for the USDA Child Nutrition Program and, and to provide oversight and accountability for the collection of outstanding student meal balances to ensure that the student is not stigmatized, distressed or embarrassed.

The intent of this policy is to establish procedures to address unpaid meal charges throughout the Wantagh Union Free School District in a way that does not stigmatize, distress or embarrass students. The provisions of this policy pertain to regular priced reimbursable school breakfast, lunch and snack (if applicable in the future) meals only. The Wantagh Union Free School District provides this policy as a courtesy to those students if they forget or lose their money. Charging of items outside of the reimbursable meals (a la carte items, adult meals, snacks, ice cream, etc.) is expressly prohibited.

II. Policy

Free Meal Benefit - Free and Reduced eligible students will be allowed to receive a free breakfast and lunch meal of their choice each day. A la carte items or other similar items must be paid/prepaid.

Full Pay Students - Students will pay for breakfast and lunch meals at the school's published paid meal rates each day. The charged meals offered to students will be reimbursable meals available to all students, unless the student's parent or guardian has specifically provided written permission to the school to withhold a meal. A la carte items or other similar items must be paid/prepaid.

The Wantagh Union Free School District's point-of-sale system will track all charges and payments.

ONGOING STAFF TRAINING:

Staff will be trained annually and throughout the year as needed on the procedures for managing meal charges using the NYSED Webinar or training programs provided by the Wantagh Union Free School District. Staff training includes ongoing eligibility certification for free or reduced price meals.

PARENT NOTIFICATION:

Unpaid meal charges will be addressed directly with the student's parent or guardian who is responsible for providing funds for meal purchases; discreet notifications of low, exhausted, or deficit balances will be sent at appropriate intervals during the school year. The notification may include a repayment schedule, but will not charge any interest or fees related to meals charged prior to being paid. Wantagh Union Free School District administration will further consider the benefits of attempted collections and the costs that would be expended in collection attempts. Parents/guardians will be discretely notified that a student's meal card or account balance is exhausted and has accrued meal charges, and the process to refill the student's account, within 5 days of the charge and then every school week thereafter until the account is replenished.

PARENT OUTREACH:

Staff will communicate with parents/guardians with five or more meal charges to determine eligibility for free or reduced price meals.

School staff will make two documented attempts to reach out to parents/guardians to complete a meal application in addition to the application and instructions provided in the school enrollment packet.

School staff will contact the parent/guardian to aid with completion of meal application to determine if there are other issues within the household causing the child to have insufficient funds, offering any other assistance that is appropriate. If a parent/guardian regularly fails to provide meal money and does not qualify for free or reduced price meals, then the district may take other actions as appropriate.

MINIMIZING STUDENT DISTRESS:

School and Food Service Management Company (FSMC) staff will not publicly identify or stigmatize any student on the serving line or discuss any outstanding meal debt in the presence of any other students.

Students who incur meal charges will not be overtly identified, will not be required to wear or carry any item that would identify unpaid meals, nor do chores or work to pay for meals.

Schools will not throw away a meal after it has been served because of the student's inability to pay for the meal or because of previous meal charges.

Schools will not take any action directed at a pupil to collect unpaid school meal fees.

Schools will deal directly with parents/guardians regarding unpaid school meal fees.

ONGOING ELIGIBILITY CERTIFICATION:

School staff will conduct direct certification with NYSSIS or using NYSED Roster Upload at least monthly to maximize free eligibility.

School staff will provide parents/guardians with free and reduced price application and instructions at the beginning of each school year in school enrollment packet.

Should the Wantagh Union Free School District begin using electronic meal applications, the district will provide an explanation of the process in the school enrollment packet and instructions on how to request a paper application at no cost.

Schools will provide at least two additional free and reduced price applications throughout the school year to families identified as owing meal charges.

Schools will use administrative prerogative judiciously, only after using exhaustive efforts to obtain a completed application from the parent/guardian only with available information on family size and income that falls within approvable guidelines.

Schools will coordinate with the foster, homeless, migrant, runaway coordinators at least monthly to certify eligible students.

Students/Parents/Guardians may pay for meals in advance via www.myschoolmeals.com or with a check payable to Wantagh Union Free School District. Further details are available on the district webpage at www.wantaghschools.org. Funds should be maintained in accounts to minimize the possibility that a child may be without meal money on any given day. Any remaining funds for a student will be carried over to the next school year.

Refunds for withdrawn and graduating students require submission of a written or e-mailed request for a refund of any money remaining in their account. Students who are graduating at the end of the year will be given the option to transfer to a sibling's account with a written request.

Unclaimed Funds must be requested within one school year. Unclaimed funds will then become the property of the Wantagh Union Free School District Food Service Program.

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. Staff members are not allowed to charge meals to be repaid later.

The district shall ensure that all district and food service management company staff with responsibilities under this policy will be trained on the provisions of this policy and the requirements of Education Law section 908.

Cross-ref:

8520, Free and Reduced Price Meal Services

Ref: 42 USC §1779 (Child Nutrition Act of 1966)
42 USC §§1758(f)(1); 1766(a) (National School Lunch Act)

Adoption date: August 24, 2017

Revised: March 14, 2019

☐ Required
☐ Local
☒ Notice

FREE AND REDUCED PRICE MEAL SERVICES

The Board of Education recognizes that the nutrition of district students is an important factor in their educational progress. The Board therefore shall participate in federally funded school lunch programs, and shall provide free or reduced price meal services to qualified district students.

Availability, Application & Notification

Notice of the availability of the free and reduced price meal programs will be sent to the homes of students, local media, the local unemployment office and large employers experiencing layoffs in the area from which the district draws its attendance. Any child who is a member of a family unit whose income is below the federally established scale shall be eligible to receive such services.

To apply for the free or reduced price meal program:

1. Application forms will be available in the main office of each school building and on the district web site and can be completed and submitted at any time during the year.
2. Completed forms must be submitted to the Building Principal of the school which the student attends prior to any determination of eligibility.
3. The parent or guardian will be informed of the determination within one business week of the Principal's receipt of a properly completed application.

Applications will be kept confidential.

Upon written request, the Assistant Superintendent for Business will hear appeals of determinations regarding such services in compliance with federal regulations governing the National School Lunch Program.

In addition, in order to reach students who are categorically eligible for free and reduced price meals and to comply with state law, four times per school year the Assistant Superintendent for Business will review the list made available by the State Education Department of children ages three to eighteen who are in households receiving federal food assistance, Medicaid benefits (for certain recipients), or Temporary Assistance for Needy Families (TANF) to identify students within the district. The district will send a notice to those families apprising them of their student's eligibility to participate in the school meal programs without further application.

Parents may decline participation by informing the district in writing. If the service is declined, the student will be removed from the eligibility list.

The Building Principal in conjunction with the Assistant Superintendent for Business will establish meal-time procedures that both protect the anonymity of the student and allow for proper accounting.

Community Eligibility

If the district can show that the percentage of students eligible for free school meals at any one school, or group of schools, or the entire school district, is at least 40%, the district may elect for the school, schools, or district to participate in the Community Eligibility option. Pursuant to federal law and regulations, the school would provide all students at that school or schools with free breakfast and lunch, pursuant to federal regulations. The district would receive federal reimbursement corresponding to the percentage of eligible students. If the reimbursement received by the district is not sufficient to cover total nonprofit school food service program costs, non-federal funds must be used to pay the difference.

Pursuant to federal regulations, under the Community Eligibility option, student eligibility is based on household receipt of food assistance (Supplemental Nutrition Assistance Program (SNAP) or Food Distribution Program on Indian Reservations (FDPIR)), income assistance (TANF), or Medicaid benefits (for certain income levels), student participation in Head Start, or recognition of the student as homeless, runaway, migrant, or in foster care.

All affected households will receive prior notification that the school is operating under the Community Eligibility provision.

Ref: National School Lunch Act of 1946, as amended, (42 U.S.C. §§1751-1760)
 Child Nutrition Act of 1966, as amended, (42 USC §§1771 et seq.)
 7 CFR Part 245 (245.2, Definitions; 245.5, public announcement; 245.6, categorical eligibility and direct certification/verification.)
 Social Services Law §95(7)
 U.S. Department of Education guidance document, *The Community Eligibility Provision and Selected Requirements Under Title I*, January 2014, www.ed.gov/programs/titleiparta/13-0381guidance.doc.

Adoption date: August 24, 2017

☐ Required
☐ Local
☒ Notice

COMPUTER RESOURCES AND DATA MANAGEMENT

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 school district's resources, including the compilation of data and recordkeeping for personnel, students, finances, supplies and materials. This policy outlines the Board's expectations in regard to these different aspects of the district's computer resources.

General Provisions

The Director of Technology will oversee the use of district computer resources. The Superintendent and his/her designee(s) 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 the Director of Technology, will be responsible for the purchase and distribution of computer software and hardware throughout the schools. The Director of Technology 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 and his/her designee, working with the Director of Technology, 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 Acceptable Use Policy #4526. 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

The Board recognizes that since district data is managed by computer, it is critical to exercise appropriate control over computer records, including financial, personnel and student information. The Superintendent, working with the Director of Technology and the district's 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".

The procedures will address:

1. passwords,
2. system administration,
3. separation of duties,
4. remote access,
5. encryption,
6. data back-up (including archiving of e-mail),
7. record retention, and
8. disaster recovery plans and notification plans.

If the district contracts with a third-party vendor for computing services, the Superintendent, in consultation with the Director of Technology, the Assistant Superintendent for Business and/or the School Attorney, will ensure that all agreements address the procedures listed above, as applicable.

Review and Dissemination

Since computer technology is a rapidly changing area, it is important that this policy be reviewed periodically by the Board and the district's internal and external auditors. The regulation governing appropriate computer use will be distributed annually to staff and students and will be included in both employee and student handbooks.

Cross-ref: 1120, School District Records
 4526, Computer Use for Instruction
 4526.1, Internet Safety
 6600, Fiscal Accounting and Reporting
 6700, Purchasing
 8635, Information Security Breach and Notification

Adoption date: August 24, 2017

COMPUTER RESOURCES AND DATA MANAGEMENT REGULATION

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 Director of Technology shall oversee the district's computer network.
- The Director of Technology shall monitor and examine all network activities, as appropriate, to ensure proper use of the system.
- The Director of Technology shall develop and implement procedures for data back-up and storage. These procedures will facilitate the disaster recovery and notification plan and will comply with the requirements for records retention in compliance with the district's policy on School District Records #1120 taking into account the use of onsite storage or storage in the cloud.
- The Superintendent, working in conjunction with the Director of Technology, 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 Superintendent and his/her designee(s) 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 (including policy #4526, Computer Use in Instruction) governing use of the district's network.
- The Director of Technology shall take reasonable steps to protect the network from viruses, other software, and network security risks that would comprise the network.
- 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 Assistant Superintendent for Business and the Director of Technology, 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 #4526, Computer Use for Instruction. District employees and third party users are governed by the following regulations:

- Employees may 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 Director of Technology.
- 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

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 are expected to abide by the generally accepted rules of network etiquette. This includes being polite and using only appropriate language. Abusive language, vulgarities and swear words are all inappropriate.
- Network users identifying a security problem on the district's network must notify appropriate staff. Any network user identified as a security risk or having a history of violations of district computer use guidelines may be denied access to the district's network.

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.

- 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 another person without his/her permission.
- Using the network for sending and/or receiving personal messages.
- Intentionally disrupting network traffic or crashing the network and connected systems.
- Installing personal software, 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 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.

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.

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. Even though the district may use technical and/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.

Adoption date: August 24, 2017

(X) Required

(X) Local

(X) Notice

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:

1. 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;
2. Include procedures to identify any breaches of security that result in the release of private information; and
3. 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.

Cross-ref: 1120, District Records
5500, Student Records
8630, Computer Resources and Data Management

Ref: State Technology Law §§201-208
Labor Law §203-d

Adoption date: August 24, 2017

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 review 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 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:

- (a) Written notice,
- (b) Electronic notice, provided that the person to whom notice is required has expressly consented to receiving the notice in electronic form, and 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, or
- (c) 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.

Adoption date: August 24, 2017

[] Required
[X] Local
 [] Notice

PERSONNEL GOALS

The Board of Education recognizes that the school district's central goal – the education of children – is dependent on the dedication and work provided by the school district's employees. The Board seeks to develop and implement personnel policies that will allow and enhance the ability of staff to educate children.

The specific goals that will guide the Board as it develops personnel policies are:

1. To hire and retain the best and most qualified staff available
2. To ensure staff are evaluated in a rigorous and meaningful manner
3. To grant tenure to staff who have performed at the highest level and
4. To provide professional development and training to staff to improve their skills.

Although the Board is the employer of all staff in the district, the Board recognizes that the Taylor Law requires the district to negotiate in good faith with recognized or certified employee organizations over wages, hours, and all other terms and conditions of employment as defined by the Taylor Law or as interpreted by the Public Employment Relations Board. The school district will fully comply with the requirements of the Taylor Law.

All other employees in the district who are not represented by a recognized or certified employee organization will receive fair compensation and benefits for the work they provide.

In return for the compensation and benefits provided to district staff, the Board expects employees to render the quality of service that enables children to learn at the highest level possible and seek continuous improvement in the service they provide.

Ref: Education Law §§ 1604(8), 1709(16), 2503(3), 2554(2), 3012(1)(a)
 (Board's authority to hire employees)
 Education Law § 3012(2) (Board's authority to grant tenure to teachers)
 Civil Service Law § 204 ("Taylor Law" requires school district to negotiate with unions)
 8 NYCRR § 100.2(o)(2) (school district required to evaluate teachers)
 8 NYCRR § 100.2(dd)(2)(ii)(a) (school district required to provide professional development)

Cross-ref: 0100, Equal Opportunity

Adoption date: July 1994
 April 2015
 January 2018

☐ Required
☒ **Local**
☐ Notice

CONFLICT OF INTEREST (NEPOTISM)

The Board of Education is committed to avoiding any situation in which the existence of simultaneous, conflicting interests in any officer or employee may call into question the integrity of the management or operation of the school district. The Board seeks to ensure that hiring and purchasing processes and decisions are competitive, based on cost, and merit. No preference will be given in hiring or purchasing based on personal relationships with, or advantage to, current employees or Board members. Therefore:

No person employed by the district shall hire, supervise, evaluate, promote, review or discipline any other employee who is a member of the same family. Should marriage or some other event result in a situation not in compliance with this policy, reassignment, transfer or a redirection of supervision and evaluation will be affected if practicable, given the efficient management of the district, and in accordance with the applicable provisions of any collective bargaining agreement and any applicable law or regulation.

If and when the provisions stated in the above paragraph become applicable to a member of the school community, he/she has an obligation to disclose the relationship to his/her immediate supervisor.

No person employed by the district shall negotiate or execute any contract on behalf of the district for the purchase, sale or lease of real or personal property, services of any nature, nor for insurance without first having determined the common price for such property, services or insurance, or requesting bids from all potential providers of such property, services or insurance.

No person employed by the district shall allow any matter, concern or interest, personal, financial or otherwise, to influence or interfere with the performance of his or her duties. Should such a matter, concern or interest arise, the employee shall bring the matter to the attention of his or her supervisor or the Board to seek ways to reduce or eliminate the influence or interference.

The Board affirms its commitment to adhere scrupulously to all applicable provisions of law regarding material conflicts of interest.

Knowing or willful violation of this policy by any employee may result in disciplinary action up to and including dismissal.

Any officer, employee or member of the public noting or suspecting a violation of this policy is encouraged to bring the matter, either in confidence or in public, to the Board or the Superintendent of Schools.

This policy shall not be understood to prohibit any Board member from voting on the appointment of, or on a contract of employment with, that member's blood or marriage relative, in accordance with applicable laws.

Cross-ref: 2160, School District Officer and Employee Code of Ethics

Ref: Education Law §§ 410, 3016
General Municipal Law Art. 18, §§ 801-813
Labor Law §201-d
Dykeman v. Symonds, 54 AD2d 159 (4th Dep't 1976)

Adoption date: May 2015
January 2018

[X] Required

[] Local

[] Notice

STAFF COMPLAINTS AND GRIEVANCES

The Board of Education recognizes that staff complaints and grievances regarding work rules arise from time to time. In many instances the complaint process is covered by collective bargaining agreements, and in those instances, the grievance procedure outlined in the agreement shall be used. In order to address staff complaints not covered by bargaining agreements, and/or for those employees not covered by such an agreement, the Board establishes this policy. The Board acknowledges that staff members have the right to present complaints and grievances in accordance with these procedures free from coercion, interference, restraint, discrimination or reprisal.

The district shall implement a multi-stage grievance procedure and an appellate stage for the settlement of grievances pursuant to the General Municipal Law.

This policy and regulation shall be filed with the District Clerk and the State Civil Service Commission within 15 days of adoption and/or amendment, as required by law.

Staff complaints that are not covered under the General Municipal Law, or cannot be resolved under procedures of policies 0100, Equal Opportunity and Nondiscrimination or 0110, Sexual Harassment, shall be subject to the discretion of the Board of Education as to the method by which the complaint may be brought.

Cross-ref: 0100, Equal Opportunity and Nondiscrimination
0110, Sexual Harassment

Ref: General Municipal Law, Article 15-c
Civil Service Law, Article 14
Matter of Gatje, 24 EDR 191 (1984)

Adoption date: April 2015
January 2018

STAFF COMPLAINTS AND GRIEVANCES REGULATION

It is the Board's intention to work toward resolving complaints at the level closest to their origin and to take reasonable steps to avoid litigation. Generally, the procedure outlined below should be followed.

Definitions

1. *Grievant* shall mean an employee who alleges a grievance.
2. *Grievance* shall mean any alleged violation of laws, regulations, rules or governing procedures which relates to employee health or safety, physical facilities, materials or equipment furnished. It does not include complaints regarding compensation or benefits.

This regulation and accompanying policy (9140.1) provide grievance procedures for those employees not covered by collective bargaining agreements or whose negotiated agreements do not include grievance procedures. The resolution of staff complaints shall be dealt with in the following manner:

Stages

A. Stage I—Supervisor

1. Within 20 school days after the events giving rise to the grievance, the grievant shall present the grievance orally to their supervisor. The supervisor may informally discuss the grievance with the grievant. He/she shall promptly investigate the complaint. All employees of the school district shall cooperate with the supervisor in such investigation.
2. Within 15 school days of hearing of the grievance, the supervisor shall make a finding in writing that there has or has not been a violation of the applicable work rule or other governing procedure. In the event the supervisor finds that there has been a violation, he/she shall propose a resolution of the complaint.
3. If the grievant is not satisfied with the finding of the supervisor, or with the proposed resolution of the grievance, the grievant may, within 15 school days after he/she has received the report of the supervisor, file a written request for review by the Superintendent of Schools.

B. Stage II--Superintendent of Schools

1. The Superintendent may request that the grievant, the supervisor, 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 grievance 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. The grievant may be accompanied by representation. Such hearing shall be held within 15 school days of the receipt of the appeal by the Superintendent.
3. Within 15 school 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 applicable work rule or other governing procedure and a proposal for equitably resolving the complaint.
4. If the grievant is not satisfied with the determination of the Superintendent, the grievant may, within 15 school days after its receipt, file with the District 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 grievant. All parties concerned shall have the right to present further statements and testimony at such hearing.
3. The Board shall render a decision in writing within 15 school days after the hearing has been concluded.

Adoption date: April 2015
January 2018

[] Required
[] Local
[X] Notice

PERSONNEL RECORDS

Information about staff is required for the daily administration of the school district, for implementing salary and other personnel policies, for budget and financial planning, for responding to appropriate inquiries about employees, and for meeting Board of Education, state and federal educational reporting requirements. To these ends, the Board authorizes and directs the Superintendent of Schools to develop and implement a comprehensive and efficient system of personnel records maintenance and control under the guidelines which follow.

1. A personnel file will be accurately maintained in the central administrative office for each present and former employee. These files will contain applications for employment; references; and records relative to compensation, payroll deductions, evaluations and such other matters as may be considered pertinent to the purposes of this policy as cited above.
2. The Superintendent will be the records manager for personnel files and will have the overall responsibility for maintaining and preserving the confidentiality of the files when such confidentiality is legally required. The Superintendent may, however, designate another official to perform the duties of records management on the understanding that this official is to be held responsible for granting or denying access to records on the basis of these guidelines.
3. Except for information required to be disclosed under the Freedom of Information Law, all personnel records will be considered confidential and not open to public inspection, and access to files will be limited to school and governmental officials authorized by the Superintendent to use the files for purposes of this policy as cited above. No other persons or agencies may have access to information in a staff member's file except when the staff member has given written consent for the release of specific information to a specific person or agency, or when such information is subpoenaed or ordered for release by a court of law.
4. Lists of district employees' names and home addresses will be released only to governmental agencies as required for official reports.
5. A present or former staff member may have access to his/her own personnel file at all reasonable times (i.e., during regular school hours) but with the exception that access will not be granted to references provided to the district on a confidential basis prior to employment. The right of access includes the right to make written objections to any information contained in the file. Any written objection must be signed by the staff member and will become part of the staff member's file. In cases when file information is proved to be in error, correction will be made.

6. No complaint, commendation, suggestion, or evaluation may be placed in the evaluation section of a file unless it meets the following requirements:
- a. the comment is signed by the person making the complaint, commendation, suggestion or evaluation; and
 - b. the Superintendent or employee's Principal or other supervisor has notified the employee that the comment is available in the district office for inspection prior to its placement in the evaluation section.

The employee may offer a denial or explanation of the complaint, commendation, suggestion or evaluation, and any such denial or explanation will become a part of the evaluation section.

The Board, as an entity, has the right of access to personnel records of district employees pursuant to the procedures set out in Part 84 of the Regulations of the Commissioner of Education.

Cross-ref: 1120, School District Records

Ref: Education Law §3020-a
8 NYCRR Part 84

Adoption date: April 2015
January 2018

[] Required
 [X] **Local**
 [] Notice

MEALS AND REFRESHMENTS

The Board of Education recognizes that from time to time it may be appropriate to provide refreshments and/or meals at district meetings or events, which are being held for a district or educational purpose. Any expenditure on such refreshments and/or meals must be approved in advance by the appropriate Building Administrator. Meal requests may be approved when:

- officers and/or employees of the district will be prevented from taking time off for food consumption due to a pressing need to complete the business at hand;
- the district is faced with business of an immediate nature and meetings of district employees are essential at mealtime;
- the district wishes to recognize the services provided by volunteers or other unsalaried members of the district (in such cases, however, only the meals of those being recognized may be reimbursed and the cost of the meals must be reasonable).

All expenses must be appropriately documented, including the date, purpose of the meeting and the group in attendance, and submitted to the district's Business office for the purposes of audit and possible reimbursement.

Ref: NY Constitution, Art. VIII, §1 (constitutional prohibition against gifts)
 Education Law §2118
 Ops. St. Compt. 77-667; 79-522; 82-66; 82-213 82-298; 83-57; 98-2

Adoption date: April 2015
 January 2018

[] Required
 [X] **Local**
 [] Notice

RECRUITING AND HIRING

The Board of Education believes that the quality of the district's employees in large part determines the quality of the education offered to the district's students. As the employer for the school district, the Board will provide and maintain qualified and certified instructional and support personnel to carry out the educational programs of the district.

The Superintendent shall implement and maintain a high-quality recruiting and hiring program to attract, secure, and retain the best-qualified staff to meet the needs of students and the district.

New or Revised Positions

The Superintendent or his/her designee will develop recommended qualifications for all new positions in the district and review the qualifications for all existing positions as necessary. The Superintendent must approve all recommended qualifications for all new and existing positions. The Board must approve the qualifications for all new positions in the district and revisions of the qualifications for existing positions.

The Superintendent or his/her designee shall refer all proposals for the creation or reclassification of all unclassified (non-instructional) positions and a statement of the duties for these positions to the Nassau County Civil Service for classification.

The Superintendent or his/her designee shall develop job descriptions that incorporate the qualifications and job duties for all positions in the school district. The Superintendent must approve the job descriptions for all positions in the district.

Recruiting

The district will seek the most qualified candidates for vacant positions by recruiting from a variety of sources, including present staff. District employees may apply for all positions for which they meet the certification and other stated qualifications.

The Board and its employees will adhere to the practice of recruiting and hiring personnel without regard to age, color, creed, disability, marital status, national origin, race, religion, sex or any other status protected by federal or state law.

The Board will practice due diligence in finding the most qualified persons for any open positions. The Board recognizes that some specialized positions are difficult to fill because of shortages of qualified candidates. In rare instances, the Board may need to hire a retired public employee, in which case it will follow the Commissioner's regulations for securing a §211 waiver. When recruiting for an open position the Board will first undertake a thorough and good faith search for a certified and qualified individual who will not require such a waiver for employment.

Hiring

Through standard recruiting and hiring procedures, the Superintendent or his/her designee will ensure that candidates for district employment meet all the qualifications set for the position sought. The district will comply with all the requirements of the Education and Civil Service laws, including any fingerprinting requirements. The Superintendent must recommend all individuals for employment to the Board. The Board must approve all individuals who are to be employed by the school district.

The Board must approve of all individuals who are employed by the school district.

Ref: Age Discrimination in Employment Act (ADEA), 29 USC §§ 621 *et seq.* (prohibiting discrimination on the basis of age)
 Americans with Disabilities Act (ADA), 42 USC §§ 12101 *et seq.* (prohibiting discrimination on the basis of disability)
 Civil Rights Act of 1964 (Title VII), 42 USC §§ 2000e *et seq.* (prohibiting discrimination on the basis of color, national origin, race, religion and sex)
 Rehabilitation Act of 1973 (Section 504), 29 USC § 794 (prohibiting discrimination on the basis of disability)
 Title IX, 20 USC §§ 1681 *et seq.* (prohibiting discrimination on the basis of sex)
 New York State Constitution, article V, § 6 (requiring public employees be appointed on the basis of merit and fitness)
 Civil Service Law §§ 22, 40-44, 61(1) (rules on classified positions)
 Education Law §§ 1604(8), 1709(16), 2503(3), 2554(2), 3012(1)(a) (board's authority to hire employees)
 Education Law §§ 1604(39), 1709(39), 1804(9), 1950(4), 2503(18), 2554(25) (fingerprinting requirements)
 Executive Law §§ 290 *et seq.* (prohibiting discrimination on the basis of age, color, creed, disability, marital status, national origin, race or sex)
 8 NYCRR § 80-5.5 (§211 waiver process)

Adoption date: July 1994
 May 2015
 January 2018

[X] Required☐ Local☐ Notice

CONDITIONAL APPOINTMENT - STUDENT SAFETY

The Board of Education recognizes that there may be instances in which it is necessary, upon recommendation of the Superintendent of Schools, for the Board to conditionally appoint or to make an emergency conditional appointment of a prospective employee. To provide for the safety of students who have contact with an employee holding a conditional appointment or an emergency conditional appointment, the Board adopts the following policy.

All those employed on a conditional or emergency conditional basis will sign an affidavit assuring the district that they have not been convicted of any criminal offense and that there are no criminal actions pending against him or her. Further the district will conduct credential and reference checks of such employees in the same manner and to the same extent such checking is conducted of all prospective employees.

No district employee who holds a conditional or emergency conditional appointment shall be in contact with students other than to provide instruction and/or other required services.

No district employee who holds a conditional or emergency conditional appointment shall teach a class or provide services to students with his/her classroom or office door closed unless the Building Principal has provided express prior permission to do otherwise.

The Building Principal or his/her designee shall, at least twice a week, monitor the activities of such employees while on school district property during the period of their conditional or emergency conditional appointment.

In addition, the district will ensure that all personnel, including conditional and emergency conditional appointed employees, are aware of and receive training regarding the prohibition against child abuse in an educational setting and of their responsibility for reporting any such abuse. All conditionally appointed and emergency conditionally appointed employees receive this training at the time of their initial contingency appointment.

For purposes of this policy, the terms “conditionally appointed” and “emergency conditional appointment” shall refer to any employee holding conditional or emergency conditional appointment, as defined in Section 1709 of the Education Law.

Cross-ref: 9620, Child Abuse in an Educational Setting

Ref: Education Law §§1125-1133; 1604(39); 1709(39); 1804(9); 1950(4)(II); 2503(18); 2554(25); 2854(3)(a-2) (As extended by L.2001, c. 147; L.2003, c. 100; L.2005, c. 127; L.2007, c. 90; L.2009, c. 179; L.2011, c. 2; L.2011, c. 58)
8 NYCRR §§100.2(hh); Part 87

Adoption date: July 1994
April 2015
January 2018

[X] Required

[] Local

[] Notice

DRUG-FREE WORKPLACE

The Board of Education prohibits the illegal, improper or unauthorized manufacture, distribution, dispensing, possession or use of any controlled substances in the workplace.

"Workplace" shall mean any site on school grounds, at school-sponsored activities, or any place in which an employee is working within the scope of his/her employment or duties.

"Controlled substances" shall include all drugs which are banned or controlled under federal or state law, including those for which a physician's prescription is required, as well as any other chemical substance which is deliberately ingested to produce psychological or physiological effects, other than accepted foods or beverages.

The Superintendent of Schools or his/her designee shall implement related regulations which outline the requirements of the federal Drug-Free Workplace Act of 1988.

Ref: Drug-Free Workplace Act (DFWA), 41 U.S.C. §§702-707
Controlled Substances Act, 21 U.S.C. §812
21 CFR §§1300.11-1300.15
34 CFR Part 85 (U.S. Dept. of Ed. Regulations under the DFWA)
Civil Service Law §75
Education Law §3020-a
Patchogue-Medford Congress of Teachers v. Board of Education,
70 NY2d 57 (1987)

Adoption Date: July 1994
April 2015
January 2018

DRUG-FREE WORKPLACE REGULATION

1. The Superintendent of Schools shall certify to any federal agency making a direct grant to the district that the district will provide a drug-free workplace, in accordance with the Drug-Free Workplace Act of 1988.
2. The Superintendent or his/her designee shall establish a drug-free awareness program to inform employees about:
 - a. the dangers of drug abuse in the workplace;
 - b. the district's policy of maintaining a drug-free workplace;
 - c. any available drug counseling, rehabilitation, and employee assistance programs; and
 - d. the penalties that may be imposed upon employees for drug abuse violations.
3. The Superintendent or his/her designee shall publish a statement notifying district employees that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the workplace (as defined by district policy). The statement shall specify the actions that will be taken against employees for violations of such prohibition. Each employee shall receive a copy of this statement and the Drug-Free Workplace Act of 1988.
4. Each employee, as a condition of employment on any direct federal grant, shall:
 - a. abide by the terms of the statement; and
 - b. notify his/her immediate supervisor, who shall notify the Superintendent, of any criminal drug statute conviction for a violation occurring in the workplace within five (5) days of such conviction.
5. The Superintendent shall notify the Board of Education of any such conviction(s), and shall notify the granting agency within 10 days after receiving notice of such conviction(s) from any source.
6. Within 30 days of such conviction(s), the district shall initiate appropriate disciplinary action against any employee so convicted in the manner provided for by law, up to and including dismissal, and/or require his/her satisfactory participation in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement or other appropriate agency.
7. The district shall make a "good faith effort" to continue to maintain a drug-free workplace through implementation of these regulations.

Adoption date: April 2015
January 2018

[] Required
 [X] **Local**
 [] Notice

**STAFF REQUESTS FOR ACCOMMODATIONS
 UNDER THE AMERICAN WITH DISABILITIES ACT AS AMENDED (ADAAA)**

The Board of Education is committed to equal opportunity and nondiscrimination (0100, 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 the Assistant Superintendent for Instruction 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: 0100, 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: April 2015
 January 2018

[] Required

[] Local

[X] Notice

**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 9420.1, shall be evaluated annually by the Superintendent or a designee 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 Superintendent shall collaborate with teachers, pupil personnel professionals, and administrators in developing the plan, which may be a multi-year plan.

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.

Support Staff

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.

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: 9160, Personnel Records
9420.1, Building Principal and Classroom Teacher Evaluation
9700, Staff Development

Ref: Education Law §3012-c
8 NYCRR § 100.2(o) (Professional Performance Review Plans)

Adoption date: April 2015
January 2018

[] Required
 [] Local
 [X] Notice

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 ensure 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 Board may request that the Superintendent prepare an annual summary report 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 report reveals that progress is not being made, the administration will recommend changes to the approach.

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. 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: 9140.1, Employee Complaints and Grievances
 9420, Staff Evaluation
 9160, Personnel Records
 9700, 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: April 2015
January 2018

[] Required
 [X] **Local**
 [] Notice

COMPENSATION AND BENEFITS

The Board of Education believes that the district's employees should receive fair compensation and benefits for the work they provide in serving the children of our community. To this end, the Superintendent of Schools shall be responsible for establishing and administering the compensation and benefits provided to the district's employees, consistent with collective bargaining agreements.

The Board and the school district will comply with all applicable federal and state laws that require minimum compensation, overtime and benefits be provided to certain employees.

Determination of Employment Status

Before enrolling an individual in the district's compensation and benefits program, the district will determine the individual's employment status. In accordance with regulations issued by the State Comptroller and as set forth by the Internal Revenue Service, the Superintendent or a designee will determine if the person is an employee and thus entitled to benefits. If the individual is not an employee based on the specified criteria, they will not be enrolled in any of the benefit programs offered by the district or the State. When the district hires an attorney, physician, engineer, architect, accountant or auditor as an employee and not an independent contractor, the Board of Education President must certify to the applicable New York State Retirement System the factors supporting that determination using the form prescribed by the State Comptroller.

The Board of Education President shall be responsible for reporting to the appropriate retirement system those individuals eligible for membership. This reporting shall take place at the time of an individual's employment, and at the intervals required by the appropriate retirement system.

Employees Covered by Collectively Negotiated Agreements

The compensation and benefits (except for State Retirement System benefits) for employees who are represented by recognized or certified employee organizations are established by collectively negotiated agreements between the employee organizations and the district. The district will negotiate in good faith over these issues, as required by law, and will fully comply with the requirements of the Taylor Law and the applicable collectively negotiated agreements.

The Board reserves its right to approve all additional funding required by the provisions of a tentative collectively negotiated agreement, in addition to any right of ratification that is secured by the district's negotiation representative(s).

Employees Not Covered by Collectively Negotiated Agreements

The compensation and benefits for employees who are not represented by recognized or certified employee organizations shall be determined by the Board of Education upon the recommendation of the Superintendent.

Cross-ref: 6741, Contracting for Professional Services
6800, Payroll Procedures
9420, Recruiting and Hiring

Ref: Consolidated Omnibus Budget and Reconciliation Act of 1985 (COBRA), 42 USC §§ 300bb-1 *et seq.* (federal law that requires the continuation of health insurance benefits under certain circumstances)
Fair Labor Standards Act (FLSA), 29 USC §§ 200 *et seq.* (federal law that requires a minimum wage and overtime for non-exempt employees)
Family and Medical Leave Act of 1993 (FMLA), 29 USC §§ 2610 *et seq.* (federal law that requires an unpaid leave of absence for certain family and medical situations) Civil Service Law §§ 200 *et seq.* ("Taylor Law," requires school districts to negotiate with unions)
Education Law § 3005-b (requires a minimum sick leave allotment and accumulation for teachers)
Local Finance Law § 2.00(5)(e) (designates Board of Education President as Chief Fiscal Officer)
2 NYCRR Part 315.2 and 315.3 (criteria for determining employment status)

Adoption date: July 1994
April 2015
January 2018

COMPENSATION AND BENEFITS REGULATION EMPLOYMENT STATUS DETERMINATION

When making a determination as to whether an individual should be classified as an employee or an independent contractor for purposes of receiving district compensation and benefits, and specifically for reporting to the New York State Employees Retirement System, the district shall utilize the factors listed in the Comptroller's Regulations §315.3. Under § 315.2 of those regulations, the following definitions apply:

- a. Employee means an individual performing services for the district for which the district has the right to control the means and methods of what work will be done and how the work will be done.
- b. Independent Contractor means a consultant or other individual engaged to achieve a certain result who is not subject to the direction of the district as to the means and methods of accomplishing the result.

I. Employees

The following factors shall support a conclusion that an individual is an employee rather than an independent contractor:

- a. The district controls, supervises or directs the individual performing the services, not only as to result but as to how assigned tasks are to be performed;
- b. The individual reports to a certain person or department at the beginning or during each work day;
- c. The individual receives instructions as to what work to perform each day;
- d. The individual's decisions are subject to review by the district;
- e. The district sets hours to be worked;
- f. The individual works at established and fixed hours;
- g. The district maintains time records for the individual;
- h. The district has established a formal job description;
- i. The Board of Education formally created the position with the approval of the local civil service commission where necessary;
- j. The district prepares performance evaluations;
- k. The district requires that the individual attend training;
- l. The district provides permanent workspace and facilities (including, but not limited to, office, furniture and/or utilities);
- m. The district provides the individual with equipment and support services (including, but not limited to, computer, telephone, supplies and/or clerical assistance);
- n. The individual is covered by a contract negotiated between a collective bargaining unit and the district;
- o. The individual is paid salary or wages through the district's payroll system;

- p. Tax withholding and employee benefit deductions are made from the individual's paycheck; and
- q. The individual is entitled to fringe benefits (including, but not limited to, vacation, sick leave, personal leave, health insurance and/or grievance procedures).

II. Independent Contractor

The following factors shall support a conclusion that an individual is an independent contractor rather than an employee:

- a. The individual has a personal employment contract with the district;
- b. The district pays the individual for the performance of services through the submission of a voucher;
- c. The individual is authorized to hire others, at the expense of the individual or a third party, to assist the individual in performing work for the district;
- d. The individual provides similar services to the public;
- e. The individual is concurrently performing substantially the same services for other public employers; and
- f. The individual is also employed or associated with another entity that provides services to the district by contract, retainer or other agreement.

When an individual is providing services to the district in the capacity of attorney, physician, engineer, architect, accountant or auditor, and is also a partner, associate (including an attorney in an "of counsel" relationship), or employee of another organization or entity that has a contract, retainer or other agreement to provide professional services to the district, it shall be presumed that the individual is an independent contractor and not an employee of the district.

Adoption date: July 1994
April 2015
January 2018

[] Required
 [] Local
 [X] Notice

FAMILY AND MEDICAL LEAVE

Consistent with the federal Family and Medical Leave Act (FMLA) of 1993 as amended, the Board of Education recognizes the right of eligible employees to unpaid, job protected family and medical leave for up to twelve (12) workweeks during a rolling twelve-month period measured backward from the date an employee uses any FMLA leave. The Board shall ensure that all eligible employees who use such leave shall have their health benefits continued and shall be returned to an equivalent position according to established Board practices, policies and collective bargaining agreements.

To be eligible for FMLA an employee must have been employed for at least twelve months and have worked at least 1,250 hours during the prior twelve months.

FMLA leave shall be granted for the following reasons:

1. the birth and care of a newborn child of the employee within one year of birth;
2. the adoption or foster placement of a child within one year of placement;
3. to care for an employee's spouse, parent, or son or daughter with a serious health condition;
4. due to a serious health condition that makes the employee unable to perform the essential functions of the employee's job;
5. for a qualifying exigency as defined in 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 twenty-six (26) workweeks of unpaid, job protected leave in a rolling twelve (12) month period measured backward from the date an employee uses any FMLA leave to care for the service member who is seriously ill or injured in the line of duty.

An employee may elect to use accrued paid vacation or personal days for purposes of FMLA. The district will require an employee to use accrued personal illness days for the purposes of a personal medical leave under FMLA but only to the extent consistent with any applicable collective bargaining agreement, terms of employment, or other applicable paid leave policy.

An employee may elect to use accrued and/or accumulated and/or unused personal illness days for the birth and care of a newborn child of the employee or the adoption of a child by the employee, beginning the first date of FMLA absence for such birth or adoption. Employees who have regular work years of less than twelve months, for whom the birth or adoption occurs during the summer recess, will be permitted to begin taking accrued and/or accumulated and/or unused personal illness days on the first workday of the new school year, provided they continue to be eligible for FMLA leave. Employees who have regular work years of less than twelve months, for whom the birth or adoption occurs before summer recess, such that a portion of the FMLA leave continues through summer recess into the next school year, will be permitted to begin taking accrued and/or accumulated and/or unused personal illness days from the first date of FMLA absence for the birth or adoption until summer recess and continue taking such personal

illness days on the first workday of the new school year, provided they continue to be eligible for FMLA leave.

The employee shall notify the district of his/her request for leave, if foreseeable, at least thirty (30) days prior to the date when the leave is to begin. If such leave is not foreseeable then the employee shall give such notice as is practical. The district may require a certification from a health care provider if medical leave is requested. When an employee returns following a leave, he/she must be returned to the same or equivalent position of employment.

The Superintendent of Schools or his/her designee may reassign a returning teacher to a different grade level, building or other assignment consistent with the teacher's collective bargaining agreement and the teacher's certification and tenure area. The Superintendent of Schools or his/her designee may reassign a returning Civil Service employee to a different building or assignment consistent with the employee's collective bargaining agreement and Civil Service qualifications.

The Board shall ensure that FMLA is provided to all eligible employees, unless they are covered by a collective bargaining agreement which provides greater leave benefits than this Act.

The district shall post a notice prepared or approved by the Secretary of Labor stating the pertinent provisions of the Family and Medical Leave Act, including information concerning enforcement of the law.

Ref: 29 U.S.C. §§ 207, 2601, 2611, 2612, 2613, 2614, 2618, 2619.
29 CFR §§ 825.110, 825.309, 825.600, 825.603, 825.800.

Adoption date: April 2015

Revised: June 2019

FAMILY AND MEDICAL LEAVE REGULATION

Consistent with the federal Family and Medical Leave Act (FMLA) of 1993 as amended, the Board of Education recognizes the right of eligible employees to unpaid, job protected family and medical leave for up to twelve (12) workweeks during a rolling twelve (12) month period measured backward from the date an employee uses any FMLA leave. The Board shall ensure that all eligible employees who use such leave shall have their health benefits continued and shall be returned to an equivalent position according to established Board practices, policies and collective bargaining agreements.

An eligible employee must have been employed for at least twelve months, have worked at least 1,250 hours during the prior twelve months, and be employed at a worksite where at least 50 employees are employed by that employer within a 75 mile radius of that worksite.

Right to Benefits During Leave

An eligible employee is entitled to a total of twelve (12) workweeks of unpaid, job protected family and medical leave. Any employee who uses the unpaid, job protected leave shall have his/her health benefits continued during the leave, shall not have any previously accrued benefits altered and shall be returned to an equivalent position according to established Board policies and collective bargaining agreements. The employee is not entitled to accrue seniority during the leave.

An employee may elect to use accrued paid vacation or personal days for purposes of a family or medical leave. The district will require an employee to use accrued personal illness days for the purposes of a personal medical leave under FMLA but only to the extent consistent with any applicable collective bargaining agreement, terms of employment, or other applicable paid leave policy.

An employee may elect to use accrued and/or accumulated and/or unused personal illness days for the birth and care of a newborn child of the employee or the adoption of a child by the employee, beginning the first date of FMLA absence for such birth or adoption. Employees who have regular work years of less than twelve months, for whom the birth or adoption occurs during the summer recess, will be permitted to begin taking accrued and/or accumulated and/or unused personal illness days on the first workday of the new school year, provided they continue to be eligible for FMLA leave. Employees who have regular work years of less than twelve months, for whom the birth or adoption occurs before summer recess, such that a portion of the FMLA leave continues through summer recess into the next school year, will be permitted to begin taking accrued and/or accumulated and/or unused personal illness days from the date of FMLA absence for the birth or adoption until summer recess and continue taking such personal illness days on the first workday of the new school year, provided they continue to be eligible for FMLA leave.

Family and Medical Leave

“Family leave” is available when a child is born to the employee, adopted by an employee or one is placed with the employee for foster care.

9520.2-R

“Medical leave” is available in order for the employee to take care of a spouse, child, or parent who has a serious health condition, or when the employee has a serious health condition rendering him/her unable to perform the functions of the employee's job.

“Military caregiver leave” is available to employees who are family members of covered service members with a serious illness or injury incurred in the line of duty while on active duty. Additionally, this applies to covered veterans who require care and have been other than dishonorably discharged from service within the last five (5) years. Military caregiver leave is a special entitlement that allows the employee to extend FMLA leave to twenty-six (26) workweeks. “Qualifying exigency leave” is available to employees when a family member is notified of impending call or called to active duty.

A “child” shall include any individual whether biological, adopted, a foster child, a stepchild, a legal ward, or a child standing in loco parentis who is under eighteen years of age or, if over eighteen, is incapable of self-care due to a mental or physical disability.

A “parent” shall include the biological parent of the employee or an individual who stood in loco parentis to the employee when he/she was a child.

“Next of kin” shall mean the nearest blood relative other than spouse, parent, son, or daughter, as defined in federal regulation.

A “serious health condition” means an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a healthcare provider.

Family leave must be taken within one year of the birth, adoption, or placement of the employee's child. If both spouses are employed by the district, then the combined amount of leave for family leave or medical leave will be limited to a combined total of twelve (12) weeks during any 12-month period if the leave is taken to care for the employee's parent with a serious health condition, for the birth of the employee's child or to care for the child after birth, or for placement of a child with the employee for adoption or foster care or to care for the child after placement.

Notice to Take Leave

The employee shall notify the district of his/her request for family or medical leave at least thirty (30) days prior to the date when the leave is to begin, when such leave is foreseeable. If such leave is not foreseeable then notice shall be given as early as is practical. If the employee requests medical leave, reasonable attempts shall be made to schedule treatment so as not to disrupt the district's operations.

Employees, absent unusual circumstance, must comply with the district's usual and customary notice and procedural requirements for requesting leave.

Intermittent Leave

An employee, who requests family leave, shall not be provided intermittent leave or a reduced leave schedule unless the employee and district mutually agree. Intermittent leave may be provided for medical leave, however, the district may transfer the employee to a comparable position if it will better accommodate such intermittent periods of leave. For instructional

employees who request medical leave and it is foreseeable that the medical treatment shall cause the teacher to be on leave for more than 20% of the total number of working days in the period of leave, the district may require the teacher to take a block of time or to transfer to an equivalent position for which the employee is qualified, but which better accommodates intermittent periods of leave.

Military Leave: Leave Related to Active Duty or a Call to Active Duty

If the necessity for a leave because of a qualifying exigency arising from the fact that a family member is on active duty or has been notified of an impending call to active duty is foreseeable, the employee shall give such notice to the district as soon as is reasonable and practicable.

The School Board may require that a request for leave because of a qualified exigency arising from the fact that the employee's spouse, son, daughter, or parent is on active duty or has been notified of an impending call to active duty be supported by a certification issued in accordance with regulations.

Certification

The district may require the employee requesting medical leave to present a certification from the health care provider of the person for whom the employee is taking the leave. Upon request by the district, the employee must provide the certification within fifteen (15) days. The certificate shall include:

1. the date on which the serious health condition commenced;
2. the probable duration of the condition;
3. the appropriate medical facts within the knowledge of the health care provider regarding the condition;
4. a statement that the employee is needed to care for the family member and an estimate of the amount of time that such employee shall be needed or a statement that the employee is unable to perform the functions of the employee's position; and
5. the dates and duration of medical treatment if the request for intermittent leave is for a planned medical treatment.

If the district doubts the validity of the certification, then, at the district's expense, a second opinion may be required from a health care provider selected by the district. The school physician cannot give this opinion. If the two opinions conflict, a third health care provider, at the district's expense, may be chosen by the two parties to render a final opinion.

Restoration

An instructional employee, who begins any type of leave at least five (5) weeks before the end of an academic term, may be required not to return until the new term begins if the leave is at least three (3) weeks long and the employee would return during the last three (3) weeks of the term.

An instructional employee who begins leave, for any purpose other than personal illness, less than three (3) weeks prior to the end of the term and the leave is longer than five (5) working days, may be required not to return until the new term begins.

Failure to Return

The district may recover health care premiums paid by the district during the leave if the employee fails to return from the leave. However, recovery cannot occur if the employee fails to return because of the continuation, recurrence, or onset of a serious health condition or due to circumstances beyond the control of the employee.

Effect on Existing Laws or Agreements

The Board shall ensure that family and medical leave, consistent with the Family and Medical Leave Act, is provided to all eligible employees, whether or not they are covered by a collective bargaining agreement. Any collective bargaining agreement which contains greater leave benefits than this policy shall remain in force.

Notice of Policy

The district shall post a notice prepared or approved by the Secretary of Labor stating the pertinent provisions of the Family and Medical Leave Act, including information concerning enforcement of the law.

Adoption date: April 2015

Revised: June 2019

() Required
(X) Local
() Notice

CHILD ABUSE IN AN EDUCATIONAL SETTING

The 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 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
- school board member

For purposes of this policy, persons holding these positions shall be referred to as
“required reporters.”

Definitions

“Educational setting” means the buildings and grounds of the district, the vehicles provided by the district to transport students to and from school buildings, field trips, co-curricular and extra-curricular activities both on and off school district 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.

“Child” means a person under the age of 21 enrolled in a New York State school district, other than New York City.

“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.

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).

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.

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 all the elements specified in Commissioner's regulations.

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: January 2018

**CHILD ABUSE IN AN EDUCATIONAL SETTING EXHIBIT -
CONFIDENTIAL REPORT OF ALLEGATION**

SUBJECT CHILD	PARENT/ GUARDIAN OF SUBJECT CHILD
Name: _____ <div style="display: flex; justify-content: space-between; width: 100%;"> Last First MI </div>	Name: _____ <div style="display: flex; justify-content: space-between; width: 100%;"> Last First MI </div>
Address: _____ _____	Address (if different than subject child's): _____ _____
School: _____ Grade: _____ Sex (M, F, Unknown) _____	_____
Age _____ Birthday (Mo/Day/Yr) ____/____/____	

SOURCE OF ALLEGATION (Check as Appropriate) <input type="checkbox"/> Child <input type="checkbox"/> Parent/Guardian <input type="checkbox"/> Other Name _____ Relationship to Child (if any) _____

ALLEGED PERPETRATOR (EMPLOYEE OR VOLUNTEER) Name _____ School District: Wantagh UFSD School Building: _____ School Position: _____ _____
--

SPECIFIC ALLEGATION Use this space to provide information to describe or explain the circumstances surrounding the allegation. (Attach additional sheets if necessary)

REPORTER INFORMATION

Name:

School District: Wantagh UFSD

School Building: _____

School Address: _____

School Telephone: _____

Relationship to Child (if any) _____

- ☐ ☐ Teacher ☐ School Guidance Counselor ☐ School Nurse ☐ School Psychologist
- ☐ Administrator ☐ School Board Member ☐ School Social Worker
- ☐ School personnel required to hold teaching or administrator license or certification

Date Submitted to Administrator (Mo/Day/Year) ____/____/____

Reporter's Signature _____

FOR ADMINISTRATOR USE ONLY

Reasonable Suspicion:

____ Yes ____ No

Date Submitted to Superintendent:

(Mo/Day/Year) ____/____/____

Administrator's Signature:

FOR SUPERINTENDENT OF SCHOOL USE ONLY

Reasonable Suspicion:

____ Yes ____ No

Date Submitted to Law Enforcement:

(Mo/Day/Year) ____/____/____

Superintendent's Signature:

Date Submitted to Law Enforcement:

(Mo/Day/Year) ____/____/____

Administrator's Signature:

Date Submitted to Commissioner:

(Mo/Day/Year) ____/____/____

Superintendent's Signature:

Adoption Date: January 2018

Child Abuse in an Educational Setting Definitions

Definitions contained in §1125 of Article 23-B, Title I of the Education Law

1. “Child abuse” shall mean any of the following acts committed in an educational setting by an employee or volunteer against a child:
 - a. intentionally or recklessly inflicting physical injury, serious physical injury or death, or
 - b. intentionally or recklessly engaging in conduct which creates a substantial risk of such physical injury, serious physical injury or death, or
 - c. any child sexual abuse as defined in this section, or
 - d. 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.
2. “Child” shall mean a person under the age of 21 years enrolled in a school district in this State, other than a school district within a city having a population of one million or more.
3. “Employee” shall mean any person receiving compensation from a school district or 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, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact.
4. “Volunteer” shall mean any person, other than an employee, who provides services to a school or school district, which involve direct student contact.
5. “Educational setting” shall mean the building and grounds of a public school district, the vehicles provided by the school district for the transportation of students to and from school buildings, field trips, co-curricular and extra-curricular activities, both on and off school district grounds, all co-curricular and extra-curricular activity sites, and any other location where direct contact between an employee or volunteer and a child has allegedly occurred.
6. “Administrator” or “school administrator” shall mean a principal of a public school, charter school or board of cooperative educational services, or other chief school officer.
7. “Law enforcement authorities” shall mean a municipal police department, sheriff’s department, the division of state police or any officer thereof. Notwithstanding any other provision of law, law enforcement authorities shall not include any child protective service or society for the prevention of cruelty to children as such terms are defined in section four hundred twenty-three of the social services law.
8. “Parent” shall mean either or both of a child’s parents or other persons legally responsible for the child.
9. “Child sexual abuse” shall mean conduct prohibited by article one hundred thirty or two hundred sixty-three of the penal law.

Adoption date: January 2018

CHILD ABUSE IN AN EDUCATIONAL SETTING EXHIBIT - NOTICE/REPORTING REQUIREMENTS

Duties of Employees

The law imposes reporting requirements on teachers, administrators, school nurses, school guidance counselors, school psychologists, school social workers, school board members and all other school personnel required to hold a teaching or administrative license or certificate. When these employees receive an allegation of child abuse by an employee or volunteer in an educational setting, they must take the following steps:

1. Upon receipt of an oral or written allegation of child abuse in an educational setting, the employee must promptly complete the “Child Abuse in an Educational Setting” report form (attached).
2. Upon completion of the report form, the employee must personally deliver it to the school building administrator of the school in which the child abuse allegedly occurred.
3. If the allegation(s) involves a child who was allegedly abused by an employee or a volunteer of a school in another school district, the employee must promptly forward the report form to the superintendent of schools of the school district of attendance and the school district where the abuse allegedly occurred.

Duties of School Building Administrators

In all cases, upon receipt of a report form, the school building administrator must review the form and determine if there is reasonable suspicion to believe that an act of child abuse, as defined by law, has occurred. If he or she finds reasonable suspicion to believe that an act of child abuse has occurred, additional steps must be taken which differ depending upon the individual who has made the allegation.

1. Child makes the Allegation
 - a. Promptly notify the parent of the child that an allegation of child abuse in an educational setting has been made.
 - b. Promptly provide the parent with the written statement setting forth parental rights, responsibilities and procedures prepared in accordance with the Commissioner’s regulations (8 NYCRR §100.2(hh)).
 - c. Promptly provide a copy of the completed report form to the superintendent.
 - d. Promptly forward a copy of the completed report form to the appropriate law enforcement authorities. The report to law enforcement may not be delayed by reason of inability to contact the superintendent.
2. Parent Makes the Allegation
 - a. Promptly provide the parent with the written statement setting forth parental rights, responsibilities and procedures prepared in accordance with the Commissioner’s regulations (8 NYCRR §100.2(hh)).
 - b. Promptly provide a copy of the completed report form to the superintendent.

- c. Promptly forward a copy of the completed report form to the appropriate law enforcement authorities. The report to law enforcement may not be delayed by reason of inability to contact the superintendent.
3. Person other than the Parent or the Child Makes the Allegation
- a. Promptly notify the parent of the child that an allegation of child abuse in an educational setting has been made.
 - b. Promptly provide the parent with the written statement setting forth parental rights, responsibilities and procedures prepared in accordance with the Commissioner's regulations (8 NYCRR §100.2(hh)).
 - c. Ascertain from the reporting employee the source and basis for the allegation and complete that portion of the report form.
 - d. Promptly provide a copy of the completed report form to the superintendent.
 - e. Promptly forward a copy of the completed report form to appropriate law enforcement authorities. The report to law enforcement may not be delayed by reason of inability to contact the superintendent.

Duties of Superintendents

In most cases, the school building administrator will receive the completed report form from an employee and make the reasonable suspicion determination. However, there are situations in which the superintendent will receive the report form directly and he or she will be responsible for making the reasonable suspicion determination such as:

1. Where the school building administrator receives the oral or written allegation and is required to complete the report form;
2. Where it is alleged that a child was abused by an employee or volunteer of a school other than a school within the school district where the child attends.

In addition, a superintendent may receive an oral or written allegation of child abuse in an educational setting from local law enforcement officials or from child protective services. In these cases, the superintendent would be responsible for completing the report form and, subsequently, making the reasonable suspicion determination.

If the superintendent finds reasonable suspicion to believe that an act of child abuse has occurred, as defined by law, additional steps must be taken which differ depending on the individual who has made the allegation.

1. Child makes the Allegation
 - a. Promptly notify the parent of the child that an allegation of child abuse in an educational setting has been made.
 - b. Promptly provide the parent with the written statement setting forth parental rights, responsibilities and procedures prepared in accordance with the Commissioner's regulations (8 NYCRR §100.2(hh)).
 - c. Promptly forward a copy of the completed report form to the appropriate law enforcement authorities.

2. Parent Makes the Allegation

- a. Promptly provide the parent with the written statement setting forth parental rights, responsibilities and procedures prepared in accordance with the Commissioner's regulations (8 NYCRR §100.2(hh)).
- b. Promptly forward a copy of the completed report form to the appropriate law enforcement authorities.

3. Person other than the Parent or the Child Makes the Allegation

- a. Promptly notify the parent of the child that an allegation of child abuse in an educational setting has been made.
- b. Promptly provide the parent with the written statement setting forth parental rights, responsibilities and procedures prepared in accordance with the Commissioner's regulations (8NYCRR §100.2(hh)).
- c. Ascertain from the reporting employee the source and basis for the allegation and complete that portion of the form.
- d. Promptly forward a copy of the completed report form to the appropriate law enforcement authorities.

In all cases where a completed report is forwarded to the appropriate law enforcement authorities and the employee or volunteer alleged to have committed an act of child abuse holds a certification or license issued by the Department, the superintendent must also refer such report to the Commissioner of Education.

Expungement

A report that does not, after investigation, result in a criminal conviction shall be expunged from any record which may be kept by a school or school district with respect to the subject of such a report after a period of five years from the date of the making of such report or at such earlier time as such school or school district determines.

Penalty Provisions

The requirements set forth within the law are mandatory. Willful failure of an employee to prepare and submit a report form as required by the law is a Class A misdemeanor.

The law also provides that a willful failure of a school building administrator or superintendent to forward a copy of the report form to the appropriate law enforcement authority is a Class A misdemeanor. In addition, the Commissioner of Education can also fine a school building administrator or a superintendent up to \$5,000 for failure to forward a copy of the completed report form to the appropriate law enforcement authorities.

Immunity Provisions

The law provides immunity from civil liability for employees, volunteers, school building administrators and superintendents who reasonably and in good faith make a report of child abuse in an educational setting in the manner described in the law. The law also provides immunity from civil liability to school building administrators and superintendents

who reasonably and in good faith forward a copy of the report form to a person or agency as required by law and in the manner described in the law.

Confidentiality of Records

In general, the only persons authorized to receive the written report form and any related materials are the school building administrator and the superintendent. The law requires that all reports, records, photographs and other material submitted remain confidential and may not be disclosed except to law enforcement authorities involved in the criminal investigation of child abuse in an educational setting or as expressly authorized by law or pursuant to a court-ordered subpoena. Willful disclosure of a written record required to be confidential, to a person not authorized to receive or review such record is a class A misdemeanor. The law requires that school building administrators and superintendents exercise reasonable care to prevent unauthorized disclosure.

Duties of District Attorneys

Where a criminal investigation is undertaken in response to a report forwarded to the appropriate law enforcement authorities, the district attorney must notify the superintendent of the school district where the acts of child abuse occurred and the superintendent of the school district where the child attends, if different, of the following:

1. an indictment;
2. the filing of an accusatory instrument;
3. the disposition of the criminal case; or,
4. the suspension or termination of the investigation.

Where a criminal conviction is obtained for a crime involving child abuse in an educational setting by a licensed or certified school employee, the district attorney is required to notify the Commissioner of Education, as well as the superintendent of the school district in which the acts of child abuse occurred and the superintendent of the school district where the child attends, if different.

Duties of the Commissioner of Education

Upon receiving notification of conviction from a district attorney, the Commissioner of Education must begin proceedings against the convicted individual pursuant to Part 83 of the Commissioner's regulations to determine whether the individual possesses good moral character. The determination may result in additional action taken against the individual related to his or her license or certification.

The Commissioner has also issued the attached form that must be used for the recording and transmission of allegations of child abuse in educational settings.

The Commissioner and the Board of Regents also promulgated §100.2(hh)(2), which sets forth the training requirements relating to child abuse in an educational setting.

Unreported Resignations or Voluntary Suspensions

The law prohibits school building administrators or superintendents 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.

Adoption date: January 2018

() Required
 (X) Local
 () Notice

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 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 completion. From the date of that notice, the review officer has 30 calendar 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: January 2018

() Required
(X) Local
() Notice

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. The plan shall include:

- A needs analysis, goals, objectives, strategies, activities and evaluation standards for professional development in the district and a description of how the district will provide all teachers substantial professional development activities directly related to student learning needs identified in school report cards and other sources.
- A description of how the professional development provided will align with New York standards and assessments, teacher capacities and student needs, including linguistic, cultural diversity and special needs. Activities must be articulated across grade levels and subject areas and show how they will be provided and measured in a continuous manner.
- A description of how it will provide teachers holding a professional certificate with opportunities to maintain their certificate in good standing by successfully completing 175 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.

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.

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

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 may be required to prepare a report or summary of the activity attended if directed by the Superintendent or his or her designee.

Cross-ref: 9420, Staff Evaluation

Ref: Education Law § 3604(8) (Superintendent conference days)
 8 NYCRR § 100.2(dd) (Professional Development Plans)
 8 NYCRR § 100.2(o)(2)(iii)(b)(5) (required training on conducting staff evaluations)

Adoption date: January 2018