SUBJECT: SMOKING/TOBACCO USE

~~**School Grounds**~~

~~Tobacco use will not be permitted and no person will~~ The use of tobacco products is prohibited on school grounds. Smoking and vaping are prohibited on school grounds ~~or~~and within 100 feet of the entrances, exits, or outdoor areas of any ~~public or private elementary or secondary~~of the District's schools. ~~However, this does not apply to smoking in a residence, or within the real property boundary lines of residential real property.~~ In addition, the use of tobacco products, smoking, and vaping are prohibited at any school-sponsored event or activity that occurs off school grounds, including those taking place in another state.

For purposes of this policy, the following definitions apply:

a) Tobacco ~~"school~~ products means one or more cigarettes or cigars, bidis, chewing tobacco, powdered tobacco, nicotine water, or any other tobacco products.

b) Smoking means the burning of a lighted cigar, cigarette, pipe, or any other matter or substance containing tobacco.

c) Vaping means the use of an electronic cigarette.

d) Electronic cigarette (or e-cigarette) means an elctronic device delivering vapor inhaled by an individual user, and includes any refill, cartridge, and any other component of such a device.

e) School grounds~~"~~ means any building, structure, and surrounding outdoor grounds, including entrances or exits, contained within the District's preschool, nursery school, elementary, or secondary school's legally defined property boundaries as registered in the County Clerk's Office~~; as well as all District vehicles, including~~, as well as any vehicles used to transport children or school personnel.

~~"Tobacco" is defined to include any lighted or unlighted cigarette, cigar, cigarillo, pipe, bidi, clove cigarette, spit/spitless tobacco and any other smoking or tobacco product, (smokeless, dip, chew, snus and/or snuff) in any form.~~

~~The District also prohibits~~ This policy does not apply to smoking or vaping in a residence, or within the real property boundary lines of residential real property.

~~Use of electronic cigarettes or e-cigarettes, and any refill, cartridges and any other component of an electronic cigarette or e-cigarette (collectively known as e-cigarette) on school grounds or in District vehicles.~~

~~The use of vaporizers or any other products containing nicotine, except for current FDA-approved smoking cessation products, are also prohibited.~~

~~**Off-School Grounds**~~

~~Tobacco use and e-cigarette use is prohibited by students at any school sponsored event or activity off school grounds.~~

~~Posting~~/Public Notification of Policy

~~In compliance with the New York State Clean Indoor Air Act, t~~The District will prominently post ~~its Smoking/Tobacco Use policy and~~ signs prohibiting ~~all forms of tobacco products in District buildings and other appropriate locations; and will supply a copy upon request to any current or prospective employees~~smoking and vaping on school grounds in accordance with applicable law. The District will also designate a school official to tell individuals ~~who smoke~~found smoking or vaping in a non-smoking area that they are in violation of ~~the New York State Public Health Law, Education Law, the federal Pro-Children Act of 1994,~~ law and District policy.

The District will ~~also ensure that~~communicate this policy ~~is communicated~~ to staff, students, parents/guardians, volunteers, ~~and~~ visitors, ~~as deemed appropriate in order to orient all persons to~~ contractors, and outside groups through means such as the District's ~~"No Smoking" Policy and environment~~*Code of Conduct,* student handbooks, newsletters, announcements, facilities use forms/agreements, and/or the prominent display of this policy in appropriate locations.

Prohibition of Tobacco Promotional Items/Tobacco Advertising

Tobacco promotional items (e.g., brand names, logos, and other identifiers) are prohibited:

(Continued)

SUBJECT: SMOKING/TOBACCO USE (Cont'd.)

a) On school grounds;

b) In ~~school~~any vehicles used to transport students or school personnel;

c) At school-sponsored events or activities, including those that take place off school ~~premises and~~grounds, including in another state;

d) In school publications;

e) On clothing, shoes, accessories, gear, and school supplies in accordance with the District's *Code of Conduct* and applicable collective bargaining agreements.

This prohibition of tobacco promotional items will be enforced in accordance with the District's *Code of Conduct* and applicable collective bargaining agreements.

~~In addition, tobacco advertising is also prohibited in all school sponsored publications and at all school sponsored events.~~ The District will request, whenever possible, tobacco free editions of periodical publications for school libraries and classroom use.

~~Safe and Drug Free Schools and Communities Act, 20 USC § 7101 et seq.~~
~~Pro-Children Act of 2001,~~ 20 USC §§ 6081-6084, 7971-7974, ~~7181-7184, as amended by the Every Student Succeeds Act (ESSA) of 2015~~
Education Law §~~§~~ 409~~, 2801(1) and 3020-a~~
Public Health Law ~~Article 13-E, Article 13-F,~~ §§ 1399-~~aa(13)~~n, 1399-o, 1399-p and 1399-aa
8 NYCRR §§ 155.5, 156.3

NOTE: Refer also to Policies #3280 -- Use of School Facilities, Materials and Equipment
~~#3410 -- Code of Conduct~~
#7320 -- Alcohol, Tobacco, Drugs, and Other Substances
~~#8210 -- Safety Conditions and Prevention Instruction~~
#8240 -- Instruction in Certain Subjects
District *Code of Conduct*

Adoption Date

SUBJECT: TEMPORARY PERSONNEL

The District's needs sometimes require temporary appointments. The terms of these appointments will be defined by the Board on a case-by-case basis.

Student Teachers

The District will cooperate with teacher training institutions in the placement of student teachers to provide beginning teachers with the best possible student teaching experience.

Schools are required to allow student teachers to videotape themselves providing instruction in a classroom to meet part of their performance assessment requirements for teaching certification. The video must remain confidential, is a confidential record of the New York State Education Department (SED), and is not subject to viewing or disclosure to an individual or entity other than the student teacher applicant and relevant SED personnel.

~~Student teachers will be protected from liability for negligence or other acts resulting in accidental injury to any person by the District, as provided by law.~~

Substitute Teachers

The Superintendent will employ appropriately qualified substitute teachers. A substitute teacher is employed in the place of a regularly appointed teacher who is absent, but is expected to return.

The Board will annually establish the rate for per diem substitute teachers.
~~A fully qualified substitute teacher will be employed, whenever possible, by the Superintendent in the absence of a regular teacher. It is recognized that fully certified persons will not always be available for employment as substitute teachers.~~

~~**Eligibility for Service**~~

~~There are three categories of substitutes:~~

~~a) Substitutes with valid teaching certificates or certificates of qualification may serve in any capacity for any number of days. If employed on more than an itinerant basis, these substitutes will be employed in their certification area.~~

~~b) Substitutes without a valid certificate, but who are completing collegiate study towards certification at the rate of not less than six semester hours per year may serve in any capacity for any number of days, in any number of school districts. If employed on more than an itinerant basis, these substitutes will be employed in their anticipated certification area.~~

~~c) Substitutes without a valid certificate and who are not working toward certification may serve for no more than 40 days per school year. In extreme circumstances – where there is an urgent need for a substitute teacher – however, the District may employ this substitute teacher beyond the 40-day limit, for up to an additional 50 days (90 days total in a school year), if the Superintendent certifies that the District conducted a good faith recruitment search and there are no certified teachers available who can perform the duties of the position.~~

New York State recognizes the following three categories of substitute teachers:

a) Substitutes with valid NYS teaching certificates or certificates of qualification. A substitute teacher in this category may be employed in any capacity, for any number of days, in any number of school districts. However, if employed for more than 40 days by a school district in any given school year, the substitute teacher must be employed in the area for which they are certified.

b) Substitutes without a valid NYS certificate, but who are completing collegiate study toward NYS certification at the rate of not less than six semester hours per year. A substitute teacher in this category may be employed in any capacity, for any number of days, in any number of school districts. However, if employed for more than 40 days by a school district in any given school year, the substitute teacher must be employed in the area for which they are seeking certification.

c) Substitutes without a NYS valid certificate and who are not working towards NYS certification. A substitute teacher in this category may be employed in any capacity, but is limited to 40 days in one school district in any school year.

~~(Continued)~~

~~**SUBJECT: TEMPORARY PERSONNEL (Cont'd.)**~~

~~In even more rare circumstances, the District may hire this substitute teacher beyond the 90 days only if the Superintendent attests that the District conducted a good-faith recruitment search, but there are still no certified teachers available who can perform the duties of the position and that the District needs a particular substitute teacher to work with a specific class or group of students until the end of the school year.~~

~~The Board will annually establish the rate for per diem substitute teachers.~~

~~Reporting~~

~~The Superintendent will submit an annual report to the Commissioner concerning the employment of all uncertified teachers. The report will include:~~

~~a) The number of substitute teachers authorized to be employed beyond the 40-day limit.~~

~~b) The number of substitute teachers authorized to be employed beyond the 90-day limit.~~

~~c) The required good-faith recruitment certifications for all teachers employed beyond the 40-day and 90-day limits.~~

Education Law § 3023
8 NYCRR §§ 80-1.5 and 80-5.4

Adoption Date

SUBJECT: EDUCATION OF STUDENTS IN FOSTER CARE

The District recognizes the importance of educational stability for students in foster care and will collaborate, as appropriate, with the State Education Department (SED) and the local Department of Social Services (LDSS) to ensure that students in foster care have the same opportunity to achieve at the high-levels as their peers. For purposes of this policy, LDSS also refers to the local Social Services District or the local child welfare agency.

Definitions

a) **Child or youth in foster care** ("student in foster care") means a child who is in the care and custody or custody and guardianship of a local Commissioner of Social Services or the Commissioner of the Office of Children and Family Services.

b) **Feeder school** means:

1. A preschool whose students are entitled to attend a specified elementary school or group of elementary schools upon completion of that preschool;

2. A school whose students are entitled to attend a specified elementary, middle, intermediate, or high school or group of specified elementary, middle, intermediate, or high schools upon completion of the terminal grade of such school; or

3. A school that sends its students to a receiving school in a neighboring school district pursuant to applicable laws and regulations.

c) **Foster care** means 24-hour substitute care for children placed away from their parents or guardians and for whom the state or tribal child welfare agency has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes. A child is in foster care regardless of whether the foster care facility is licensed and payments are made by the state, tribal or local agency for the care of the child, whether adoption subsidy payments are being made prior to the finalization of an adoption, or whether there is federal matching of any payments that are made.

d) **Preschool** means a publicly funded prekindergarten program administered by SED or a local educational agency or a Head Start program administered by a local educational agency and/or services under the Individuals with Disabilities Education Act (IDEA) administered by a local educational agency.

e) **Receiving school** means:

1. A school that enrolls students from a specified or group of preschools, elementary schools, middle schools, intermediate schools, or high schools; or

(Continued)

SUBJECT: EDUCATION OF STUDENTS IN FOSTER CARE (Cont'd.)

2. A school that enrolls students from a feeder school in a neighboring local educational agency pursuant to applicable laws and regulations.

f) **School district of origin** means the school district within New York State in which the child or youth in foster care was attending a public school or preschool on a tuition-free basis or was entitled to attend at the time of placement into foster care when the Social Services District or the Office of Children and Family Services assumed care and custody or custody and guardianship of such child or youth, which is different from the school district of residence.

g) **School district of residence** means the public school district within New York State in which the foster care placement is located, which is different from the school district of origin.

h) **School of origin** means a public school that a child or youth attended at the time of placement into foster care, or the school in which the child or youth was last enrolled, including a preschool or a charter school. For a child or youth in foster care who completes the final grade level served by the school of origin, the term school of origin will include the designated receiving school at the next grade level for all feeder schools. Where the child is eligible to attend school in the school district of origin because the child was placed in foster care after such child is eligible to apply, register, or enroll in the public preschool or kindergarten or the child is living with a school-age sibling who attends school in the school district of origin, the school of origin will include any public school or preschool in which such child would have been entitled or eligible to attend based on such child's last residence before the circumstances arose which caused such child to be placed in foster care.

District Foster Care Liaison

The District will designate an appropriate staff person to act as the District's point of contact for students in foster care (i.e., the "Foster Care Liaison"). The Foster Care Liaison will not be the same staff person as the McKinney-Vento Liaison unless the McKinney-Vento Liaison has sufficient ability to carry out the responsibilities of both roles.

The Foster Care Liaison will work collaboratively with representatives from the LDSS.

The District will ensure that the name and contact information for the Foster Care Liaison are:

a) Submitted to SED;

b) Provided, in writing, to the point of contact for any LDSS known by the District to have students in its custody; and

c) Posted on the District website.

(Continued)

SUBJECT: EDUCATION OF STUDENTS IN FOSTER CARE (Cont'd.)

Designation of School District and School

The LDSS, in consultation with the appropriate local educational agency or agencies, will determine whether placement in the school district of origin or the school district of residence is in the best interest of a student in foster care. Provided that the District is an appropriate local educational agency, the District will work with the LDSS to make the best interest determination as quickly as possible in order to prevent educational discontinuity for the student. If the student has an Individualized Education Program (IEP), a Section 504 plan, or is an English language learner, relevant school staff may be consulted during the best interest determination process.

To the extent feasible and appropriate, the student should remain in his or her school of origin while the best interest determination is being made.

Subject to a best interest determination, a student in foster care is entitled to attend the school of origin or any school that children and youth who live in the attendance area in which the foster care placement is located are eligible to attend, including a preschool, for the duration of the student's placement in foster care and until the end of the school year in which he or she is no longer in foster care, and for one additional year if that year constitutes the student's terminal year in that building.

Where the school district of origin or school of origin that a student was attending on a tuition-free basis, or was entitled to attend when the student entered foster care is located, in New York State and the student's foster care placement is located in a contiguous state, the student is entitled to attend his or her school of origin or any school that children and youth who live in the attendance area in which the foster care placement is located are eligible to attend, including a preschool, subject to a best interest determination, for the duration of the student's placement in foster care and until the end of the school year in which he or she is no longer in foster care, and for one additional year if that year constitutes the student's terminal year in such building.

Responsibilities When Designated as the School District of Attendance

If the District is designated as the school district of attendance for a student in foster care, the District will immediately:

a) Enroll the student in foster care, even if the student is unable to produce records which are normally required for enrollment, such as previous academic records, records of immunization and/or other required health records, proof of residency or other documentation and/or even if the student has missed application or enrollment deadlines during any period of placement in foster care, if applicable;

b) Treat the student in foster care as a resident for all purposes; and

(Continued)

SUBJECT: EDUCATION OF STUDENTS IN FOSTER CARE (Cont'd.)

c) Make a written request to the school district where the student's records are located in order to obtain a copy of the student's records and coordinate the transmittal of these records in accordance with applicable laws and regulations.

Request for Records

Within five days of receipt of a request for school records from a new school, the District will forward, in a manner consistent with federal and state law, a complete copy of the records of the student in foster care, including, but not limited to: proof of age; academic records; evaluations; immunization records; and guardianship papers (if applicable).

Tuition Reimbursement

Except as otherwise provided in law or regulation, the cost of instruction of a student in foster care will be borne by the school district of origin. Where a district other than the school district of origin is designated as the school district of attendance, the cost of instruction will be borne by the school district of origin and the tuition paid to the designated school district of attendance will be computed in accordance with applicable laws and regulations.

Transportation Responsibilities

Any student in foster care who requires transportation in order to attend his or her school of origin, is entitled to receive that transportation.

As appropriate, the District will coordinate and collaborate with the LDSS to make an appropriate transportation plan that supports the student's school stability plan and is fair to the District's taxpayers, consistent with the District's obligations under federal and state law.

When the District is the designated school district of attendance, and the student requires transportation to attend his or her school of origin, the District will provide transportation to and from the student's foster care placement location and the school of origin. The costs for transportation may be aidable pursuant to applicable laws and regulations.

When the District is the school district of residence and the designated school district of attendance, and the student does not attend his or her school of origin, the District will provide transportation on the same basis as provided to resident students. The costs for transportation may be aidable pursuant to applicable laws and regulations.

When transporting students in foster care, the District may incur excess transportation costs, as defined by law. The District and the LDSS may enter into a written agreement relating to how excess transportation costs should be funded, consistent with applicable laws and regulations. Absent such an

(Continued)

SUBJECT: EDUCATION OF STUDENTS IN FOSTER CARE (Cont'd.)

agreement, excess transportation costs incurred by the District will be shared equally between the LDSS responsible for the foster care costs of the student and the designated school district of attendance. The District and the LDSS will consider and utilize all allowable funding sources, including any available federal funds, to cover excess transportation costs.

Where a student in foster care has been placed in foster care in a contiguous state, and the District is the designated district of attendance, the District will collaborate with the LDSS to arrange for transportation.

Where the School of Origin is a Charter School

Where the school of origin is a charter school, the school district designated as the school district of attendance for a student in foster care will be deemed to be the school district of residence for the student for purposes of fiscal and programmatic responsibility and will be responsible for transportation of the student in foster care. If the designated school district of attendance is not the school district of origin, the designated school district of attendance may seek reimbursement from the school district of origin in accordance with applicable laws and regulations.

Dispute Resolution Process

To the extent feasible and appropriate, the District will ensure that a student in foster care remains in his or her school of origin while any dispute is being resolved in order to minimize disruptions and reduce the number of moves between schools.

Coordination with Other Agencies

The District will coordinate the provision of services described in this policy, as appropriate, with agencies or programs providing services to students in foster care.

The District will coordinate with other school districts on inter-district issues, such as transportation or transfer of school records.

The District will coordinate implementation of the above provision of services with the requirements of IDEA for students with disabilities.

Comparable Services

Each student in foster care will be provided services comparable to other students in the school of attendance, including: transportation services; educational services for which the student meets eligibility criteria; educational programs for students with disabilities; educational programs for English learners; programs in career and technical education; programs for gifted and talented students; and school nutrition programs.

(Continued)

SUBJECT: EDUCATION OF STUDENTS IN FOSTER CARE (Cont'd.)

Student Privacy

As appropriate, the District will collaborate with SED and/or the LDSS to determine what documentation related to a student in foster care should be shared among involved parties. In all cases, the District will comply with all statutory requirements to protect student privacy, including the Family Educational Rights and Privacy Act (FERPA) and any other applicable privacy requirements under federal, state, or local laws.

45 USC § 6312
45 CFR § 1355.20(a)
US DOE, Non-Regulatory Guidance: Ensuring Stability for Children in Foster Care (June 23, 2016)
Education Law §§ 3202 and 3244
Memorandum from NY St. Educ. Department on Educational Stability and Transportation Provisions for Students in Foster Care Memo (December 2, 2016)

NOTE: Refer also to Policies #5660 -- Meal Charging and Prohibition Against Meal Shaming
#7240 -- Student Records: Access and Challenge

Adoption Date

SUBJECT: ALCOHOL, TOBACCO, DRUGS, AND OTHER SUBSTANCES

The Board recognizes that the misuse of alcohol, drugs, tobacco, electronic cigarettes (e-cigarettes), and other illegal substances is a serious problem with legal, physical, emotional, and social implications for our students, as well as the entire community. Therefore, the consumption, sharing, selling, use, or possession of alcoholic beverages, tobacco products, e-cigarettes, illegal drugs, counterfeit and designer drugs, or paraphernalia for the use of these drugs is prohibited at any school-sponsored function, on school grounds, and on school buses at all times. The unauthorized use or misuse of prescription and over-the-counter drugs, vitamins, supplements, herbs, or other similar substances is also prohibited.

Students are not permitted to be under the influence of alcohol or other prohibited substances on school grounds or at school-sponsored events. A school-sponsored function includes a school sponsored or school-authorized extracurricular event or activity regardless of where the event or activity takes place.

~~**Smoking**~~

~~Smoking is not permitted and no person is permitted to smoke within 100 feet of the entrance, exits, or outdoor areas of any public or private elementary or secondary schools. However, this prohibition does not apply to smoking in a residence or within the real property boundary lines of residential real property. Similarly, the use of e-cigarettes is prohibited on school grounds, as defined in Public Health Law.~~

Non-Medical Use of Prescription Drugs

Non-medical use of prescription drugs is prohibited. If a student is found to be in possession of these substances, he or she will be disciplined in accordance with the District *Code of Conduct*.

Disciplinary Measures

Disciplinary measures for students consuming, sharing, selling, using, or possessing alcoholic beverages, tobacco products, e-cigarettes, illegal drugs, counterfeit and designer drugs, or paraphernalia for the use of these drugs are outlined in the District *Code of Conduct*.

Education Law §§ 409 and 2801(1)
Public Health Law § 1399-o

NOTE: Refer also to Policies #3280 -- Use of School Facilities, Materials, and Equipment
#3410 -- Code of Conduct
#5640 -- Smoking/Tobacco Use
#8210 -- Safety Conditions and Prevention Instruction
District *Code of Conduct*

Adoption Date