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FOREWORD

Contained herein are the policy statements formulated by the Board of Education of the Keshequa Central School District.

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

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

Policy should accomplish the following:

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

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

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or administrative enactment, all other parts shall remain in full effect unless and until they are amended or repealed by the Board of Education.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

OFFICIAL NAME OF SCHOOL DISTRICT

The Board duly noted that the official name of the School District will be the Dalton-Nunda Central School District effective April 19, 1973.

The use of the name "Keshequa" will mean Dalton-Nunda Central School District.

EDUCATIONAL PHILOSOPHY

The Board of Education is dedicated to working within the community and family to maximize the academic, emotional, and social development of each individual child.

The Board encourages parents and teachers to offer their expertise in developing a school environment that is academically challenging, psychologically satisfying and socially fulfilling for students at all levels. The objectives of an educational program are best realized when mutual understanding, cooperation, and effective communications exist among the home, community and school.

STRATEGIC PLAN

Strategic Plan

The purpose of the Strategic Plan is to provide direction to the District and buildings in achieving the District Mission and Student Goals in a quality fashion.

District Mission

The mission of the Keshequa Central School District is to work with the community to promote lifelong learning.

Beliefs

- a) Every student is capable of achieving individual excellence in learning.
- b) The instructional process should meet the needs of the learner.
- c) All students should perform at maximum levels of learning and have opportunities for individual success.
- d) Learning times and tasks vary according to the needs of the student.
- e) Success and learning influence self-worth and behavior.
- f) The purpose of assessment should be individual progress.
- g) Recognize individual success and remedy student failure.
- h) District energies and objectives should be focused on the promotion of learning standards.
- a) Learning is valuable.

Student Goals

Continuous Learners...and will demonstrate steady growth on standardized tests, teacher assessments, alternative assessments and/or the achievement of personal vocational goals.

Responsible Citizens...and will demonstrate concern for the safety and well being of others by being accountable for their own actions.

Problem Solvers...and will use their experiences, knowledge and skills to solve real life problems in a variety of situations.

Cooperative Individuals...and will be able to work effectively with others of diverse backgrounds in a variety of learning/working situations to achieve common goals.

Effective Communicators...and will express their knowledge, ideas, needs, feelings, and creativity through listening, speaking, writing, reading, technology and the arts.

Keshequa Central School District

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SUBJECT: SCHOOL DISTRICT AND BOARD OF EDUCATION LEGAL STATUS

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

The Legislature of the State has implemented this constitutional mandate through the creation of school districts of various types. The Keshequa Central School District is governed by the laws set forth for Central School Districts in Article 37 of the Education Law, and by-laws relating to, or affecting, Union Free School Districts as set forth in Article 35 of the Education Law.

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

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

New York State Constitution
Education Law Articles 35 and 37

Adopted: 6/25/96

By-Laws

SUBJECT: BOARD OF EDUCATION AUTHORITY

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

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

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

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

Adopted: 6/25/96

By-Laws

SUBJECT: NUMBER OF MEMBERS AND TERMS OF OFFICE

The Board of Education of the Keshequa Central School District shall consist of seven (7) members elected by the qualified voters of the School District at the annual election as prescribed by law.

Members of the Board of Education shall serve for five (5) years beginning July 1 following their election and each term shall expire on the thirtieth day of June of the fifth year.

7 Member Board - Education Law Section 1804.1
Term of Office - Education Law Section 2105

Adopted: 6/25/96

By-Laws

SUBJECT: BOARD OPERATIONAL GOALS

In order to assure that its operation support the schools in providing all students with a high-quality education, the Board of Education hereby establishes as its goals:

- a) To work closely with the community to ensure that Board actions and performance reflect the concerns and aspirations of the community.
- b) To identify the educational needs and aspirations of the community, and to transform such needs and aspirations into policies aimed at stimulating the students and the learning process.
- c) To provide leadership in order that the goals and objectives of the School System, as set forth by the Board, can be effectively carried out.
- d) To employ a Superintendent capable of ensuring that the District maintains a position as an outstanding School System and that school personnel carry out the policies of the Board with energy and dedication.
- e) To formulate Board policies which best serve the educational interests of students and provide the Superintendent with sufficient and adequate guidelines for implementation of the Board policies.
- f) To develop and provide data useful to the planning, evaluation, organization and execution of Board management functions.
- g) To perform all Board functions and operations in conformity with state, federal and local laws, rules and regulations.
- h) To evaluate the Board's performance in relation to these goals, and to establish and clarify policies based upon the results of such evaluation.
- i) To establish specific goals on a regular cycle.

Adopted: 6/25/96

By-Laws

SUBJECT: JOINT CODE OF CONDUCT FOR SCHOOL BOARDS AND SUPERINTENDENTS

The success of every School System depends on an effective working relationship between the school Board and the Superintendent. This code emphasizes the most important goals and obligations of that relationship.

Assure the opportunity for high quality education for every student and make the well-being of students the fundamental principle in all decisions and actions.

Obey all national, state, and local laws and regulations pertaining to education and public agencies.

Represent the entire community without fear or favor, while not using these positions for personal gain and accepting all responsibilities as a means of unselfish service.

Uphold the principles of due process and individual dignity, and protect the civil and human rights of all.

Adhere to the principle that the Board shall confine its role to policymaking, planning, and appraisal while the Superintendent shall implement the Board's policies.

Refer matters of concern, expressed by residents of the School District, to the Superintendent. This will afford the Superintendent opportunity to communicate directly with the parties involved and seek satisfactory resolutions to issues raised.

Act as part of an educational team with mutual respect and regard for each other's respective responsibilities and duties, recognizing that the strength of a school Board is in acting as a Board, not as individuals; and that the strength of the Superintendent is in being the educational leader of the School District.

Maintain high standards and the effectiveness of education through research and continuing professional development.

Preserve the obligation of having all issues considered fairly and without bias.

Instill respect for community, state, and nation.

Honor the spirit and letter of all contracts until fulfillment or modification by mutual agreement.

NOTE: Refer also to Policies #1211 -- Board of Education Members: Ethics
#6110 -- Code of Ethics for All District Personnel.

Adopted: 6/25/96

By-Laws

SUBJECT: BOARD OF EDUCATION MEMBERS: QUALIFICATIONS

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

- a) Must be able to read and write;
- b) Must be a qualified voter of the District;
- c) Must be and have been a District resident for at least one year prior to the election, but need not be a taxpayer;
- d) May be the only member of his/her family (defined as those within the same household) on such School Board;
- e) May not be an employee of such Board;
- f) May not simultaneously hold another incompatible public office, including, but not limited to Superintendent, clerk, tax collector, treasurer or librarian, or an employee of the Board.
 - 1. In Central School Districts, however, a Board member may be appointed clerk of the Board and of the District.
 - 2. A Board member of a BOCES may not be employed by any of that BOCES' component districts.
- g) Must not have been removed from a School District office within one year preceding the date of election to the Board.

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

By-Laws

SUBJECT: BOARD OF EDUCATION MEMBERS: ETHICS

- a) To observe and enforce state laws and regulations pertaining to education.
- b) To accept office as a Board member as a means of unselfish service.
- c) To transact school business only in regular sessions.
- d) To represent the entire community without fear or favor.
- e) To remember at all times that he/she is one of a team.
- f) To accept all Board decisions once they are made and assist in carrying them out effectively.
- g) To delegate action to the Chief School Administrator as the Board executive and to confine Board action to policy making, planning, and appraisal.
- h) To employ only competent, trained personnel and these only on the recommendation of the Chief School Administrator.
- i) To preserve the right and obligation of teachers to teach controversial issues fairly and without bias.

NOTE: Refer also to Policies #1150 -- Joint Code of Conduct for School Boards and Superintendents
#6110 -- Code of Ethics For All District Personnel

Adopted: 6/25/96

By-Laws

SUBJECT: STUDENTS SERVING AS EX OFFICIO MEMBERS OF THE SCHOOL BOARD

The School District may offer to the voters once every two years, on the same date as the annual School District budget vote, a separate referendum to decide whether the School District shall allow a student, as established pursuant to law, to serve on the School Board as an ex officio, non-voting member.

Provided that District voters have voted in favor of having a student serve as a member of the School Board, the School District will allow a District high school student (to be selected in accordance with the provisions enumerated below) to serve as an ex officio member of its Board of Education. This ex officio student member of the Board shall be entitled to sit with Board members at all public meetings of the Board and participate in all Board hearings and meetings.

This ex officio student member of the Board would not have a vote, would not be allowed to attend executive sessions, and would not be entitled to receive compensation of any form for participating at Board meetings.

The ex officio student member of the Board shall be the student that has been duly elected as student president of the high school. In the event that there are multiple high schools in the School District, then the school shall alternate their student presidents annually. The first high school would be chosen by the Superintendent of Schools.

In the event that the high school does not have an elected student president, then the high school student government shall select their choice for an ex officio student member representative in a public ballot.

In the event the high school does not have an elected student president or a student government, then the high school principal shall select a student to serve as the ex officio student representative on the School Board. Under this provision, the student selected would have to be at least 18 years old, a senior at the high school, and attend the high school for at least two years prior to their selection.

Education Law Sections 1702(3) and (3-a),
1804(12) and (12-a), and 2502(10) and (10-a)

Adopted: 10/23/03

By-Laws

SUBJECT: BOARD OF EDUCATION MEMBERS: NOMINATION AND ELECTION

- a) Candidates for the office of member of the Board of Education shall be nominated by a petition directed to the Clerk of the School District which is signed by at least twenty-five (25) qualified voters of the District, or by two percent (2%) of the number of voters who voted in the previous annual election, whichever is greater. Petitions must state the residence of each signer, the name and residence of each candidate.
- b) The notice of the Annual District Meeting must state that petitions nominating candidates for the Board of Education must be filed with the Clerk of the District no later than 30 days before the Annual or Special District Meeting at which the school board election will occur, between 9 a. . and 5 p.m.
- c) Residents may sign more than one petition. A Board may reject a petition if the candidate is ineligible or has declared that he/she is unwilling to serve. If a candidate withdraws and attempts to re-enter, he/she must file a new petition. In addition, if a candidate withdraws, dies or is determined to be ineligible within 15 days of the filing deadline, the deadline will be extended to 4 p.m. 15 days after the candidate withdrew; however, no petition may be filed after 4 p.m. seven days prior to the election date.
- d) The day after the filing deadline, the order of the candidates' names is determined by drawing a lot.
- e) Voting will be by machine, and provisions shall be made for the election by "write-in-vote" of any candidate not previously nominated. The position of candidates on ballots shall be determined by lot at a drawing conducted by the District Clerk on the day after the last filing. Candidates or their proxies may be present for the drawing.
- f) The hours of voting shall be as indicated by Board resolution.
- g) The position of candidates on ballots shall be determined by lot at a drawing conducted by the Clerk of the Board on the day after the last filing. The candidates receiving the largest number of votes or, in the alternative, the largest number of votes for each specific vacancy, shall be declared elected in accordance with Education Law. Candidates or their proxies may be present for the drawing.
- h) At least ten days prior to the election, the Board shall appoint at least two inspectors of election for each voting machine, and set their salary.
- i) The Clerk of the Board shall attend the election and record the name and legal residence of each voter. The Clerk shall give notice immediately to each person declared elected to the Board, informing him/her of the election and his/her term of office.

(Continued)

By-Laws

**SUBJECT: BOARD OF EDUCATION MEMBERS: NOMINATION AND ELECTION
(Cont'd.)**

- j) Only qualified voters as determined by Education Law (Section 2012) may vote at any District meeting or election.
- k) No electioneering will be allowed within one hundred (100) feet of the polling place.
- l) When a term of office expires at the end of a school year and the office has become vacant at the time of election, the person elected to fill the new full term vacancy also fills the remaining days of the previous term, beginning his/her term of office immediately upon election.

Education Law Sections 2004, 2013, 2018, 2025,
2029, 2032, 2034(7)(d), 2105(14), and 2121

By-Laws

SUBJECT: REPORTING OF EXPENDITURES AND CONTRIBUTIONS

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

Required contribution statements shall include:

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

The times for filing the statements are as follows:

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

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

(Continued)

2005

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By-Laws

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

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

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

Adopted: 6/25/96
Revised: 3/17/05

By-Laws

SUBJECT: RESIGNATION AND DISMISSAL

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

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

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

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

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

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

In the event of death, resignation, refusal to serve, or any disqualification of a Board member, the Board may appoint a new member to fill such a vacancy. If the Board chooses to fill the vacancy, it shall be only for a term ending with the next annual election of the School District at which time such vacancy shall be filled in a regular manner for the balance of the unexpired term. The Board, at its own option, may also elect to call a special election within ninety days to fill the unexpired term. If not so filled, the District Superintendent of the Supervisory District may appoint a competent person to fill the vacancy until the next annual election of the District. The Commissioner of Education may order a special election for filling a vacancy. When such special election is ordered the vacancy shall not be filled otherwise.

(Continued)

By-Laws

SUBJECT: RESIGNATION AND DISMISSAL (Cont'd.)

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

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

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

By-Laws

SUBJECT: LEGAL QUALIFICATIONS OF VOTERS AT SCHOOL DISTRICT MEETINGS

A person qualified to vote at any school meeting for the election of members of the Board of Education, and upon all matters which may be brought before such meeting, must be:

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

Any person who would not be qualified to register or vote under the provisions of Sections 5-100 and 5-106 of the Election Law shall not have the right to register for or vote in an election. This includes most convicted felons and those adjudged mentally incompetent by a court.

Qualified voters may vote on any question brought before any annual or special school meeting; it is not essential that a person be a taxpayer to vote on propositions for raising money by tax on the District.

The chairperson of a meeting has the right to vote on any proposition, including the election of officers, but must vote before the polls are closed and cannot vote to break a tie after the result has been announced.

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

Adopted: 6/25/96
Revised: 5/8/07

By-Laws

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

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

- a) Questions or propositions shall be submitted by petition directed to the Clerk of the School District and shall be signed by twenty-five (25) qualified voters, or five percent (5%) of the registered voters of the District who voted in the previous annual election of Board members, whichever is greater.
- b) A separate petition shall be required for each question or proposition.
- c) Each petition shall be filed with the Clerk of the School District. Petitions relating to an Annual Election must be filed not later than thirty (30) days preceding the election at which the question or proposition is to be voted upon.
- d) Questions or propositions submitted in accordance with these rules and accepted will be printed on the ballot for the voting machine.
- e) The Board of Education shall cause the rules and regulations set forth in this policy to be distributed within the District.
- f) Nothing herein contained shall affect the nominations of candidates as set forth in the Annual District Election notice pursuant to Section 2018 of the Education Law.

Questions or Propositions to be Submitted at Special District Meetings

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

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

Adopted: 6/25/96
Revised: 10/23/03

By-Laws

SUBJECT: ABSENTEE BALLOTS

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

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

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

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

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

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

(Continued)

SUBJECT: ABSENTEE BALLOTS (Cont'd.)

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

Education Law Sections 2014, 2018-a and -b, and 2613

By-Laws

SUBJECT: POWERS AND DUTIES OF THE BOARD

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

Education Law Sections 1604, 1709 and 1804

NOTE: Refer also to Policy #6530 -- Defense and Indemnification of Board Members and Employees.

Adopted: 6/25/96
Revised: 9/13/99

By-Laws

SUBJECT: NOMINATION AND ELECTION OF BOARD OFFICERS

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

The elected officers of the Board of Education are:

- a) President;
- b) Vice-President.

Education Law Sections 1701 and 2105(6)

Adopted: 6/25/96

By-Laws

SUBJECT: DUTIES OF THE PRESIDENT OF THE BOARD OF EDUCATION

The President's duties include the following:

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

Education Law Section 1701

Adopted: 6/25/96

By-Laws

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

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

Education Law Section 1701

Adopted: 6/25/96
Revised: 9/13/99

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

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

The following shall be appointed annually:

- a) District Clerk;
- b) District Treasurer;
- c) Deputy Treasurer;
- d) Tax Collector and Deputies;
- e) District Auditor (independent);
- f) Treasurer (Central).

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

- a) Census Enumerator and assistants;
- b) Director of School Health Services (District Physician/Nurse Practitioner);
- c) Supervisors of Attendance;
- d) Committee on Special Education and Committee on Preschool Special Education;
- e) Records Access/Management Officer;
- f) Asbestos Hazard Emergency Response Act (AHERA) Local Educational Agency (L.E.A.) designee;
- g) Title IX/Section 504/ADA Compliance Officer;
- h) Liaison for Homeless Children and Youth;
- i) Chemical Hygiene Officer.

(Continued)

By-Laws

**SUBJECT: APPOINTMENTS AND DESIGNATIONS BY THE BOARD OF EDUCATION
(Cont'd.)**The following may also be appointed:

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

Designations

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

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

Authorizations

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

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

Adopted: 6/25/96

Revised: 9/13/99; 10/23/03; 3/17/05, 3/10/06

By-Laws

SUBJECT: DUTIES OF THE DISTRICT CLERK

In general, the clerk is the recording secretary and accounting officer of the Board of Education and of the School District. It is through the clerk's efforts that a detailed record of the activities of the School District is preserved for all time.

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

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

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

Adopted: 6/25/96

Education Law Section 2121
Public Officers Law Section 104

By-Laws

SUBJECT: DUTIES OF THE SCHOOL DISTRICT TREASURER

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

- a) Acts as custodian of all moneys belonging to the School District and lawfully deposits these moneys in the depositories designated by the Board;
- b) Pays all authorized obligations of the District as directed;
- c) Maintains proper records and files of all checks, and approved payment of bills and salaries;
- d) Makes all such entries and posts all such financial ledgers, records and reports as may be properly required to afford the District an acceptable and comprehensive financial accounting of the use of its moneys and financial transactions;
- e) Signs all checks drawn on District fund accounts provided that the District's Internal Claims Auditor has attested to the authority to issue the check based upon proper evidence of a charge against the District's funds;
- f) Assumes other duties customary to the office.

No moneys shall be paid out or disbursed by the Treasurer except upon the written order of the Board of Education.

Duties-Education Law Section 2122
Bond-Education Law Section 2130, Part 5
8 New York Code of Rules and Regulations
(NYCRR) Section 170.2(o) and (p)

Adopted: 6/25/96
Revised: 3/17/05

By-Laws

SUBJECT: DUTIES OF THE TAX COLLECTOR

In general, the duties of the Collector are to prepare tax notices and collect school taxes as directed by the Board of Education. The Tax Collector is appointed annually by the Board of Education and shall be covered by a bond. It shall be the responsibility of the District Tax Collector to perform the following duties:

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

Education Law Sections 2126 and 2130
Real Property Tax Law Sections 922,
924, 1322, 1330, and 1338

Adopted: 6/25/96

By-Laws

SUBJECT: DUTIES OF THE EXTERNAL (INDEPENDENT) AUDITOR

The Board of law shall obtain an annual audit of its records by an independent certified public accountant or an independent public accountant, and a copy of the certified audit in a form prescribed by the Commissioner must be accepted by the Board and furnished annually to the State Education Department. In addition to the annual audit, the District shall be subject to State audits conducted by the State Comptroller.

Request for Proposal Process

In accordance with law, no audit engagement shall be for a term longer than five (5) consecutive years. The District may, however, permit an independent auditor engaged under an existing contract for such services to submit a proposal for such services in response to a request for competitive proposals or be awarded a contract to provide such services under a request for proposal process.

Education Law Sections 1709(20-a), 2110-a, 2116-a
and 2854(c)
General Municipal Law Sections 33 and 104-b
8 New York Code of Rules and Regulations
(NYCRR) Sections 170.2, 170.3 and 170.12

Adopted: 6/25/96
Revised: 1/12/06

By-Laws

SUBJECT: DUTIES OF THE CENTRAL TREASURER

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

The Treasurer's duties include the following:

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

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

Adopted: 6/25/96

By-Laws

SUBJECT: DUTIES OF THE SCHOOL ATTORNEY

The Board of Education shall employ a School Attorney who shall be responsible to the Board of Education for guidance on all affairs which are of a legal nature, including, but not limited to:

- a) Negotiation of all legal charges and processes for each bond issue and construction and/or reconstruction of new buildings;
- b) Legal counsel on matters referred to him/her to determine legality of procedure;
- c) Matters related to "due process" hearings or procedures.

By-Laws

SUBJECT: DUTIES OF THE SCHOOL PHYSICIAN/NURSE PRACTITIONER

The School Physician/Nurse Practitioner shall be appointed annually by the Board of Education. The duties of the School Physician/Nurse Practitioner shall include, but are not limited to, the following:

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

Education Law Sections 902 and 913

SUBJECT: APPOINTMENT AND DUTIES OF THE CLAIMS AUDITOR

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

Qualifications

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

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

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

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

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

(Continued)

By-Laws

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

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

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

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

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

Adopted: 3/17/05
Revised: 12/14/06

By-Laws

SUBJECT: DUTIES OF THE INTERNAL AUDITOR

The Internal Auditor reports directly to the Board of Education.

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

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

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

Education Law Sections 1950, 2116-b and 2116-c
8 New York Code of Rules and Regulations
(NYCRR) Section 170.12(d)

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

Adopted: 12/14/06

By-Laws

SUBJECT: POLICY

The Board must continuously reappraise its policies in the light of the best practices and the needs of the community. The Board in its development of policies stands as a legislature. Its resolutions have the force of law. Changes to the policies must be made by the procedures described below:

The following conditions shall govern the development of Board policies:

- a) The Board shall review the current policies throughout the year and give consideration to policy changes. Proposed policy amendments and drafts of new policies shall be prepared by the Superintendent and shall be given to the Board Policy Committee for review before being submitted to the total Board.
- b) New policies and deletions or amendments to existing policies shall be indicated on the Board agenda for at least two meetings before Board action will/may approve at "second reading."
- c) Policies will be adopted and/or amended only by the affirmative vote of a majority of the members of the Board.

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

Adopted: 6/25/96

By-Laws

SUBJECT: EXECUTION OF POLICY: ADMINISTRATIVE REGULATIONS

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

NOTE: Refer also to Policy #4321 -- Development of Regulations.

Adopted: 6/25/96

By-Laws

SUBJECT: REGULAR BOARD MEETINGS

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

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

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

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

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

An agenda packet will be sent to each Board member prior to each regular meeting date. The agenda packet will include the agenda with appropriate notes, a copy of the minutes of the previous meeting(s), a copy of the monthly warrants and other related materials for the Board's review.

Any Board member may have a matter placed on the agenda of a meeting by submitting such to either the Board president or the Superintendent, in writing, at least five days prior to the meeting.

A quorum will consist of four members of the Board of Education.

Any items added to the agenda after it has been disseminated to Board members shall be announced at the commencement of the Board meeting. Such may be excluded by majority vote of the Board members present.

(Continued)

SUBJECT: REGULAR BOARD MEETINGS (Cont'd.)

Open Meetings - All meetings of the Board of Education at which action is to be taken shall be open to the public.

Executive Sessions - The Board of Education may be called into executive session by a majority vote of the Board of Education. (Refer also to Policy #1730 -- Executive Sessions.)

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

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

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

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

Education Law Sections 1708 and 2504
Public Officers Law Article 7

By-Laws

SUBJECT: AGENDA FORMAT

For regular Board meetings, the order of business will be as follows but may be modified as necessary:

- a) Call to order;
- b) Community Forum;
- c) Approval of Minutes;
- d) Approval of Warrants;
- e) Treasurers' Report;
- g) Action Items;
- h) Discussion Items;
- i) Second Community Forum;
- j) Superintendent's Report;
- k) Legislative Report;
- l) Other Business;
- m) Adjournment.

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

Adopted: 6/25/96

By-Laws

SUBJECT: SPECIAL MEETINGS OF THE BOARD OF EDUCATION

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

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

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

Public Officers Law Sections 103 and 104

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

By-Laws

SUBJECT: ANNUAL DISTRICT MEETING AND ELECTION/BUDGET VOTE

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

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

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

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

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

NOTE: Refer also to Policies #5120 -- School District Budget Hearing
#5130 -- Budget Adoption

Adopted: 6/25/96
Revised: 9/13/99; 8/9/05

By-Laws

SUBJECT: BUSINESS OF THE ANNUAL DISTRICT ELECTION

The Board of Education will appoint at a regular or special meeting prior to the Annual Election, a qualified voter as chairperson.

The chairperson will call the meeting to order and proceed to the following order of business:

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

Education Law Sections 1716 and 2025

Adopted: 6/25/96

By-Laws

SUBJECT: ANNUAL ORGANIZATIONAL MEETING: TIME AND AGENDA

School Boards may, by resolution, hold the Annual Organizational Meeting of the Board at any time during the first 15 days of July. Accordingly, by resolution adopted by the Board of Education, the Annual Organizational Meeting is held on the first regular meeting date in July.

Officers

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

Oath of Office

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

The agenda for the Annual Organization Meeting is as follows:

- a) Meeting called to order by the District clerk;
- b) Nomination and election of a President for the year;
- c) Nomination and election of a Vice President for the year;
- d) Oath of Office for newly elected members and newly elected officers;
- e) Minutes of the meeting held previous year;
- f) Appointments, designations and authorizations as described in Policy 1330;
- g) Establishment of regular meeting time for Board meeting for the year;
- h) Adjournment.

The order of the agenda may be amended to allow for all Board members to be present.

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

Adopted: 6/25/96

Revised: 9/13/99; 4/24/07; 5/24/07

1996

1710

By-Laws

SUBJECT: QUORUM

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

General Construction Law Section 41

Adopted: 6/25/96

By-Laws

SUBJECT: MINUTES

The Board of Education believes that open and accurate communications regarding its internal operations enhances the District's public relations program and provides a record of the District's progress towards its annual goals.

Therefore, the Board will maintain complete and accurate set of minutes of each meeting. Minutes shall be marked "unapproved" until accepted, including any amendments, by a majority vote. Such minutes shall constitute the official record of proceedings of the Board and shall be open to the public inspection within one week of executive sessions and within two weeks of all other meetings. However, minutes of executive sessions need not include any matter which is not required to be made public by the Freedom of Information Law

Minutes that are to be amended will be postponed until the next regular business meeting. Before said meeting, amended minutes will be forwarded to Board members.

All motions, proposals, resolutions, and any other matters formally voted upon by the Board shall be recorded in Board minutes. In recording such votes, the records shall indicate the final vote of each Board member.

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.

A draft of the minutes of each meeting is to be forwarded to each member of the Board not later than the time the agenda for the next meeting is disseminated.

Minutes are public documents and thus shall be open to inspection by the public. Copies of amended minutes shall be disseminated no later than the next regular meeting.

Minutes of Executive Sessions

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

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

Public Officers Law Section 106

Adopted: 6/25/96

Revised: 9/13/99; 3/17/05

By-Laws

SUBJECT: EXECUTIVE SESSIONS

The Board of Education reserves the right, within the constraints of State Law, to meet in executive session. Such sessions can be requested by any member of the Board or the Superintendent of Schools.

Upon a majority vote of its members, the Board may convene in executive session to discuss the subjects enumerated below. Matters which may be considered in executive sessions are:

- a) Matters which will imperil the public safety if disclosed;
- b) Any matter which may disclose the identity of a law enforcement agent or informer;
- c) Information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed;
- d) Discussions regarding proposed, pending or current litigation;
- e) Collective negotiations pursuant to Article 14 of the Civil Service Law (the Taylor Law);
- f) Medical, financial, credit or employment history of a particular person or corporation;
- g) The preparation; grading or administration of examinations;
- h) 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;
- i) Discussions concerning probable cause to bring disciplinary charges against an employee; and
- j) Discussions concerning findings and/or placement of students by the Committee on Special Education.

Formal action or vote on matters enumerated in paragraph (i) above may only be taken by the Board during an executive session. No formal action or vote may be taken to appropriate moneys during an executive session. The Board shall reconvene in open session to take final action on other matters discussed, and to adjourn the meeting.

Minutes of executive sessions will reflect all actions and votes taken by the Board in executive session without personally identifying employers or students affected thereby. The name of the person who called for the executive session will also appear in the minutes of the public meeting. Any officer or member of the Board or the Superintendent may move for an executive session.

(Continued)

1996

1730
2 of 2

By-Laws

SUBJECT: EXECUTIVE SESSIONS (Cont'd.)

The Board may permit staff and other persons whose presence is deemed necessary or appropriate to attend an executive session or any part thereof.

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

Public Officers Law Article 7
Education Law Section 3020-a

Adopted: 6/25/96

Keshequa Central School District

INTERNAL OPERATIONS

(Section 2000)

NUMBER

INTERNAL OPERATIONS

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Internal Operations

SUBJECT: ORIENTING NEW BOARD MEMBERS

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

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

Internal Operations

SUBJECT: USE OF PARLIAMENTARY PROCEDURE

The business of the Board of Education shall be conducted in accordance with the following principles:

- a) Rules of the Board will have precedence;
- b) Authoritative principles of parliamentary procedure as found in the latest edition of Robert's Rules of Order shall be followed.

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

Adopted: 6/25/96

Internal Operations

SUBJECT: GOALS FOR SCHOOL OPERATIONS

Long-term goals for school operations are helpful in ensuring that the Board of Education meets its responsibilities for maintenance and operation of the District's schools.

The Board's policymaking should be guided by the development of long-range planning and goal-setting in reference to school operations.

The Superintendent should be required to recommend to the Board any change in policies deemed necessary for the improved operation of the School System. School operations goals should be consistent with other goals and objectives.

Internal Operations

**SUBJECT: BOARD MEMBER TRAINING ON FINANCIAL OVERSIGHT,
ACCOUNTABILITY AND FIDUCIARY RESPONSIBILITIES**

Within the first year of election, re-election or appointment, each Board member must complete a minimum of six hours of training on the financial oversight, accountability and fiduciary responsibilities of a school board member. The curriculum and provider of this training must be approved by the Commissioner of Education.

Upon completion of the required training, the Board member must file a certificate of completion with the District Clerk.

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

Adopted: 1/26/06

Internal Operations

SUBJECT: COMMITTEES OF THE BOARD

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

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

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

Audit Committee

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

Visitation Committees

The Board of Education shall appoint one (1) or more committees, to visit every school or department at least once annually, and report on their conditions at the next regular meeting of the Board.

Education Law Sections 1708, 2116-c and 4601

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

Adopted: 6/25/96
Revised: 1/12/06

1996

2310

Internal Operations

SUBJECT: MEMBERSHIP IN ASSOCIATIONS

The School District shall be a member of the Rural Schools Program, the New York State and the Genesee Valley School Boards Associations. Additionally, the Board may maintain membership and participate cooperatively in other associations.

Education Law Section 1618
Comptroller's Opinion 81-255

Adopted: 6/25/96

Internal Operations

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

The Board believes that continuing inservice training and development are important for its members. The Board, therefore, encourages the participation of all members at appropriate school Board conferences, workshops and conventions. However, in order to control both the investment of time and funds necessary to implement this policy, the Board establishes the following principles:

- a) A calendar of school Board conferences, conventions and workshops shall be maintained by the Board Clerk. The Board will periodically decide which meetings appear to be most promising in terms of producing direct and indirect benefits to the School District. At least annually, the Board will identify those new ideas or procedures and/or cost benefits that can be ascribed to participation at such meetings.
- b) Funds for participation at such meetings will be budgeted for on an annual basis. When funds are limited, the Board will designate which of its members would be the most appropriate to participate at a given meeting.
- c) Reimbursement to Board members for their travel expenses will be in accordance with the regulations established by the Board for travel reimbursements. (Refer also to Policy #5321 -- Reimbursement For Travel.)
- d) When a conference, convention or workshop is not attended by the full Board, those who do participate will be requested to share information, recommendations, and materials acquired at the meeting.

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

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

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

Adopted: 6/25/96
Revised: 9/13/99

1996

2330

Internal Operations

SUBJECT: COMPENSATION AND EXPENSES

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

Education Law Sections 2118
General Municipal Law Section 77-b

Adopted: 6/25/96

Internal Operations

SUBJECT: BOARD SELF-EVALUATION

The Board of Education shall review the effectiveness of its internal operations at least once annually. The Superintendent of Schools and others who work regularly with the Board shall be asked to participate in this review and to suggest ways by which the Board can improve its functioning as a deliberative and legislative body.

An effective program of evaluation contains many features. The following conditions are crucial to evaluation that has as its primary purpose the improvement of school board leadership:

- a) Board members should be involved in development of the standards by which they will evaluate themselves;
- b) The evaluation should be a composite of the individual board members' opinions, but the Board as a whole should meet to discuss the results;
- c) The evaluation should include a discussion of strengths as well as weaknesses;
- d) The Board should not limit itself to those items that appear on the evaluation form. No form or set of guidelines could encompass the totality of a school board's responsibilities; and
- e) Each judgment should be supported by as much rational and objective evidence as possible.

When the Board has received the composite profiles from the evaluation, the Board members will discuss the results in detail and formulate a series of objectives for the ensuing year. These objectives will be stated in the form of behavioral change or productivity gains. Implied in this approach is an assumption that a Board of Education is capable of improvement. The chances that the Board will improve are enhanced if evaluation is carried out systematically in accordance with good planning, conscientious follow-through, and careful assessment of results.

Keshequa Central School District

COMMUNITY RELATIONS

(Section 3000)

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(Section 3000)

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Community Relations

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(Section 3000)

NUMBER

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Community Relations

SUBJECT: NEWS RELEASES

The Board will maintain a continuous program for compiling and distributing news of events, noteworthy facts, statistics, plans and forecasts necessary to the creation of an interested and informed public.

The Board encourages the release of such information subject only to the following procedural limitations:

- a) Information regarding the Board itself will be issued only by the President of the Board, Clerk of the Board, or the Superintendent of Schools. Information concerning the District as a whole shall be released by the Superintendent. Copies of all releases shall be given to Board members and the Superintendent as soon as is practical.
- b) Information about individual school activities, student performances, athletic events, instructional or social programs conducted at individual schools shall be released upon the approval of the appropriate building principal.
- c) The Superintendent and the building principals shall maintain an active file of all news releases, insuring prior to release that all information is accurate and verified.

Community Relations

SUBJECT: RELATIONS WITH THE MUNICIPAL GOVERNMENTS

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

Adopted: 6/25/96

Community Relations

SUBJECT: SENIOR CITIZENS

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

Education Law Sections 1502 and 1709(22)
Real Property Tax Law Section 467

Adopted: 6/25/96
Revised: 9/13/99

Community Relations

SUBJECT: FLAG DISPLAY

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.

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

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

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

Education Law Sections 418 and 419
Executive Law Sections 402 and 403

Adopted: 6/25/96
Revised: 1/25/07

Community Relations

SUBJECT: SCHOOL VOLUNTEERS

The Board of Education recognizes that the use of volunteers strengthens school/community relations through positive participation, builds an understanding of school programs among interested citizens, and assists employees in providing more individualization and enrichment opportunities in instruction.

Services of volunteers may be accepted by the Board, the Superintendent of Schools, central office administrators, Building Principals or persons designated by the Board and/or the Superintendent to handle this responsibility.

Volunteers may come from all backgrounds and age groups and may include any persons willing to give their time for the purpose of helping children through planned auxiliary services. Volunteers may be involved in many facets of school operations, from mentor/tutor relationships to clerical tasks. School personnel who are responsible for tasks or projects that will make use of volunteers will identify appropriate tasks and time schedules for such activities, as well as make provisions for adequate supervision, in-service programs, and evaluation. Volunteers will not be used to provide transportation for school-sponsored activities without the prior approval of the Superintendent of Schools.

Education Law Sections 3023 and 3028

Adopted: 6/25/96

Community Relations

SUBJECT: SCHOOL COMMUNITY RELATIONS

The Board is aware of its responsibility for maintaining a cooperative relationship with the School District community. This relationship is best met by providing adequate information to the community concerning the actions taken by the Board in solving problems and providing a progressive educational program and system.

The basis for an effective school community relations program is to be found in the following statement of Board attitudes:

- a) The community shall be encouraged to take an active interest in all school programs and activities.
- b) All available avenues of communication will be used.

The Board is devoted to the development and maintenance of a comprehensive program to assure full appreciation of the educational program and the problems of the District. It shall also provide for the broadest participation of Board, staff and community in seeking the solutions to problems and in promoting the continuing improvement of the educational system.

SUBJECT: CHARTER SCHOOLS

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

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

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

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

For the purposes of the Textbook Loan Program defined in Education Law Section 701, the Library Materials Loan Program defined in Education Law Section 711, and the Computer Software Loan Program defined in Education Law Section 751, and Health and Welfare Services defined in Education Law Section 912, students attending a charter school have the same access to textbooks, software and library materials loaned by the School District as if enrolled in a nonpublic school. Within available School District inventory and budgetary appropriations for purchase of such materials, the School District is required to provide such materials on an equitable basis to all public school students and to all nonpublic school and charter school students who are residents of the District (Textbook Loan Program) or who attend a nonpublic or charter school in the School District (Software and Library materials Loan Programs). The base year enrollment of students in the charter school may be claimed by the School District for the purposes of Textbook, Software and Library Materials Aids, in the same manner as nonpublic school enrollments are claimed.

(Continued)

SUBJECT: CHARTER SCHOOLS (Cont'd.)

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

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

Special Education programs and services shall be provided to students with disabilities attending a charter school in accordance with the individualized education program recommended by the Committee or Subcommittee of Special Education of the student's *school district of residence*. The charter school may arrange to have such services provided by the *school district of residence* or by the charter school directly or by contract by with another provider.

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

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

Teachers employed by the School District may apply for a leave of absence for purposes of teaching at a charter school. Approval for such leave of absence for a period of two (2) years or less shall not be unreasonably withheld. If such approval is granted to a teacher by the District, the teacher may return to teach in the School District during such period of leave without the loss of any right of certification, retirement, seniority, salary status, or any other benefit provided by law or by collective bargaining agreement. If an appropriate position is unavailable, the teacher's name shall be placed on a preferred eligible list of candidates for appointment to a vacancy that may thereafter occur in an office or position similar to the one such teacher filled in the District immediately prior to the leave of service.

(Continued)

SUBJECT: CHARTER SCHOOLS (Cont'd.)**Charter School Finances**

Charter school financing shall be based on the number of students projected to be served by the charter school and the approved operating expenses of the *district of residence* of those students. The New York Charter Schools Act requires that the *school district of residence* forward payments to the charter school, which shall include State and Federal aid and any other pertinent aid to students with disabilities, in six (6) substantially equal installments each year beginning on the first business day of the months of July, September, November, January, March, and May. Failure by the School District to make such required payments will result in the State Comptroller deducting the required amounts from State funds due to the District and paying them to the charter school.

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

Federal and State aid attributable to students with disabilities *are* required to be paid to a charter school by the *school district of residence* for those students attending such charter school *in proportion to the services the charter school provides such students*.

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

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

Notice and Hearing Requirements

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

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

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

(Continued)

SUBJECT: CHARTER SCHOOLS (Cont'd.)

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

State Charter School Facilities Incentive Program
34 Code of Federal Regulations (CFR) Part 226
Education Law Article 56 and Sections 3602(11) and
3635
8 New York Code of Rules and Regulations
(NYCRR) Parts 100 and 119

Community Relations

SUBJECT: VISITORS TO THE SCHOOL

All visitors shall be required to report to the main office upon arrival at school and state their business. Visitations to classrooms for any purpose require permission in advance from the building principal in order to allow teachers the opportunity to arrange their schedules to accommodate such requests.

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

Education Law Section 2801
Penal Law Sections 140.10 and 240.35

Adopted: 6/25/96

Community Relations

SUBJECT: PUBLIC EXPRESSION AT MEETINGS

Recognizing its responsibility for proper governance of the schools and the need to conduct its business in an orderly and efficient manner, the Board shall schedule on its agenda a question and answer period for public participation during each regularly scheduled Board meetings. The Board may set a limit on the length of this time period and a time limit for individual speakers.

The Board president shall be responsible for recognizing all speakers, who shall properly identify themselves, for maintaining proper order; and for adherence to any time limit set.

In order to request that a specific item be placed on a Board agenda, persons shall contact the Superintendent no later than ten days prior to the next regular scheduled Board meeting. The Superintendent and Board president shall determine the appropriateness of the request to place an item on the Board agenda no later than five days prior to the scheduled meeting and inform the requestor of the decision.

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

SUBJECT: PUBLIC COMPLAINTS**Complaints About Policies**

Complaints about School Board policies should be directed towards the Superintendent of Schools. Complaints shall be in writing, stating the specific objections to the specific policy(ies).

The Superintendent shall review any complaint and conduct whatever study or investigation he/she deems appropriate. The Superintendent shall then submit the complaint and his/her recommendation to the Board. The Board shall then review the policy, amend or repeal the policy, if appropriate, and notify the complainant of the action taken.

Public Complaints on Instructional Material

Although the Board is ultimately responsible for all curriculum and instructional materials, including library books, it recognizes the need for free access to many different types of books and materials. It also recognizes the right of the professional staff in selecting instructional materials supportive of the District's philosophy and goals.

The Board will not permit any individual or group to exercise censorship over instructional materials and library collections, but recognizes that at times a reevaluation of certain materials may be desirable. Should an individual or group request removal of any instructional material from school, the following procedures shall be used:

- a) The person who objects to the material will be asked to sign a complaint on a standard form on which the criticism will be documented.
- b) Following receipt of the formal complaint, the Superintendent will arrange for the reevaluation of the material in question. The Superintendent will appoint a site-base review committee to re-evaluate the material. The committee shall be responsible for making a recommendation to the Superintendent regarding the disposition of the complaint.
- c) The Superintendent shall review the complaint and committee recommendation and render a written decision within ten school days of the receipt of the committee recommendation. Should the decision be unsatisfactory to the complainant, a written appeal may be made to the Board within ten school days of the receipt of the Superintendent's decision.
- d) The Board shall be provided timely information regarding such complaints once they have been received in writing as specified in Step 1.

Complaints About School Personnel

Complaints about school personnel should be handled by the Keshequa Central School Board of

(Continued)

Community Relations

SUBJECT: PUBLIC COMPLAINTS (Cont'd.)

Education in a manner that balances the interests of the public with the individual rights of school district employees. Such complaints shall be referred to the administration for investigation and reviewed prior to any action at the Board level.

In order to express support and confidence in the staff and to ensure that they be free from unnecessary or defamatory negative criticism and complaint, the Board of Education shall establish policy and procedures to handle complaints about school personnel in a manner that balances the interests of the public with the individual rights of school district employees.

Whenever a complaint is made directly to the Board as a whole or to a Board member as an individual, it shall be referred to the Superintendent or appropriate school administration for investigation and review, as well as possible solution or disposition as appropriate, prior to any action at the Board level. Complaints not resolved at lower levels of supervision may be referred to the Superintendent. The individual employee involved may be advised of the nature of the complaint and given an opportunity for explanation, comment, and presentation of the facts as he or she sees them. Any applicable provisions in collective bargaining agreements should be observed.

As a general rule, discussion and charges relating to the competence or personal conduct of individuals shall be ruled out of order at public Board meetings. Accusations demand responses, and the Board of Education shall not permit public "trials by accusation." A public meeting is not the appropriate forum for a dialogue which might be injurious to the rights of individuals.

Moreover, employees have a "liberty" interest in their good name, reputation, honor, and integrity, which is protected by the United States Constitution. Under the law, a "name-clearing" hearing may be required if the Board publicizes a charge which might seriously damage an employee's standing and association in the community or impose a stigma or other disability which would foreclose his or her freedom to take advantage of other employment activities.

Upon allegations against any employee of the School District, an executive session shall be convened to evaluate the allegations and the substance of the complaint. Matters concerning the employment of individuals, in particular those leading to the demotion, discipline, suspension, dismissal or removal of a particular person, are subjects for which an executive session may properly be covered under the Open Meetings Law. In addition, Regulations of the Commissioner of Education, provide that personnel records of school personnel may be examined by the Board only at executive session, to enable the Board to fulfill its legal responsibilities concerning employee personnel matters.

Education Law Sections 3012, 3020-a
Civil Service Law Section 75
Public Officers Law Section 100(1)(f)
8 New York Code of Rules and Regulations
(NYCRR) Part 84

Adopted: 6/25/96

SUBJECT: COMPLAINTS AND GRIEVANCES BY EMPLOYEES

In accordance with the provisions of General Municipal Law and the collective bargaining agreements, all District personnel shall have the opportunity to present their complaints or grievances free from interference, coercion, restraint, discrimination or reprisal. The District shall provide at least two (2) procedural stages and an appellate stage for the settlement of any grievance.

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

Complaints and Grievances Coordinator

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

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

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

Age Discrimination in Employment Act,
29 United States Code (USC) Section 621
Americans With Disabilities Act,
42 United States Code (USC) Section 12101 et seq.
Prohibits discrimination on the basis of disability.
Section 504 of the Rehabilitation Act of 1973,
29 United States Code (USC) Section 794 et seq.

(Continued)

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

Title VI of the Civil Rights Act of 1964,
42 United States Code (USC) Section 2000d et seq.
Prohibits discrimination on the basis of race, color or
national origin.

Title VII of the Civil Rights Act of 1964,
42 United States Code (USC) Section 2000e et seq.
Prohibits discrimination on the basis of race, color,
religion, sex or national origin.

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

Civil Rights Law Section 40-c
Prohibits discrimination on the basis of race, creed,
color, national origin, sex, marital status, sexual
orientation or disability.

Executive Law Section 290 et seq.
Prohibits discrimination on the basis of age, race, creed,
color, national origin, sex, sexual orientation, disability,
military status, or marital status.
Military Law Sections 242 and 243

NOTE: Refer also to Policy #3420 -- Anti-Harassment in the School District

Adopted: 6/25/96

Revised: 9/13/99; 10/23/03; 3/11/04; 1/25/07

SUBJECT: COMPLAINTS AND GRIEVANCES BY STUDENTS

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

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

Complaints and Grievances Coordinator

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

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

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

Title VII of the Civil Rights Act of 1964,
42 United States Code (USC) Section 2000-e et seq.
Prohibits discrimination on the basis of race, color,
religion, sex or national origin.

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

Title VI of the Civil Rights Act of 1964,
42 United States Code (USC) Section 2000-d et seq.
Prohibits discrimination on the basis of race, color or
national origin.

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

The Americans With Disabilities Act,
42 United States Code (USC) Section 12101 et seq.
Prohibits discrimination on the basis of disability.

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

New York State Civil Rights Law Section 40-c
Prohibits discrimination on the basis of race, creed,
color, national origin, sex, marital status, sexual
orientation or disability.

New York State Executive Law Section 290 et seq.
Prohibits discrimination on the basis of age, race, creed,
color, national origin, sex, sexual orientation, disability,
military status, or marital status.

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

NOTE: Refer also to Policy #3420 -- Anti-Harassment in the School District

Adopted: 6/25/96

Revised: 9/13/99; 10/23/03; 5/27/04

Community Relations

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

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

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

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

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

Adoption of the District plan and submission of such plan to the Commissioner of Education shall be in accordance with the Regulations of the Commissioner.

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

8 New York Code of Rules and Regulations
(NYCRR) Section 100.11

Adopted: 6/25/96

Community Relations

SUBJECT: STUDENT PARTICIPATION

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

Adopted: 6/25/96

Community Relations

SUBJECT: PARENT-TEACHER ASSOCIATION

The Board of Education recognizes that the goal of the Parent-Teacher Association is to develop a united effort between educators and the general public to secure for every child the highest achievement in physical, academic and social education. Therefore, staff members and parents are encouraged to join the Parent-Teacher Association and to participate actively in its programs.

Adopted: 6/25/96

Community Relations

SUBJECT: BOOSTER CLUBS

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

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

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

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

New York State Civil Rights Law Section 40-c
Prohibits discrimination on the basis of race, creed,
color, national origin, sex, marital status, sexual
orientation or disability.

Community Relations

SUBJECT: SOLICITATION OF CHARITABLE DONATIONS FROM SCHOOL CHILDREN

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

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

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

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

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

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

NOTE: Refer also to Policy #3274 -- Fund Raising.

Adopted: 6/25/96

Community Relations

SUBJECT: ADVERTISING IN THE SCHOOLS

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

- a) Schools may cooperate in furthering the work of any non-profit, community-wide, social service agency, provided that such cooperation does not restrict or impair the educational program of the schools or conflict with Section 19.6 of the Rules of the Board of Regents;
- b) The schools may use films or other educational materials bearing only simple mention of the producing firm;
- c) The Superintendent of Schools may, at his/her discretion, announce or authorize to be announced, any lecture or other community activity of particular educational merit;
- d) The schools may, upon approval of the Superintendent of Schools, cooperate with any agency in promoting activities in the general public interest that are non-partisan and non-controversial, and that promote the education and other best interests of the students.

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

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

Adopted: 6/25/96

Community Relations

SUBJECT: SOLICITING FUNDS FROM SCHOOL PERSONNEL

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

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

Adopted: 6/25/96

Community Relations

SUBJECT: FUND RAISING (FOR EDUCATIONAL OR SCHOOL ACTIVITIES)

The Keshequa Board of Education recognizes the necessity of limited fund raisers, which are designed to help students and programs. The Board of Education reserves the right to approve/deny all fund raising activity which involves canvassing (door-to-door sales). The Board of Education will review a yearly report from the Director of Student Activities each spring which outlines the number and types of fund raising done by student groups in the District.

Any and all fund raising by students, staff, parents, or parent groups should be undertaken with discretion and regard for the community. Canvassing the community at large is strongly discouraged in preference to soliciting friends, family, and neighbors - particularly at special events like "Fun Days" or extracurricular activities. Any fund raising which involves gambling or games of chance (e.g., raffles) is forbidden.

Adopted: 6/25/96

Revised: 5/28/98; 11/15/04

SUBJECT: COMMUNITY USE OF SCHOOL FACILITIES

The Board of Education of the Keshequa Central School District recognizes the capital investment that the community has in school buildings and facilities. The Board wishes to do all that is possible to make school facilities available for public use as permitted by law, when the facilities are not being used for school purposes or when community use would not disrupt school operations.

In accordance with standards adopted by the Commissioner of Education, the District may permit community use of school facilities during a contingent budget year only if there is no identifiable cost associated with the facility use or the cost for the use is fully paid before the activity occurs. As the District desires to continue community use of school facilities while operating under a contingent budget, the District will make school facilities available for public use in accordance with this policy, provided there is no identifiable cost associated with the facility use or the cost for the use is fully paid before the activity occurs.

School administrators will cooperate with organizations in scheduling activities that will promote the welfare of the community. To carry out this Policy, the Board authorizes the Superintendent, or his/her designee, to adopt administrative regulations and procedures. These regulations and procedures should include:

- a) the establishment of fees to cover the cost of facility use in accordance with the Commissioner's standards;
- b) forms for requesting use of District facilities;
- c) procedures for reviewing requests;
- d) requirements for insurance and supervision; and
- e) rules for access to and use of District facilities.

The Superintendent, or his/her designee, will provide the Board with copies of the administrative regulations and procedures which have been adopted to implement this Policy. The Superintendent, or his/her designee, will also provide the Board with monthly reports of community use of school facilities, as well as any problems associated with such. The Board reserves the right and discretion to set fees on an annual basis, and to otherwise modify this Policy and its implementing Regulations as it deems necessary.

Measures will be taken by the district and school administration to secure facilities against trespass. School personnel shall notify the police in instances of trespassing, illegal entry, theft of school property and vandalism.

(Continued)

SUBJECT: COMMUNITY USE OF SCHOOL FACILITIES (Cont'd.)**Specific Requirements Relating to Boy Scouts and other Title 36 Patriotic Youth Groups**

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

Under this law, no covered entity shall deny equal access or a fair opportunity to meet, or discriminate against any group affiliated with the Boy Scouts of America or any other Title 36 patriotic youth group that wishes to conduct a meeting within the covered entity's designated open forum or limited public forum. No covered entity shall deny access or opportunity or discriminate for reasons including the membership or leadership criteria or oath of allegiance to God and country of the Boy Scouts of America or of the Title 36 patriotic youth group. The statute applies regardless of the entity's authority to make decisions about the use of its own school facilities.

For purposes of these regulations, an elementary or secondary school has a designated open forum whenever the school involved designates a time and place for one or more outside youth community groups to meet on school premises or in school facilities, including during the hours in which attendance at the school is compulsory, for reasons other than to provide the school's educational benefits or services.

For purposes of these regulations, an elementary or secondary school has a limited public forum whenever the school involved grants an offering to, or opportunity for, one or more outside youth or community groups to meet on school premises or in school facilities before or after the hours during which attendance at the school is compulsory.

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

No school, agency, or school served by an agency to which the Boy Scouts Act applies are required to sponsor any group officially affiliated with Boy Scouts or any other Title 36 patriotic youth group.

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

SUBJECT: COMMUNITY USE OF SCHOOL FACILITIES (Cont'd.)

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property
#5630 -- Smoking/Tobacco Use
#7310 -- School Conduct and Discipline
#7320 -- Alcohol, Tobacco, Drugs and Other Substances (Students)
District Code of Conduct on School Property

Community Relations

SUBJECT: USE OF SCHOOL-OWNED MATERIALS AND EQUIPMENT

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

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

The Superintendent or his/her designee shall develop administrative regulations to assure the lender's responsibility for, and return of, all such materials and equipment.

Education Law Section 414

Adopted: 6/25/96

Community Relations

SUBJECT: OPERATION OF MOTOR-DRIVEN VEHICLES ON DISTRICT PROPERTY

All motor-driven vehicles, including cars, snowmobiles, mini-bikes, motorcycles, all-terrain vehicles (ATV's) and other such vehicles are prohibited from using any school grounds or areas except for authorized school functions or purposes.

A school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place outside of New York State.

All student vehicles are to be registered with the high school principal and parked in authorized areas only.

Use of Skateboards, etc. on District Property

The possession and/or use of skateboards, inline skates, scooters, etc. on any of the roadways, walks, steps, or other areas of the properties of the Keshequa Central School District is prohibited except for authorized school functions or purposes. It is also prohibited to bring these items into the public school buildings of this district unless expressly authorized.

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

Adopted: 6/25/96
Revised: 11/15/04; 1/25/07

Community Relations

SUBJECT: PUBLIC ACCESS TO RECORDS

Access to records of the District shall be consistent with the rules and regulations established by the State Committee on Open Government and shall comply with all the requirements of the New York State Public Officers Law Section 84 et seq.

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

Education Law Section 2116
Public Officers Law Section 84 et seq.

Adopted: 6/25/96

Community Relations

SUBJECT: CONFIDENTIALITY OF COMPUTERIZED INFORMATION

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

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

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

Public Officers Law Sections 84 et seq.

Adopted: 6/25/96

SUBJECT: CODE OF CONDUCT ON SCHOOL PROPERTY

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

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

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

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

- a) Provisions regarding conduct, dress and language deemed appropriate and acceptable on school property and at school functions, and conduct, dress and language deemed unacceptable and inappropriate on school property; provisions regarding acceptable civil and respectful treatment of teachers, school administrators, other school personnel, students and visitors on school property and at school functions; the appropriate range of disciplinary measures which may be imposed for violation of such Code; and the roles of teachers, administrators, other school personnel, the Board of Education and parents/persons in parental relation to the student;
- b) Standards and procedures to assure security and safety of students and school personnel;
- c) Provisions for the removal from the classroom and from school property, including a school function, of students and other persons who violate the Code;
- d) Provisions prescribing the period for which a disruptive student may be removed from the classroom for each incident, provided that no such student shall return to the classroom until the principal (or his/her designated School District administrator) makes a final determination pursuant to Education Law Section 3214(3-a)(c) or the period of removal expires, whichever is less;
- e) Disciplinary measures to be taken for incidents involving the possession or use of illegal substances or weapons, the use of physical force, vandalism, violation of another student's civil rights, harassment and threats of violence;

(Continued)

Community Relations

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

- f) Provisions for detention, suspension and removal from the classroom of students, consistent with Education Law Section 3214 and other applicable federal, state and local laws, including provisions for school authorities to establish procedures to ensure the provision of continued educational programming and activities for students removed from the classroom, placed in detention, or suspended from school, which shall include alternative educational programs appropriate to individual student needs;
- g) Procedures by which violations are reported and determined, and the disciplinary measures imposed and carried out;
- h) Provisions ensuring the Code of Conduct and its enforcement are in compliance with state and federal laws relating to students with disabilities;
- i) Provisions setting forth the procedures by which local law enforcement agencies shall be notified of Code violations which constitute a crime;
- j) Provisions setting forth the circumstances under and procedures by which parents/persons in parental relation to the student shall be notified of Code violations;
- k) Provisions setting forth the circumstances under and procedures by which a complaint in criminal court, a juvenile delinquency petition or person in need of supervision ("PINS") petition will be filed;
- l) Circumstances under and procedures by which referral to appropriate human service agencies shall be made;
- m) A minimum suspension period for students who repeatedly are substantially disruptive of the educational process or substantially interfere with the teacher's authority over the classroom, provided that the suspending authority may reduce such period on a case-by-case basis to be consistent with any other state and federal law. For purposes of this requirement, as defined in Commissioner's Regulations, "repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom" shall mean engaging in conduct which results in the removal of the student from the classroom by teacher(s) pursuant to the provisions of Education Law Section 3214(3-a) and the provisions set forth in the Code of Conduct on four (4) or more occasions during a semester, or three or more occasions during a trimester, as applicable;

(Continued)

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

- n) A minimum suspension period for acts that would qualify the student to be defined as a violent student pursuant to Education Law Section 3214(2-a)(a). However, the suspending authority may reduce the suspension period on a case-by-case basis consistent with any other state and federal law;
- o) A Bill of Rights and Responsibilities of Students which focuses upon positive student behavior, and which shall be publicized and explained to all students on an annual basis; and
- p) Guidelines and programs for in-service education programs for all District staff members to ensure effective implementation of school policy on school conduct and discipline.

The Code of Conduct has been adopted by the Board of Education only after at least one public hearing that provided for the participation of school personnel, parents/persons in parental relation, students, and any other interested parties. Copies of the Code of Conduct shall be disseminated pursuant to law and Commissioner's Regulations.

The District's Code of Conduct shall be reviewed on an annual basis, and updated as necessary in accordance with law. The School Board shall reapprove any updated Code of Conduct or adopt revisions only after at least one (1) public hearing that provides for the participation of school personnel, parents/persons in parental relation, students, and any other interested parties.

The District shall file a copy of its Code of Conduct and all amendments to the Code with the Commissioner of Education no later than thirty (30) days after their respective adoptions.

Education Law Sections 2801 and 3214
Family Court Act Articles 3 and 7
Vehicle and Traffic Law Section 142
8 New York Code of Rules and Regulations
(NYCRR) Section 100.2(1)(2)

NOTE: Refer also to Policy #7310 -- School Conduct and Discipline
District Code of Conduct on School Property

Adopted: 6/25/96
Revised: 10/23/03; 1/25/07

Community Relations

SUBJECT: UNLAWFUL POSSESSION OF A WEAPON UPON SCHOOL GROUNDS

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

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

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

Penal Law Sections 220(14), 265.01, 265.02(4),
265.03, 265.05, and 265.06

NOTE: Refer also to Policies #7360 -- Dangerous Weapons in School
#7361 -- Gun-Free Schools

Adopted: 6/25/96
Revised: 10/23/03; 3/11/04

Community Relations

SUBJECT: THREATS OF VIOLENCE IN SCHOOL

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

Any acts and/or threats of violence, including bomb threats, whether made orally, in writing, or by e-mail, shall be subject to appropriate discipline in accordance with applicable law, District policies and regulations, as well as the *Code of Conduct for the Maintenance of Order on School Property* and collective bargaining agreements, as may be necessary.

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

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

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

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

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

Regulations will be developed to address safety concerns in the schools, and appropriate sanctions for violations of this policy by students will be addressed in the *Code of Conduct*.

Adopted: 6/26/00

Revised: 10/23/03

SUBJECT: ANTI-HARASSMENT IN THE SCHOOL DISTRICT

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

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

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

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

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

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

(Continued)

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

The School District will act to promptly investigate all complaints, either verbal or written, formal or informal, of allegations of harassment based on any of the characteristics described above; and will promptly take appropriate action to protect individuals from further harassment.

In order for the Board to enforce this policy, and to take corrective measures as may be necessary, it is essential that any employee, student, or other member of the above named group who believes he/she has been a victim of harassment in the school environment and/or at programs, activities and events under the control and supervision of the District, as well as any individual who is aware of and/or who has knowledge of, or witnesses any possible occurrence of harassment, immediately report such alleged harassment; such report shall be directed to or forwarded to the District's designated complaint officer(s) through informal and/or formal complaint procedures as developed by the District. Such complaints are recommended to be in writing, although verbal complaints of alleged harassment will also be promptly investigated in accordance with the terms of this policy. In the event that the complaint officer is the alleged offender, the report will be directed to the next level of supervisory authority.

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

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

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

(Continued)

SUBJECT: ANTI-HARASSMENT IN THE SCHOOL DISTRICT (Cont'd.)**Finding That Harassment Did Not Occur**

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

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

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

Knowingly Makes False Accusations

Employees and/or students who *knowingly* make false accusations against another individual as to allegations of harassment may also face appropriate disciplinary action. Because of the damage that can be done to someone falsely accused, any individual who in bad faith knowingly makes a false complaint or report of sexual harassment or sex discrimination will be subject to disciplinary action up to and including termination in accordance with legal guidelines, District policy, and any applicable collective bargaining agreement(s).

Development and Dissemination of Administrative Regulations

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

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

(Continued)

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

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

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

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

Americans With Disabilities Act,
42 United States Code (USC) Section 12101 et seq.
Prohibits discrimination on the basis of disability.

Section 504 of the Rehabilitation Act of 1973,
29 United States Code (USC) Section 794 et seq.
Prohibits discrimination on the basis of disability.

Title VI of the Civil Rights Act of 1964,
42 United States Code (USC) Section 2000d et seq.
Prohibits discrimination on the basis of race, color or national origin.

Title VII of the Civil Rights Act of 1964,
42 United States Code (USC) Section 2000e et seq.
Prohibits discrimination on the basis of race, color, religion, sex or national origin.

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

Civil Rights Law Section 40-c
Prohibits discrimination on the basis of race, creed, color, national origin, sex, sexual orientation, marital status or disability.

Executive Law Section 290 et seq.
Prohibits discrimination on the basis of age, race, creed, color, national origin, sex, sexual orientation, disability, military status, or marital status.

Military Law Sections 242 and 243

(Continued)

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

NOTE: Refer also to Policies #6121 -- Sexual Harassment of District Personnel
#6122 -- Complaints and Grievances by Employees
#7550 -- Complaints and Grievances by Students
#7551 -- Sexual Harassment of Students

Community Relations

SUBJECT: UNIFORM VIOLENT AND DISRUPTIVE INCIDENT SYSTEM

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

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

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

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

Reporting Guidelines

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

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

SUBJECT: EMERGENCY CLOSINGS

In the event it is necessary to close school for the day due to inclement weather or other emergency reasons, announcement thereof shall be made over local radio and television stations and the Internet/District Website as designated by the Board of Education.

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

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

Keshequa Central School District

ADMINISTRATION

(Section 4000)

NUMBER

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Administration

ADMINISTRATION

(Section 4000)

NUMBER

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Administration

SUBJECT: ADMINISTRATIVE PERSONNEL

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

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

The obligations, duties and responsibilities of all administrative and supervisory personnel shall be set forth in job descriptions issued by the Superintendent of Schools.

8 New York Code of Rules and Regulations
(NYCRR) Section 80.4
Education Law Section 1709

Administration

SUBJECT: ADMINISTRATION GOALS

The Board of Education believes that proper administration is vital to a successful educational program. The coordination and supervision of all aspects of the operations of the District's school pursuant to the policies of the Board, are necessary for the development and maintenance of an effective learning environment. Administrative duties and functions are to be assessed in terms of their contributions to the improvement of the provision of education in the District. The Superintendent of Schools, as chief executive officer of the District, is to provide the leadership necessary to support this objective.

Administration of the District is to be organized so that all divisions and departments of the central office and all schools operate within a system guided and operated pursuant to Board policies as implemented through the Superintendent. All personnel will have the necessary authority and responsibility (clearly defined and correlated to their roles) to carry out their respective assignments within this framework. Accountability will rest with these same personnel for the effectiveness with which their duties are performed. (The Superintendent of Schools will evaluate all administrators at least once each year.)

Major goals of District administration are:

- a) To effectively manage both of the District's schools and programs;
- b) To provide advice and counsel to the Board and to advisory groups as established by Board action. This includes the review and analysis of policy alternatives and the subsequent recommendation of a selection from among them; and
- c) To perform managerial duties as will best assure effective learning programs, including but not limited to:
 1. addressing the on-site needs of the District's schools;
 2. providing leadership in keeping abreast of current educational developments;
 3. arranging for the most effective staff development;
 4. coordinating cooperative efforts at improving learning programs, equipment, facilities and material; and
 5. providing channels for the upward flow of information necessary and useful in the design and development of school policy.

Administration

SUBJECT: ADMINISTRATIVE ORGANIZATION AND OPERATION

The basic principles of Administrative Organization and Operation are:

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

Administration

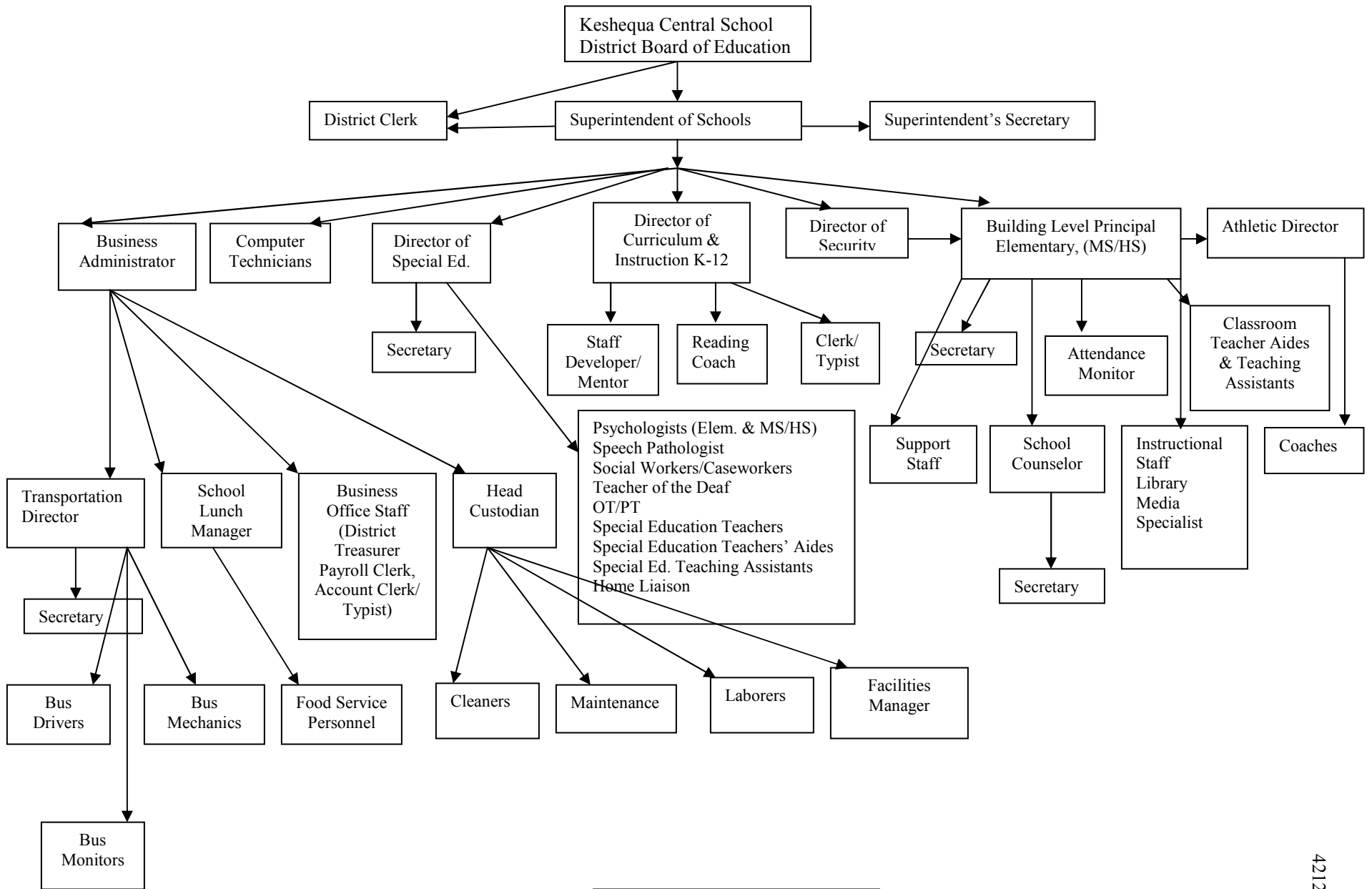
SUBJECT: LINE RESPONSIBILITY**Line and Staff Relations**

The Superintendent shall make all personnel aware of the administrative and supervisory structure of the District. Lines of direct authority will be those approved by the Board and shown on the official District organization chart (see 4212).

Personnel will be expected to refer matters requiring supervisory action to the administrator or supervisor to whom they are immediately responsible. The administrator will refer such matters to the next higher authority when necessary. Additionally, all personnel are expected to keep the person to whom they are immediately responsible informed of their activities by whatever means the person in charge deems appropriate.

Lines of authority shall not restrict in any way the cooperative, sensible working together of all staff members at all levels in order to develop the best possible school programs and services. The established lines of authority represent direction of authority and responsibility and avenues for a two-way flow of ideas to improve the program and operation of the School District.

Keshequa Central School District Board of Education



School Year 2005-06

Adopted: 6/25/96
 Revised: 10/14/98; 5/24/99; 9/27/99; 10/6/05

Administration

SUBJECT: ADMINISTRATIVE AUTHORITY DURING ABSENCE OF THE SUPERINTENDENT OF SCHOOLS

The Superintendent of Schools may delegate to another administrator the authority and responsibility for making decisions and taking such actions as may be required during the absence of the Superintendent. However, such delegation may only be made with approval of the Board of Education.

Administration

SUBJECT: ADMINISTRATIVE LATITUDE IN THE ABSENCE OF BOARD POLICY

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

In cases where emergency action must be taken within the School System and where the Board has provided no guidance in this area for administrative action, the Superintendent will have power to act. His/her decision will be subject to Board review at a regular or special meeting. It will be the Superintendent's duty to inform the Board president promptly of such emergency and of the need for a policy and/or a special meeting.

Administration

SUBJECT: USE OF COUNCILS, CABINETS AND COMMITTEES

The Board authorizes the Superintendent to establish such permanent or temporary councils, cabinets, and committees as necessary for the proper administration of Board policies and for the improvement of the total educational program.

All councils, cabinets, and committees created by the Superintendent will be for the purpose of obtaining advice and counsel and to aid in District communications. Functioning in an advisory capacity, they may make recommendations for submission to the Board through the Superintendent. Such groups will exercise no inherent authority. Authority for establishing policy remains with the Board and authority for implementing policy remains with the Superintendent.

Adopted: 6/25/96

SUBJECT: EVALUATION OF THE SUPERINTENDENT AND OTHER ADMINISTRATIVE STAFF

Superintendent

During each year of the Superintendent of Schools appointment, the Board of Education and the Superintendent will meet to discuss a plan of performance review and accountability for that school year. The final plan adopted shall be with mutual consent of the Superintendent and the Board.

Through this process, the Board will strive to accomplish the following:

- a) Clarify for the Superintendent his or her role in the School District as seen by the Board;
- b) Clarify for all Board members the role of the Superintendent in the light of his or her job description and the immediate priorities among his or her responsibilities, as agreed upon by the Board and Superintendent;
- c) Develop a harmonious working relationship between the Board and the Superintendent;
and
- d) Provide administrative leadership of excellence for the School District.

Evaluation of Administrative Staff

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

The purposes of this evaluation are:

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

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

Adopted: 6/25/96

Administration

SUBJECT: RECRUITMENT OF THE SUPERINTENDENT

The Board of Education recognizes that the recruitment and appointment of the Superintendent of Schools is among the most important priorities of the Board.

Through its employment policies, the Board will attempt to attract, secure, and retain a qualified Superintendent. The selection program will be based upon finding an individual who will devote himself/herself to the education and welfare of the children attending the District's school and the efficient and responsible administration of the School System.

The Board will request the District Superintendent to recruit and interview candidates for the position of Superintendent. The responsibilities of the District Superintendent and the procedures to be followed will be clearly established by the Board prior to the commencement of the recruitment process.

Recruiting procedures shall enable the District to seek qualified candidates from a variety of sources. The Board adheres to the practice of recruiting and hiring personnel without regard to religion, race, creed, color, national origin, sex, marital status, or disability. It will be the responsibility of the District Superintendent to determine that the candidates meet certification and other requirements established by the Education Law and the Regulations of the Commissioner of Education for the position of Superintendent.

Upon selecting a new Superintendent, the Board will negotiate a contract with the successful candidate.

Administration

SUBJECT: SUPERINTENDENT OF SCHOOLS

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

(Continued)

SUBJECT: SUPERINTENDENT OF SCHOOLS (Cont'd.)

- n) He/she shall continually strive to distinguish for all concerned between the areas of policy decisions appropriate to the Board and management decisions appropriate to the District's administrative personnel.
- o) He/she shall, when necessary and/or desirable, transfer such personnel as he/she anticipates will function more effectively in other positions. These transfers shall be made within the guidelines of state laws, District policies and negotiated contracts.
- p) He/she shall submit the data from the School Report Card and/or other such reports of student/District performance as prescribed by and in accordance with requirements of the Commissioner of Education.

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

Administration

SUBJECT: DEVELOPMENT OF REGULATIONS

The Board delegates to the Superintendent of Schools the function of specifying required actions and designing the detailed arrangements under which the schools will be operated. These regulations govern the schools. All regulations must be consistent in every respect with the policies adopted by the Board.

At its discretion, the Board reserves the right to review regulations, including those decisions made by District site-based teams. Regulations need not be approved by the Board in advance of issuance, but the Superintendent is encouraged to submit potentially controversial regulations to the Board in advance of issuance.

NOTE: Refer also to Policy #1420 -- Execution of Policy: Administrative Regulations.

Administration

SUBJECT: SUPERINTENDENT - BOARD OF EDUCATION RELATIONS

The Board intends that its relationship with the Superintendent of Schools be harmonious and professional. While both the Board and the Superintendent strive to provide an educational program of the highest caliber in the most efficient manner possible some disagreements are inevitable. Such disagreements will be resolved, to the extent possible, by reasoned discussion among the Superintendent and the members of the Board.

The Board believes that the development and adoption of policies is the most important function of a School Board and that the execution of the policies is the function of the Superintendent.

Delegation of the Board of its executive powers to the Superintendent provides freedom for the Superintendent to manage the schools within the guidelines established by Board policy and frees the Board to devote its time to policy development and evaluation.

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

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

Education Law Section 1711

Adopted: 6/25/96

SUBJECT: ADMINISTRATIVE STAFF**Residency Requirement for Administrators**

Upon being offered and accepting an administrative position in the Keshequa Central School District, the administrator will be informed that it is preferred that he/she establish residency within the school district boundaries. With respect to residency, the intent is that all administrators, including the Superintendent, be active and visible in the community.

Business Official

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

Building Principals

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

Director of Special Education

The Director of Special Education job duties are described in the official job description. The Director of Special Education will work cooperatively with the district administrators and reports directly to the Superintendent of Schools.

8 New York Code of Rules and Regulations
(NYCRR) Section 80.4

Administration

SUBJECT: PROFESSIONAL DEVELOPMENT OPPORTUNITIES

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

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

Participation shall be limited by available resources and reimbursement guidelines. (Refer also to Policy #5321 -- Reimbursement For Travel.)

General Municipal Law Section 77-b

Adopted: 6/25/96

Keshequa Central School District

NON-INSTRUCTIONAL/BUSINESS OPERATIONS

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SUBJECT: BUDGET PLANNING AND DEVELOPMENT

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

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

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

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

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

The budget will be presented in three (3) components which are to be voted upon as one (1) proposition:

- a) A program component which shall include, but need not be limited to, all program expenditures of the School District, including the salaries and benefits of teachers and any school administrators or supervisors who spend a majority of their time performing teaching duties, and all transportation operating expenses;

(Continued)

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

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

Each component must be separately delineated in accordance with Commissioner's Regulations.

Additionally, the Board of Education shall append to the proposed budget the following documents:

- a) A detailed statement of the total compensation to be paid to the Superintendent of Schools, and any Assistant or Associate Superintendent of Schools in the ensuing school year, including a delineation of the salary, annualized cost of benefits and any in-kind or other form of remuneration;
- b) A list of all other school administrators and supervisors, if any, whose annual salary for the coming school year will be at or above that designated in law for such reporting purposes, with the title of their positions and annual salary identified;
- c) A School District Report Card, prepared pursuant to Commissioner's Regulations, which includes measures of the academic performance of the School District, on a school by school basis, and measures of the fiscal performance of the District; and

(Continued)

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

- d) A Property Tax Report Card prepared in accordance with law and Commissioner's Regulations (see subheading "Property Tax Report Card").

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

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

Property Tax Report Card

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

The Property Tax Report Card shall include:

- a) The amount of total spending and total estimated school tax levy that would result from adoption of the proposed budget, and the percentage increase or decrease in total spending and total school tax levy from the School District budget for the preceding school year; and
- b) The projected enrollment growth for the school year for which the budget is prepared, and the percentage change in enrollment from the previous year; and
- c) The percentage increase in the average of the Consumer Price Indexes from January first of the prior school year to January first of the current school year as defined in Education Law.

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

(Continued)

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

The State Education Department shall compile such data for all school districts whose budgets are subject to a vote of the qualified voters, and shall make such compilation available electronically at least ten (10) days prior to the statewide uniform voting day.

Education Law Sections 1608(3)-(7), 1716(3)-(7),
2022(2-a), and 2601-a(3) and (7)
8 New York Code of Rules and Regulations
(NYCRR) Sections 170.8, 170.9 and 170.11
General Municipal Law Section 36
State Education Department
Handbook No. 3 on Budget

SUBJECT: FACILITIES PLANNING

The Board of Education is responsible for maintaining a quality education at a reasonable cost. For this reason, the Board shall concern itself with both short-range and long-range planning as it relates to the properties of the District. The Board shall rely on a comprehensive long-range facilities plan developed by the Superintendent in accordance with the Commissioner's Regulations to serve as a guide for capital improvements.

Such plan shall be reevaluated and made current periodically, and shall include appraisal of the following:

- a) The educational philosophy of the District, with resulting administrative organization and program requirements;
- b) Present and projected student enrollments;
- c) Space use and State-related student capacity of existing facilities;
- d) Priority of need for maintenance, repair or modernization of existing facilities, including consideration of the obsolescence and retirement of certain facilities; and
- e) The provision of additional facilities.

NOTE: Refer also to Policy #5620 -- Facilities: Inspection, Operation and Maintenance

SUBJECT: SCHOOL DISTRICT BUDGET HEARING

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

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

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

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

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

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

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

(Continued)

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

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

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

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

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

Notice of Budget Hearing/Availability of Budget Statement

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

Election and Budget Vote

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

Budget Development and Attachments

Education Law Sections 1608(3), (4), (5), (6), and (7); 1716(3), (4), (5), (6), and (7); 2022(2-a); and 2601-a(3)
8 New York Code of Rules and Regulations (NYCRR) Sections 100.2(bb), 170.8 and 170.9

Adopted: 6/25/96

Revised: 9/13/99; 10/23/03

SUBJECT: BUDGET ADOPTION

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

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

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

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

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

Adopted: 6/25/96
Revised: 9/13/99; 10/23/03

SUBJECT: ADMINISTRATION OF THE BUDGET

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

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

SUBJECT: CONTINGENCY BUDGET

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

If the original proposed budget is not approved by District voters at the Annual District Meeting and Election, the Board has the option of either resubmitting the original or revised budget for voter approval at a special meeting held at a later date; or the Board may, at that point, adopt a contingency budget and levy a tax for teachers' salaries and ordinary contingent expenses as enumerated in law. If the Board decides to submit either the original or a revised budget to the voters for a second time, and the voters do not approve the second budget submittal, the Board shall adopt a contingency budget and levy a tax for those expenditures mandated pursuant to law and/or for those services necessary to maintain the educational program.

The contingency budget will include the sum necessary for teachers' salaries (i.e., professional educator positions certificated by the State Education Department which include teachers, administrators, teaching assistants, and professional specialists in the various areas of pupil personnel services) and ordinary contingent expenses as determined by the Board in accordance with law including, but not limited to, the purchase of library books and other instructional materials associated with the school library; expenses for cafeteria or restaurant services and expenses incurred for interscholastic athletics, field trips and other extracurricular activities. Ordinary contingent expenses include, but are not limited to, legal expenses incurred by the District; expenditures specifically authorized by statute; and other items necessary to maintain the educational program, preserve property, and assure the health and safety of students and staff. As deemed necessary, school counsel may be consulted for review as to those items considered to be ordinary contingent expenses prior to Board adoption of the contingency budget.

In accordance with law, the contingency budget will reflect the statutory expenditure limits imposed on the administrative component of the contingency budget as well as the total spending authorized in the overall contingency budget.

With regard to overall District spending, the contingency budget, as a whole, shall not result in a percentage increase in total spending over the District's total spending under the school district budget for the prior year that exceeds the lesser of:

- a) The result when one hundred twenty percent is multiplied by the percentage increase in the Consumer Price Index (CPI), with the result rounded to two decimal places; or
- b) Four percent.

(Continued)

SUBJECT: CONTINGENCY BUDGET (Cont'd.)

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

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

The Consumer Price Index to be used refers to the percentage that represents the average of the national consumer price indexes determined by the U.S. Department of Labor for the twelve month period preceding January first of the current year.

In determining the increase in total expenses when computing the contingency budget percentage increase, the following expenditures shall be disregarded:

- a) Expenditures resulting from a tax certiorari proceeding;
- b) Expenditures resulting from a court order or judgment against the School District;
- c) Emergency expenditures that are certified by the Commissioner of Education as necessary as a result of damage to, or destruction of, a school building or school equipment;
- d) Capital expenditures resulting from the construction, acquisition, reconstruction, rehabilitation or improvement of school facilities, including debt service and lease expenditures, subject to voter approval;
- e) Expenditures in the contingency budget attributable to projected increases in public school enrollment, which may include increases attributable to the enrollment of students attending a pre-kindergarten program established in accordance with Education Law Section 3602-e;
- f) Non-recurring expenditures in the prior year's School District budget; and
- g) Expenditure of gifts and grants in aid and use of insurance proceeds.

Should the Board of Education adopt a contingency budget, it will officially pass a resolution reflecting such action; and that resolution shall incorporate by reference a statement specifying the projected percentage increase or decrease in total spending for the school year, and explain the reasons why the Board disregarded any portion of an increase in spending in formulating the contingency budget.

(Continued)

2005

5150
3 of 3

Non-Instructional/Business
Operations

SUBJECT: CONTINGENCY BUDGET (Cont'd.)

Regulations will be developed enumerating a sample list of expenditures which have been determined, pursuant to law, to constitute ordinary contingent expenses. However, the Board reserves the right, in accordance with its legal responsibility, to designate other items as ordinary contingent expenses as deemed necessary to maintain the educational program of the District, preserve property, and assure the health and safety of students and staff.

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

Adopted: 9/13/99
Revised: 8/9/05

2004

5160

Non-Instructional/Business
Operations

SUBJECT: PUBLICATION OF THE DISTRICT'S ANNUAL FINANCIAL STATEMENT

In compliance with Education Law, the Board of Education shall direct the District Clerk to annually publish in July or August a full and detailed account of all moneys received by the Board or the Treasurer of the District for its account and use, and all of the money expended therefore, giving the items of expenditure in full.

The account shall be published in the official District newspaper once each year.

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

Adopted: 3/11/04

1996

5210

Non-Instructional/Business
Operations

SUBJECT: REVENUES

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

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

Adopted: 6/25/96

SUBJECT: DISTRICT INVESTMENTS

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

Objective

The objectives of this investment policy are four-fold:

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

Authorization

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

The School Business Official may invest funds in the following eligible investments:

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

(Continued)

SUBJECT: DISTRICT INVESTMENTS (Cont'd.)

- e) Certificates of Deposits placed in a commercial bank authorized to do business in the State of New York providing the Certificates are collateralized as required by law.
- f) Securities purchased pursuant to a Repurchase Agreement whereby one party purchases securities from a second party and the second party agrees to repurchase those same securities on a specific future date at an agreed rate of return (the interest rate).

Implementation

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

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

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

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

Adopted: 6/25/96

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

The Board may accept gifts, grants and/or bequests of money, real or personal property, as well as other merchandise which, in view of the Board, add to the overall welfare of the School District, provided that such acceptance is in accordance with existing laws and regulations. However, the Board is not required to accept any gift, grant or bequest and does so at its discretion, basing its judgment on the best interests of the District. Furthermore, the Board will not accept any gift, grant or bequest which constitutes a conflict of interest and/or gives an appearance of impropriety.

At the same time, the Board will safeguard the District, the staff and students from commercial exploitation, from special interest groups, and the like.

The Board will not accept any gifts or grants which will place encumbrances on future Boards, or result in unreasonable additional or hidden costs to the District.

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

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

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

All gifts, grants and/or bequests shall become School District property. A letter of appreciation, signed by the President of the Board and the Superintendent, may be sent to a donor/grantor in recognition of his/her contribution to the School District.

Gift Giving

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

(Continued)

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Non-Instructional/Business
Operations

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

Additionally, all business contacts will be informed that gifts exceeding \$75 to District employees will be returned or donated to charity.

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

Adopted: 6/25/96
Revised: 9/13/99

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Non-Instructional/Business
Operations

SUBJECT: SCHOOL TAX ASSESSMENT AND COLLECTION

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

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

Adopted: 6/25/96

SUBJECT: PROPERTY TAX EXEMPTIONS

Unless specifically exempted by law, real property used exclusively for residential purposes and owned by one (1) or more persons, each of whom is sixty-five (65) years of age or over, or real property owned by husband and wife or by siblings, one of whom is sixty-five (65) years of age or over, shall be exempt from taxation to the extent of per centum of the assessed valuation determined by the Board if the owners meet the criteria established annually by the Board.

The real property tax exemption of real property owned by husband and wife, when one of them is sixty-five (65) years of age or over, once granted, shall not be rescinded solely because of the death of the older spouse so long as the surviving spouse is at least sixty-two (62) years of age.

The District may permit a property tax exemption to an otherwise eligible senior citizen even if a child who attends a public school resides at that address, provided that any such resolution shall condition such exemption upon satisfactory proof that the child was not brought into the residence in whole or in substantial part for the purpose of attending a particular school within the District. The Board must adopt a resolution allowing such an exemption following a public hearing on this specific issue.

Disabled Citizens

Unless specifically exempted by law, real property used exclusively for residential purposes and owned by one or more persons with disabilities; or owned by a husband, wife or both, or siblings, at least one of whom has a disability; and whose income, as defined pursuant to law, is limited by reason of such disability shall be exempt from taxation to the extent of percentum of the assessed valuation determined by the Board if the owners meet the criteria established annually by the Board. The Board must adopt a resolution allowing such an exemption following a public hearing on this specific issue.

No exemption shall be granted unless the real property is the legal residence of and is occupied in whole or in part by the disabled person; except where the disabled person is absent from the residence while receiving health-related care as an in-patient of a residential health care facility as defined in Public Health Law.

The District may permit a property tax exemption to an otherwise eligible disabled citizen even if a child who attends a public school resides at that address, provided that any such resolution shall condition such exemption upon satisfactory proof that the child was not brought into the residence in whole or in substantial part for the purpose of attending a particular school within the District. The Board must adopt a resolution allowing such an exemption following a public hearing on this specific issue.

(Continued)

SUBJECT: PROPERTY TAX EXEMPTIONS (Cont'd.)

For purposes of this policy, and in accordance with law, a person with a disability is one who has a physical or mental impairment, not due to current use of alcohol or illegal drug use, which substantially limits such person's ability to engage in one or more major life activities, such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working; and who is certified to receive Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI) benefits under the federal Social Security Act or is certified to receive Railroad Retirement Disability benefits under the federal Railroad Retirement Act, or has received a certificate from the State Commission for the Blind and Visually Handicapped stating that such person is legally blind.

In accordance with Real Property Tax Law, any exemption provided by this policy shall be computed after all other partial exemptions allowed by law have been subtracted from the total amount assessed; provided however, that no parcel or real property may receive an exemption for the same tax purpose pursuant to both this policy and real property tax exemptions granted pursuant to the Real Property Tax Law for persons 65 years of age or over.

Businesses

The Board of Education of the Dalton-Nunda District has recognized the need for a local law to grant incentive for the expansion of existing businesses in the School District, and the location of new businesses in the School District by granting tax exemptions.

The Board of Assessors shall have the power and be charged with the duty to carry out the purpose and intent of Article 4-A of the Commerce Law, Section 485 of the Real Property Tax Law and other applicable laws of the State, to grant the business facility owners or operators exemptions from taxes and special ad valorem levies to the extent provided in the referenced New York State Laws.

The Assessor shall determine the assessed value of the exemption based on State Laws and shall grant as an exemption one hundred percent thereof for ten years. After this time the exemption is to be eliminated.

Any assessment so granted shall commence with the Assessment Roll prepared on the next following taxable status due of the Dalton-Nunda Central School District, County of Livingston.

This resolution shall be effective to the local townships in the School District.

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

(Continued)

SUBJECT: PROPERTY TAX EXEMPTIONS (Cont'd.)**Volunteer Firefighters and Ambulance Workers**

In accordance with law, the District may adopt a resolution allowing the full benefits of the real property tax law exemption for enrolled members of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service.

Real Property Tax Law Sections 466-c, 466-f and
466-g

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

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

Disposal of District Personal PropertyEquipment

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

The Superintendent will be responsible for disposal of District property in such a way to benefit the District or community.

Textbooks

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

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

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

General Municipal Law Sections 51
and 800 et seq.

Non-Instructional/Business
Operations

SUBJECT: BONDING OF EMPLOYEES AND SCHOOL BOARD MEMBERS

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

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

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

Adopted: 6/25/96

SUBJECT: EXPENDITURES OF SCHOOL DISTRICT FUNDS

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

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

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

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

NOTE: Refer also to Policies #1338 -- Appointments and Duties of Claims Auditor
#1339 -- Duties of the Internal Auditor
#5322 -- Use of the District Cell Phone
#5323 -- Reimbursement for Meals/Refreshments
#5511 -- Use of the District Credit Card
#5562 -- Audit Committee
#6161 -- Conference/Travel Expense Reimbursement

Adopted: 6/25/96
Revised: 3/17/05

SUBJECT: REIMBURSEMENT FOR TRAVEL**Reimbursement for Travel**

School District employees, officials and members of the Board of Education will be reimbursed for reasonable out-of-pocket expenses incurred while traveling for school related activities.

Expenses necessary to the purpose of the travel shall be reimbursable. Mileage will be paid at the rate fixed annually by the Board. Tax exemption certificates shall be issued and utilized as appropriate.

The Superintendent of Schools or a designee 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.

SUBJECT: USE OF THE DISTRICT CELL PHONE

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

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

- a) All personal phone calls made by the employee will be reimbursed to the District.
- b) The cell phone may not be used by anyone other than the School District employee.

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

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

Staff/Board Meetings and District Events

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

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

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

NOTE: Refer also to Policy #6161 -- [Conference/Travel Expense Reimbursement](#)

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Non-Instructional/Business
Operations

SUBJECT: BUDGET TRANSFERS

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

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

Adopted: 6/25/96
Revised: 9/13/99

1996

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Non-Instructional/Business
Operations

SUBJECT: BORROWING OF FUNDS

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

New York State Local Finance Law Section 20

Adopted: 6/25/96

SUBJECT: PURCHASING

The District's purchasing activities will be part of the responsibilities of the Business Office, under the general supervision of the Purchasing Agent designated by the Board of Education. The purchasing process should enhance school operations and educational programs through the procurement of goods and services deemed necessary to meet District needs.

Competitive Bids and Quotations

As required by law, the Superintendent will follow normal bidding procedures in all cases where needed quantities of like items will total the maximum level allowed by law during the fiscal year, (similarly for public works-construction, repair, etc.) and in such other cases that seem to be to the financial advantage of the School District.

A bid bond may be required if considered advisable.

No bid for supplies shall be accepted that does not conform to specifications furnished unless specifications are waived by Board action. Contracts shall be awarded to the lowest responsible bidder who meets specifications. However, the Board may choose to reject any bid.

Rules shall be developed by the administration for the competitive purchasing of goods and services.

The Superintendent may authorize purchases within the approved budget without bidding if required by emergencies and are legally permitted.

The Superintendent is authorized to enter into cooperative bidding for various needs of the School District.

Request for Proposal Process for the Independent Auditor

In accordance with law, no audit engagement shall be for a term longer than five (5) consecutive years. The District may, however, permit an independent auditor engaged under an existing contract for such services to submit a proposal for such services in response to a request for competitive proposals or be awarded a contract to provide such services under a request for proposal process.

Procurement of Goods and Services

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

- a) Assure the prudent and economical use of public moneys in the best interest of the taxpayer;

(Continued)

SUBJECT: PURCHASING (Cont'd.)

- b) Facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances; and
- c) Guard against favoritism, improvidence, extravagance, fraud and corruption.

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

- a) Prescribe a process for determining whether a procurement of goods and services is subject to competitive bidding and if it is not, documenting the basis for such determination;
- b) With certain exceptions (purchases pursuant to General Municipal Law, Section 186; State Finance Law, Sections 175-a and 175-b; State Correction Law, Section 184; or those circumstances or types of procurements set forth in (f) of this section), provide that alternative proposals or quotations for goods and services shall be secured by use of written request for proposals, written quotations, verbal quotations or any other method of procurement which furthers the purposes of Section 104-b of General Municipal Law;
- c) Set forth when each method of procurement will be utilized;
- d) Require adequate documentation of actions taken with each method of procurement;
- e) Require justification and documentation of any contract awarded to other than the lowest responsible dollar offer, stating the reasons; and
- f) Set forth any circumstances when, or the types of procurement for which, the solicitation of alternative proposals or quotations will not be in the best interest of the District.

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

The Board of Education shall solicit comments concerning the District's policies and procedures from those employees involved in the procurement process. All policies and procedures regarding the procurement of goods and services shall be reviewed annually by the Board.

Alternative Formats for Instructional Materials

Preference in the purchase of instructional materials will be given to vendors who agree to provide materials in a usable alternative format (i.e., any medium or format, other than a traditional print textbook, for presentation of instructional materials that is needed as an accommodation for each student with a disability, including students requiring Section 504 Accommodation Plans, enrolled in

(Continued)

SUBJECT: PURCHASING (Cont'd.)

the School District). Alternative formats include, but are not limited to, Braille, large print, open and closed captioned, audio, or an electronic file in an approved format as defined in Commissioner's Regulations.

District Plan

The District has developed a plan to ensure that all instructional materials to be used in the schools of the District are available in a usable alternative format for each student with a disability, including students requiring Section 504 Accommodation Plans, in accordance with his or her educational needs and course selection, at the same time as such instructional materials are available to non-disabled students. The District Plan shall include those provisions mandated by Education Law and Commissioner's Regulations.

Environmentally Sensitive Cleaning and Maintenance Products

In accordance with Commissioner's Regulations, State Finance Law and Education Law, effective with the 2006-2007 school year, the District shall follow guidelines, specifications and sample lists when purchasing cleaning and maintenance products for use in its facilities. Such facilities include any building or facility used for instructional purposes and the surrounding grounds or other sites used for playgrounds, athletics or other instruction.

Environmentally sensitive cleaning and maintenance products are those which minimize adverse impacts on health and the environment. Such products reduce as much as possible exposures of children and school staff to potentially harmful chemicals and substances used in the cleaning and maintenance of school facilities. The District shall identify and procure environmentally sensitive cleaning and maintenance products which are available in the form, function and utility generally used. Coordinated procurement of such products as specified by the Office of General Services (OGS) may be done through central state purchasing contracts to ensure that the District can procure these products on a competitive basis.

The District shall notify their personnel of the availability of such guidelines, specifications and sample product lists.

Apparel and Sports Equipment Purchases**Competitive Bidding Purchases**

The Board of Education will only accept bids from "responsible bidders." A determination that a bidder on a contract for the purchase of apparel or sports equipment is not a "responsible bidder" shall be based upon either or both of the following considerations:

(Continued)

SUBJECT: PURCHASING (Cont'd.)

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

Non-Competitive Bidding Purchases

The Board's internal policies and procedures governing procurement of apparel or sports equipment, where such procurement is not required to be made pursuant to competitive bidding requirements, shall prohibit the purchase of apparel or sports equipment from any vendor based upon either or both of the following considerations:

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

Contracts for Goods and Services

No contracts for goods and services shall be made by individuals or organizations in the school that involve expenditures without first securing approval for such contract from the Purchasing Agent.

No Board member or employee of the School District shall have an interest in any contract entered into by the Board or the School District.

Upon the adoption of a resolution by a vote of at least three-fifths 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 ten thousand dollars 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.

(Continued)

SUBJECT: PURCHASING (Cont'd.)

Education Law Sections 305(14), 409-i, 1604, 1709,
1950,
2503, 2554 and 3602
General Municipal Law Articles 5-A and 18
State Finance Law Section 163-b
8 New York Code of Rules and Regulations
(NYCRR) Sections 170.2, 200.2(b)(10), 200.2(c)(2)
and 200.2(i)

Adopted: 6/25/96

Revised: 10/23/03; 5/27/04; 3/17/05; 3/22/07

1996

5510

Non-Instructional/Business
Operations

SUBJECT: ACCOUNTING OF FUNDS

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

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

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

Education Law Section 2116-a

Adopted: 6/25/96

SUBJECT: SCHOOL DISTRICT CREDIT CARDS

The Keshequa Central School District may issue credit cards in their name for the use of their officers and employees for, among other things, reimbursable travel expenses incurred in the performance of their duties, provided that the claims submitted are paid within a reasonable period of time to avoid incurring unnecessary service charges, and provided that certification of claim requirements are met by the companies involved.

Furthermore, School District credit cards shall also be used for the purchase of items in an emergency or crisis situation or as otherwise deemed appropriate by the Superintendent of Schools or Business Administrator.

SUBJECT: STUDENT ACTIVITIES FUNDS MANAGEMENT

The Board shall annually appoint a central treasurer who shall be responsible for safeguarding and accounting for student activities funds. Each extracurricular activity shall appoint an activity treasurer. Building principals shall appoint faculty advisors. The activity treasurers and faculty advisors shall work directly with the central treasurer to provide for safeguarding and accounting for the student activities funds. These accounts shall be audited annually.

Regulations (#5520R) based on this policy shall be presented for Board approval by the Superintendent.

The Superintendent shall assure that the regulations are met by the central treasurer, faculty advisor, and activity treasurer of each student activity.

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

1996

5530

Non-Instructional/Business
Operations

SUBJECT: PETTY CASH/PETTY CASH ACCOUNTS

Petty cash funds shall be established at each school, the cafeterias, and the business office for the purchase of materials, supplies or services under conditions requiring immediate payment.

The amount of each fund will not exceed \$100. The Board of Education, upon the recommendation of the Superintendent of Schools, shall appoint a bursar for each petty cash fund who shall administer and be responsible for such fund.

Receipts and cash-on-hand must always total the authorized fund amount. All disbursements from such funds are to be supported by receipted bills, paid out slips or other evidence documenting the expenditure.

Payments may be made from petty cash for materials, supplies, or services only when payment is required on delivery. Reimbursement of petty cash funds, up to the extent of expenditures, will be made periodically upon submission of a report of expenditures with appropriate documentary support. Each fund will be closed at the end of the school year.

Education Law Section 1709(29)
8 New York Code of Rules and Regulations
(NYCRR) Section 170.4

NOTE: Refer also to Policy #5531 -- Cash in School Buildings

Adopted: 6/25/96

1996

5531

Non-Instructional/Business
Operations

SUBJECT: CASH IN SCHOOL BUILDINGS

Not more than \$250, whether District or extraclassroom funds, shall be held in the vault in the main office of each District school building. Under no circumstances shall cash be left in classroom areas or desks. The District will not be responsible for funds left unprotected.

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

NOTE: Refer also to Policy #5530 -- Petty Cash/Petty Cash Accounts

Adopted: 6/25/96

SUBJECT: MAINTENANCE OF FISCAL EFFORT (TITLE I PROGRAMS)

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

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

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

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

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

Title I of the Elementary and Secondary
Education Act of 1965, as amended by
the Improving America's Schools Act of 1994
34 Code of Federal Regulations (CFR) Part 200

SUBJECT: USE OF FEDERAL FUNDS FOR POLITICAL EXPENDITURES

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

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

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

Compliance Supplement for Single Audit
of State and Local Governments (revised
September 1990) supplementing OMB
Circular A-128

NOTE: Refer also to Policy #6420 -- Employee Activities

Adopted: 9/13/99

SUBJECT: FINANCIAL ACCOUNTABILITY

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

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

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

(Continued)

SUBJECT: FINANCIAL ACCOUNTABILITY (Cont'd.)

- h) The District's information systems are economical, efficient, current, and up-to-date.
- i) All computer files are secured with passwords or other controls, backed up on a regular basis, and stored at an off site location.
- j) The District periodically verifies that its controls are working efficiently.
- k) The District requires all staff to take vacations during which time another staff member performs the duties of the staff on vacation.

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

SUBJECT: ALLEGATIONS OF FRAUD**Reporting and Investigations of Allegations of Fraud**

All Board members and officers, District employees and third party consultants are required to abide by the District's policies, administrative regulations and procedures in the conduct of their duties. Further, all applicable federal and/or state laws and regulations must be adhered to in the course of District operations and practices. Any individual who has reason to believe that financial improprieties or wrongful conduct is occurring within the School System is to disclose such information according to the reporting procedures established by the District. The reporting procedures will follow the chain of command as established within the department or school building or as enumerated in the District's Organizational Chart. In the event that the allegations of financial improprieties/fraud and/or wrongful conduct concern the investigating official, the report shall be made to the next level of supervisory authority. If the chain of supervisory command is not sufficient to ensure impartial, independent investigation, allegations of financial improprieties/fraud and/or wrongful conduct will be reported as applicable, to the Internal Auditor (if available), or the Independent (External) Auditor, or the School Attorney, or the Board of Education. The District's prohibition of wrongful conduct, including fraud, will be publicized within the District as deemed appropriate; and written notification will be provided to all employees with fiscal accounting/oversight and/or financial duties including the handling of money.

Upon receipt of an allegation of financial improprieties/fraud and/or wrongful conduct, the Board or designated employee(s) will conduct a thorough investigation of the charges. However, even in the absence of a report of suspected wrongful conduct, if the District has knowledge of, or reason to know of, any occurrence of financial improprieties/fraud and/or wrongful conduct, the District will investigate such conduct promptly and thoroughly. To the extent possible, within legal constraints, all reports will be treated as confidentially and privately as possible. However, disclosure may be necessary to complete a thorough investigation of the charges and/or to notify law enforcement officials as warranted, and any disclosure will be provided on a "need to know" basis. Written records of the allegation, and resulting investigation and outcome will be maintained in accordance with law.

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

(Continued)

SUBJECT: ALLEGATIONS OF FRAUD (Cont'd.)

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

Prohibition of Retaliation

The Board prohibits any retaliatory behavior directed against those individuals who, in good faith, report allegations of suspected financial improprieties/fraud and/or wrongful conduct as well as witnesses and/or any other individuals who participate in the investigation of an allegation of financial impropriety/fraud and/or wrongful conduct. Follow-up inquiries shall be made to ensure that no reprisals or retaliatory behavior has occurred to those involved in the investigation. Any act of retaliation is prohibited and subject to appropriate disciplinary action by the District.

Knowingly Makes False Accusations

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

SUBJECT: AUDIT COMMITTEE

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

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

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

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

The Audit Committee shall consist of at least three (3) members who should collectively possess knowledge in accounting, auditing, financial reporting, and School District finances. They shall serve without compensation, but shall be reimbursed for any actual and necessary expenditure incurred in relation to attendance at meetings. Employees of the District are prohibited from serving on the Audit Committee. Members of the Audit Committee shall be deemed School District Officers, but shall not be required to be residents of the School District.

The role of the Audit Committee shall be advisory, and any recommendations it provides to the Board shall not substitute for any required review and acceptance by the Board of Education.

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

(Continued)

SUBJECT: AUDIT COMMITTEE (Cont'd.)

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

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

The responsibilities of the Audit Committee include the following:

- a) Provide recommendations regarding the appointment of the External (Independent) Auditor for the District;
- b) Meet with the External (Independent) Auditor prior to commencement of the audit;
- c) Review and discuss with the External (Independent) Auditor any risk assessment of the District's fiscal operations developed as part of the Auditor's responsibilities under governmental auditing standards for a financial statement audit and federal single audit standards if applicable;
- d) Receive and review the draft annual audit report and accompanying draft management letter and, working directly with the External (Independent) Auditor, assist the Board of Education in interpreting such documents;
- e) Make a recommendation to the Board on accepting the annual audit report; and
- f) Review every corrective action plan developed by the School District and assist the Board in its implementation.

Corrective Action Plan

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

(Continued)

SUBJECT: AUDIT COMMITTEE (Cont'd.)

- a) The annual external audit report or management letter;
- b) A final audit report issued by the District's internal auditor;
- c) A final report issued by the State Comptroller;
- d) A final audit report issued by the State Education Department; or
- e) A final audit report issued by the United States or an office, agency or department thereof.

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

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

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

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

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

(Continued)

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SUBJECT: AUDIT COMMITTEE (Cont'd.)

Education Law Sections 2116-c, and 3811-3813
Public Officers Law Sections 105(b), 105(c)
and 105(d)
8 New York Code of Rules and Regulations
(NYCRR) Section 170.12(d)

Adopted: 3/9/06
Revised: 5/8/07

SUBJECT: INTERNAL AUDIT FUNCTION

No later than July 1, 2006, the District shall establish an Internal Audit Function to be in operation no later than December 31, 2006. The Internal Audit Function shall include:

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

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

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

Education Law Sections 1950, 2116-b and 2116-c
8 New York Code of Rules and Regulations
(NYCRR) Section 170.12(d)

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

Adopted: 5/8/07

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Non-Instructional/Business
Operations

SUBJECT: INVENTORIES

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

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

Uniform System of Accounts for School
Districts (Fiscal Section)

Adopted: 6/25/96

SUBJECT: ACCOUNTING OF FIXED ASSETS

The School Business Official shall be responsible for accounting for general fixed assets according to the procedures outlined by the Uniform System of Accounts for School Districts and GASB Statement 34 Regulations.

These accounts will serve to:

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

Fixed assets with a minimum value established by the Board that have a useful life of one (1) year or more and physical characteristics not appreciably affected by use or consumption shall be inventoried and recorded on an annual basis. Fixed assets shall include land, buildings, equipment and materials.

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

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

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

- a) Date of acquisition;
- b) Description;
- c) Cost or value;

(Continued)

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

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

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

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

The Superintendent is charged with the responsibility for administering plant operations in the most efficient and economical manner possible, while placing high priority on health and safety of students and conservation of natural resources.

The Board, through the Superintendent and his/her staff, has the responsibility of protecting the District investment in plant and facilities through a systematic maintenance program.

It is expected that the program shall include periodic preventive maintenance activities, long-range maintenance schedules and emergency repair procedures. It is further expected that all maintenance work will be carried out in a manner that will cause the least interference with the educational program.

Construction and Remodeling of School Facilities

Plans and specifications for the erection, enlargement, repair or remodeling of facilities of the School District shall be submitted to the Commissioner when the contemplated construction costs of such work are ten thousand dollars (\$10,000) or more, and for all projects affecting the health and safety of students.

Plans and specifications submitted to the Commissioner shall bear the signature and seal of an architect or engineer licensed to practice in the State of New York. The architect or engineer who sealed the plans and specifications shall also certify that the plans and specifications conform to the standards set forth in the State Uniform Fire Prevention and Building Code (9 NYCRR Parts 600 through 1250) and the State Energy Conservation Construction Code (9 NYCRR Parts 7810 through 7816).

For remodeling or construction projects costing five thousand dollars (\$5,000) or more, the District shall assure compliance with the requirements of the State Uniform Fire Prevention and Building Code (9 NYCRR 600 through 1250) and Part 155 of the Commissioner's Regulations, and shall retain the services of an architect or engineer licensed to practice in New York State.

For remodeling or construction projects costing less than five thousand dollars (\$5,000), the District shall assure compliance with the requirements of the State Uniform Fire Prevention and Building Code (9 NYCRR Parts 600 through 1250) and Part 155 of the Commissioner's Regulations.

(Continued)

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

The administration of the School System shall cooperate with officials conducting health, fire, asbestos, bus, and boiler inspections. The administration shall keep the Board of Education informed of the results of such inspections in a timely fashion.

Comprehensive Public School Building Safety Program (Rescue)

To ensure that all school facilities are properly maintained and preserved and provide suitable educational settings, the Board of Education requires that all occupied school facilities which are owned, operated or leased by the District comply with the provisions of the Comprehensive Public School Safety Program and the Uniform Code of Public School Building Inspections, Safety Rating and Monitoring as prescribed in Commissioner's Regulations. For this reason, the School District shall develop a Comprehensive Public School Building Safety Program in accordance with Commissioner's Regulations.

The program shall be reevaluated and made current at least annually, and shall include the following:

- a) A five (5) year capital facilities plan which will include an appraisal of the following: the educational philosophy of the District, with resulting administrative organization and program requirements; present and projected student enrollments; space use and State-rated student capacity of existing facilities; the allocation of instructional space to meet the current and future education program and service needs, and to serve students with disabilities in settings with nondisabled peers; priority of need of maintenance, repair or modernization of existing facilities, including consideration of the obsolescence and retirement of certain facilities; and the provision of additional facilities.
- b) A District-wide building inventory, which will include information pertaining to each building including, but not limited to:
 1. Type of building, age of building, size of building;
 2. Rated capacity, current enrollment;
 3. List of energy sources and major systems (lighting, plumbing, electrical, heating); and
 4. Summary of triennial Asbestos Inspection reports.

(Continued)

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

- c) An annual visual inspection of each occupied building and assignment of a safety rating score. The inspection committee must include a state certified code enforcement official, the District's facility director or designee, and a member of the District's Health and Safety Committee.
- d) A building condition survey shall be conducted for all occupied school buildings once every five (5) years by a team that includes at least one (1) licensed architect or engineer.
- e) A District-wide monitoring system which includes:
 - 1. Establishing a Health and Safety Committee;
 - 2. Development of detailed plans and a review process of all inspections;
 - 3. Procedures for a response in writing to all inquiries about building health and safety concerns, a copy of which will be sent to the District's Health and Safety Committee for oversight, and a copy kept on permanent file.
- f) Procedures to ensure the safety of the building occupants while a construction/renovation project is taking place. These procedures will include:
 - 1. Notification to parents, staff and the community at least two (2) months in advance of a construction project of ten thousand dollars (\$10,000) or more to be conducted in a school building while the building is occupied; provided, however, that in the case of emergency construction projects, such notice shall be provided as far in advance of the start of construction as is practicable;
 - 2. A plan to ensure that all contractors comply with all health and safety issues and regulations, and wear photo ID badges;
 - 3. An opportunity for the District's Health and Safety Committee to conduct a walk-through inspection of newly renovated or constructed areas to confirm that the area is ready to be reopened for use; and
 - 4. An emergency plan which will address potential concerns with the capital project including, but not limited to, evacuation procedures, fire drills, and structural failures.

(Continued)

SUBJECT: FACILITIES: INSPECTION, OPERATION AND MAINTENANCE (Cont'd.)**School Facility Report Cards**

Commencing January 1, 2001 and each year thereafter, the School District shall prepare a School Facility Report Card for each occupied school building.

The School Facility Report Card for each building shall be reviewed annually by the Board of Education. The Board shall report in a public meeting on the status of each item set forth in Commissioner's Regulations for each facility located in the District.

Fire Inspection:
8 New York Code of Rules and Regulations
(NYCRR) Section 155.4
Education Law Section 807-a

Health Inspection: Education Law Section 906

Asbestos Inspection: Education Law, Article 9-A
40 Code of Federal Regulations (CFR)
Part 763, Subpart E

Plans and Specifications:
Education Law Sections 408, 408-a and 409
8 New York Code of Rules and Regulations
(NYCRR) Sections 155.1 and 155.2

Structural Safety Inspections:
Education Law Sections 409-d and -e, 3602, and
3641(4)
8 New York Code of Rules and Regulations
(NYCRR) Sections 155.1, 155.3, 155.4(b)(1), and
155.6

Non-Instructional/Business
Operations

**SUBJECT: HAZARDOUS WASTE AND HANDLING OF TOXIC SUBSTANCES BY
EMPLOYEES**

The Board of Education recognizes the need to protect human health and the environment from damage resulting from the improper handling of hazardous wastes.

The management of hazardous waste from its point of generation to the ultimate disposal is regulated through specific Federal and State laws.

The Board directs the Superintendent to adopt rules to insure District implementation of applicable Federal and State laws pertaining to the identification, transportation, treatment, storage, and disposal of hazardous wastes.

Environmental Protection Agency
[40 Code of Federal Regulations
(CFR) 261 & 262]
6 New York Code of Rules and Regulations
(NYCRR) Part 371

Adopted: 6/25/96

SUBJECT: NAMING/RENAMING SCHOOL FACILITIES

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

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

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

Committee Composition

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

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

Board Resolution

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

Plaque Dedication

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

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

(Continued)

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

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

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

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

SUBJECT: SMOKING/TOBACCO USE**School Grounds**

Tobacco use shall not be permitted and no person shall use tobacco on school grounds at any time. For purposes of this policy, "school grounds" means any building, structure, and surrounding outdoor grounds 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 vehicles used to transport children or school personnel.

For purposes of this policy, tobacco is defined to include any lighted or unlighted cigarette, cigar, cigarillo, pipe, bidi, clove cigarette, and any other smoking product, and spit tobacco (smokeless, dip, chew and/or snuff) in any form.

Posting/Notification of Policy

In compliance with the New York State Clean Indoor Air Act, the District will prominently post its Smoking/Tobacco Use policy and signs prohibiting **all** forms of tobacco products in District buildings and other appropriate locations; and will supply a copy upon request to any current or prospective employee. The District will also designate a school official to tell individuals who smoke in a non-smoking area that they are in violation of Article 13-E of the New York State Public Health Law, Education Law, the federal Pro-Children Act of 1994 and District policy.

The District shall also ensure that this policy is communicated to staff, students, parents/guardians, volunteers, and visitors as deemed appropriate in order to orient all persons to the District's "No Smoking" Policy and environment.

Prohibition of Tobacco Promotional Items/Tobacco Advertising

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

- a) On school grounds;
- b) In school vehicles;
- c) At school-sponsored events, regardless of where such activity or event takes place, including those that take place outside of New York State;
- d) In school publications;
- e) On clothing, shoes, accessories, gear, and school supplies in accordance with the District Code of Conduct and applicable collective bargaining agreements.

(Continued)

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

This prohibition of tobacco promotional items shall be implemented in accordance with the Code of Conduct and applicable collective bargaining agreements.

In addition, tobacco advertising is also prohibited in all school-sponsored publications and at all school sponsored events.

Safe and Drug-Free Schools and Communities Act
20 United States Code (USC) Section 7101 et seq.
Pro-Children Act of 2001, as amended by the No Child
Left Behind Act of 2001, 20 United States Code (USC)
Sections 7181-7184
Education Law Sections 409, 2801(1) and 3020-a
Public Health Law Article 13-E

NOTE: Refer also to Policies #3280 -- Community Use of School Facilities
#3410 -- Code of Conduct on School Property
#7310 -- School Conduct and Discipline
#7320 -- Alcohol, Tobacco, Drugs, and Other Substances (Students)
#8211 -- Prevention Instruction
District Code of Conduct on School Property

Adopted: 6/25/96
Revised: 9/13/99; 10/23/03; 3/11/04; 5/8/07

SUBJECT: ENERGY/WATER CONSERVATION AND RECYCLING OF SOLID WASTE

The Board of Education recognizes the importance of energy and water conservation and is committed to the analysis, development, and initiation of conservation measures throughout the District for the purpose of reducing energy consumption.

Energy/Water Conservation

The Board of Education recognizes the importance of energy and water conservation and is committed to the analysis, development, and initiation of conservation measures throughout the District for the purpose of reducing energy consumption, particularly in these times of declining levels of natural energy resources and increasing cost of these resources. The Board will maintain an aggressive and responsible program to reduce consumption of energy by its facilities and to provide education on the conservation of energy.

The District will comply with the Property Maintenance Code of New York State, part of the New York State Uniform Fire Prevention and Building Code, which requires that indoor occupiable work spaces be maintained at a minimum temperature of 65 degrees from September 14 to May 31 during the period the spaces are occupied. There are exceptions for areas of vigorous physical activities such as gymnasiums as well as processing spaces such as coolers or freezers. However, by law, code or regulation there is no maximum temperature specified. Ventilation requirements only require fresh air, not cool air-conditioning.

Recycling

The Superintendent will develop a program for the source separation and segregation of recyclable or reusable materials in the District. This District-wide recycling plan shall include:

- a) A conservation education program to teach students about their social responsibility for preserving our resources, and involvement of all students and personnel in a comprehensive effort to reduce, reuse and recycle waste materials;
- b) A concerted effort to purchase recycled items and biodegradable rather than non-biodegradable products;
- c) Separation of waste into appropriate categories for the purpose of recycling, including mercury-added consumer products; and
- d) A cooperative effort with community recycling programs.

(Continued)

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**SUBJECT: ENERGY/WATER CONSERVATION AND RECYCLING OF SOLID WASTE
(Cont'd.)**

Environmental Conservation Law Sections 27-2101-
27-2115
General Municipal Law Section 120-aa
19 New York State Code of Rules and Regulations
(NYCRR) Sections 1220-1226

Adopted: 6/25/96
Revised: 5/8/07

SUBJECT: RECORDS MANAGEMENT

A records management officer shall be designated by the Superintendent, subject to the approval of the Board of Education. Such records management officer shall coordinate the development of and oversee a program for the orderly and efficient management of records, including the legal disposition or destruction of obsolete records, and be given the authority and responsibility to work with other local officials at all levels in the development and maintenance of the records management program.

In addition, a Records Advisory Board may be created to assist in establishing and supporting the records management program. The District's legal counsel, the fiscal officer, and the Superintendent/designee may comprise the Advisory Board.

The Superintendent shall develop appropriate regulations and procedures.

Retention and Disposition of Records

The Superintendent shall retain records for such a period and dispose of them in the manner described in Records Retention and Disposition Schedule ED-1, established pursuant to Part 185, Title VIII of the Official Compilation of Codes, Rules and Regulations of the State of New York and Article 57-A of the Arts and Cultural Affairs Law.

8 New York Code of Rules and Regulations
(NYCRR) Section 185
Public Officers Law Section 65-b
Local Government Records Act of 1987

SUBJECT: DISPOSAL OF CONSUMER REPORT INFORMATION AND RECORDS

In accordance with the Federal Trade Commission's (FTC) "Disposal Rule," and in an effort to protect the privacy of consumer information, reduce the risk of fraud and identity theft, and guard against unauthorized access to or use of the information, the School District will take appropriate measures to properly dispose of sensitive information (i.e., personal identifiers) contained in or derived from consumer reports and records. Any employer who uses or possesses consumer information for a business purpose is subject to the Disposal Rule. According to the FTC, the standard for proper disposal of information derived from a consumer report is flexible, and allows the District to determine what measures are reasonable based on the sensitivity of the information, the costs and benefits of different disposal methods, and changes in technology.

The term "*consumer report*" shall include information obtained from a consumer reporting company that is used - or expected to be used - in establishing a consumer's eligibility for employment or insurance, among other purposes. The term "*employment purposes*" when used in connection with a consumer report means a report used for the purpose of evaluating a consumer for employment, promotion, reassignment or retention as an employee.

The FTC Disposal Rule defines "*consumer information*" as "any record about an individual, whether in paper, electronic, or other form, that is a consumer report or is derived from a consumer report. Consumer information also means a compilation of such records. Consumer information does not include information that does not identify individuals, such as aggregate information or blind data."

Information Covered by the Disposal Rule

The FTC has not included a rigid definition of the kinds of information that would be considered to identify particular individuals. In accordance with FTC guidance, there are a variety of personal identifiers beyond simply a person's name that would bring information within the scope of the Disposal Rule, including, but not limited to, a social security number, driver's license number, phone number, physical address, and e-mail address. Depending upon the circumstances, data elements that are not inherently identifying can, in combination, identify particular individuals.

"Proper" Disposal

The FTC Disposal Rule defines "*dispose*," "*disposing*," or "*disposal*," as:

- a) "The discarding or abandonment of consumer information," or
- b) "The sale, donation, or transfer of any medium, including computer equipment, upon which consumer information is stored."

(Continued)

**SUBJECT: DISPOSAL OF CONSUMER REPORT INFORMATION AND RECORDS
(Cont'd.)**

The District will utilize disposal practices that are reasonable and appropriate to prevent the unauthorized access to - or use of - information contained in or derived from consumer reports and records. Reasonable measures to protect against unauthorized access to or use of consumer information in connection with District disposal include the following examples. These examples are not exclusive or exhaustive methods for complying with the Disposal Rule.

- a) Burning, pulverizing, or shredding of papers containing consumer information so that the information cannot practicably be read or reconstructed.
- b) Destroying or erasing electronic media containing consumer information so that the information cannot practicably be read or reconstructed.
- c) After due diligence, entering into and monitoring compliance with a contract with another party engaged in the business of record destruction to dispose of material, specifically identified as consumer information, in a manner consistent with the Disposal Rule. In this context, due diligence could include:
 1. Reviewing an independent audit of the disposal company's operations and/or its compliance with the Disposal Rule;
 2. Obtaining information about the disposal company from several references or other reliable sources;
 3. Requiring that the disposal company be certified by a recognized trade association or similar third party;
 4. Reviewing and evaluating the disposal company's information security policies or procedures; or
 5. Taking other appropriate measures to determine the competency and integrity of the potential disposal company.
- d) For persons (as defined in accordance with the Fair Credit Reporting Act) or entities who maintain or otherwise possess consumer information through their provision of services directly to a person subject to the Disposal Rule, monitoring compliance with policies and procedures that protect against unauthorized or unintentional disposal of consumer information, and disposing of such information in accordance with examples a) and b) above.

(Continued)

**SUBJECT: DISPOSAL OF CONSUMER REPORT INFORMATION AND RECORDS
(Cont'd.)**

Implementation of Practices and Procedures

The Board delegates to the Superintendent/designee(s) the authority and responsibility to review current practices regarding the disposal of consumer information; and to implement such further reasonable and appropriate procedures, including staff training as necessary, to ensure compliance with the FTC's Disposal Rule.

[The Fair Credit Reporting Act](#)
[15 United States Code \(USC\) Section 1681 et seq.](#)
[The Fair and Accurate Credit Transactions Act of 2003](#)
[Public Law 108-159](#)
[Federal Trade Commission Disposal of Consumer](#)
[Report Information and Records](#)
[16 Code of Federal Regulations \(CFR\) Part 682](#)

SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION

The School District values the protection of private information of individuals in accordance with applicable law and regulations. Further, the District is required to notify affected individuals when there has been or is reasonably believed to have been a compromise of the individual's *private information* in compliance with the Information Security Breach and Notification Act and Board policy.

- a) "*Private information*" shall mean ****personal information** in combination with any one or more of the following data elements, when either the personal information or the data element is not encrypted or encrypted with an encryption key that has also been acquired:
1. Social security number;
 2. Driver's license number or non-driver identification card number; or
 3. Account number, credit or debit card number, in combination with any required security code, access code, or password which would permit access to an individual's financial account.

"*Private information*" does not include publicly available information that is lawfully made available to the general public from federal, state or local government records.

****"Personal information"** shall mean any information concerning a person which, because of name, number, symbol, mark or other identifier, can be used to identify that person.

- b) "*Breach of the security of the system,*" shall mean unauthorized acquisition or acquisition without valid authorization of computerized data which compromises the security, confidentiality, or integrity of personal information maintained by the District. Good faith acquisition of personal information by an employee or agent of the District for the purposes of the District is not a breach of the security of the system, provided that private information is not used or subject to unauthorized disclosure.

Examples of Determining Factors

In determining whether information has been acquired, or is reasonably believed to have been acquired, by an unauthorized person or person without valid authorization, the District may consider the following factors, among others:

- a) Indications that the information is in the physical possession and control of an unauthorized person, such as a lost or stolen computer or other device containing information; or
- b) Indications that the information has been downloaded or copied; or

(Continued)

SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION (Cont'd.)

- c) Indications that the information was used by an unauthorized person, such as fraudulent accounts opened or instances of identity theft reported.

Notification Requirements

- a) For any computerized data owned or licensed by the School District that includes private information, the District shall disclose any breach of the security of the system following discovery or notification of the breach to any New York State resident whose private information was, or is reasonably believed to have been, acquired by a person without valid authorization. The disclosure to affected individuals shall be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement, or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system. The District shall consult with the State Office of Cyber Security and Critical Infrastructure Coordination (CSCIC) to determine the scope of the breach and restoration measures.
- b) For any computerized data maintained by the District that includes private information which the District does not own, the District shall notify the owner or licensee of the information of any breach of the security of the system immediately following discovery, if the private information was, or is reasonably believed to have been, acquired by a person without valid authorization.

The notification requirement may be delayed if a law enforcement agency determines that such notification impedes a criminal investigation. The required notification shall be made after the law enforcement agency determines that such notification does not compromise the investigation.

Methods of Notification

The required notice shall be directly provided to the affected persons by one of the following methods:

- a) Written notice;
- b) Electronic notice, provided that the person to whom notice is required has expressly consented to receiving the notice in electronic form; and a log of each such notification is kept by the District when notifying affected persons in electronic form. However, in no case shall the District require a person to consent to accepting such notice in electronic form as a condition of establishing any business relationship or engaging in any transaction;
- c) Telephone notification, provided that a log of each such notification is kept by the District when notifying affected persons by phone; or

(Continued)

SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION (Cont'd.)

- d) Substitute notice, if the District demonstrates to the State Attorney General that the cost of providing notice would exceed \$250,000, or that the affected class of subject persons to be notified exceeds 500,000, or that the District does not have sufficient contact information. Substitute notice shall consist of **all** of the following:
1. E-mail notice when the District has an e-mail address for the subject persons;
 2. Conspicuous posting of the notice on the District's website page, if the District maintains one; and
 3. Notification to major statewide media.

Regardless of the method by which notice is provided, the notice shall include contact information for the notifying District and a description of the categories of information that were, or are reasonably believed to have been, acquired by a person without valid authorization, including specification of which of the elements of personal information and private information were, or are reasonably believed to have been, so acquired.

In the event that any New York State residents are to be notified, the District shall notify the State Attorney General, the Consumer Protection Board, and the State Office of Cyber Security and Critical Infrastructure Coordination as to the timing, content and distribution of the notices and approximate number of affected persons. Such notice shall be made without delaying notice to affected New York State residents.

In the event that more than 5,000 New York State residents are to be notified at one time, the District shall also notify consumer reporting agencies, as defined pursuant to State Technology Law Section 208, as to the timing, content and distribution of the notices and approximate number of affected persons. Such notice shall be made without delaying notice to affected New York State residents. A list of consumer reporting agencies shall be compiled by the State Attorney General and furnished upon request to school districts required to make a notification in accordance with Section 208(2) of the State Technology Law, regarding notification of breach of security of the system for any computerized data owned or licensed by the District that includes private information.

[State Technology Law Sections 202 and 208](#)

SUBJECT: SAFETY AND SECURITY

The Board of Education of the Keshequa Central School District hereby declares that it is the policy of this School District to provide a safe and secure environment to all those persons, students, staff and visitors, who lawfully enter upon District property or who travel in District vehicles for the purposes of the District.

It shall be the responsibility of the Superintendent to establish and carry out written regulations that will:

- a) Identify those staff members who will be responsible for the effective administration of the regulations;
- b) Provide staff time and other necessary resources for the effective administration of the regulations;
- c) Establish periodic written review of the activities of the staff to ensure compliance with applicable laws and regulations;
- d) Provide an on-going mechanism for the effective review of safety and security concerns of the staff, students and affected public;
- e) Provide for reports to the Board of Education regarding the significant aspects of safety and security of the District.

Labor Law Section 27-a

Student Safety

All staff who are made aware of physical and/or verbal threats to students must immediately report these threats against students to the next level of supervisory authority for prompt action. The immediate supervisor must then inform the Superintendent/designee, including any action taken, after learning of such threats to students.

The District shall disseminate this policy to all employees in order to ensure staff awareness.

Hazard Communication Standard

All personnel shall be provided with applicable training to comply with the New York State "Right-to-Know" Law and the Hazard Communication Standard.

(Continued)

SUBJECT: SAFETY AND SECURITY (Cont'd.)

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

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

New York State Labor Law Section 27-a and 879
12 New York Code of Rules and Regulations
(NYCRR) Part 820 Article 28
Occupational Safety and Health Administration
(OSHA)
29 Code of Federal Regulations (CFR) 1910.1200

NOTE: Refer also to Policy #5681 -- School Safety Plans

SUBJECT: SCHOOL SAFETY PLANS

The District has developed, and will update by July 1 of each succeeding year, as necessary, a comprehensive District-wide school safety plan and building-level school safety plans, as enumerated in Education Law and Commissioner's Regulations, and in a form as prescribed by the Commissioner of Education. These plans will be designed to prevent or minimize the effects of serious violent incidents and emergencies and to facilitate the coordination of schools and the School District with local and county resources in the event of such incidents or emergencies.

Each plan shall be reviewed by the appropriate school safety team on at least an annual basis, updated as needed and recommended to the Board of Education for approval. However, District-wide and building-level school safety plans shall be adopted by the School Board only after at least one (1) public hearing that provides for the participation of school personnel, parents, students, and any other interested parties. Further, the Board shall make the District-wide and building-level school safety plans available for public comment at least thirty (30) days prior to its adoption, provided that only a summary of each building-level emergency response plan (i.e., building-level school safety plan) shall be made available for public comment.

District-Wide School Safety Plan

District-wide school safety plan means a comprehensive, multi-hazard school safety plan that covers all school buildings of the School District, that addresses prevention and intervention strategies, emergency response and management at the District level and has the contents as prescribed in Education Law and Commissioner's Regulations.

The District-wide school safety plan shall be developed by the District-wide school safety team appointed by the Board of Education. The District-wide team shall include, but not be limited to, representatives of the School Board, student, teacher, administrator, and parent organizations, school safety personnel and other school personnel.

Building-Level School Safety Plans

Building-level school safety plan means a building-specific school emergency response plan that addresses prevention and intervention strategies, emergency response and management at the building level and has the contents as prescribed in Education Law and Commissioner's Regulations.

(Continued)

SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)

The building-level plan shall be developed by the building-level school safety team. The building-level school safety team means a building-specific team appointed by the building principal, in accordance with regulations or guidelines prescribed by the Board of Education. The building-level team shall include, but not be limited to, representatives of teacher, administrator, and parent organizations, school safety personnel, other school personnel, community members, local law enforcement officials, local ambulance or other emergency response agencies, and any other representatives the School Board deems appropriate.

Filing/Disclosure Requirements

The District shall file a copy of its comprehensive District-wide school safety plan and any amendments thereto with the Commissioner of Education no later than thirty (30) days after their adoption. A copy of each building-level school safety plan and any amendments thereto shall be filed with the appropriate local law enforcement agency and with the state police within thirty (30) days of its adoption. Building-level emergency response plans shall be confidential and shall **not** be subject to disclosure under the Freedom of Information Law or any other provision of law.

Education Law Section 2801-a
Public Officers Law Article 6
8 New York Code of Rules and Regulations
(NYCRR) Section 155.17

**SUBJECT: CARDIAC AUTOMATED EXTERNAL DEFIBRILLATORS (AEDs) IN
PUBLIC SCHOOL FACILITIES**

The School District shall provide and maintain on-site in each *instructional school facility* functional cardiac automated external defibrillator (AED) equipment as defined in Public Health Law Section 3000-b for use during emergencies. Each such facility shall have sufficient automated external defibrillator equipment available to ensure ready and appropriate access for use during emergencies in quantities and types as deemed by the Commissioner of Education, in consultation with the Commissioner of Health. Determination of the quantity and placement of AEDs must be made with consideration of at least the factors enumerated in Commissioner's Regulations. *An instructional school facility means a building or other facility maintained by the School District where instruction is provided to students pursuant to its curriculum.*

Whenever an *instructional School District facility* is used for a school-sponsored or school-approved curricular or extracurricular event or activity and whenever a *school-sponsored athletic contest* is held at any location, the public school officials and administrators responsible for such school facility or athletic contest shall ensure that AED equipment is provided on-site and that there is present during such event, activity or contest at least one staff person who is trained in accordance with Public Health Law in the operation and use of an AED. *School-sponsored or school-approved curricular or extracurricular events or activities means events or activities of the School District that are, respectively, associated with its instructional curriculum or otherwise offered to its students. A school-sponsored athletic contest means an extraclass intramural athletic activity of instruction, practice and competition for students in grades 4 through 12 consistent with Commissioner's Regulations Section 135.4.*

Where a *school-sponsored competitive athletic event* is held at a site other than a School District facility, School District officials shall assure that AED equipment is provided on-site by the sponsoring or host district and that at least one staff person who is trained, in accordance with Public Health Law, in the operation and use of the AED is present during such athletic event. *A school-sponsored competitive athletic event means an extraclass interscholastic athletic activity of instruction, practice and competition for students in grades 7 through 12 consistent with Commissioner's Regulations Section 135.4.*

School District facilities and District staff responsible for carrying out the duties enumerated in Education Law Section 917 are deemed a "public access defibrillation provider" as defined pursuant to Public Health Law Section 3000-b and subject to the Public Health Law requirements and limitations.

Therefore, it is the policy of our School District to provide proper training requirements for District AED users, to ensure the immediate calling of 911 and/or the community equivalent ambulance dispatch entity whenever the AED is used, to ensure ready identification of the location of the AED units as enumerated in the District's Public Access Defibrillation Collaborative Agreement.

(Continued)

**SUBJECT: CARDIAC AUTOMATED EXTERNAL DEFIBRILLATORS (AEDs) IN
PUBLIC SCHOOL FACILITIES (Cont'd.)**

The District will provide for regular maintenance and checkout procedures of the AED unit(s) which meet or exceed manufacturer's recommendations. Appropriate documentation will be maintained in accordance with law and/or regulation. Further, the District will participate in the required Quality Improvement Program as determined by the Regional Emergency Medical Services Council.

Pursuant to Public Health Law Sections 3000-a and 3000-b, the School District (as a public access defibrillation provider), or any employee or other agent of the School District who, in accordance with the provisions of law, voluntarily and without expectation of monetary compensation renders emergency medical or first aid treatment using an AED to a person who is unconscious, ill or injured, shall not be liable for damages for injury or death unless caused by gross negligence.

Education Law Section 917
Public Health Law Sections 3000-a and 3000-b
8 New York Code of Rules and Regulations
(NYCRR) Section 135.4

SUBJECT: SCHOOL RESOURCE OFFICER

The School Resource Officer (SRO) is a highly trained, motivated and committed Road Patrol Division Deputy Sheriff assigned to a Livingston County School District as the result of the execution of a Memorandum of Agreement by the Livingston County Sheriff and the Superintendent of Schools.

The School Resource Officer interacts with students, faculty, staff and administrators in order to identify issues, problems and concerns and works collectively with all concerned to arrive at a mutually acceptable resolution of the issues, problems and concerns while at the same time helping the school district assure and maintain a safe learning environment for all involved.

SUBJECT: EXPOSURE CONTROL PROGRAM

The District shall establish an exposure control program designed to prevent and control exposure to bloodborne pathogens. According to the New York State Department of Labor's Division of Safety and Health and OSHA standards, the program shall consist of:

- a) Guidelines for maintaining a safe, healthy school environment to be followed by staff and students alike.
- b) Written standard operating procedures for blood/body fluid clean-up.
- c) Appropriate staff education/training.
- d) Evaluation of training objectives.
- e) Documentation of training and any incident of exposure to blood/body fluids.
- f) A program of medical management to prevent or reduce the risk of pathogens, specifically hepatitis B and HIV.
- g) Written procedures for the disposal of medical waste.
- h) Provision of protective materials and equipment for all employees who perform job-related tasks involving exposure or potential exposure to blood, body fluids or tissues.
- i) Provisions for Hepatitis B (HBV) vaccination of employees considered to be at significant risk of exposure.

The Exposure Control Plan is available to employees, parents and guardians, and their representatives, and representatives of the State for examination without cost or restriction.

The Superintendent of Schools shall be responsible for administration of the Exposure Control Program at Dalton-Nunda Central.

U.S. Department of Labor
OSHA Instructional CPL2-244B

1996

5671

Non-Instructional/Business
Operations

SUBJECT: COMMUNICABLE DISEASES

The Board of Education directs the Superintendent or his/her designee to establish regulations and procedures for dealing with communicable diseases in ways that protect the health of both students and staff while minimizing the disruption of the education process.

Adopted: 6/25/96

SUBJECT: HUMAN IMMUNODEFICIENCY VIRUS (HIV) RELATED ILLNESSES

The Board of Education contends that a student shall not be denied the right to attend school or continue his/her education nor shall an employee be denied the right to continue his/her employment who has been diagnosed or identified as having a positive blood test for the antibodies to the Human Immunodeficiency Virus (HIV). The Board further contends that under current law and regulations, the disclosure of confidential HIV-related information shall be strictly limited.

Administrative regulations and procedures shall be developed and implemented by the administration based on recommendations from the New York State Education Department and from consultation with appropriate professional and medical staff in the District.

The Superintendent shall also establish protocols for routine sanitary procedures for dealing with the cleaning and handling of body fluids in school, with special emphasis placed on staff awareness.

Confidentiality: Public Health Law, Article 27-F

**SUBJECT: ANTHRAX AND OTHER BIOLOGICAL TERRORISM: PREVENTION
PROTOCOLS FOR MAIL HANDLING**

The School District shall assess and review their protocols for handling mail or packages. Common sense and care should be used in inspecting and opening mail or packages. Whenever feasible, the opening of mail should be limited to one (1) individual staff member in an area that is separate from other accessible areas within the school building, including the main office.

Additionally, precautions will be taken for those staff members responsible for handling letters or packages such as making available protective gloves to be worn when handling mail and providing appropriate training and protocols for the handling of mail and identifying suspicious envelopes or packages.

The building administrator should limit the area and persons exposed to the threat. Immediately after identifying the threat, the building administrator/designee shall notify the Superintendent/designee, dial 911 and/or the local law enforcement authorities according to the procedures identified in the applicable School Safety Plan (whether District-wide or Building-level plans). The local FBI field office and the county health department will also be notified, if not otherwise provided for in the applicable School Safety Plan.

As far as possible, the school will attempt to limit the area and the persons exposed to the threat and will not allow anyone other than qualified emergency personnel to enter. Custodial and maintenance personnel will follow established procedures for quickly shutting down the building(s) heating/air conditioning/and ventilation systems if possible and as may be deemed necessary.

Furthermore, the building administrator/designee shall, as soon as possible, make a list of all persons who have been identified as having actual contact with the powder or other suspicious element, such as anthrax, for investigating authorities.

Administration shall review and revise, as appropriate, their school safety plans; and provide information regarding applicable safety prevention and response procedures to all staff.

All threats to school buildings and/or its occupants shall be treated seriously. All threats shall be treated as criminal actions and measures shall be taken to preserve the evidence.

Under no circumstances, shall students be permitted to organize and/or handle School District mail; nor shall students be present in the room/area during the time that District mail is being opened by school staff.

**SUBJECT: SCHOOL FOOD SERVICE PROGRAM (LUNCH AND BREAKFAST)/
SCHOOL DISTRICT NUTRITION ADVISORY COMMITTEE**

School Food Service Program (Lunch and Breakfast)

The Board has entered into an agreement with the New York State Education Department to participate in the National School Lunch Program, School Breakfast Program and/or Special Milk Program to receive commodities donated by the Department of Agriculture and to accept responsibility for providing free and reduced price meals to elementary and secondary students in the schools of the District.

The Superintendent or his/her designee shall have the responsibility to carry out the rules of the School Lunch and Breakfast Programs. The determination of which students are eligible is the responsibility of the Superintendent or his/her designee. Appeals regarding eligibility should be submitted to the Hearing Official of the District.

Free or reduced price meals may be allowed for qualifying students attending District schools upon receipt of a written application from the student's parent or guardian or a "Direct Certification" letter from the New York State Office of Temporary and Disability Assistance (OTDA). Applications will be provided by the School District to all families.

Procedures for the administration of the free and reduced price meal program of this School District will be the same as those prescribed in current state and federal laws and regulations.

Restriction of Sweetened Foods in School

The sale of sweetened foods will be prohibited from the beginning of the school day until the end of the last scheduled meal period.

Sweetened foods consist of sweetened soda water, chewing gum, candy, including hard candy, jellies, gum, marshmallow candies, fondant, licorice, spun candy, candy coated popcorn, and water ices except those which contain fruit or fruit juices.

Food Substitutions for Children with Disabilities

Federal regulations governing the operation of Child Nutrition Programs, Part B of the Individuals with Disabilities Education Act, and Section 504 of the Rehabilitation Act of 1973 require that children with disabilities be offered the opportunity to participate in all academic and nonacademic activities including the school nutrition programs. The District will make reasonable accommodations to those children with disabilities whose disabilities restrict their diets, such as providing substitutions and/or modifications in the regular meal patterns. Such meal substitutions for students with disabilities will be offered at no extra charge. A student with a disability must be provided substitutions in food when that need is supported by a statement signed by a physician attesting to the need for the substitutions and recommending alternate foods.

(Continued)

**SUBJECT: SCHOOL FOOD SERVICE PROGRAM (LUNCH AND BREAKFAST)/
SCHOOL DISTRICT NUTRITION ADVISORY COMMITTEE (Cont'd.)**

However, the school food service is not required to provide meal services (for example, School Breakfast Program) to students with disabilities when the meal service is not normally available to the general student body, unless a meal service is required under the student's individualized education program (IEP) or Section 504 Accommodation Plan as mandated by a physician's written instructions.

Food Substitutions for Nondisabled Children

Though not required, the District will also allow substitutions for non-disabled children who are unable to consume the regular meal because of medical or other special dietary needs if the request is supported by a statement signed by a recognized medical authority.

The District may also allow substitutions for fluid milk with a non-dairy beverage that is nutritionally equivalent (as established by the Secretary of Agriculture) to fluid milk and meets nutritional standards for students who are unable to consume fluid milk because of medical or other special dietary needs if the request is supported by a statement signed by a recognized medical authority or by the student's parent/legal guardian.

School District Nutrition Advisory Committee

In accordance with Education Law, the District will establish a Child Nutrition Advisory Committee. The Committee will include, but not be limited to, a representative of the School Board; the food preparation staff; the physical education departments; the school nurse or health staff; a registered dietitian, if available; the faculty of the District; the parent-teacher associations in the District; the students enrolled in the District; and the parents/guardians of students enrolled in the District. If, due to special circumstances, it is impossible or impracticable for all recommended groups to have members on the Committee for representation, the District may approve a Committee that, to the greatest extent possible, represents the interests of the aforementioned groups.

Prior to the start of school in the fall, the District will send in a newsletter written notice to all parents/guardians of enrolled students of the existence of the School District Nutrition Advisory Committee and supply information as to how interested parents/guardians may participate on the Committee. The District will also, to the extent practicable, give notice to all parents/guardians and students through its regular newsletters or other regular forms of written communication as to the scheduled dates of all meetings of the Advisory Committee.

The Committee will study all facets of the current nutritional policies of the District including, but not limited to:

- a) The goals of the District to promote health and proper nutrition;
- b) Vending machine sales;

(Continued)

**SUBJECT: SCHOOL FOOD SERVICE PROGRAM (LUNCH AND BREAKFAST)/
SCHOOL DISTRICT NUTRITION ADVISORY COMMITTEE (Cont'd.)**

- c) Menu criteria;
- d) Educational curriculum teaching healthy nutrition;
- e) Educational information provided to parents/guardians regarding healthy nutrition and the health risks associated with obesity;
- f) Opportunities offered to parents/guardians to encourage healthier eating habits to students;
and
- g) The education provided to teachers and other staff as to the importance of healthy nutrition.

In addition, the Committee shall consider recommendations and practices of other districts and nutrition studies.

Child Nutrition Act 1966

42 United States Code (USC) Section 1771 et seq.
Richard B. Russell National School Lunch Act 1946

42 United States Code (USC) Section 1751 et seq.
Section 504 of the Rehabilitation Act of 1973

29 United States Code (USC) Section 794 et seq
Individuals with Disabilities Education Act (IDEA)

20 United States Code (USC) Sections 1400-1485
7 Code of Federal Regulations (CFR) Part 15B

Education Law Sections 915, 918, 1604(28), 1709(22),
1709(23) and 2503(9)(a)

8 New York Code of Rules and Regulations
(NYCRR) Sections 200.2(b)(1) and 200.2(b)(2)

Adopted: 6/25/96

Revised: 2/17/05; 8/9/05

SUBJECT: DISTRICT WELLNESS POLICY

Keshequa Central School District is committed to providing a school environment that promotes and protects children's health, well-being and the ability to learn by fostering healthy eating and physical activity. Keshequa Central School has established a wellness committee to develop the local wellness policy, making such policy recommendations for review and adoption by the Board of Education. Keshequa's wellness committee includes, but is not limited to, representatives from each of the following groups:

- a) Parents
- b) Students
- c) Food Service Manager(s)
- d) Board of Education members
- e) Administrators
- f) Community members

Keshequa Central School's Wellness Committee will assess current activities, programs and policies available in the District; identify specific areas of need within the District; develop the policy; and provide mechanisms for implementation, evaluation, revision and updating of the policy. The Wellness Committee is established to represent the community's perspective in developing the Wellness Policy for the District.

Educators, administrators, parents, health practitioners, and communities must all acknowledge the critical role student health plays in academic stamina and performance and adapt the school environment to ensure students' basic nourishment and activity needs are met. Research highlighting the positive relationship between good nutrition, physical activity, and the capacity of students to develop and learn should be highlighted to ensure widespread understanding of the benefits to health school environments. The diversity of the student population should be considered to ensure that all student needs are being met so that no child is left behind.

Goals to Promote Student Wellness

Taking into account the parameters of Keshequa Central School's academic programs, annual budget, staffing issues and available facilities, as well as the Dalton-Nunda community's general economy; socioeconomic status; local tax bases; social, cultural and religious influences; geography; and legal, political and social institutions; the Wellness Committee recommends the following District goals relating to nutrition education, physical activity and other school-based activities:

(Continued)

SUBJECT: DISTRICT WELLNESS POLICY (Cont'd.)Nutrition Education

Keshequa Central School will provide nutrition education to facilitate the voluntary adoption of healthy eating habits and other nutrition related behaviors conducive to health and well-being by establishing the following standards:

a) Classroom Teaching:

Keshequa Central School shall provide for an interdisciplinary, sequential skill-based health education program integrating nutrition education and based on New York State Standards and Benchmarks.

Healthy living skills related to both physical activity and nutrition shall be taught as part of the regular instructional program to provide students the opportunity to understand and practice concepts and skills related to health promotion and disease prevention.

Students shall have access to valid and useful nutritional information, products and services.

Students shall have the opportunity to practice behaviors that enhance nutritional health and/or reduce health risks during the school day and as part of a before- or after-school program.

Students shall be taught communication, goal setting and decision making skills that enhance personal, family and community health.

The following themes could be integrated into daily lessons:

*knowledge of the food guide pyramid	*healthy diet
*healthy heart choices	*food labels
*sources and varieties of foods	*major nutrients
*diet and disease	*multicultural influences
*understanding calories	*serving sizes
*healthy snacks	*identify and limit junk food
*healthy breakfast	

b) Education, marketing and promotional links outside the classroom:

Students will receive positive, motivating messages, both verbal and non-verbal, about healthy eating and physical activity throughout the school setting. All school personnel will help reinforce these positive messages.

(Continued)

SUBJECT: DISTRICT WELLNESS POLICY (Cont'd.)

Keshequa Central School will consider student need in planning for a healthy school nutrition environment. Students will be asked for input and feedback through the use of student surveys, and attention will be given to their comments.

Keshequa Central School will promote healthy food choices and will not allow advertising that promotes less nutritious food choices.

Healthy eating and physical activity will be actively promoted to students, parents, teachers, administrators, and the community at registration, meetings, open houses, health fairs, in-services, etc.

Keshequa Central School will work with a variety of media, such as *The Chronicle*, local newspapers, and other media to spread the word to the community about a healthy school nutrition environment.

Nutrition education for parents will be provided beginning at the elementary level. This education may be in the form of handouts, postings on the website, presentations, bulletin boards, school newsletters, etc.

c) Fundraising:

All fundraising projects are encouraged to follow Keshequa Central School's nutrition standards. All fundraising projects for sale and consumption within and prior to the instructional day will be expected to make every effort to follow the District's nutrition standards when determining the items being sold. Items being sold that do not meet the nutrition standards may be acceptable for student consumption within moderation or when offered on an intermittent basis.

d) Training:

Staff who provide nutrition education will have appropriate training in accordance with state and district policies for professional development. Training may include but is not limited to presentations by community resources and agencies, identifying students with health problems affected by nutrition (i.e. obesity, anorexia, bulimia), book talks, conferences, etc.

Physical Activity

Keshequa Central School will provide opportunities for every student to develop the knowledge and skills for specific physical activities, to maintain physical fitness, to regularly participate in

(Continued)

SUBJECT: DISTRICT WELLNESS POLICY (Cont'd.)

physical activity, and to understand the short-term and long-term benefits of a physically active and healthy lifestyle.

Part 135 of the Commissioner's Regulations provides for a program of health, physical education and recreation in an environment conducive to healthful living. Recommendations for physical activity are as follows:

- a) All students in K-12 must attend and participate in a physical education program.
- b) Daily physical education is recommended for students in grades K-3.
- c) Pupils in grades 4-6 should receive physical education not less than three times per week.
- d) All students in grades 7-12 shall attend and participate in physical education for not less than three times per week in one semester, and not less than two times per week in the other semester.
- e) Physical education class should total 120 minutes per calendar week exclusive of any time that may be required for dressing and showering.
- f) Individual medical certificates of limitations must indicate the area of the program in which the pupil may participate. School district plans must indicate steps to be taken to insure that each pupil meets the requirement for participation in their program.
- g) Students entering grade 9 until graduation must earn the equivalent of 2 units of credit in physical education to be eligible to receive a diploma. 1/4 credits are earned per semester for a total of eight semesters. This accumulates to two units of credit.
- h) The federal Individuals with Disabilities Education Act (IDEA) entitles all students with disabilities to receive appropriate physical education, which is determined by the Committee on Special Education in an Individualized Education Program (IEP).

All physical education teachers at Keshequa Central School will be highly qualified to teach physical education. Teachers and coaches will meet the requirements under part 135.4 (physical Education) and 135.5 (First aid knowledge and skills requirements for coaches) of the Commissioner's Regulations. In addition, physical education teachers and coaches will have the opportunity to attend on-going professional training and development.

Students should be given opportunities for physical activity during the school day through daily recess periods and through the integration of physical activity into the academic curriculum. Other options might include elective physical education classes and walking/activity programs.

(Continued)

SUBJECT: DISTRICT WELLNESS POLICY (Cont'd.)

Students should be given opportunities for physical activity through a range of after-school programs including intramurals, interscholastic athletics and physical activity clubs.

Keshequa Central School will work with the community to create a safe and supportive environment for children who walk or bike to school.

Strategies will be developed for parents, teachers, school administrators, foodservice professionals, and community members to serve as role models in being physically active, such as participating in walking programs or fundraisers.

Other School-Based Activities

Keshequa Central School wishes to establish a school environment that presents consistent wellness messages and is conducive to healthy eating and physical activity for all. In order to present a coordinated school approach where district decision-making related to nutrition and physical activity encompasses all aspects of school, the following standards and recommendations are necessary.

Federal School Meal Programs

Keshequa will participate to the maximum extent practicable in available federal school meal programs (School Breakfast Program, National School Lunch Program, etc).

Access to school nutrition programs and meal environment

All students have easy access to school nutrition programs. Free and reduced price meals are offered in a non-stigmatizing manner. Students enter a number (or are picture-identified in the elementary school) into the cafeteria system, and only the cashier sees that student's meal status. The large number of students who have meal accounts ensures that a student who does not pay does not seem out of place.

Meal options address cultural and dietary needs. Menus can be sent home so parents can select menu choices for their children. Non-milk items like juice and soy milk are available. Low fat and no fat meals are also an option. During religious seasons, menus are quietly adjusted to be sensitive to cultural needs.

The meal environments are friendly and warm. Students celebrate birthdays at the elementary school by singing and cheering, and teachers and administrators often sit with middle and senior high students. Both cafeterias have two lines to speed service, and they always have two options, with one line devoted to the main entree, and the other line always has soup, salads, sandwich choice, and fruit.

(Continued)

SUBJECT: DISTRICT WELLNESS POLICY (Cont'd.)Community access and involvement to facilities for physical activities

Keshequa Central School provides many facilities to the community. Facilities like the weight room, tennis and basketball courts, outdoor track, playground and playing fields are continually used by the public. Many community groups use the facilities to play soccer, basketball, soccer, and volleyball. The committee recommends that Keshequa Schools continues to encourage the use of facilities and to publicize facility availability in local newspapers and *The Chronicle*. The committee also recommends that staff wellness activities be supported, such as walking programs, weight reduction programs and other physical activity programs. Every effort should be made to buy produce and goods from local farmers and businesses.

Nutrition Guidelines

Keshequa Central School recommends which nutrition standards will be established for all foods available on school campus during the school day based upon the unique needs of the student body and the community. The goal is to encourage healthy lifelong eating habits by providing foods that are high in nutrients, low in fat and added sugars, and of moderate portion size. To the extent practicable, students and parents shall be involved in the development of strategies designed to promote healthy food choices in the school environment, and schools will encourage students' active, age-appropriate participation in decisions regarding healthy lifestyles and choices around nutrition. Positive reinforcements will be utilized as a means to encourage healthy eating patterns.

Nutritional Values of Foods and Beverages

- a) Reimbursable school meals served at school will minimally meet the program requirements and nutrition standards of both New York State and national school lunch programs. Keshequa will share information about the nutritional content of meals with parents and students; such information may be available on menus, bulletin boards, a web site, or such other "point-of-purchase" materials.
- b) Food of minimal nutritional value available in vending machines, student stores, snack bars, concession stands, parties, celebrations, fundraising, and food rewards will be replaced with more nutritional options by adhering to the following standards for nutritional value of foods and beverages:
 1. Calories from total fat shall not exceed 30%
 2. Calories from saturated fat shall not exceed 10% (nuts and seeds are exempt from these standards because they are nutrient dense and contain high levels of monounsaturated fat).

(Continued)

SUBJECT: DISTRICT WELLNESS POLICY (Cont'd.)

3. High sugar content candies and desserts will only be available on a limited basis and will be served in small portions.
4. Preferred beverages will be milk, water, and 100% fruit juice. Exceptions may be permitted at special school events on a limited basis. Vending sales of pop or artificially sweetened drinks will not be permitted on school grounds during the school day.
5. Some suggested foods are listed below to include in vending machines, sales, concessions, events, and celebrations:
 - Raw vegetable sticks/slices with low-fat dressing or yogurt dip
 - Fresh fruit and 100% fruit juice
 - Frozen fruit juice pops
 - Dried fruits
 - Trail mix
 - Dry roasted peanuts, tree nuts, and soy nuts (not coconut or palm nuts)
 - Low fat meats and cheese sandwiches (use low-fat mayonnaise)
 - Party Mix
 - Low-sodium crackers
 - Baked com chips and fat-free potato chips with salsa and low-fat dips
 - Low-fat muffins, granola bars, and cookies
 - Angel food and sponge cakes
 - Flavored yogurt and fruit parfaits
 - Jell-o and low-fat pudding cups
 - Low-fat ice creams frozen yogurts, sherbets
 - Low-fat and skim milk products
 - Pure ice-cold water
- c) Organizations operating concessions at school functions should include at least some healthy food choices in their offerings. It is recommended that groups market these healthy options at a lower profit margin to encourage selection by students.
- d) Celebrations with food during the school day should involve students in menu planning that encompasses healthy foods. Snack times should include foods from the list above.
- e) Food rewards should be discouraged. Students could be rewarded with non-food items, privileges, and activity time, not candy or other low-nutritional foods that do not meet guidelines.

(Continued)

SUBJECT: DISTRICT WELLNESS POLICY (Cont'd.)**Assurance**

Guidelines for reimbursable school meals shall not be less restrictive than applicable federal regulations and guidance issued pursuant to the Child Nutrition Act and the Richard B. Russell National School Lunch Act, as those regulations and guidance apply to schools.

Implementation and Evaluation of the Wellness Policy

In accordance with law, Keshequa Central School's wellness policy must be established by July 1, 2006; and the District will ensure school and community awareness of the policy through various means such as publication in *The Chronicle*, local newspapers, and the District calendar. Further, professional development activities for staff and student awareness training will be provided, as appropriate, on the goals of the District's wellness program, including activities/programs for the development of healthy eating habits and the incorporation of physical activity as part of a comprehensive healthy lifestyle.

Keshequa Central School will establish an implementation and evaluation plan for the wellness policy in order to monitor the effectiveness of the policy and the possible need for further modification over time. Accordingly, the Superintendent shall designate one or more staff members within the schools as appropriate to have operational responsibility for ensuring that the district meets the goals and mandates of its local wellness policy. Designated staff members may include but are not limited to, the following personnel:

- a) Administrators;
- b) School health personnel including the school nurse and the health and/or physical education teacher; and
- c) School Food Service Director.

These designated staff members shall serve as liaisons with community agencies in providing outside resources, and they will periodically report to the Superintendent on the District's compliance with the wellness policy and the Superintendent shall inform the Board of such findings. The Superintendent/designee shall prepare a summary report on District-wide compliance with the wellness policy based on input from the Elementary, Middle, and High Schools. That report will also be distributed to the wellness committee, KPTSA, building principals, and school health services personnel. The report shall be available to community residents upon request.

Evaluation and feedback from members of the school community is essential to Keshequa's evaluation of the wellness program. The District shall document the financial impact, if any, to the

(Continued)

SUBJECT: DISTRICT WELLNESS POLICY (Cont'd.)

school food service program, school stores, or vending machine revenues based on the implementation of the wellness policy.

Assessments of Keshequa Central School's wellness policy and implementation efforts may be repeated on an annual basis, but it is recommended that such assessment occur no later than every three (3) years, to help review policy compliance, assess progress, and determine areas in need of improvement. All schools within the District will, as necessary, revise the wellness policy and develop work plans to facilitate its implementation.

Child Nutrition and WIC Reauthorization Act of 2004
Public Law Section 108-265 Section 204
Richard B. Russell National School Lunch Act
42 United States Code (USC) Section 1751 et seq.
Child Nutrition Act of 1966
42 United States Code (USC) Section 1771 et seq.
7 Code of Federal Regulations (CFR) Section 210.10

SUBJECT: TRANSPORTATION OF STUDENTS

The Keshequa Central School District will provide transportation for students in kindergarten through eighth grade if they live between 2 and 15 miles from their school. Students in grades nine through twelve who reside between 3 and 15 miles from their school are also eligible to receive transportation. Distance is to be measured by the nearest available route from home to school.

The District Transportation Director, under the supervision of the School Business Official, shall establish the year's bus routes and schedules. Authorized bus stops shall be located at convenient intervals in places where students may Board and unload the buses, cross highways and await the arrival of buses safely.

The District does not provide door to door transportation service unless hazards or excessively dangerous conditions should exist which put a student's health and safety at risk.

Requests for Transportation to and from Non-Public Schools

The District will provide non-public school transportation under similar circumstances to non-public school students who live within the 15 mile range from their residence to the non-public school. The parent or person in parental relation of a parochial or private school child residing in the School District who desires that the child be transported to a parochial or private school outside of the School District during the next school year should submit a written request to the Board of Education no later than April 1 of the preceding year, or within thirty (30) days of moving into the District. No late request of a parent or person in parental relation shall be denied where a reasonable explanation is provided for the delay.

Transportation of Students With Disabilities

Students with disabilities in the District shall be transported up to fifty (50) miles (one way) from their home to the appropriate special service or program, unless the Commissioner certifies that no appropriate nonresidential special service or program is available within fifty (50) miles. The Commissioner may then establish transportation arrangements.

Student Information

Any mode of transportation used on a regular basis to transport students with a disability on a regularly scheduled route shall, upon written consent of the parent or person in parental relation, have maintained on such mode of transportation the following information about each student being transported:

- a) Student's name;
- b) Nature of the student's disability;

(Continued)

SUBJECT: TRANSPORTATION OF STUDENTS (Cont'd.)

- c) Name of the student's parent, guardian or person in a position of loco parentis (person in parental relation) and one or more telephone numbers where such person can be reached in an emergency; and/or
- d) Name and telephone number of any other person designated by such parent, guardian or person in a position of loco parentis as a person who can be contacted in an emergency.

Such information shall be used solely for the purpose of contacting such student's parent, guardian, person in a position of loco parentis, or designee in the event of an emergency involving the student, shall be kept in a manner which retains the privacy of the student, and shall not be accessible to any person other than the driver or a teacher acting in a supervisory capacity. In the event that the driver or teacher is incapacitated, such information may be accessed by any emergency service provider for such purpose.

Such information shall be updated as needed, but at least once each school year and shall be destroyed if parental consent is revoked, the student no longer attends such school, or the disability no longer exists.

Herein the term "disability" shall mean a physical or mental impairment that substantially limits one or more of the major life activities of the student, whether of a temporary or permanent nature.

Fire Extinguishers

School buses manufactured on or after January 1, 1990 fueled with other than diesel fuel and used to transport three (3) or more students who use wheelchairs or other assistive mobility devices or with a total capacity of more than eight (8) passengers and used to transport such students shall be equipped with an automatic engine fire extinguishing system.

School buses manufactured on or after September 1, 2007 fueled with diesel fuel and used to transport three (3) or more students who use wheelchairs or other assistive mobility devices or with a total capacity of more than eight (8) passengers used to transport such students shall be equipped with an automatic engine fire extinguishing system.

The purchase of automatic engine fire extinguishing systems for school buses used to transport such students shall be deemed a proper school district expense.

Transportation of Non-Resident Students

Non-resident families must provide their own transportation.

(Continued)

SUBJECT: TRANSPORTATION OF STUDENTS (Cont'd.)**Transportation to School Sponsored Events**

Where the District has provided transportation to students enrolled in the District to a school sponsored field trip, extracurricular activity or any other similar event, it shall provide transportation back to either the point of departure or to the appropriate school in the District unless the parent or legal guardian of a student participating in such event has provided the District with written notice, consistent with District policy, authorizing an alternative form of return transportation for such student or unless intervening circumstances make such transportation impractical. In cases where intervening circumstances make transportation of a student back to the point of departure or to the appropriate school in the District impractical, a representative of the School District shall remain with the student until such student's parent or legal guardian has been contacted and informed of the intervening circumstances which make such transportation impractical; and the student has been delivered to his/her parent or legal guardian.

Transportation in Personal Vehicles

Personal cars of teachers and staff shall not be used to transport students except in the event of extenuating circumstances and authorized by the administration.

Education Law Sections 1604, 1709, 1804, 1903, 1950,
2503, 2554, 2590-e, 3621(15), 3623-a(2c), 3635,
4401(4), 4404 and 4405
Vehicle and Traffic Law Section 375(20)(1) and
375(21-i)

Adopted: 6/25/96

Revised: 9/13/99; 10/23/03; 3/11/04; 5/10/05; 5/8/07

SUBJECT: CHILDCARE TRANSPORTATION

The Keshequa Central School District recognizes the need to accommodate transportation requests for District students to be transported to and/or from an address other than their home. These requests should be necessitated by a working parent's need to provide for childcare service before and/or after normal school hours. Childcare transportation requests will be approved if they meet the following criteria:

- a) Childcare transportation will be available to students in grade K-8.
- b) A child must be eligible for transportation according to the transportation eligibility policy in order to be transported to or from a childcare provider.
- c) The childcare provider must be located within the Keshequa Central School District and on an already existing bus route. Door-to-door bus service will not necessarily be provided. New bus routes will not be created and already established bus routes will not be altered.
- d) Transportation must be consistent week to week. A child's daily schedule for pick-up and drop-off may be different each day of the week with a maximum of two pickup and two drop off points for the week. For example, a child may go to daycare Monday, Wednesday and Friday, and home the other two days. The schedule must remain the same every week for the entire school year.
- e) All childcare request forms must be completed and returned to the Transportation Department Office by July 30th. We cannot guarantee that childcare requests received after July 30th will be approved. You must complete one form per child. Requests must be renewed each subsequent year by submitting a new request by the July 30th deadline.

SUBJECT: TRANSPORTATION IN CHILD SAFETY ZONES

In accordance with Education Law, the Board of Education is authorized to adopt a resolution providing for student transportation in child safety zones. Transportation in a child safety zone shall be available to resident students for the particular school year designated in the resolution. Such resolution shall continue in effect for subsequent school years until the Board adopts a resolution providing otherwise.

Transportation in child safety zones may be provided upon the determination by the Board that a hazardous zone exists which, in the opinion of the Board, would be reasonably alleviated by the establishment of a child safety zone. "Child safety zone" means a designated area of the School District, including at least one personal residence, within which children who reside at a lesser distance from the school they legally attend than the minimum transportation limit of the District will be provided transportation on the basis that their most direct walking route to school will traverse a hazardous zone. Transportation in child safety zones may be provided without regard to like circumstances, notwithstanding the provisions of Education Law Section 3635(1).

The Commissioner of Transportation has established regulations for determination of a hazardous zone. Such regulations shall be used by the Board of Education in determining whether a hazardous zone exists.

Designation of Child Safety ZonesSubmission of Petitions/Requests

The Board of Education shall, upon written petition of a parent/person in parental relation of a child residing in the District, or of any representative authorized by such parent/person in parental relation, (signed by 25 qualified voters of the District or 5% of the number of voters who voted in the previous annual election of Board members, whichever is greater) make an investigation to determine whether a hazardous zone exists requiring the establishment of a child safety zone.

Petitions and/or additional written requests from individual parents/persons in parental relation requesting designation of an area as a child safety zone shall be in accordance with the procedures and time frames enumerated in Education Law Section 3635-b.

Determination by the Board as to the designation of a child safety zone shall be in accordance with law and/or regulations.

Investigation by Board of Education

The Board may directly, or by appointment of an advisory committee, make an investigation to determine if a hazardous zone exists within the District. Such investigation shall be made pursuant to the Regulations of the Commissioner of Transportation and shall include consultation with state or local transportation authorities and the investigation of other, less costly, reasonable alternatives to the creation of a child safety zone.

(Continued)

SUBJECT: TRANSPORTATION IN CHILD SAFETY ZONES (Cont'd.)

In accordance with the State Education Department (SED), without having been petitioned, the Board may also conduct an investigation on its own initiative to determine whether a hazardous zone exists requiring the designation of a child safety zone.

Determination by the Board as to the designation of a child safety zone shall be in accordance with law and/or regulations.

Cost of Providing Transportation

The cost of providing transportation in child safety zones shall be an ordinary contingent expense and shall be included as an item of expense for purposes of determining the transportation quota of the District.

District Immunity from Liability

Education Law Section 3635-b does not impose a duty upon the School Board to provide transportation services pursuant to this Section of law; nor is the Board to be held liable for failure to provide such transportation.

A Board member, school officer or employee shall have immunity from any civil or criminal liability that might otherwise be incurred or imposed as a result of the provisions of Section 3635, provided that such person shall have acted in good faith. For the purpose of any proceeding, civil or criminal, the good faith of any such person shall be presumed.

Education Law Sections 3635 and 3635-b
Transportation Law Section 14(30)
17 New York Code of Rules and
Regulations (NYCRR) Part 191

SUBJECT: USE OF DISTRICT VEHICLES BY NON-SCHOOL GROUPS

The Board authorizes the Superintendent to approve the use of District vehicles by non-profit organizations under the following conditions:

- a) The vehicle is not needed for transportation of school children for regular school programs.
- b) A majority of those to be transported shall be residents of the School District.
- c) The total mileage shall not exceed one hundred and fifty miles unless specifically approved by the Board.
- d) The expenses for gasoline and wages for a Board approved bus driver shall be the responsibility of the organization requesting use.
- e) A request form (#5720F) shall be completed and submitted to the Superintendent at least ten school days prior to the date of use. In cases where an exception to the one hundred and fifty mile limit is requested, the application must be submitted at least five days prior to the regularly scheduled Board meeting prior to the date of use requested.

Education Law Section 1501-b

SUBJECT: SCHOOL BUS SAFETY PROGRAM

The safe transportation of students to and from school is of primary concern in the administration of the school bus program. All state laws and regulations pertaining to the safe use of school buses shall be observed by drivers, students and school personnel.

To assure the safety and security of students boarding or exiting school buses on school property, it shall be unlawful for a driver of a vehicle to pass a stopped school bus when the red bus signal is in operation.

The Transportation Supervisor, in cooperation with the principals, has the responsibility of developing and publishing safety rules to be followed by drivers and passengers, including rules of student conduct. In order to ensure maximum safety to those riding school buses, it is necessary that students and drivers cooperate in this effort. There is no substitute for training to develop safe habits in pedestrian and vehicular traffic.

All buses and other vehicles owned and operated by the School District will have frequent safety inspections, and will be serviced regularly. The Transportation Supervisor will maintain a comprehensive record of all maintenance performed on each vehicle.

Every bus driver is required to report promptly any school bus accident involving death, injury, or property damage. All accidents, regardless of damage involved, must be reported at once to the Transportation Supervisor.

Education Law Section 3623
8 New York Code of Rules and Regulations
(NYCRR) Section 156.3
Vehicle and Traffic Law
Section 1174, subdivisions a and b

SUBJECT: USE OF SURVEILLANCE CAMERAS IN THE SCHOOL DISTRICT

The Board of Education recognizes its responsibility to promote and foster school safety and ensure a safe and effective learning environment. After having carefully considered and balanced the rights of privacy with the District's duty to promote discipline, health, welfare and safety of staff and students, as well as that of the general public who has occasion to use school facilities, the Board supports the use of surveillance cameras when necessary in its schools, its buses and/or on school grounds. District surveillance cameras will only be utilized in public areas where there is no "reasonable expectation of privacy." Audio recordings shall not be utilized by the School District officials; such prohibition does not preclude the use of audio recordings by law enforcement officials in accordance with their official duties and/or as otherwise authorized by law.

To further the Board's objective, the School District's District-wide Safety Team shall meet as appropriate and/or deemed necessary to develop, implement and review District and building level safety practices. The Team shall also make recommendations to the Superintendent regarding the implementation and use of surveillance cameras as authorized by the Board of Education. The Superintendent shall retain final decision-making authority regarding the recommendations of the Safety Team; and he/she shall notify the Board as to the procedures to be implemented with regard to the use of surveillance cameras by the School District.

In determining the most appropriate use and implementation of surveillance cameras in the schools, school buses and/or on school grounds, the District-wide Safety Team's recommendation will be guided by, at a minimum, the following considerations:

- a) Demonstrated need for the device at designated locations;
- b) Appropriateness and effectiveness of proposed protocol;
- c) The use of additional, less intrusive, means to further address the issue of school safety (e.g., restricted access to buildings, use of pass cards or identification badges, increased lighting, alarms);
- d) Right to privacy and other legal considerations (which should be referred to the School Attorney for review and compliance with applicable laws and regulations); and
- e) Expense involved to install and maintain the use of surveillance cameras at designated locations, including school buses and/or on school grounds.

Any video recording used for surveillance purposes in school buildings, school buses and/or on school property, shall be the sole property of the District; and the Superintendent or his/her designee will be the custodian of such recordings. All video recordings will be stored in their original form and secured to avoid tampering and ensure confidentiality in accordance with applicable laws and regulations.

(Continued)

SUBJECT: USE OF SURVEILLANCE CAMERAS IN THE SCHOOL DISTRICT (Cont'd.)

Requests for viewing a video recording must be made in writing to the Superintendent or his/her designee and, if the request is granted, such viewing must occur in the presence of the District's designated custodian of the recording. Under no circumstances will the District's video recording be duplicated and/or removed from District premises unless in accordance with a court order and/or subpoena.

Signage/Notification Regarding Use of Surveillance Cameras in School Buildings, School Buses and/or on School Grounds

Appropriate signage will be posted at entrances to the school campus and/or at major entrances into school buildings notifying students, staff and the general public of the District's use of surveillance cameras.

Students and staff will receive additional notification, as appropriate, regarding the use of surveillance cameras in the schools, school buses and/or on school grounds. Such notification may include, but is not limited to, publication in the District calendar, employee handbook, and student handbook. Such notification does not preclude, as deemed appropriate by administration, the discussion of the use of surveillance cameras with staff and students to heighten awareness and help foster a sense of security.

Viewing Videotapes From Cameras Used on School Buses

School buses may be equipped with video cameras in order to monitor student behavior. Violations of the school code of conduct, as well as participation in any illegal activities, will be dealt with in accordance with applicable laws and school regulations.

All videotapes used in relation to this policy shall be the sole property of the District. The District Superintendent and/or Transportation Supervisor and/or Building Principal and/or their designees shall be the custodian(s) of such videotapes. Requests for viewing a videotape must be made in writing to the Superintendent of Schools or his/her designee, and shall include the reason for wanting to view such tape. If the request is granted, such viewing must occur in the presence of the District's designated custodian of the videotape or his/her designee. Under no circumstances will the District's videotape be duplicated or removed from the District premises for viewing unless in accordance with a court order or subpoena.

SUBJECT: SCHOOL BUS IDLING

The Board of Education recognizes the need to promote the health and safety of District students and staff and to protect the environment from harmful emissions found in bus exhaust, in particular diesel exhaust, by eliminating the unnecessary idling of all school buses on school property including all schools within the District or at any school or school related activities to which District students are transported. For purposes of this policy, an "idling school bus" shall mean a school bus that is parked or stopped at a school or other location and has its engine running. *This policy applies to the operation of every District-owned and/or contracted school bus.* The District shall strive to eliminate all unnecessary idling of school buses such that idling time is minimized in all aspects of school bus operation.

In accordance with the Rules and Regulations of the New York State Department of Environmental Conservation (DEC), excessive idling of certain vehicles is illegal in New York State. State regulations provide in part that buses exceeding 8,500 pounds and designed primarily for transporting persons or properties (i.e., a "heavy duty vehicle") shall not idle for more than five (5) consecutive minutes when not in motion unless otherwise authorized by the regulations. Significantly, the state regulations apply to a heavy duty vehicle whether or not powered by a diesel or non-diesel fueled engine.

Further, the five (5) consecutive minute limitation on idling applies to buses whether owned, operated or leased; or to one who owns, leases or occupies land and has the actual or apparent dominion or control over the operation of the bus present on such land.

Exceptions

Exceptions to the five (5) consecutive minute limitation on idling of school buses will be as enumerated in state regulations and include, but are not limited to, the following:

- a) The bus is forced to remain motionless because of the traffic conditions over which the driver has no control; and
- b) Idling to maintain an interior temperature of fifty (50) degrees Fahrenheit when the outside temperature is less than fifty (50) degrees or an interior temperature of seventy (70) degrees Fahrenheit when the temperature outside is more than eighty (80) degrees.
- c) Auxiliary function such as wheelchair lifts IF the operation requires the engine to continue running.
- d) When operation of the vehicle is required for maintenance, including necessary pre-trip safety inspections.

(Continued)

SUBJECT: SCHOOL BUS IDLING (Cont'd.)**Publication of District Policy/Bus Driver Training**

This policy shall be posted at the Transportation Department and bus garage; and the Director of Transportation shall provide training to District bus drivers/transportation personnel on the District's idling reduction program and other practices for environmentally friendly bus operations to reduce school bus emissions and minimize exposure to bus exhaust. Appropriate signage shall be posted at each school to remind drivers and school staff of the policy.

Also, as may be applicable, the District shall ensure that each vendor/contract bus company receives a copy of the District policy regarding idling of school buses and shall provide any educational materials, regulations and/or procedures developed by the District with regard to meeting training requirements of the District's idling reduction program. The vendor/contract bus company shall sign for receipt of all of the above documents at the beginning of each school year and shall provide training for all currently employed bus drivers/transportation personnel. The vendor/contract bus company must also ensure that newly hired bus drivers, upon employment, are informed of the District policy and provided appropriate training regarding the idling of school buses.

The provisions of this policy shall be incorporated by reference in all transportation contracts and agreements.

The District shall otherwise publish its School Bus Idling Policy at its discretion which may include publication in the local newspaper and/or annual District calendar.

Sanctions for Violation of District Policy

District employed bus drivers as well as other District employees who are known to have engaged in prohibited behavior with regard to excessive idling of school buses are subject to disciplinary action pursuant to the applicable collective bargaining agreement, as well as the sanctions provided for in law and/or regulations.

Any significant violations by vendors/contract bus companies of District policy and/or regulations regarding excessive idling of school buses shall result in revocation of their contract for the transportation of District students; and they may be subject to sanctions provided for in law and/or regulations.

The District will monitor and enforce compliance with this policy; and any person may report incidents of noncompliance by contacting the Director of Transportation.

State Regulations: 6 New York Code of Rules and Regulations (NYCRR) Subpart 217-3

NYC Regulations: New York City Administrative Code Section 24-163

Adopted: 9/23/04

SUBJECT: QUALIFICATIONS OF BUS DRIVERS

A person shall be qualified to operate a bus only if such person:

- a) Is at least twenty-one (21) years of age;
- b) Has been issued a currently valid driver's license or permit which is valid for the operation of a bus in New York State;
- c) Has passed the annual bus driver physical examination administered pursuant to Regulations of the Commissioner of Education and the Commissioner of Motor Vehicles. In no case shall the interval between physical examinations exceed a thirteen-month period;
- d) Is not disqualified to drive a motor vehicle under Sections 509-c and 509-cc and any other provisions of Article 19-A of the Vehicle and Traffic Law;
- e) Has on file at least three (3) statements from three (3) different persons who are not related to the driver/applicant pertaining to the moral character and to the reliability of such driver/applicant;
- f) Has completed, or is scheduled to complete, State Education Department safety programs as required by law;
- g) Is in compliance with federal law and regulations, as well as District policy and/or regulations, as it pertains to meeting the standards governing alcohol and controlled substance testing of bus drivers if and when applicable.
- h) Has taken and passed a physical performance test at least once every two (2) years and/or following an absence from service of sixty (60) or more consecutive days from his/her scheduled work duties;
- i) Is in compliance with all other laws and regulations for operating a school bus, including licensing and training requirements.

Special Requirements For New Bus Drivers

Before employing a new bus driver, the Superintendent or his/her designee shall:

- a) Require such person to pass a physical examination within four (4) weeks prior to the beginning of service;

(Continued)

SUBJECT: QUALIFICATIONS OF BUS DRIVERS (Cont'd.)

- b) Obtain a driving record from the appropriate agency in every state in which the person resided, worked, and/or held a driver's license or learner's permit during the preceding three (3) years;
- c) Investigate the person's employment record during the preceding three (3) years;
- d) Require such person to submit to the mandated fingerprinting procedures;
- e) Request the Department of Motor Vehicles to initiate a criminal history check;
- f) Require that newly hired bus drivers take and pass the physical performance test, as mandated by Commissioner's Regulations, before they transport students.

Sections 509-c, 509-cc, and Article 19-A of the
Vehicle and Traffic Law
Education Law Section 3624
15 New York Code of Rules and Regulations
(NYCRR) Part 6
8 New York Code of Rules and Regulations
(NYCRR) Section 156.3
Omnibus Transportation Employee Testing Act of 1991
(Public Law 102-143)
49 United States Code (USC) Section 521(b)
49 Code of Federal Regulations (CFR)
Parts 40, 382, 391, 392, and 395

NOTE: Refer also to Policy #5761 -- Drug and Alcohol Testing For School Bus Drivers and Other Safety-Sensitive Employees

SUBJECT: DRUG AND ALCOHOL TESTING FOR EMPLOYEES WITH CDL LICENSES

The United States Department of Transportation (DOT) has issued regulations pursuant to the Omnibus Transportation Employee Testing Act of 1991 (the "Act") governing the use of drugs and alcohol by persons holding commercial drivers licenses (CDLs). These regulations require the Keshequa Central School District (the "District") to conduct mandatory drug and alcohol testing of all drivers who operate commercial motor vehicles. The requirements of the DOT regulations are hereby incorporated into this policy. If the regulations are amended, this policy and its applicable terms, conditions and/or requirements shall be deemed to have been amended automatically at that time, without the need for redrafting. The District reserves the right to apply the amended requirements immediately, and without giving prior notice to drivers and/or applicants unless such notice is required by the applicable law or regulations. This policy becomes effective on January 1, 1996.

Covered Employees

Covered employees (hereinafter "drivers") include all employees with a CDL who operate commercial motor vehicles. Commercial motor vehicles include:

- a) A vehicle (bus) designed to transport 16 or more passengers, including the driver;
- b) Vehicles with a gross combination rating of 26,001 or more pounds including a towed unit with a gross vehicle weight rating of more than 10,000 pounds;
- c) Vehicles having a gross weight rating of 26,001 or more pounds; or
- d) A vehicle of any size that is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Material Transportation Act and which require the motor vehicle to be placarded under the Hazardous Material Regulations.

Safety-Sensitive Functions

Drivers must be in compliance with the requirements of this policy while on duty or while performing safety-sensitive functions. "On duty time" means all time from the time a driver begins to work or is required to be in readiness to work until the time that the driver is relieved from work and all responsibility for performing work. It includes all time spent providing a breath or urine specimen, including travel time to and from the collection site, in order to comply with the required random, reasonable suspicion, post-accident, return-to-duty, or follow-up testing required by the DOT regulations. Safety-sensitive functions include:

- a) All time spent at or on District property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the District;
- b) All time inspecting or otherwise servicing or conditioning any commercial motor vehicle (bus);

(Continued)

**SUBJECT: DRUG AND ALCOHOL TESTING FOR EMPLOYEES WITH CDL LICENSES
(Cont'd.)**

- c) All time spent at the driving controls of a commercial motor vehicle in operation;
- d) All time, other than driving time, spent in or upon any commercial motor vehicle;
- e) All time spent loading or unloading a vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or giving or receiving receipts for shipments being loaded or unloaded;
- f) All time spent performing the driver requirements of 49 CFR Sections 392.40 and 392.41 relating to accidents; and
- g) All time spent repairing and obtaining assistance, or remaining in attendance upon a disabled vehicle.

Prohibited Activities

A driver may not report for duty or remain on duty requiring the performance of a safety-sensitive function while having an alcohol concentration of 0.04 or greater. Drivers may not be on duty or operate a commercial motor vehicle while possessing or using alcohol, including alcohol found in any medication, beverage, mixture or preparation. No driver may perform safety-sensitive functions within six (6) hours after using alcohol. No driver may report for duty or remain on duty requiring the performance of a safety-sensitive function if that driver has used any controlled substances, except when the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle. A driver must inform his/her supervisor of any therapeutic drug use.

Required Testing

Drivers are required to undergo pre-employment, post-accident, random, reasonable suspicion, return-to-duty and follow-up testing, as necessary.

Pre-Employment Testing

Prior to the first time that a driver performs a safety-sensitive function for the District, the driver must undergo testing for controlled substances. Pre-employment testing is also required when a person transfers into a safety-sensitive function from some other area of employment with the District.

(Continued)

**SUBJECT: DRUG AND ALCOHOL TESTING FOR EMPLOYEES WITH CDL LICENSES
(Cont'd.)****Post-Accident Testing**

This must be performed as soon as possible after an accident involving a commercial motor vehicle*. This type of testing will also be performed on drivers who receive a citation for a moving traffic violation. Post-accident alcohol testing shall usually be conducted within two (2) hours of the accident. A driver required to take a post-accident alcohol test may not use alcohol for eight (8) hours after the accident, or until the driver undergoes a post-accident alcohol test, whichever occurs first. A post-accident alcohol test will not be performed more than eight (8) hours after an accident. Post-accident controlled substance tests shall be performed within thirty-two (32) hours following the accident or will not be performed at all.

*An accident includes any occurrence involving a commercial motor vehicle operating on a public road which results in: (a) a fatality; (b) bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or (c) one or more motor vehicles involved in the accident incurring disabling damage as a result of the accident requiring the vehicle to be transported away from the scene by a tow truck or other vehicle.

Random Testing

During each year, unannounced random alcohol testing will be performed on twenty-five percent (25%) of the average number of drivers and random controlled substances testing will be performed on fifty percent (50%) of the average number of drivers. The random selection process will insure that each driver has an equal chance of being testing each time selections are made. Random testing for alcohol will be completed just before, during or immediately after the driver performs safety-sensitive work. Random testing for controlled substances may be done at any time the driver is at work. Each driver selected for random testing must proceed immediately to the test site.

Reasonable Suspicion Testing

This testing is conducted when a trained supervisor or District official observes specific behavior or appearance that is characteristic of alcohol or controlled substances use. These observations must be made just before, during, or just after the performance of a safety-sensitive function.

Return-to-Duty and Follow-Up Testing

Each driver who has tested positively for alcohol and/or controlled substances use must undergo a return-to-duty test before being allowed to resume the performance of a safety-sensitive function. A return-to-duty alcohol test must result in an alcohol concentration of less than 0.02. A return-to-duty controlled substances test must result in a verified negative finding.

(Continued)

**SUBJECT: DRUG AND ALCOHOL TESTING FOR EMPLOYEES WITH CDL LICENSES
(Cont'd.)**

Follow-up alcohol and/or controlled substances testing will be unannounced. The frequency of such follow-up testing will be directed by a substance abuse professional and consist of at least six (6) tests in the first twelve months following the driver's return to duty. Follow-up testing may take place up to sixty (60) months after the driver returns to duty.

Methods of Testing

Alcohol Testing: Alcohol testing is performed by a certified Breath Alcohol Technical ("BAT") at a location where no one except the BAT and the driver can see or hear the test results. An evidential breath testing device ("EBT") approved by the National Highway Traffic Safety Administration will be used. The BAT will require the driver to provide positive identification (such as a photo I.D. card or identification by a District representative) and then explain the testing procedure to the driver. After the driver has completed the test, the BAT must show the driver the test results.

If the screening test indicates a breath alcohol concentration of less than 0.02, the driver has passed the test and must sign the certification and fill in the date on the test form. If the test result is 0.02 or over, a confirmation test must be performed. The BAT will instruct the driver how to proceed. If the screening and confirmation test results are not identical, the confirmation test result is considered the final result. If the confirmation test is 0.02 or over, the driver has failed the test.

Controlled Substances Testing

The District must test drivers for marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP). Testing is accomplished by analyzing a urine sample provided by the driver. The testing is performed in private at designated testing locations. The collected urine specimen is divided into one "primary" specimen and one "split" specimen. Both specimens are then sent to a certified testing laboratory. The primary specimen is tested for drugs. If the test is positive, a confirmation test using gas chromatograph-mass spectrometry technique must be performed to ensure that over-the-counter drugs are not reported as positive.

If there is a confirmed positive test result, the Medical Review Officer (MRO) will contract the driver before any test result is reported to the District. The MRO is a licensed physician with knowledge of substance abuse disorders. The MRO will review the chain of custody and contact the driver to determine whether there may be an alternate medical explanation for any positive test result. If requested, the MRO will authorize a reanalysis of the original sample if requested to do so by the driver within seventy-two (72) hours after the driver receives actual notice of a positive test result. If the retest is negative, the MRO will cancel the test result. Any retest will be performed at a different Department of Health and Human Services certified laboratory. This process is used to safeguard the validity of the test results and to ensure that those results are attributed to the correct driver.

(Continued)

**SUBJECT: DRUG AND ALCOHOL TESTING FOR EMPLOYEES WITH CDL LICENSES
(Cont'd.)****Refusal to Take a Test**

A driver may not refuse to take any drug or alcohol test administered pursuant to this policy. A refusal to submit to an alcohol and/or drug test will be treated as a positive test. Refusal to submit to an alcohol or controlled substances test means that the driver:

- a) Failed to provide an adequate breath for testing without a valid medical explanation after the driver has received notice of the requirement for breath testing;
- b) Failed to provide an adequate urine sample for controlled substances testing without a valid medical explanation;
- c) Failed to appear at a designated testing site after being notified to do so; or
- d) Engaged in conduct that clearly obstructs the testing process.

Consequences for Engaging in Prohibited Activity

A driver who tests positive for alcohol and/or controlled substances will be immediately removed from safety-sensitive functions. That driver will be informed of the resources available to that driver in evaluating and resolving problems associated with the misuse of alcohol and/or controlled substances. Drivers who test positive face disciplinary action up to and including termination. In addition, the driver whose test result is confirmed positive will also be subject to civil and criminal penalties imposed by the DOT and, if caught by law enforcement officers while driving under the influence, various civil and criminal penalties may also apply. Drivers who are not terminated will be evaluated by a substance abuse professional who shall determine what assistance, if any, the driver requires to resolve those problems.

Consequences for Drivers Found to Have an Alcohol Concentration of Between 0.02 and 0.04

A driver whose test result falls between 0.02 and 0.04 is considered temporarily unfit to perform his/her duties. That driver will be immediately removed from safety-sensitive functions and will not be permitted to perform or continue to perform those functions until the beginning of the driver's next regularly scheduled duty, but not less than 24 hours following the administration of the alcohol testing. In addition, the driver will be subject to discipline, up to and including termination.

(Continued)

**SUBJECT: DRUG AND ALCOHOL TESTING FOR EMPLOYEES WITH CDL LICENSES
(Cont'd.)****The Effect of Alcohol and Controlled Substance Use**

Attached are fact sheets covering alcohol, marijuana, cocaine, amphetamines, opiates and PCP. These sheets describe each substance, give the signs and symptoms of its use, its health effects, related workplace issues and other information.

Drivers are reminded that certain over-the-counter medications contain warnings that state in effect "Product may cause drowsiness: Do not operate heavy equipment or machinery while taking." It is a violation of DOT regulations to take such medications and drive a commercial motor vehicle.

If you believe that you or someone else may need help, you may contact one of the following agencies listed below who will be able to refer you to a substance abuse professional.

National Institute on Drug Abuse 1-800-356-9996

Al-Anon 1-800-356-9996
(Monday through Friday, 8 a.m. - 4:30 p.m.)
(Answering machine after 4:30 p.m.) Eastern Time

American Counsel on Alcoholism 1-800-527-5334

Cocaine Hotline 1-800-COCAINE
(7 days a week, 24 hours a day)

National Council on Alcoholism 1-800-NCA-CALL

National Institute on Drug Abuse 1-800-662-HELP
(Monday through Friday, 9 a.m. to 3 p.m.
Saturday and Sunday, 12 p.m. to 3 p.m.) Eastern Time

Questions About Materials

If you have any questions regarding this policy or the DOT drug and alcohol testing requirements, please contact Roger Ryan, Business Official at 15 Mill Street, Nunda, New York 14517. Telephone: (716) 468-2541.

Omnibus Transportation Employee Testing Act
of 1991 (P.L.102-143)
49 United States Code (USC) Section 521(b)
49 Code of Federal Regulations (CFR)
Parts 40, 382, 391, 392 and 395

Adopted: 6/25/96

SUBJECT: PASSENGERS ON SCHOOL BUSES

In accordance with Education Law, the Board of Education is authorized to permit the following persons to ride as passengers on the school buses with students:

- a) Residents who are enrolled in education or training programs including, but not limited to, alternative education programs, vocational, apprenticeship and job training programs, and on-the-job training;
- b) Children under the age of five traveling between home and day care or preschool programs; and
- c) Employees of School District or other educational or training institutions.

In order to protect the interest of students, guidelines will be established which would permit those designated individuals to ride as passengers on any school bus that provides student transportation for the District during the hours such bus is transporting students to and from classes. However, the following requirements shall be met before such individuals are permitted to ride school buses with students:

- a) Applications must be filed by those individuals requesting such transportation, in accordance with guidelines established by the District, and such applications must be approved by the Board of Education;
- b) There must regularly be sufficient space on the school bus to permit all students to be seated while the bus is in operation;
- c) The amount charged such non-student passengers for transportation costs shall not exceed the cost to the District for transporting students the same distance.

The Board retains the right to accept or reject any application which is filed pursuant to this policy and may establish the maximum number of persons other than students that may ride any school bus.

If any person is authorized to ride on school buses in accordance with law and District policy, the School District shall maintain records indicating the number of such trips and any revenues collected as a result. Any funds which are collected for such non-student transportation shall be credited to an account so designated.

Such persons authorized to ride as passengers on school buses with students may also ride on buses not owned by the School District but used for transportation of students pursuant to contract, provided that the School District and the owner of the bus agree upon any amount to be charged such person. Such agreement may include an amount to be paid to the bus owner or School District.

SUBJECT: TRANSPORTATION OF STUDENTS IN PRIVATE VEHICLES

When non-District personnel wish to transport students, other than his/her own child, in a private vehicle to or from any District sponsored activity, permission must be received from the building principal for such mode of transportation. Additionally, those students riding in private vehicle(s) must have written parental/legal guardian permission authorizing this private transportation.

Those persons transporting students in private vehicles assume liability and any resulting costs for any accidents or injuries which may occur while transporting students to District sponsored events. Any person using a private vehicle to transport students to or from District sponsored events must provide proof of liability insurance, with the District named as an additional insured. The Superintendent or his/her designee will determine the amount of additional insurance which is necessary for adequate liability coverage.

District personnel using a private vehicle to transport students must have prior authorization and/or be acting within the scope of their duties in order to be held harmless by the District from any liability claim.

Notification of this policy will be disseminated through normal means of District communication.

2007 6000

Personnel

Keshequa Central School District

PERSONNEL

(Section 6000)

NUMBER

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SUBJECT: CODE OF ETHICS FOR ALL DISTRICT PERSONNEL**General Provisions**

Pursuant to the provisions of Section 806 of the General Municipal Law, the Board of Education of the Keshequa Central School District recognizes that there are rules of ethical conduct for members of the Board and employees of the District that must be observed if a high degree of moral conduct is to be obtained in our unit of local government. It is the purpose of this resolution to promulgate these rules of ethical conduct for the Board members and employees of the District. These rules shall serve as a guide for official conduct of the Board members and employees of the District. The rules of ethical conduct of this resolution, as adopted, shall not conflict with, but shall be in addition to any prohibition of Article Eighteen of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of Board members and employees.

Standards of Conduct

Every Board member or employee of the Keshequa Central School District shall be subject to and abide by the following standards of conduct:

Gifts

Pursuant to Section 805-a of the General Municipal Law, he/she shall not, directly or indirectly, solicit any gift or accept or receive any gift having a value of seventy-five dollars (\$75) or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended or expected to influence him/her in the performance of official duties or was intended as a reward for any official action on his/her part.

Confidential Information

He/she shall not disclose confidential information acquired by him/her in the course of his/her official duties or use such information to further his/her personal interest.

Disclosure of Interest in Contracts

Any District officer or employee, as well as his/her spouse, who has, will have, or later acquires an interest in any actual or proposed contract, purchase agreement, lease agreement or other agreement, including oral agreements, with the District shall publicly disclose the nature and extent of such interest in writing to his/her immediate supervisor and to the Board of Education as soon as he/she has knowledge of such actual or prospective interest. Such written disclosure shall be made part of and set forth in the Board minutes.

(Continued)

SUBJECT: CODE OF ETHICS FOR ALL DISTRICT PERSONNEL (Cont'd.)Representation before one's own agency

He/she shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he/she is an officer, member or employee or of any municipal agency over which he/she has jurisdiction or to which he/she has the power to appoint any member, officer or employee.

Representation before any agency for a contingent fee

He/she shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of his/her municipality, whereby his/her compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of services rendered.

Disclosure of interest in resolution

To the extent that he/she knows thereof, a member of the Board of Education or employee of the Keshequa Central School District, whether paid or unpaid, who participates in the discussion or gives official opinion to the Board of Education on any resolution before the Board of Education shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he/she has in such resolution.

Investments in conflict with official duties

He/she shall not invest or hold any investment directly or indirectly in any financial, business, commercial, or other private transaction, that creates a conflict with his/her official duties.

Private employment

He/she shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his/her official duties.

Future employment

He/she shall not, after the termination of service or employment with the School District, appear before any board or agency of the Keshequa Central School District in relation to any case, proceeding, or application in which he/she personally participated during the period of his/her service or employment or which was under his/her active consideration.

(Continued)

SUBJECT: CODE OF ETHICS FOR ALL DISTRICT PERSONNEL (Cont'd.)**Legal Remedies**District Officers

In accordance with the Penal Law 60.27(5), if a District officer is convicted of a violation against the District under Penal Law Article 155 relating to larceny, the courts may require an amount of restitution up to the full amount of the offense or reparation up to the full amount of the actual out-of-pocket loss suffered by the District.

Board Members and Employees

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former Board member or employee of any claim, account, demand or suit against the Keshequa Central School District, or any agency thereof on behalf of himself/herself or any member of his/her family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

Distribution/Posting of Code of Ethics

The Superintendent of the Keshequa Central School District shall cause a copy of this code of ethics to be distributed to every Board member and employee of the School District within thirty (30) days after the effective date of this resolution. Each Board member and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his/her office or employment. The Superintendent shall also cause a copy of Article 18 of the General Municipal Law to be kept posted in each building in the District in a place conspicuous to its Board members and employees. Failure to distribute any such copy of this code of ethics or failure of any Board member or employee to receive such copy, as well as failure to post any such copy of General Municipal Law, Article 18, shall have no effect on the duty of compliance with such code or Article 18, nor with the enforcement of provisions thereof.

Penalties

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this code may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

Effective Date

This resolution shall take effect immediately.

(Continued)

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Personnel

SUBJECT: CODE OF ETHICS FOR ALL DISTRICT PERSONNEL (Cont'd.)

Education Law Section 410
General Municipal Law Article 18 and Section 803
Labor Law 201-d
Penal Law Article 155 and Section 60.27(5)

NOTE: Refer also to Policies #1150 -- Joint Code of Conduct for School Boards and Superintendents
#1211 -- Board of Education Members: Ethics
#6215 -- Joint Code of Ethics

Adopted: 6/25/96
Revised: 5/24/07

SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of this District to provide, through a positive and effective program, equal opportunities for employment, retention and advancement of all people regardless of race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, age, marital status, military status, veteran status, disability, or predisposing genetic characteristics.

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

The Board remains committed to this policy in all of its practices.

The District will establish and maintain an atmosphere in which all students can develop attitudes and skills for effective, cooperative living, including:

- a) Respect for individuals regardless of economic status, intellectual ability, race, national background, religion, disability, sex, or age;
- b) Respect for cultural differences;
- c) Respect for economic, political, social rights of others; and
- d) Respect for the right of others to seek and maintain their own identities.

In an effort to promote good human relations, the District will discourage any vestige of prejudice and discrimination. The District will continue to take affirmative action to make opportunities available for employment and promotion to every individual based solely on the basis of her/his qualifications.

The term "military status" means a person's participation in the military service of the United States or the military service of the state, including but not limited to, the armed forces of the United States, the army national guard, the air national guard, the New York naval militia, the New York guard, and such additional forces as may be created by the federal or state government as authorized by law.

Provisions will be provided for the publication and dissemination, internally and externally, of this policy to ensure its availability to interested citizens and groups.

Additionally, administration shall establish grievance procedures that provide for the prompt and equitable resolution of complaints alleging discrimination. Those intending to file a grievance due to alleged discrimination must follow the grievance procedure as established by the District.

(Continued)

Personnel

SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY (Cont'd.)

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

Americans With Disabilities Act,
42 United States Code (USC) Section 12101 et seq.
Prohibits discrimination on the basis of disability.

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

Title VI of the Civil Rights Act of 1964,
42 United States Code (USC) Section 2000-d, et seq.
Prohibits discrimination on the basis of race, color or
national origin.

Title VII of the Civil Rights Act of 1964,
42 United States Code (USC) Section 2000-e et seq.
Prohibits discrimination on the basis of race, color,
religion, sex or national origin.

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

New York State Civil Rights Law Section 40-c
Prohibits discrimination on the basis of race, creed,
color, national origin, sex, sexual orientation, marital
status or disability.

New York State Executive Law Section 290 et seq.
Prohibits discrimination on the basis of age, race, creed,
color, national origin, sex, sexual orientation, disability,
military status, or marital status.

New York State Military Law Sections 242 and 243

Personnel

SUBJECT: SEXUAL HARASSMENT OF DISTRICT PERSONNEL

The Board of Education affirms its commitment to non-discrimination and recognizes its responsibility to provide for all District employees an environment that is free of sexual harassment and intimidation. Sexual harassment is a violation of law and stands in direct opposition to District policy. Therefore, the Board prohibits and condemns all forms of sexual harassment by employees, school volunteers, students, and non-employees such as contractors and vendors which occur on school grounds and at all school-sponsored events, programs and activities including those that take place at locations off school premises. Generally, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- a) Submission of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
- b) Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individuals; and
- c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

The Board acknowledges that in determining whether sexual harassment has occurred the totality of the circumstances should be evaluated. The Board recognizes that sexual harassment can originate from a person of either sex against a person of the opposite or same sex, and from co-workers as well as supervisors, and from a third party such as a school visitor, volunteer, or vendor, or any other individual associated with the School District.

In order for the Board to enforce this policy, and to take corrective measures as may be necessary, it is essential that any employee who believes he/she has been a victim of sexual harassment in the work environment, as well as any other person who is aware of and/or who has knowledge of or witnesses any possible occurrence of sexual harassment, immediately report such alleged harassment to the District's designated complaint officer(s) through informal and/or formal complaint procedures as developed by the District. Such complaints are recommended to be in writing, although verbal complaints of alleged sexual harassment will also be promptly investigated in accordance with the terms of this policy. In the event that the complaint officer is the alleged offender, the employee should report his/her complaint to the next level of supervisory authority.

Upon receipt of an informal/formal complaint, the District will conduct a thorough investigation of the charges. However, even in the absence of a complaint, if the District has knowledge of or has reason to know of or suspect any occurrence of sexual harassment, the District will investigate such conduct promptly and thoroughly.

To the extent possible, within legal constraints, all complaints will be treated as confidentially and privately as possible. However, disclosure may be necessary to complete a thorough investigation of the charges, and any disclosure will be provided on a "need to know" basis.

(Continued)

Personnel

SUBJECT: SEXUAL HARASSMENT OF DISTRICT PERSONNEL (Cont'd.)

Based upon the results of the investigation, if the District determines that an employee has violated the terms of this policy and/or accompanying regulations, immediate corrective action will be taken, as warranted, up to and including termination of the offender's employment in accordance with legal guidelines, District policy and regulation, the District's Code of Conduct, and the applicable collective bargaining agreement(s). Third parties (such as school volunteers, vendors, etc.) who are found to have violated this policy and/or accompanying regulations will be subject to appropriate sanctions as warranted and in compliance with law.

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

Finding That Harassment Did Not Occur

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

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

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

Knowingly Makes False Accusations

Employees and/or students who *knowingly* make false accusations against another individual as to allegations of harassment may also face appropriate disciplinary action. Because of the damage that can be done to someone falsely accused, any individual who in bad faith knowingly makes a false complaint or report of sexual harassment or sex discrimination will be subject to disciplinary action up to and including termination in accordance with legal guidelines, District policy, and any applicable collective bargaining agreement(s).

Development and Dissemination of Administrative Regulations

Regulations will be developed for reporting, investigating and remedying allegations of sexual harassment. An appeal procedure will also be provided to address any unresolved complaints and/or unsatisfactory prior determinations by the applicable complaint officer(s).

(Continued)

Personnel

SUBJECT: SEXUAL HARASSMENT OF DISTRICT PERSONNEL (Cont'd.)

Such regulations will be developed in accordance with federal and state law as well as any applicable collective bargaining agreement(s).

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

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

Civil Rights Act of 1991
42 United States Code (USC) Section 1981(a)
29 Code of Federal Regulations (CFR) Section
1604.11(a)
Executive Law Sections 296 and 297

Adopted: 6/25/96
Revised: 9/13/99; 8/9/05

Personnel

SUBJECT: STAFF-STUDENT RELATIONS (FRATERNIZATION)

The Board of Education requires that all School District employees maintain a professional, ethical relationship with District students that is conducive to an effective, safe learning environment; and that staff members act as role models for students at all times, whether on or off school property and both during and outside of school hours. Staff must establish appropriate personal boundaries with students and not engage in any behavior that could reasonably lead to even the appearance of impropriety.

Staff members are prohibited, under any circumstances, to date or engage in any improper fraternization or undue familiarity with students, regardless of the student's age and/or regardless of whether the student may have "consented" to such conduct. Further, employees shall not entertain students or socialize with students in such a manner as to create the perception that a dating relationship exists. Similarly, any action or comment by a staff member which invites romantic or sexual involvement with a student is considered highly unethical, in violation of District policy, and may result in the notification of law enforcement officials and the filing of criminal charges and/or disciplinary action by the District up to and including termination of employment.

Inappropriate employee behavior includes, but is not limited to, flirting; making suggestive comments; dating; requests for sexual activity; physical displays of affection; giving inappropriate personal gifts; frequent personal communication with a student (via phone, e-mail, letters, notes, etc.) unrelated to course work or official school matters; providing alcohol or drugs to students; inappropriate touching; and engaging in sexual contact and/or sexual relations.

Even if the student participated "willingly" in the activity (regardless of the student's age), inappropriate fraternization of staff with students is against District policy and may be in violation of professional standards of conduct and New York State Law. However, inappropriate employee conduct does not need to rise to the level of criminal activity for such conduct to be in violation of District rules and subject to appropriate disciplinary sanctions.

Any student who believes that he/she has been subjected to inappropriate staff behavior as enumerated in this policy, as well as students, school employees or third parties who have knowledge of or witness any possible occurrence of inappropriate staff-student relations, shall report the incident to any staff member or either the employee's supervisor, the student's principal or the District's designated complaint officer. In all events such reports shall be forwarded to the designated complaint officer for further investigation. Anonymous complaints of inappropriate fraternization of staff members with students shall also be investigated by the District. Investigations of allegations of inappropriate staff-student relations shall follow the procedures utilized for complaints of harassment within the School District. Allegations of inappropriate staff-student behavior shall be promptly investigated and will be treated as confidential and private to the extent possible within legal constraints.

Any employee having knowledge of or reasonable suspicion that another employee may have engaged in inappropriate conduct with a student that may constitute child abuse (specifically, child

(Continued)

Personnel

SUBJECT: STAFF-STUDENT RELATIONS (FRATERNIZATION) (Cont'd.)

abuse in an educational setting) must *also* follow the District's reporting procedures for such allegations; and such information will be reported by the designated administrator as required by state law to law enforcement officials, the State Education Department and/or Child Protective Services as may be applicable.

If a student initiates inappropriate behavior toward a staff member, that employee shall document the incident and report it to his/her building principal or supervisor.

The District shall promptly investigate all complaints of inappropriate staff-student relations, and take prompt corrective action to stop such conduct if it occurs.

Prohibition of Retaliation

The Board of Education prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of inappropriate staff-student relations. Follow-up inquiries and/or appropriate monitoring shall be made to ensure that the alleged conduct has not resumed and that all those involved in the investigation have not suffered retaliation. Any act of retaliation is subject to appropriate disciplinary action by the District.

District Responsibility/Training

The principal of each school and/or program supervisor shall be responsible for informing students, staff and volunteers of the requirements of this policy, including the duty to report and the procedures established for investigation and resolution of complaints. Further, staff training shall be provided to facilitate staff identification of possible behavior that may constitute inappropriate staff-student relationships. Students shall be provided such training in an age appropriate manner.

The District's policy (or a summary thereof) shall be disseminated as appropriate to staff, students and parents. Further, this topic shall be addressed in the District Code of Conduct.

Disciplinary Sanctions

Any staff member who engages in inappropriate conduct with a student, prohibited by the terms of this policy, shall be subject to appropriate disciplinary measures up to and including termination of employment in accordance with legal guidelines, District policy and regulation, and the applicable collective bargaining agreement. A violation of this policy may also subject the employee to criminal and/or civil sanctions as well as disciplinary action by the State Education Department.

Title IX of the Education Amendments of 1972,
20 United States Code (USC) Section 1681 et seq.
Education Law Article 23-B
Social Services Law Sections 411-428
8 New York Code of Rules and Regulations (NYCRR)
Part 83

Adopted: 9/23/04

SUBJECT: EVALUATION OF PERSONNEL: PURPOSES

The administration shall undertake a continuous program of supervision and evaluation of all personnel in the School System in order to promote improved performance and to make decisions about the occupancy of positions. Evaluation of teachers providing instructional services or pupil personnel services as defined pursuant to commissioner's Regulations will be conducted in accordance with the District's Annual Professional Performance Review (APPR).

The primary purposes of this evaluation are:

- a) To encourage and promote self-evaluation by personnel;
- b) To provide a basis for evaluative judgments by school administrators.

Evaluation of Professional Staff

The purposes of professional staff evaluations are to enrich and develop effective classroom teaching. After each evaluation is made, a full written report will be submitted to the Superintendent of Schools. A conference will also be held with the teacher at which the teacher will receive a copy of the written evaluation.

The purpose of evaluation reports are:

- a) To improve the instructional program;
- b) To assist the classroom teacher in improving and upgrading teaching performance; and
- c) To assist the Superintendent in properly evaluating instructional program.

The procedures and guidelines for formal observations and evaluations of teachers shall be those agreed to with the teacher' association representing the teaching staff and set forth in the collective bargaining agreement.

Evaluation of Support Staff

The Board of Education believes that the evaluation of support staff is an essential component of supervision and decision-making regarding staff promotions and retention. The Board, therefore, directs the Superintendent of Schools to develop standards and procedures for the evaluation of all support staff.

All support personnel will undergo such evaluation at least once a year, in cooperation with his/her immediate supervisor.

(Continued)

SUBJECT: EVALUATION OF PERSONNEL: PURPOSES (Cont'd.)

The purposes of support staff evaluations are:

- a) To provide an objective basis for employee improvement; and
- b) To recognize qualified employees.

If requested by the Civil Service Department, the District will keep and report performance ratings of civil service employees prior to making a permanent appointment.

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

Personnel

SUBJECT: EVALUATION OF COACHES

The Director of PE/Activities shall supervise and evaluate all coaches in the athletic program in order to promote improved performance and to make decisions about the occupancy of positions. The primary purpose of these evaluations are:

- a) To improve the quality of the coaches in the District.
- b) To encourage and promote self-evaluation by coaches.
- c) To provide a basis for evaluative judgment by school administration and Board of Education

The procedure of these evaluation will be a conference at the end of the season with the coach and the Director of PE/Activities to review the evaluation. The coach then will sign the evaluation, but does have the opportunity to attach a sheet to the evaluation explaining his/her disagreement regarding any aspect of the evaluation. Once this process is completed, the evaluation will then be placed in the coach's personnel file and submitted to the Superintendent of Schools.

Personnel

SUBJECT: HEALTH EXAMINATIONS

All staff initially appointed to probationary positions shall obtain a physical examination. When such examination is made by the school physician/nurse practitioner the cost of such examination shall be borne by the District. A teacher, however, may elect to have a health examination at his/her own expense by a physician of his/her own choice.

The Board reserves the right to request a health examination at any time during employment, at School District expense, in order to determine the physical and mental capacity of an employee to perform his/her duties.

Support staff personnel initially appointed to positions may be requested to obtain physical examinations at the expense of the School District. The physical examination is to be obtained from the school physician/nurse practitioner.

All bus drivers and substitute bus drivers shall have yearly physical examinations. Each bus driver initially employed by the School District shall have a physical examination within the four (4) weeks prior to the beginning of service. In no case shall the interval between physical examinations exceed a thirteen (13) month period.

Annual or more frequent examinations of any employee may be required, when, in the judgment of the school physician/nurse practitioner and the Superintendent, such procedure is deemed necessary.

The final acceptance or rejection of a medical report with reference to the health of an employee lies within the discretion of the Board. The decision of the physician designated by the Board as the determining physician shall take precedence over all other medical advice.

All medical and health related information will be kept in accordance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

Health Insurance Portability and Accountability Act of
1996 (HIPAA), Public Law 104-191
45 Code of Federal Regulations (CFR) Parts 160 and
164
Education Law Sections 913 and 3624
8 New York Code of Rules and Regulations
(NYCRR) Section 156.3(2)
10 New York Code of Rules and Regulations
(NYCRR) Part 14
15 New York Code of Rules and Regulations
(NYCRR) Part 6

Adopted: 6/25/96

Revised: 5/27/04; 5/10/05; 5/24/07

Personnel

SUBJECT: ALCOHOL, TOBACCO, DRUGS, AND OTHER SUBSTANCES (SCHOOL PERSONNEL)

The Board of Education, recognizing that students are often influenced by members of a school's staff, needs to impress upon staff members the importance of maintaining a high level of professionalism appropriate to their position, which, in turn, shall set a positive example for students.

The Board will, therefore, not permit the consumption, sharing and/or selling, use and/or possession of controlled substances or illegal drugs, counterfeit and designer drugs or alcoholic beverages in the workplace, or when the effects of such drugs/alcohol, may impair an employee's job performance. The illegal use of prescription and over the counter drugs shall also be disallowed. Tobacco smoking is discouraged because of health risks and is prohibited in District buildings. (Refer also to Policy #5630 -- Smoking on School Premises.)

Information about any drug and alcohol counseling and/or rehabilitation programs shall be made available to employees. Data will also include the range of penalties (consistent with local, state and federal laws), up to and including termination of employment and referral for prosecution, that will be imposed on employees who have violated the terms of this policy.

Confidentiality shall be insured as required by state and federal laws.

It shall be the responsibility of the Superintendent to implement the alcohol and other substances Board policy and administrative regulation by collaboration with school personnel, students, parents/legal guardians and the community at large.

Additional copies of Board policy and regulation shall be disseminated to District staff, parents/legal guardians and community members.

Education Law Sections 913, 1711(5)(e), and 3020-a
Civil Service Law Section 75
Drug-Free Schools and Communities Act
Amendment of 1989
(Public Law 101-226)

Personnel

SUBJECT: DRUG-FREE WORKPLACE

It shall be the general policy of the Board of Education to affirm that all programs in the District that receive Federal funds shall guarantee that their workplaces are free of controlled substances. "Controlled substance" means a controlled substance I through V of Section 202 of the Controlled Substance Act (21 USC 812) and as further defined in regulation at Code of Federal Regulations (CFR) 1308.11-1308.15. An acknowledgement form shall be signed by the Superintendent indicating that the District is in full compliance with the Drug-Free Workplace Act. This policy shall guarantee that not only Federally funded programs, but the entire District is free of controlled substances.

The Board of Education directs the administration to develop regulations to comply with this policy, and further supports such actions and activities of the administration as shall be required to maintain a drug-free workplace.

In addition to complying with Federal legislation regarding the use of drugs, the Board of Education prohibits any employee acting within the scope of his/her employment from being under the influence, using or having in his or her possession or distributing in any way alcohol on school property or at school sponsored activities off school property.

Drug-Free Workplace Act
20 United States Code (USC) Section 3171

Adopted: 6/25/96
Revised: 9/13/99

Personnel

SUBJECT: PROFESSIONAL GROWTH/STAFF DEVELOPMENT

It is the policy of the District that attention be given to in-service, pre-service, and other staff development programs which are believed to be of benefit to the School District and its students. The Superintendent, in consultation with the appropriate administrative staff and/or teacher committees, is directed to arrange in-service programs and other staff development opportunities which will provide for the selection of subjects pertinent to the curriculum in the schools, to build from these subjects those topics or courses for in-service or staff development which will help employees acquire new methods of performing their job responsibilities or help staff improve on those techniques which are already being used in the schools, with the objective of improving professional competencies.

It is recommended that administration develop meaningful in-service and/or staff development programs which will achieve the following:

- a) Contribute to the instructional program of the schools;
- b) Contribute to improved education for students;
- c) Achieve state mandates;
- d) Enhance the professional competencies and/or instructional abilities of staff members.

The Board of Education, therefore, encourages all employees to improve their competencies beyond that which they may obtain through the regular performance of their assigned duties. Opportunities should be provided for:

- a) Planned in-service programs, courses, seminars, and workshops offered both within the School System and outside the District.
- b) Visits to other classrooms and schools, as well as attendance at professional meetings, for the purpose of improving instruction and/or educational services.
- c) Orientation/re-orientation of staff members to program and/or organizational changes as well as District expectations.

Attendance at such professional development programs must be directly linked to the duties and responsibilities comprising the job description of the employee. Consequently, employees are encouraged to participate in the planning of staff development programs designed to meet their specific needs.

Members of the staff are also encouraged to continue their formal education as well as to attend their respective work-related workshops, conferences and meetings.

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Personnel

SUBJECT: PROFESSIONAL GROWTH/STAFF DEVELOPMENT (Cont'd.)

Funds for participating at such conferences, conventions, and other similar professional development programs will be budgeted for by the Board of Education on an annual basis. Reimbursement to District staff for all actual and necessary registration fees, expenses of travel, meals and lodging, and all necessary tuition fees incurred in connection with attendance at conferences and the like will be in accordance with established regulations for conference attendance and expense reimbursement.

The Superintendent of Schools or his/her designee has authority to approve release time and expenses for staff members' attendance at professional training conferences, study councils, in-service courses, workshops, summer study grants, school visitations, professional organizations and the like within budgetary constraints.

A conference request form/course approval form must be submitted by the employee and approved by the designated administrator prior to the employee's attendance at such conference or other professional development program.

Education Law Section 1604(27)
General Municipal Law Section 77-b and 77-c

Adopted: 6/25/96
Revised: 9/13/99

Personnel

SUBJECT: MENTORING PROGRAMS FOR FIRST-YEAR TEACHERS

Effective February 2, 2004, all new teachers in the School District/BOCES holding an initial certificate must complete a mentored teaching experience within their first year of employment as a teacher. Also effective February 2, 2004, the District/BOCES must incorporate the design and planning of such mentored experiences for all first-year teachers in its employ into the District/BOCES Professional Development Plans.

The purpose of the mentoring program is to provide support for new teachers in order to ease the transition from teacher preparation to practice, thereby increasing the retention of teachers, and to increase the skills of new teachers in order to improve student achievement in accordance with the New York State learning standards. The Professional Development Plan shall describe how the District/BOCES will provide a mentoring program for teachers who must participate in a mentoring program to meet the teaching experience requirement for the professional certificate as prescribed by Commissioner's Regulations.

The mentoring program shall be developed and implemented consistent with any collective bargaining obligation required by Article 14 of the Civil Service Law (i.e., the Taylor Law); however, Commissioner's Regulation does not impose a collective bargaining obligation that is not required by the Taylor Law.

In accordance with Commissioner's Regulations, the Professional Development Plan shall describe the following elements of the mentoring program:

- a) The procedure for selecting mentors, which shall be published and made available to staff of the District/BOCES and, upon request, to members of the public;
- b) The role of mentors, which shall include but not be limited to providing guidance and support to the new teacher;
- c) The preparation of mentors, which may include but shall not be limited to the study of the theory of adult learning, the theory of teacher development, the elements of the mentoring relationship, peer coaching techniques, and time management methodology;
- d) Types of mentoring activities, which may include but shall not be limited to modeling instruction for the new teacher, observing instruction, instructional planning with the new teacher, peer coaching, team teaching, and orienting the new teacher to the school culture; and

(Continued)

SUBJECT: MENTORING PROGRAMS FOR FIRST-YEAR TEACHERS (Cont'd.)

- e) Time allotted for mentoring, which may include but shall not be limited to scheduling common planning sessions; releasing the mentor and the new teacher from a portion of their instructional and/or non-instructional duties; and providing time for mentoring during Superintendent conference days, before and after the school day, and during summer orientation sessions.

Confidentiality of Mentor-New Teacher Interaction

The information obtained by a mentor through interaction with the new teacher while engaged in the mentoring activities of the program shall not be used for evaluating or disciplining the new teacher unless:

- a) Withholding such information poses a danger to the life, health, or safety of an individual including, but not limited to, students and staff of the school; or
- b) Such information indicates that the new teacher has been convicted of a crime, or has committed an act which raises a reasonable question as to the new teacher's moral character; or
- c) The District/BOCES has entered into an agreement, negotiated pursuant to Article 14 of the Civil Service Law whose terms are in effect, that provides that the information obtained by the mentor through interaction with the new teacher while engaged in the mentoring activities of the program may be used for evaluating or disciplining the new teacher.

Exemptions to above Mentoring Requirements

Pursuant to Commissioner's Regulations, teachers holding initial certificates who have two (2) or more prior years of teaching experience do not need to be provided a mentored experience as enumerated in this policy.

Recordkeeping Requirements

The School District/BOCES shall maintain documentation of the implementation of the mentoring program described in the Professional Development Plan for at least seven (7) years from the date of completion of the mentoring activity; and it shall be available for review by the State Education Department. Such documentation will include the information enumerated in Commissioner's Regulations.

Education Law Sections 3004 and 3006
8 New York Code of Rules and Regulations (NYCRR)
Sections 52.21(b)(3)(xvi) and (xvii), 80-3.4(b)(2),
80-5.13, 80-5.14, and 100.2(dd)

Adopted: 5/11/04

Personnel

SUBJECT: FINGERPRINTING OF PROSPECTIVE SCHOOL EMPLOYEES

Unless otherwise authorized in accordance with law and regulation, the District shall not employ or utilize a prospective school employee, as defined below, unless such prospective school employee has been granted a "full" clearance for employment by the State Education Department (SED). The School District shall require a prospective school employee who is not in the SED criminal history file to be fingerprinted for purposes of a criminal history record check by authorized personnel of the designated fingerprinting entity. For purposes of this provision of law, the term "criminal history record" shall mean a record of all convictions of crimes and any pending criminal charges maintained on an individual by the Division of Criminal Justice Services (DCJS) and the Federal Bureau of Investigation (FBI).

Prior to initiating the fingerprinting process, the District shall furnish the applicant with written notice on a form prepared by the Commissioner of Education addressing the fingerprinting requirements and the applicant's right to obtain, review and seek correction of his/her criminal history information. Additionally, where the prospective school employee is not already in the SED criminal history file, the District shall obtain the signed, informed consent of the applicant to perform the criminal history check. Every set of fingerprints taken shall be promptly submitted to the Commissioner of Education for purposes of clearance for employment.

Where the prospective school employee is already in the SED criminal history file, the District shall request the clearance for employment on forms or an equivalent manner prescribed by SED. Furthermore, the District shall notify SED, in a manner prescribed by the Department, of a prospective school employee who has commenced employment with or began providing services for the District, the date of the commencement of such employment or service, and the position held by such individual. Similarly, the District shall notify SED, in a manner prescribed by the Department, of a fingerprinted employee who has been separated from employment with the District or ceased providing services for the School District, and the date of such separation from employment or cessation of services. All criminal history records processed by DCJS and the FBI and sent to the Commissioner of Education are confidential. The records may not be published or in any way disclosed to persons other than the Commissioner unless otherwise authorized by law.

Unless otherwise exempted pursuant to law, the applicant shall be responsible for the payment of fees to SED for a criminal history record check. However, if approved by Board resolution, the District may authorize the payment of such fees on behalf of prospective employees. The Board is also authorized to waive the payment of such fees in cases of unreasonable financial hardship to the applicant or his/her family. If the Board decides to waive payment of the fees for the prospective employee, payment of the fees becomes the District's responsibility.

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SUBJECT: FINGERPRINTING OF PROSPECTIVE SCHOOL EMPLOYEES (Cont'd.)**Who Must Be Fingerprinted**

All "prospective school employees" of the School District must be fingerprinted. For purposes of this policy and the applicable provisions in law and Commissioner's Regulations, "prospective school employee" shall mean any individual who will reasonably be expected by the School District to provide services which involve direct contact, meaning in person, face-to-face communication or interaction, with students under the age of twenty-one (21) and who is either:

- a) Seeking a compensated position with the District and is not currently employed by the District or a student enrolled in the instructional program of a grade level in the School District; or
- b) An employee of a provider of contracted services to the School District who is to be placed within the District; or
- c) A worker who is to be placed within the District under a public assistance employment program pursuant to Title 9-B of Article 5 of the Social Services Law, directly or through contract.
- d) Any individual who is employed by or associated with a supplemental educational services provider and who will provide supplemental educational services through direct contact with eligible children, regardless of the location in which such services are delivered.

Individuals Who Are Specifically Excluded

Individuals excluded from a criminal history record check/fingerprinting pursuant to this provision of law and regulation are those individuals who:

- a) Are seeking a position as a school bus driver or school bus attendant and are cleared for employment pursuant to the Vehicle and Traffic Law; or
- b) Have provided services to the District in the previous school year either in a compensated position, or as an employee of a provider of contracted services to the District, or as a worker placed within the School District under a public assistance employment program pursuant to Title 9-B of Article 5 of the Social Services Law directly or through contract; or
- c) Will reasonably be expected by the School District to provide services for the District on no more than five (5) days in the school year in which services are to be performed, provided that the District provides in-person supervision of such individual by one (1) or more employees of the District while that individual is providing such services. Individuals

(Continued)

SUBJECT: FINGERPRINTING OF PROSPECTIVE SCHOOL EMPLOYEES (Cont'd.)

providing such time-limited and supervised services may include but shall not be limited to artists, guest lecturers and speakers, and sports officials.

Any prospective employee who previously has been fingerprinted in order to obtain certification, and whose fingerprints remain on file with the Division of Criminal Justice Services (DCJS), will not be required to be fingerprinted again for purposes of a criminal history record check.

Removal from the SED Criminal History File

Where individuals have been separated from employment at the School District and have not become employed in this District or another school district, BOCES or charter school within twelve (12) months of such separation, SED shall notify DCJS of such separation for the purpose of destroying the fingerprints of that individual. Further, upon request of such individual, SED shall notify DCJS prior to the expiration of such twelve-month period for the purpose of destroying his/her fingerprints. Such individuals shall be removed from the SED criminal history file.

Conditional Appointments/Emergency Conditional AppointmentsConditional Appointments

Whenever possible, a "full" conditional clearance will be received for all new employees requiring such clearance before they begin work for the District. However, upon the recommendation of the Superintendent of Schools, the Board of Education may conditionally appoint a prospective employee. A request for conditional clearance shall be forwarded to the Commissioner of Education along with the prospective employee's fingerprints as mandated pursuant to law. Such conditional appointment shall not commence until notification by the Commissioner that the prospective employee has been conditionally cleared for employment, and such conditional employment shall terminate when the School District is notified of the determination by the Commissioner to grant or deny full clearance; however, if full clearance is granted, the appointment shall continue and the conditional status shall be removed.

Prior to commencement of such conditional appointment, the District must obtain a signed statement for conditional employment from the prospective employee indicating whether, to the best of his/her knowledge, the prospective employee has a pending criminal charge or criminal conviction in any jurisdiction outside the state.

Emergency Conditional Appointments

Upon the recommendation of the Superintendent of Schools, the Board may make an emergency conditional appointment when an unforeseen emergency vacancy has occurred. When such an appointment is made, the process for conditional appointment as enumerated above must also be initiated.

(Continued)

Personnel

SUBJECT: FINGERPRINTING OF PROSPECTIVE SCHOOL EMPLOYEES (Cont'd.)

Emergency conditional appointment may commence prior to notification from the Commissioner of Education on conditional clearance but shall terminate twenty (20) business days from the date such appointment commences or when the District is notified by the Commissioner that conditional clearance is either granted or denied, whichever occurs earlier; however, if conditional clearance is granted, the appointment shall continue as a conditional appointment.

Prior to the commencement of such appointment, the District must obtain a signed statement for emergency conditional appointment from the prospective employee indicating whether, to the best of his/her knowledge, the prospective employee has a pending criminal charge or criminal conviction in any jurisdiction.

An unforeseen emergency vacancy shall be defined as:

- a) A vacancy that occurred less than ten (10) business days before the start of any school session including summer school, or during any school session including summer school, without sufficient notice to allow for clearance or conditional clearance (however, this ten (10) business day timeframe provision shall not apply if the Board of Education finds that the School District has been unable to fill the vacancy despite good faith efforts to fill the vacancy in a manner that would have allowed sufficient time for full clearance or conditional clearance); and
- b) When no other qualified person is available to fill the vacancy temporarily; and
- c) When the emergency conditional appointment is necessary to maintain services which the District is legally required to provide or services necessary to protect the health, education or safety of students or staff.

Safety of Students

The District will develop internal building and/or program procedures to help ensure the safety of students who have contact with an employee holding conditional appointment or emergency conditional appointment. Such procedures will address the safety of students in the classroom, students attending off-campus activities under the supervision of the School District, and students participating in extracurricular and/or co-curricular activities (including sports and athletic activities).

Safety procedures to be addressed include, but are not limited to, the following: supervision of the employee holding conditional appointment/emergency conditional appointment as determined appropriate by the applicable building/program administrator; and periodic visitations by the building/program administrator to the classroom, program and/or activity assigned to the employee holding conditional appointment/emergency conditional appointment.

(Continued)

SUBJECT: FINGERPRINTING OF PROSPECTIVE SCHOOL EMPLOYEES (Cont'd.)**"Sunset" Provision for Conditional Appointments/Emergency Conditional Appointments**

The provisions in law which permit the conditional appointment and/or emergency conditional appointment of employees pending full clearance from SED shall terminate, in accordance with legislation, on July 1, 2009; and shall be rescinded as Board policy and procedure as of that date (unless subsequent revisions to applicable law provide otherwise).

Education Law Sections 305(30), 1604, 1709, 1804,
1950, 2503, 2554, 2854, 3004-b and 3004-c, and 3035
Correction Law Article 23-A
Executive Law Section 296(16)
Social Services Law Article 5, Title 9-B
8 New York Code of Rules and Regulations
(NYCRR) Sections 80-1.11 and Part 87

SUBJECT: CERTIFIED PERSONNEL

The Board of Education shall, upon the recommendation of the Superintendent, create, abolish, maintain and/or consolidate positions involving certified persons as necessary for the proper and efficient achievement of its goals.

All assignments and transfers shall be made in accordance with the provisions of law, Board of Education policies, and the employee's negotiated agreement.

8 New York Code of Rules and Regulations
(NYCRR), Part 30
Education Law Sections 2510 and 3013

Coaches and Certification

In accordance with Commissioner's Regulations, the appointment of coaches for interscholastic athletics teams must meet certain criteria.

Specifically, certified physical education teachers may coach any sport, and teachers with coaching qualifications and experience certified in areas other than physical education may coach any sport provided they complete certain first aid and course requirements as enumerated in Commissioner's Regulations. All hiring will comply with provisions of law and negotiated agreements.

Also, the Board of Education may employ as temporary coaches of interschool sport teams uncertified persons with coaching qualifications and experience satisfactory to the Board, *but only when certified physical education teachers or teachers certified in other areas with coaching qualifications and experience are not available*. Uncertified persons must *first* obtain a temporary coaching license, valid for one year, issued pursuant to the conditions as specified in Commissioner's Regulations.

The temporary coaching license may be renewed once upon the completion of or enrollment in an approved course in philosophy, principles and organization of athletics; and candidates for any subsequent renewal of a temporary coaching license shall have completed or demonstrate evidence of satisfactory progress toward the completion of an approved education program for coaches pursuant to Commissioner's Regulations.

All coaches must hold a valid certification in standard first aid and personal safety as issued by the American Red Cross or meet equivalent requirements as certified by the Commissioner of Education. Any such course of study or equivalent requirement must include instruction in administration of adult cardiopulmonary resuscitation and training for coaches as mandated reporters of child abuse and neglect.

(Continued)

SUBJECT: CERTIFIED PERSONNEL (Cont'd.)**Selection of Athletic Coaches**

In accordance with Commissioner's Regulations, coaches for interscholastic athletic teams are required to meet one of the following criteria:

- a) Certified physical education teachers may coach any sport; or
- b) Teachers with coaching qualifications and experience certified in areas other than physical education may coach any sport provided they complete first aid and course requirements as enumerated in Commissioner's Regulations; or
- c) Non-teacher individuals who obtain a professional coaching certificate as enumerated in Commissioner's Regulations may coach any sport.

The District will attempt to employ the best qualified personnel for any position. In collaboration with the Athletic Director, the Superintendent will recruit and recommend a coaching appointment to the Board of Education.

The Superintendent or his/her designee will ensure that the appointment of athletic coaches is in compliance with all applicable laws and regulations.

Education Law Sections 3009(1) and 3010
8 New York Code of Rules and Regulations
(NYCRR) Sections 80.18 and 135.4(c)(7)(i)(c)

SUBJECT: RECRUITMENT**Professional Positions**

Through its employment policies, the Board of Education will attempt to attract, secure, and hold qualified personnel for all professional positions. The selection process will be based upon finding candidates who will devote themselves to the education and welfare of the children attending the public schools.

Recruiting procedures shall enable the District to seek qualified candidates from a variety of sources, including present staff. Any current employee of the District may apply for any position for which he/she meets certification and other stated requirements, including any contractual obligations.

The Board adheres to the practice of recruiting and hiring personnel without regard to religion, creed, race, color, marital status, national origin, sex, age, political affiliation, marital status, veteran status or disability.

It will be the duty of the Superintendent of Schools to see that persons nominated for employment in the schools meet all certification requirements and the requirements of the Board for the type of position for which the nomination is made.

While the Board may accept or reject a nomination, an appointment will be valid only if made with the recommendation of the Superintendent. In the case of a rejection, it is the duty of the Superintendent to make another nomination.

In instances of vacancies in administrative posts, the Superintendent will offer the Board an opportunity to interview the nominee before the Board acts on the nomination.

The Board of Education directs the Superintendent to develop written regulations and procedures with regard to recruitment and hiring processes.

Education Law Section 3012

Title VII of the Civil Rights Act of 1964,
42 United States Code (USC) Section
2000-e, et seq. - Prohibits discrimination
on the basis of race, color, religion, sex
or national origin.

(Continued)

Personnel

SUBJECT: RECRUITMENT (Cont'd.)

Title VI of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000-d, et seq. - Prohibits discrimination on the basis of race, color or national origin.

Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq.; The Americans With Disabilities Act, 42 United States Code (USC) Sections 12101 et seq. - Prohibits discrimination on the basis of disability.

Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq. - Prohibits discrimination on the basis of sex.

New York State Executive Law Section 290 et seq. - Prohibits discrimination on the basis of age, race, creed, color, national origin, sex, disability or marital status.

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

Military Law Sections 242 and 243

Personnel

SUBJECT: CERTIFICATION AND QUALIFICATIONS

- a) In accordance with applicable statutes, Rules of the Board of Regents, and Regulations of the Commissioner of Education, each employee whose employment requires certification or other licensure shall inform the Superintendent of Schools immediately of any change in the status of his/her certification or licensure. The changes shall include, but not be limited to, the granting, revocation, upgrading, expiration, conversion and/or extension of these documents as to their periods of validity or their titles.
- b) The original certificates and/or licenses must be presented for examination and copying in the office of the Superintendent of Schools as soon as they are available to the employee. The copies will be maintained in the employee's personnel file in support of the legitimate employment of each affected employee. The failure of any such employee to possess the required certification or other licensure may result in the discharge of that employee.
- c) Whether or not the District verifies an individual's certification or licensure does not waive the responsibility of the employee to maintain what is required for his/her assignment.

Qualifications of Teachers

- a) The District must ensure that all newly hired teachers in Title I programs who teach core academic subjects are highly qualified per Regulations of the Commissioner of Education. The term "core academic subjects" means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography. A "highly qualified" teacher is one who has obtained full state certification as a teacher, or has passed the state teacher licensing examination, holds a license to teach in the state and has at least a bachelor's degree, and also must show subject matter competency in the subjects they teach.
- b) The District is also required to provide to teachers who are not new to the profession the opportunity to meet the NCLB requirement to be highly qualified, in part, through passing a High Objective Uniform State Standard of Evaluation (HOUSSE). The HOUSSE shall be an evaluation, prescribed by the New York State Education Department and conducted locally either during a pre-employment review or at the time of an Annual Professional Performance Review (APPR), that enables a teacher who is beyond the first year of teaching to demonstrate subject matter competency in all core academic subjects that the teacher teaches. The evaluation shall be based upon objective, coherent information as prescribed by the department, and shall include, but not be limited to, information on the teacher's education, credentials, professional experience, and professional development.

Education Law Sections 3001, 3001-a, 3004, 3006 and 3008
8 New York Code of Rules and Regulations (NYCRR)
Subparts 80-1, 80-2, 80-3, 100.2 (dd) and 100.2 (o)
34 Code of Federal Regulations (CFR) Sections 200.55
and 200.56
20 United States Code (USC) Section 7801 (23)

Adopted: 6/25/96
Revised: 5/10/05

Personnel

SUBJECT: INCIDENTAL TEACHING

The Superintendent may assign a teacher to teach a subject not covered by such teacher's certificate or license for a period not to exceed five (5) classroom hours a week, when no certified or qualified teacher is available after extensive and documented recruitment efforts, and provided that approval of the Commissioner of Education is obtained in accordance with the requirements as enumerated in Commissioner's Regulations.

Not later than twenty (20) business days after such an assignment, the Superintendent shall submit for approval an application, in a form satisfactory to the Commissioner, containing the following information:

- a) Evidence of extensive recruitment of a teacher certified in the appropriate area;
- b) The name and certification status of the teacher given such assignment;
- c) The subject which the teacher is being assigned to teach on an incidental basis and the total number of classes in the subject being taught on an incidental basis;
- d) The qualifications of the teacher to teach such subject on an incidental basis;
- e) The specific reasons why an incidental assignment is necessary;
- f) The anticipated duration of the incidental teaching assignment; and
- g) The number of applications, approved or pending, for authorization to make incidental teaching assignments in the same certification area for which the current authorization is being sought.

To be approved, the application shall demonstrate to the satisfaction of the Commissioner that an incidental teaching assignment is necessary, that the teacher assigned is the best qualified to teach the subject on an incidental basis, and that the requirements of Commissioner's Regulations have been met.

The Commissioner will issue a determination within twenty (20) business days of receipt of the District's application.

In the event that the application is disapproved, the Superintendent, within seven (7) business days of receipt of the notice of disapproval, shall terminate the incidental assignment. In the event that the application is approved, such approval shall be deemed to have commenced on the date of the incidental teaching assignment and shall terminate on the last day of the school year for which it is granted.

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Personnel

SUBJECT: INCIDENTAL TEACHING (Cont'd.)

The Superintendent may renew an incidental teaching assignment, in accordance with the requirements of Commissioner's Regulations, for any subsequent school year. In addition to submitting to the Commissioner the information noted above for initial approval of an incidental teaching assignment, a renewal application must provide a number of assurances, including that the teacher assigned a course on an incidental basis has completed, or has agreed to complete, within the prescribed time period, at least three (3) semester hours of credit or the equivalent leading to certification in the subject area of the incidental assignment.

8 New York Code of Rules and Regulations
(NYCRR) Section 80-5.3

Adopted: 6/25/96
Revised: 9/13/99; 10/23/03

SUBJECT: PROBATION AND TENURE**Probation**

Certified staff members shall be appointed to a probationary period by a majority vote of the Board of Education upon recommendation of the Superintendent of Schools.

Full-time certified staff members shall be appointed to a probationary period of three (3) years. However, the probationary period shall not exceed two (2) years for a member previously appointed to tenure in this or another school district or BOCES within the state, provided the member was not dismissed from the former district. Additionally, up to two (2) years of service as a regular substitute teacher may be applied towards probationary service. This is sometimes referred to as Jarema Credit.

During the probationary period, a member shall be given assistance in adjusting to the new position, but the essential qualifications for acceptable performance shall be assumed because of the possession by the member of the required certification or license.

Tenure

Certified staff members successfully completing a probationary period in the Keshequa Central School District may be recommended (by the Superintendent of Schools) to the Board of Education for tenure appointment.

The Board will follow all applicable statutes regarding tenure.

Education Law Sections 3012 and 3031

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Personnel

SUBJECT: DISCIPLINING OF A TENURED TEACHER OR CERTIFIED PERSONNEL

Tenured teachers and certain certified personnel may be subject to disciplinary charges that are set forth in Section 3012 of the Education Law.

Procedures for a hearing regarding these disciplinary measures will be in accordance with Section 3020-a of the Education Law.

Education Law Sections 3012 and 3020-a

Adopted: 6/25/96
Revised: 9/13/99

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Personnel

SUBJECT: EMPLOYMENT OF RELATIVES OF BOARD OF EDUCATION MEMBERS

A probationary or permanent appointment of a teacher who is related by bloodline or legal process (including marriage) to any member of the Board of Education shall be subject to the consent of two-thirds of the members of the Board of Education to be determined at a Board meeting and to be entered upon the proceedings of the Board.

The Board shall take the same stance in the hiring of professional staff other than teachers.

Education Law Section 3016
General Municipal Law Sections 800-809

Adopted: 6/25/96

SUBJECT: JOINT CODE OF ETHICS

The New York State School Boards' Association and the New York State Teachers' Association have jointly issued the following statements as common beliefs:

- a) The teachers and the School Board recognize that while the teacher participates in the formulation of school policy under the leadership of the school administrator, it is the duty of the administrator to recommend, and the prerogative of the Board to determine final policy.
- b) The teachers and the School Board transact all official business through proper channels and hold inviolate all confidential information.
- c) The teachers and the School Board recognize their responsibility to develop growing appreciation and understanding of the principals of democracy; religion, race, or partisan politics.
- d) The teachers and the School Board agree that due notice in fair time be given in all cases of appointment, resignation, or termination of service.
- e) The teachers and the School Board avoid disparagement of fellow workers and predecessors.
- f) The teachers and the School Board are impartial in all relationships with the student.
- g) The teachers and the School Board encourage able and promising students to enter the teaching field.
- h) The teachers receive from the administrator candid appraisal of his/her work and help with his/her problems; the School Board requires such supervisory assistance.
- i) The teachers actively participate in the work of local, state and national professional educational associations, the School Board actively participates in the work of township, county, district, state and national School Board's Associations.
- j) The teachers use ethical procedures in securing positions and in maintaining salary schedules, the School Board uses ethical procedures in filling positions and in maintaining salary schedules.
- k) The teachers accept no compensation from firms commercially interested in the school; no member of the School Board accepts such compensation.

(Continued)

Personnel

SUBJECT: JOINT CODE OF ETHICS (Cont'd.)

- l) The teachers assume responsibility for the welfare of the student and shows sympathetic understanding of student problems; the School Board provides conditions under which this can be accomplished.
- m) The teachers endeavor to maintain good mental and physical health and to maintain a wholesome attitude toward the student; the School Board provides healthful teacher environment.
- n) The teachers develop through continued study, travel, participation in professional and community life, and through wholesome human relationships; the School Board stimulates and encourages professional growth of the teacher.
- o) The teachers are proud of their profession; the School Board is proud of its teacher.

NOTE: Refer also to Policy #6110 -- Code of Ethics For All District Personnel

Personnel

SUBJECT: PROFESSIONAL STAFF: SEPARATION

A probationary professional staff member may be discontinued at any time during his/her probationary period on the recommendation of the Superintendent and by a majority vote of the Board of Education.

If the Superintendent will be submitting to the Board a recommendation to discontinue the services of a probationary professional staff member, the Superintendent must give the probationary employee written notice thirty (30) days prior to the Board meeting at which such recommendation will be considered. If a majority of the Board accepts the recommendation and votes to dismiss, the professional staff member must then be given a written notice at least thirty (30) days prior to the effective date of termination of services. The District will adhere to all other statutory timeframes.

The Board shall expect any professional staff member desiring to terminate his/her services to provide the Board with a minimum of thirty (30) days notice before the effective termination date.

When possible, a professional staff member shall make every effort to terminate employment at the end of the school year. Resignations must be in writing and include the effective date.

Education Law Sections 2509, 3012, 3019-a and 3031

Adopted: 7/12/07

Personnel

SUBJECT: PART-TIME AND SUBSTITUTE PROFESSIONAL STAFF EMPLOYMENT**Part-Time Teachers**

Upon the recommendation of the Superintendent of Schools, the Board of Education will approve or reject the employment of part-time teachers consistent with the needs of the School District.

The appointment of part-time personnel will not extend beyond the school year for which employment is made.

Part-time teachers will meet all necessary certification requirements, and any non-unit part-time teachers will be compensated for their work on a prorated basis commensurate with their placement on their salary schedule.

Substitute Teachers

The employment of substitute teachers will be centralized for the District in the Office of the Superintendent. Candidates selected will be recommended to the Board for placement on the list of approved substitutes. Principals or their delegates will assume responsibility for the scheduling of substitutes from the approved list as needed except when none are available. (Refer also to Policy #6221 -- Long-Term Substitute Policy.)

8 New York Code of Rules and Regulations
(NYCRR) Section 80.36
Education Law Section 3023

Adopted: 6/25/96

Personnel

SUBJECT: LONG-TERM SUBSTITUTE POLICY

Definition: A long-term substitute is a person hired to replace a teacher whose absence is expected to be a minimum of thirty (30) consecutive days.

The following guidelines will apply if any person is employed as a long-term substitute (LTS) teacher:

- a) The rate of pay for a certified LTS will be \$25 per day more than a regular per diem substitute for up to thirty (30) days of consecutive service.
- b) The rate of pay for a certified LTS after the thirty (30) consecutive days will be \$50 per day more than a per diem substitute for the next thirty (30) days.

Established per diem pay plus \$50

- c) Upon completion of sixty (60) consecutive school days of continuous substitute service, the LTS will be placed on Step 1 of the teacher's salary schedule.
- d) If the District knows that the LTS will be filling a position due to a leave of absence, such as a maternity leave, disability leave, etc., and will be filling in for the full year then the Superintendent may place the LTS on Step 1 immediately.
- e) Benefits: the benefits an LTS will be afforded area health insurance plan for their term of employment and fifteen (15) family/sick leave days. This would become effective upon placement on Step 1 of the teachers salary schedule. Upon cessation, COBRA would be applicable.
- f) An LTS must be evaluated by the building principal as if they were a non-tenured teacher.

Adopted: 1/28/97

Revised: 9/23/97; 11/16/06

Personnel

SUBJECT: VARSITY COACH RESPONSIBILITIES

The varsity coach of each sport shall be responsible for, in conjunction with the Director of PE/Activities, the administration and direction of their entire program. This will include, but not be limited to, the following:

- a) Developing a comprehensive feeder program.
- b) Developing long and short-term goals of the program.
- c) Coordinating with the other coaches in the program (modified, JV, volunteers) about expectations and desired outcomes at each level.
- d) Attend and observing modified and junior varsity practices, as well as attending and preparing for modified home contests.

Personnel

SUBJECT: ATHLETIC TRAINERS

Every individual serving as an athletic trainer in the School District shall possess a valid license as a Certified Athletic Trainer from the State of New York issued pursuant to Education Law Article 162. In addition, candidates must have successfully completed training in the operation and use of an automated external defibrillator (AED) pursuant to Public Health Law Section 3000-b(3)(a). Persons already serving as athletic trainers on July 10, 2003 have until December 31, 2003 to complete AED training.

The practice of the profession of athletic training shall be as defined in, and consistent with, Education Law. The services provided by an athletic trainer shall include, but not be limited to, the following:

- a) Prevention of athletic injuries, including assessment of an athlete's physical readiness to participate;
- b) Reconditioning to minimize the risk of re-injury and to return the athlete to activity as soon as possible, excluding the reconditioning of neurological injuries, conditions or disease;
- c) Health care administration, including medical record keeping, documentation and reporting of injuries, writing policies and procedures, budgeting and referral of injured athletes to appropriate authorized health care professionals when indicated;
- d) Education and counseling of coaches, parents, student athletic trainers and athletes;
- e) Risk management and injury prevention as enumerated in Commissioner's Regulations;
- f) Management of athletic injuries as enumerated in Commissioner's Regulations;
- g) Immediate care of athletic injury and physical conditions as enumerated in Commissioner's Regulations;
- h) Treatment and reconditioning of athletic injuries as enumerated in Commissioner's Regulations;
- i) Organization and administration as enumerated in Commissioner's Regulations; and
- k) Other professional development and responsibilities, including those enumerated in Commissioner's Regulations.

Education Law Article 162
Public Health Law Section 3000-b(3)(a)
8 New York Code of Rules and Regulations
(NYCRR) Section 135.4(c)(7)(i)(d)

Adopted: 12/11/03

Personnel

SUBJECT: NON-PROFESSIONAL STAFF RECRUITING AND HIRING

Through its employment policies, the Board of Education will attempt to attract, secure, and hold qualified personnel for all support staff positions. The selection program will be based upon finding candidates who will devote themselves to the education and welfare of the children attending the public schools.

Recruiting procedures shall enable the District to seek qualified candidates from a variety of sources, including present staff. Any current employee of the District may apply for any position for which he/she meets certification and other stated requirements.

The Board adheres to the practice of recruiting and hiring personnel without regard to religion, creed, race, color, marital status, national origin, sex, age, political affiliation, veteran status, or disability.

It will be the duty of the Business Official see that persons nominated to the Superintendent for employment in the schools meet all the requirements of the Board for any type of position for which the nomination is made.

While the Board may accept or reject a nomination, an appointment will be valid only if made with the recommendation of the Superintendent. In the case of a rejection, it is the duty of the Superintendent to make another nomination.

In instances of vacancies in top administrative posts, the Superintendent will offer the Board an opportunity to interview the nominee before the Board acts on the nomination.

Personnel

SUBJECT: NON-PROFESSIONAL STAFF POSITIONS

All support staff positions in the School System will be established initially by the Board of Education.

The probationary period for all new civil service employees shall be for the maximum period established by the local Civil Service Commission.

The time, place, conditions of employment, and transfer of support staff shall be vested in the Superintendent of Schools who shall conduct such actions in compliance with all applicable contract provisions. The duties for each Civil Service employee shall be clearly defined.

The Board wishes the Superintendent to maintain a comprehensive, coordinated set of job descriptions which set forth clear-cut responsibilities for all positions so as to promote harmony and efficiency in school operations.

Although positions may remain temporarily unfilled, only the Board may abolish a position it has created.

Civil Service Law Sections 63

SUBJECT: SUPPLEMENTARY SCHOOL PERSONNEL**Teacher Aides**

In accordance with the Regulations of the Commissioner, the Board of Education may employ teacher aides to assist in the daily operation of the school through **non-teaching duties**.

The duties and responsibilities to be assumed by teacher aides shall be outlined by the Superintendent in accordance with Civil Service guidelines. Teacher aides shall be responsible to the Building Principal/designee.

A teacher aide may be assigned to assist teachers in such non-teaching duties as:

- a) Managing records, materials and equipment;
- b) Attending to the physical needs of children; and
- c) Supervising students and performing such other services as support teaching duties when such services are determined and supervised by a teacher.

Teaching Assistants

In accordance with the Regulations of the Commissioner, the Board of Education may employ teaching assistants to provide, under the general supervision of a licensed or certified teacher, **direct instructional service** to students.

Teaching assistants assist teachers by performing duties such as:

- a) Working with individual students or groups of students on special instructional projects;
- b) Providing the teacher with information about students that will assist the teacher in the development of appropriate learning aspects;
- c) Assisting students in the use of available instructional resources and assisting in the development of instructional materials;
- d) Utilizing their own special skills and abilities by assisting in instructional programs in such areas as foreign language, arts, crafts, music, and similar subjects; and
- e) Assisting in related instructional work as required.

(Continued)

Personnel

SUBJECT: SUPPLEMENTARY SCHOOL PERSONNEL (Cont'd.)

Teaching assistants who hold a pre-professional teaching assistant certificate shall have the same scope of duties as enumerated above for other teaching assistants. Within that scope of duties, teaching assistants holding a pre-professional teaching assistant certificate may, at the discretion of the District, and while under the general supervision of a teacher, perform such duties as:

- a) Working with small groups of students so that the teacher can work with a large group or individual students;
- b) Helping a teacher to construct a lesson plan;
- c) Presenting segments of lesson plans, as directed by the teacher;
- d) Communicating with parents of students at a school site or as otherwise directed by a teacher; and
- e) Helping a teacher to train other teaching assistants.

Licensure and certification requirements shall be as mandated pursuant to Commissioner's Regulations.

8 New York Code of Rules and Regulations (NYCRR)
Section 80-5.6

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Personnel

SUBJECT: TEMPORARY TRANSFERS

If a non-teaching employee is asked to assume the responsibilities of a higher paying position for an extended period of time, the Superintendent or the Business Official may grant some monetary compensation to the employee.

Adopted: 6/25/96

SUBJECT: SCHOOL BUS MONITORS AND ATTENDANTS**School Bus Monitors and Attendants**

In accordance with Education Law and Commissioner's Regulations, the employment of each school bus monitor and school bus attendant shall be approved by the Superintendent of Schools for each school bus operated within the School District. Approval for employment as a school bus monitor or attendant shall be in writing on a form prescribed by the Commissioner of Education.

As defined in Commissioner's Regulations:

- a) A **school bus monitor** shall mean any person employed for the purpose of assisting children to safely embark and disembark from a school bus which is owned, leased or contracted for by a public school district or board of cooperative educational services, and for the purpose of assisting the school bus driver with maintaining proper student behavior on such bus.
- b) A **school bus attendant** shall mean any person who is employed for the purpose of serving pupils with a disabling condition on a school bus which is owned, leased or contracted for by a public school district or board of cooperative educational services.

All school bus monitors and attendants shall be at least nineteen (19) years of age; and shall have the physical and mental ability to satisfactorily perform his/her duties.

On order of the Superintendent of Schools, each monitor or attendant may be examined by a duly licensed physician within two (2) weeks prior to the beginning of such monitor's or attendant's service in each school year. The written report of the physician shall be considered by the Superintendent in determining the fitness of the monitor or attendant to carry out his/her functions. The examining physician shall require the monitor or attendant to undergo any diagnostic tests that are necessary to determine the physical and mental ability of the monitor or attendant to perform his/her duties.

Each school bus monitor or attendant of a school bus owned, leased or contracted for by a school district or board of cooperative educational services shall pass a physical performance test approved by the Commissioner. Individuals employed by a school district, board of cooperative educational services or contractor as a monitor or attendant on July 1, 2003 shall have until July 1, 2004 to take and pass a physical performance test. Individuals hired as a monitor or attendant after July 1, 2003, must take and pass a physical performance test before they may assume their duties.

(Continued)

Personnel

SUBJECT: SCHOOL BUS MONITORS AND ATTENDANTS (Cont'd.)

A school bus monitor or attendant who fails any portion of the physical performance test shall be deemed unqualified to perform the duties of that position. The monitor or attendant may request a re-examination. The cost of such re-examination shall be borne by the employer if the monitor/attendant passes their examination, or by the monitor/attendant if he or she fails the re-examination.

All school bus monitors and attendants shall meet the qualifications and/or certification requirements as enumerated in law and/or Commissioner's Regulations. Further, pursuant to Commissioner's Regulations, school bus monitors and attendants shall receive pre-service instruction, safety training, specialized training, and refresher training.

In addition to such instruction, any person employed on January 1, 2004 as a school bus monitor, or as a school bus attendant serving students with a disabling condition, shall, by July 1, 2004, receive instruction as prescribed by the Commissioner upon recommendation of the Commissioner's School Bus Driver Instructor Advisory Committee relating to special needs transportation, including, but not limited to, the proper techniques for assisting disabled students in entering and exiting the school bus. Any person hired after January 1, 2004 shall complete such special needs instruction prior to assuming their duties as a school bus monitor or as a school bus attendant.

School Bus Attendants - Special Requirements

Every school bus attendant serving students with a disabling condition shall receive school bus safety training and instruction relating to the special needs of such students. Such training shall include guidance on the proper techniques for assisting disabled students in entering and exiting the school bus, and shall include instruction in cardiopulmonary resuscitation (CPR) where such skills are required as part of the individualized education plan (IEP) prepared for the student. Such training and instruction shall also include any additional first aid or health emergency skills that the Commissioner of Education deems appropriate and necessary for school bus attendants to possess. In addition, school bus attendants shall demonstrate the ability to perform procedures necessary in emergency situations as deemed appropriate by the Commissioner of Education.

Any person employed as a school bus attendant serving students with a disabling condition on January 1, 2004 shall comply with the requirements of Education Law and Commissioner's Regulations by July 1, 2004. Any person hired after January 1, 2004 shall comply with such prior to assuming their duties.

Education Law Section 3624
Vehicle and Traffic Law Section 1229-d
8 New York Code of Rules and Regulations
(NYCRR) Section 156.3

Adopted: 10/23/03

Personnel

SUBJECT: EMPLOYEE PERSONNEL RECORDS AND RELEASE OF INFORMATION**Personnel Records**

The Board of Education directs the Superintendent to maintain a personnel file for each teacher, administrator and support staff member employed by the District.

The Board also directs the Superintendent to maintain regulations and procedures governing the inspection by District employees of their personnel files.

Release of Personnel Information

All steps should be taken to protect the privacy of the employees of the Board of Education. To ensure the individual's privacy, directory or confidential information should not be shared with a third party except in the following situations:

- a) When members of the Board of Education need information from the employee's personnel record to aid them in performing their legal responsibilities in such matters as appointments, assignments, promotions, demotions, remuneration, discipline, dismissal or to aid in the development and implementation of personnel policies.
- b) When the employee grants permission.

Procedures for obtaining consent for release of records to third parties shall be developed by the administration.

Release of Information Concerning Former Employees

The District shall not release information concerning the employment records, personnel file or past performance of a former employee, unless such information is required to be disclosed by law. Only the initial and final dates of employment and the position held shall be provided through a written response to a written request. The former employee may authorize the release of any additional information.

8 New York Code of Rules and Regulations
(NYCRR), Part 84
Public Officers Law Section 87

Adopted: 6/25/96
Revised: 9/13/99

SUBJECT: EMPLOYEE ACTIVITIES**Political Activities**

The Board of Education recognizes the right of its employees, as citizens, to engage in political activities and to exercise their constitutionally-protected rights to address matters of public concern.

However, a District employee's constitutional rights to raise matters of public concern are limited when the speech or action occurs on school grounds and/or during school times. When such speech or action occurs on school grounds and/or during school time, the Board of Education can impose reasonable restrictions on the time, place and manner of the speech or action, and can further regulate the content of such speech when it materially imperils the efficient operation of the school.

Teachers may not use their classrooms or school surroundings as a means to promote their personal political views and beliefs. However, teachers are encouraged to address issues of current events for their instructional and informational value to students, to invite public and/or political figures to visit the classroom as a community resource, and to motivate students to participate in the political process.

Solicitations by Staff Personnel

Staff members shall not be engaged in advertising or commercial solicitations on school time, except as authorized by the Superintendent and/or designee.

SUBJECT: NEGOTIATIONS**Legal Status**

The legal status for negotiations is the Public Employees' Fair Employment Law (Taylor Law), Article 14 of the Civil Service Law.

Organizations recognized for the purposes of collective bargaining include:

- a) Keshequa Central Teachers' Association;
- b) Keshequa Central School Bus Drivers' Association;
- c) Keshequa Central Administrators' Association.

Board Negotiating Agents

Prior to commencement of any negotiations, the Board of Education with the assistance of the Superintendent of Schools will decide whether to appoint a labor lawyer, a BOCES negotiator or other professional negotiator, or a representative from within the School District to serve as the Board's chief spokesperson. The balance of the team will be selected by the Board, with the assistance of the Superintendent. The fee or salary for a professional negotiator will be established by the Board at the time of appointment.

Negotiations will be conducted only as directed by the Board.

Personnel

SUBJECT: GRADUATE CREDIT

The Superintendent will have the authority to approve all graduate credits based on the following:

- a) Current teachers' contract;
- b) Current State mandates; and
- c) The needs of the School District.

Unless otherwise specified, credits will be approved that support certification and a Masters Degree in the person's present area of employment.

All exceptions will be referred to the Board of Education for further review.

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Personnel

SUBJECT: THEFT OF SERVICES OR PROPERTY

The theft of services or property from the District by an employee will result in immediate disciplinary action that can lead to dismissal or other penalty, and shall not preclude the filing of criminal or civil charges by the District.

Adopted: 6/25/96

1996

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Personnel

SUBJECT: JURY DUTY

A District employee called for jury duty shall receive his/her full day's pay from the School District plus mileage from the State. No employee shall be entitled to receive the per diem allowance for any regularly scheduled workday on which jury duty is rendered if on such a day his/her wages are not withheld on account of such service.

Judiciary Law Section 521(b)

Adopted: 6/25/96

Personnel

SUBJECT: STAFF USE OF COMPUTERIZED INFORMATION RESOURCES

The Board of Education will provide staff with access to various computerized information resources through the District's computer system (DCS hereafter) consisting of software, hardware, computer networks and electronic communication systems. This may include access to electronic mail, so-called "on-line services" and the "Internet." It may also include the opportunity for some staff to have independent access to the DCS from their home or other remote locations. All use of the DCS, including independent use off school premises, shall be subject to this policy and accompanying regulations.

The Board encourages staff to make use of the DCS to explore educational topics, conduct research and contact others in the educational world. The Board anticipates that staff access to various computerized information resources will both expedite and enhance the performance of tasks associated with their positions and assignments. Toward that end, the Board directs the Superintendent or his/her designee(s) to provide staff with training in the proper and effective use of the DCS.

Staff use of the DCS is conditioned upon written agreement by the staff member that use of the DCS will conform to the requirements of this policy and any regulations adopted to ensure acceptable use of the DCS. All such agreements shall be kept on file in the District office.

Generally, the same standards of acceptable staff conduct which apply to any aspect of job performance shall apply to use of the DCS. Employees are expected to communicate in a professional manner consistent with applicable District policies and regulations governing the behavior of school staff. Electronic mail and tele-communications are not to be utilized to share confidential information about students or other employees.

This policy does not attempt to articulate all required and/or acceptable uses of the DCS; nor is it the intention of this policy to define all inappropriate usage. Administrative regulations will further define general guidelines of appropriate staff conduct and use as well as proscribed behavior.

District staff shall also adhere to the laws, policies and rules governing computers including, but not limited to, copyright laws, rights of software publishers, license agreements, and rights of privacy created by federal and state law.

Staff members who engage in unacceptable use may lose access to the DCS and may be subject to further discipline under the law and in accordance with applicable collective bargaining agreements. Legal action may be initiated against a staff member who willfully, maliciously or unlawfully damages or destroys property of the District.

(Continued)

SUBJECT: STAFF USE OF COMPUTERIZED INFORMATION RESOURCES (Cont'd.)**Privacy Rights**

Staff data files and electronic storage areas shall remain District property, subject to District control and inspection. The computer coordinator may access all such files and communications to ensure system integrity and that users are complying with requirements of this policy and accompanying regulations. Staff should **NOT** expect that information stored on the DCS will be private.

Implementation

Administrative regulations will be developed to implement the terms of this policy, addressing general parameters of acceptable staff conduct as well as prohibited activities so as to provide appropriate guidelines for employee use of the DCS.

NOTE: Refer also to Policy #8271 -- [The Children's Internet Protection Act: Internet Content Filtering/Safety Policy](#)

SUBJECT: HEALTH INSURANCE

Health insurance for certified and support staffs shall be in accordance with their respective negotiated agreements. Employees hired on a regularly scheduled part-time basis prior to January 1, 1993, will be entitled to participate in the Keshequa Central School group medical coverage on a prorated basis as follows:

An 8 hour day shall be the basis for computation. Therefore, a two hour work day (2/8 or 1/4) would result in the Board paying one quarter of the insurance premium. Furthermore, after the completion of four years of service the Board will pay 50 percent of the health care premium for the above employees.

Continuation of Medical Insurance Coverage at Termination of Employment

Under the provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), employees and their dependents are eligible to continue their insurance coverage for up to eighteen (18) months when termination of their insurance is due to a reduction in their hours worked, or upon termination of their employment.

Dependents of employees are eligible to continue their insurance for up to thirty-six (36) months upon occurrence of one of the following events:

- a) Death of the covered employee; or
- b) Divorce or legal separation from the covered employee; or
- c) An employee becomes eligible for Medicare and ceases to participate in the employer-sponsored plan; or
- d) The dependents of a covered employee reach the maximum age for dependent coverage.

Those who are eligible to continue coverage have up to sixty (60) days to complete the Continuation of Coverage Election Form. They must pay the full cost of their premium plus administrative costs incurred by the District.

(Continued)

SUBJECT: HEALTH INSURANCE (Cont'd.)**Unused Sick Leave Benefit at Retirement**

Any staff member who has reached the minimum years of service as specified below and has accumulated sick leave shall be eligible for payment of a sum as indicated below at retirement:

- a) Option I - These funds may be used annually to pay the cost of medical insurance plan in effect for the Keshequa Central School staff. When the funds are exhausted, the retired employee may pay the balance and continue in the medical insurance plan in existence. Should the staff member's death precede the depletion of the funds, the remaining funds for accumulated sick leave may be used by the spouse for medical insurance purposes.
- b) Option II - The retiring employee shall receive an adjustment in the final year's salary of a sum equal to the number of unused sick leave days times the percentage of daily wages as indicated below:

<u>Years of Service</u>	<u>Amount Per Unused Sick Days</u>
15 or more years	50% daily wage
10 to 14 years 11 months	30% daily wage
20+ years	65% daily wage

To receive this benefit, the staff member must notify the Board of Education in writing sixty (60) days prior to commencement of retirement.

Consolidated Omnibus Budget
Reconciliation Act of 1985

Personnel

**SUBJECT: HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT
(HIPAA): FLEXIBLE BENEFITS HIPAA PRIVACY POLICY**

The Keshequa Central School District serves as Plan Sponsor of a Flexible Benefits Program. Employees of the Keshequa Central School District may have access to the individually identifiable health information of program participants for administrative functions of the program.

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) and its implementing regulations restrict the Plans ability to use and disclose protected health information (PHI):

Protected Health Information. Protected health information means information that is created or received by the Keshequa Central School District and relates to the past, present, or future physical or mental health or condition of a participant; the provision of health care to a participant; or the past, present, or future payment for the provision of health care to a participant; and that identifies the participant or for which there is a reasonable basis to believe the information can be used to identify the participant. Protected health information includes information of persons living or deceased.

It is the Keshequa Central School District's policy to comply fully with HIPAA's requirements. To that end, all members of the Keshequa Central School District's Flexible Benefits Program workforce who have access to PHI must comply with this Privacy Policy and Procedures. For purposes of this Policy and Procedures, the Keshequa Central School District's workforce includes the Business Administrator and the Payroll Clerk.

No third party rights (including but not limited to rights of Flexible Benefits Program participants, beneficiaries, covered dependents, or business associates) are intended to be created by this Policy and Procedures. The Keshequa Central School District reserves the right to amend or change this Policy and Procedures. The Keshequa Central School District reserves the right to amend or change this Policy and Procedures at any time (and even retroactively) without notice. To the extent this Policy and Procedures establishes requirements and obligations above and beyond those required by HIPAA, the Policy and Procedures shall be aspirational and shall not be binding upon the Keshequa Central School District. This Policy and Procedures do not address requirements under other federal or state laws.

Personnel

SUBJECT: PAYROLL DEDUCTIONS

Payroll deductions may be made when authorized by employees or when required by law or negotiated agreements.

Tax Shelter Annuity

Tax Sheltered annuity plans, as described in Section 403 of the Internal Revenue Code, will be made available to employees of Keshequa Central School. Further, the Board indicates no representation regarding the advisability or appropriateness of any annuity agreement and accepts no responsibility for the tax consequences of such procedures.

Education Law Section 1709

SUBJECT: DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS AND EMPLOYEES

Liability Protection Pursuant to Education Law

The Board of Education recognizes its statutory obligation to indemnify School District employees (and in certain circumstances, Board of Education members and volunteers) pursuant to the provisions of Sections 3023, 3028 and 3811 of the Education Law. For the purposes of this policy, the term "employee" shall be as defined in the applicable statute(s).

The District shall not be subject to the duty to defend unless the employee, within the time prescribed by statute, delivers appropriate notice of the claim to the Board of Education.

- a) For purposes of Education Law Section 3811, the employee must give written notice within five (5) days after service of process upon him/her. The statute mandates only written notice of the claim to the Board of Education; however, submission of relevant legal documents by the employee to the Board is also encouraged.
- b) For purposes of Education Law Sections 3023 and 3028, the employee must deliver the original or a copy of the relevant legal documents to the Board within ten (10) days after service of process upon him/her.

The District will provide legal defense and/or indemnification for all damages, costs, and reasonable expenses incurred in the defense of an action or proceeding if authorized pursuant to statute and provided that the alleged action or omission which occurred or allegedly occurred is covered by the appropriate statute(s). Furthermore, the District will not be required to provide indemnification protection and/or legal defense unless the employee was, at the time of the alleged incident, acting in the discharge of his/her duties within the scope of his/her employment or authorized volunteer duties and/or under the direction of the Board of Education.

Public Officers Law Section 18

The Board of Education hereby also confers the benefits of Section 18 of the New York State Public Officers Law upon the "employees" of the District, as defined in Section 18 of the Public Officers Law; and the District assumes the liability for the costs incurred in accordance with the provisions of Section 18. The benefits accorded to District employees under Section 18 of the Public Officers Law shall supplement and be available in addition to defense or indemnification protection conferred by other enactments or provisions of law.

(Continued)

Personnel

SUBJECT: DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS AND EMPLOYEES (Cont'd.)

The term "employees" shall include members of the Board of Education; the Superintendent; District officers; District employees; volunteers expressly authorized to participate in a District sponsored volunteer program; or any other person holding a position by election, appointment or employment in the service of the District, whether or not compensated. The term "employee" shall also include a former employee, his/her estate or judicially appointed representative.

Pursuant to the provisions of Section 18 of the Public Officers Law, and upon compliance by the employee with the requirements of this statute, the District shall provide for the defense of the employee in any civil action or proceeding, state or federal, arising out of any alleged act or omission which occurred or allegedly occurred while the employee was acting within the scope of his/her public employment or duties. Furthermore, the District shall indemnify and save harmless its employees in the amount of any judgment obtained against such employees in a state or federal court, or in the amount of any settlement of a claim, provided that the act or omission from which such judgment or claim arose occurred while the employee was acting within the scope of his/her public employment or duties. However, in the case of a settlement, the duty to indemnify and save harmless shall be conditioned upon the approval of the amount of the settlement by the Board of Education.

The duty to defend and/or indemnify and save harmless, in accordance with Section 18 of the Public Officers Law, shall be conditioned upon the delivery by the employee to the School District attorney or to the Superintendent a written request to provide for his/her defense, together with the original or a copy of any summons, complaint, process, notice, demand or pleading within ten (10) days after he/she is served with such document. Pursuant to Section 18, the full cooperation of the employee in the defense of such action or proceeding and in the defense of any action or proceeding against the District based upon the same act or omission, and in the prosecution of any appeal, shall also be required as a condition for the District's duty to defend and/or indemnify and save harmless to exist.

Exceptions to Liability Coverage

Indemnification coverage and/or provision of legal defense by the District will not apply unless the actionable claim is of the type covered by the statute(s) and/or is not otherwise exempt from coverage pursuant to law. Additionally, indemnification coverage and/or the duty to provide a defense shall not arise where such action or proceeding is brought by or on behalf of the School District.

Public Officers Law Section 18
Education Law Sections 1709(26) and (34-b),
2560, 3023, 3028, and 3811
General Municipal Law Sections 6-n and 52

Adopted: 6/25/96
Revised: 9/13/99

SUBJECT: FAMILY AND MEDICAL LEAVE ACT**Leave Entitlement**

In accordance with the Family and Medical Leave Act of 1993 (FMLA), eligible employees of the District are entitled to take unpaid leave for a total of 12 workweeks in the 12-month period from July 1 through June 30. Employees are "eligible" if they have been employed by the District for at least 12 months and for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave.

A qualified employee may be granted leave for one or more of the following reasons:

- a) The birth of a child and to care for the child during the first twelve months after the child's birth;
- b) Placement with the employee of a child for adoption or foster care and to care for the newly placed child during the first twelve months after the child's placement;
- c) To care for a spouse, child or parent with a serious health condition;
- d) A serious health condition of the employee that prevents the employee from performing the function of his or her job.

Intermittent Leave

Leave related to the serious health condition of a District employee or family member may be scheduled on an intermittent or reduced schedule basis when such leave is certified as medically necessary. In the event that leave is taken on an intermittent or reduced leave schedule, a district employee may be required to transfer temporarily to an available, alternative position, with equivalent pay and benefits, which better accommodates the need for recurring periods of leave. Intermittent leave will generally not be granted to care for a newborn child or an adopted/foster child. Reduced schedule leaves for childcare reasons may be requested and will be considered on a case-by-case basis.

Eligible spouses employed by the District are entitled to a combined total of twelve weeks of unpaid leave for the birth, adoption or foster placement of a child, or when caring for a parent with a serious health condition. Each spouse is entitled to twelve weeks of family and medical leave to care for his or her spouse or child, and for his or her personal serious health condition.

(Continued)

SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Cont'd.)**Notice and Certification**

When FMLA leave is "foreseeable," the employee is required to provide at least 30 days notice. A district employee must also make a reasonable effort to schedule foreseeable medical treatments in a manner that does not unduly disrupt the operations of the district.

Leaves related to the serious health condition of an employee or family member may require certification of medical necessity from an appropriate health care provider. This certification must be provided within 15 days of when it is requested. Failure to provide timely certification may result in the delay of an employee's requested leave. Recertification of medical necessity may be required every 30 days.

Job Restoration and Medical Benefits

Employees granted FMLA leave will be returned to their previous position, or to an equivalent position, upon returning to work. Group health insurance benefits will be provided during the leave on the same basis as before the leave. Thus, if an employee was paying all or part of his or her premiums, the employee will continue to pay his or her respective portions of insurance premiums. If an employee fails to return to work following a family leave, he or she will be required to remit to the District the premiums that were paid by the District during the unpaid portions of the leave.

Use of Paid Leave

When FMLA leave is taken for any reason, the employee must use all accrued vacation and personal leave before any portion of the leave is taken without pay. When an FMLA leave is taken because of the serious health condition of the employee or a family member, the employee will also be required to use up applicable accrued paid sick leave. Any period during which an employee receives New York State Disability will be offset against his or her twelve-week allotment of family and medical leave.

Special rules for Instructional Employees

Special rules apply to District employees whose principal function is to teach and instruct students ("instructional employees"). If an instructional employee needs intermittent leave or a reduced leave schedule related to his or her own serious health condition or the serious health condition of a family member which is foreseeable and which would result in leave of more than 20 percent of the total number of working days over the leave period, the District may require the instructional employee to choose either:

- a) To take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or

(Continued)

SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Cont'd.)

- b) To transfer temporarily to an available alternative position for which he or she is qualified, which has equivalent benefits and pay and better accommodates the need for recurring periods.

Different rules also apply when instructional employees take leave near the end of an academic term.

More than Five Weeks Before the End of the Term

If an instructional employee begins leave more than five (5) weeks before the end of an academic term, the District may require the employee to continue taking leave until the end of the term if the leave will last at least three (3) weeks, and the employee will return to work during the three (3) week period before the end of the term.

During the Five Weeks Before the End of the Term

If an instructional employee begins leave for something other than his or her own serious health condition during the five (5) week period before the end of an academic term, the District may require the employee to continue taking leave until the end of the term if the leave will last more than two (2) weeks, and the employee would return to work during the two (2) weeks before the end of the term.

During the Three Weeks Before the End of the Term:

If an instructional employee begins leave for something other than his or her own serious health condition during the three (3) week period before the end of the term and the leave will last for more than five (5) days, the District may require the employee to continue taking leave until the end of the term.

If an instructional employee does not provide the required 30-day notice for a foreseeable FMLA leave to be taken on an intermittent or reduced schedule, the District may require the employee to:

- a) Take leave of a particular duration;
- b) Transfer temporarily to an alternate position; or
- c) Delay the taking of the leave until the required notice has been met.

The administration of this FMLA leave policy is delegated to the Superintendent.

SUBJECT: LEAVES OF ABSENCE

- a) In general, leaves of absence:
1. Shall be administered by the Superintendent.
 2. The Board reserves the right to grant leaves of absence for purposes or under conditions not contemplated or considered in the policy statement.
 3. Under laws and rules governing such action, the Board may undertake appropriate disciplinary action where a leave of absence is falsely requested or improperly used.
 4. Except by permission of the Superintendent, as expressed in writing, the purpose or conditions of a leave of absence may not be altered.
- b) Leaves of absence, contractual, et al:
1. Employees who are members of a negotiating unit:
Authorization is granted to approve requests for leaves of absence submitted pursuant to provisions of contracts in effect between the District and each bargaining unit.
 2. Employees who are not members of a negotiating unit:
Authorization is granted to approve requests for leaves of absence submitted by such employees where such requests are consistent with provisions of contracts in effect between the District and the bargaining unit most compatible with the employment status of the employee.
 3. Employees who are under contract to the District:
Authorization is granted to implement provisions for leaves of absence contained in each such contract.
- c) Leaves of absence, unpaid, not covered in b) 1. above:
1. Subject to limitations enumerated in this policy statement, authorization is granted for the following unpaid leaves of absence.
 - (a) For a period of time not to exceed one (1) school year for approved graduate study, such leave to include any required internship experience.

(Continued)

SUBJECT: LEAVES OF ABSENCE (Cont'd.)

- (b) At the expiration of a paid sick leave of absence, to extend such a leave of absence for a period of time not to exceed the end of the school year next succeeding the school year in which the paid leave of absence commenced.
2. Unpaid leaves of absence shall not be used to extend vacation periods, to take vacations, to engage in other occupations, or to provide additional personal leaves, except that the Superintendent shall have discretion, where circumstances warrant, to approve leaves of absence for such purposes.
 3. Unpaid leaves of absence shall not be granted unless the services of a substitute employee, satisfactory in the discretion of the Superintendent, can be secured.
 4. Except where it interferes with an employee's legal or contractual rights, the timing of unpaid leaves of absence will be granted at the convenience of the District.

Emergency Service Volunteer Leave

Upon presentation of a written request from the American Red Cross and with the approval of the Superintendent, employees certified by the American Red Cross as disaster volunteers shall be granted leave from work with pay for up to twenty (20) days in any calendar year to participate in specialized disaster relief operations. This leave shall be provided without loss of seniority, compensation, sick leave, vacation leave or other overtime compensation to which the volunteer is otherwise entitled.

Uniformed Services Employment and Reemployment
Rights Act of 1994 (USERRA)
38 United States Code (USC) Sections 4301-4333
Civil Service Law Sections 71-73
Education Law Sections 1709(16), 3005, 3005-a and
3005-b
General Municipal Law Section 92-c
Military Law Sections 242 and 243

NOTE: Refer also to Policy #6551 -- Uniformed Services Employment and Reemployment Rights Act (USERRA)/Military Leaves Of Absence

Adopted: 3/11/04
Revised: 5/10/05; 1/12/06

Personnel

SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)/MILITARY LEAVES OF ABSENCE

In accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994 ([USERRA](#)) and State Law, the School District, upon advance notice by the employee, shall grant leaves of absence for service in the uniformed services and/or military duty (hereinafter referred to as "military service" or "military duty") to its employees who are ordered to duty or volunteer for qualifying military service. The employee's notice may be either verbal or written. No advance notice is required if military necessity prevents the giving of notice, or the giving of notice is otherwise impossible or unreasonable under all the circumstances.

Employment Rights

Time during which an employee is absent pursuant to military leave shall not constitute an interruption of continuous employment in the School District and no such employee shall be subjected, directly or indirectly, to any loss or diminution of time service, increment, vacation or holiday privileges, or any other right or privilege, by reason of such absence; nor shall any employee be prejudiced by reason of such absence with reference to continuance in employment, reemployment, reinstatement, transfer or promotion.

Salary/Compensation

Every employee shall be paid his/her salary or other compensation for any and all periods of absence while engaged in the performance of ordered military duty, and while going to and returning from such duty. This payment of salary/compensation shall not exceed a total of 30 days or 22 working days, whichever is greater, in any one calendar year; and shall not exceed 30 days or 22 working days, whichever is greater, in any one continuous period of such absence.

The employee must be permitted, upon request, to use any accrued vacation, annual, or similar leave with pay during the period of military service in order to continue his/her civilian pay. The School District may not require the employee to use accrued leave.

The employee is not entitled to use accrued sick leave during the period of military service, unless the District allows employees to use sick leave for any reason or allows other similarly situated employees on comparable furlough or leave of absence to use accrued paid sick leave.

Employee Benefits**Health Plan Coverage**

If the employee has coverage under a health plan in connection with his/her employment with the District, the employee must be permitted to elect to continue the coverage for a certain period of time as designated in law.

(Continued)

SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)/MILITARY LEAVES OF ABSENCE (Cont'd.)

When the employee is performing military service, he/she is entitled to continuing coverage for himself/herself (and dependents if the plan offers dependent coverage) under a health plan in connection with the employment. The plan must allow the employee an opportunity to continue coverage for a period of time that is the lesser of:

- a) The 24-month period beginning on the date on which the employee's absence for the purpose of performing military service begins; or
- b) The period beginning on the date on which the employee's absence for the purpose of performing military service begins, and ending on the date on which the employee fails to return from service or apply for a position of reemployment.

Health plan administrators may develop reasonable requirements addressing how continuing coverage may be elected, consistent with the terms of the plan and [USERRA's](#) exceptions to the requirement that the employee give advance notice of military service. Further, health plan administrators may develop reasonable procedures for employee payment to continue coverage, consistent with [USERRA](#) and the terms of the plan.

Pension/Retirement Plans

While on military duty, any School District employee who is a member of any pension or retirement system may elect to contribute to such pension or retirement system the amount which he/she would have contributed had such employment been continuous. Upon making such contribution, the employee shall have the same rights in respect to membership in the retirement system as he/she would have had if the employee had been present and continuously engaged in the performance of his/her position. To the extent that such contributions are paid, absence while engaged in the performance of military duty shall be counted in determining the length of total service under such pension or retirement system.

Alternatively, employees will have an opportunity to make up contributions to the pension or retirement system upon return to employment in the District in accordance with law and the individual employee's pension/retirement system.

Time during which an employee is absent on military duty shall not constitute an interruption of continuous employment, but such time shall not be counted or included in determining the length of total service in the pension or retirement system unless the employee contributes to the pension or retirement system the amount he/she would have been required to contribute if the employee had been continuously employed during the period of military duty.

(Continued)

SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)/MILITARY LEAVES OF ABSENCE (Cont'd.)

Reemployment/Restoration Rights ("Escalator Principle")

Per [USERRA](#), as a general rule, the employee is entitled to reemployment in the job position that he/she would have attained with reasonable certainty if not for the absence due to military service. The position to which the returning service member should be restored has become known as the "escalator position." The escalator principle requires that the employee be reemployed in a position that reflects with reasonable certainty the pay, benefits, seniority, and other job benefits that he/she would have attained if not for the period of military service.

Depending on the circumstances/intervening events, the escalator principle may cause an employee to be reemployed in a higher or lower position, transferred, laid off, or even terminated.

The employee must be qualified for the reemployment position. The District shall make reasonable efforts to help the employee become qualified to perform the duties of this position. The District is not required to reemploy the employee on his/her return from military service if the employee cannot, after reasonable efforts by the District, qualify for the appropriate reemployment position.

Per State law, an employee restored to his/her position after the termination of military duty shall be entitled to the rate of compensation he/she would have received had the employee remained in his/her position continuously during the period of military duty; and the employee shall be deemed to have rendered satisfactory and efficient service in the job position during the period of military leave of absence. Further, the employee shall not be subjected directly or indirectly to any loss of time service, increment, or any other right or privilege; nor shall an employee be prejudiced in any way with reference to promotion, transfer, reinstatement or continuance in employment.

All other rights, benefits, and responsibilities of a District employee serving in the military shall be in accordance with law, regulations, and/or the applicable contract/collective bargaining agreement.

Probationary Service

Public Employees in General

If a public employee (with the exception of the probationary service of "teachers" as described below) enters military duty before the expiration of the probationary period in any position to which he/she may have been appointed, or to which he/she may thereafter be appointed or promoted, the time such employee is absent on military duty shall be credited as satisfactory service during this probationary period.

(Continued)

SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)/MILITARY LEAVES OF ABSENCE (Cont'd.)Teachers/Supervisory Staff

In any case where a "teacher" (as defined in [State Education Law Section 3101](#), the term "teacher" encompasses a broad category of full-time members of the teaching and supervisory staff of the District, and is not limited to "instructional" employees) enters military duty before the expiration of the probationary period to which he/she may have been appointed, the time the "teacher" is absent on military duty shall be credited as satisfactory service during this probationary period. If the end of such probationary service occurs while the "teacher" is on military duty or within one year following the termination of military duty, the period of the probationary service may be extended by the Board of Education for a period not to exceed one year from the date of termination of military duty. However, in no event shall the period of probationary service in the actual performance of teaching services extend beyond that required by the School District at the time of the "teacher's" entry into military service.

Collective Bargaining Agreements/Contracts/Plans/Practices

In accordance with [USERRA](#), any State or local law, contract, agreement, policy, plan, or practice that establishes an employment right or benefit that is more beneficial than, or is in addition to, a right or benefit under USERRA, such greater employment right or benefit will supersede this Federal Law.

Notice of Rights and Duties

The District shall provide a notice of the rights, benefits and obligations of employees and the District under [USERRA](#). The District may provide the notice by posting it where employee notices are customarily placed. The District may also provide such notice to its employees in other ways that will minimize costs while ensuring that the full text of the notice is provided (e.g., by handing or mailing out the notice, or distributing the notice via electronic mail).

The U.S. Department of Labor has developed and made available on its web site <http://www.dol.gov/vets/programs/userra/poster.htm> a poster for use by private and State employers (including school districts) that can be posted in order to comply with the notification mandate.

The Uniformed Services Employment and Reemployment Rights Act of 1994 ([USERRA](#))
[38 United States Code \(USC\) Sections 4301-4333](#)
[Public Law 108-454](#)
[20 Code of Federal Regulations \(CFR\) Part 1002](#)
Military Law Sections 242 and 243
Education Law Section 3101

Adopted: 3/11/04
Revised: 5/10/05; 7/12/07

2007 7000

Students

Keshequa Central School District

**STUDENTS
(Section 7000)**

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SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY**Statement of Overall Objectives**

School attendance is both a right and a responsibility. The School District is an active partner with students and parents in the task of ensuring that all students meet or exceed the New York State Learning Standards. Because the School District recognizes that consistent school attendance, academic success and school completion have a positive correlation, the School District has developed, and, if necessary, will revise a Comprehensive Student Attendance Policy to meet the following objectives:

- a) To increase school completion for all students;
- b) To raise student achievement and close gaps in student performance;
- c) To identify attendance patterns in order to design attendance improvement efforts;
- d) To know the whereabouts of every student for safety and other reasons;
- e) To verify that individual students are complying with education laws relating to compulsory attendance;
- f) To determine the District's average daily attendance for State aid purposes.

Description of Strategies to Meet Objectives

The School District will:

- a) Create and maintain a positive school building culture by fostering a positive physical and psychological environment where the presence of strong adult role models encourages respectful and nurturing interactions between adults and students. This positive school culture is aimed at encouraging a high level of student bonding to the school, which in turn should lead to increased attendance.
- b) Develop a Comprehensive Student Attendance Policy based upon the recommendations of a multifaceted District Policy Development Team that includes representation from the Board of Education, administrators, teachers, students, parents and the community. The District will hold at least one public hearing prior to the adoption of this collaboratively developed Comprehensive Student Attendance Policy.
- c) Maintain accurate recordkeeping via a Register of Attendance to record attendance, absence, tardiness or early departure of each student.

(Continued)

SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)

- d) Utilize data analysis systems for tracking individual student attendance and individual and group trends in student attendance problems.
- e) Develop early intervention strategies to improve school attendance for all students.

Determination of Excused and Unexcused Absences, Tardiness and Early Departures

Based upon our District's education and community needs, values and priorities, the School District has determined that absences, tardiness and early departures will be considered excused or unexcused according to the following standards.

- a) **Excused:** An absence, tardiness or early departure may be excused if due to personal illness, illness or death in the family, impassable roads due to inclement weather, religious observance, quarantine, required court appearances, attendance at health clinics, approved college visits, approved cooperative work programs, military obligations or other such reasons as may be approved by the Board of Education.
- b) **Unexcused:** An absence, tardiness or early departure is considered unexcused if the reason for the lack of attendance does not fall into the above categories (e.g., family vacation, hunting, babysitting, hair cut, obtaining learner's permit, road test, oversleeping).

Student Attendance Recordkeeping/Data Collection

The record of each student's presence, absence, tardiness and early departure shall be kept in a register of attendance in a manner consistent with Commissioner's Regulations. An absence, tardiness or early departure will be entered as "excused" or "unexcused" along with the District code for the reason.

Commencing July 1, 2003, attendance shall be taken and recorded in accordance with the following:

- a) For students in non-departmentalized kindergarten through grade eight (i.e., self-contained classrooms and supervised group movement to other scheduled school activities such as physical education in the gym, assembly, etc.), such student's presence or absence shall be recorded after the taking of attendance once per school day, provided that students are not dismissed from school grounds during a lunch period. Where students are dismissed for lunch, their presence or absence shall also be recorded after the taking of attendance a second time upon the student's return from lunch.

(Continued)

Students

SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)

- b) *For students in grades 9 through 12 or in departmentalized schools at any grade level (i.e., students pass individually to different classes throughout the day), each student's presence or absence shall be recorded after the taking of attendance in each period of scheduled instruction except that where students do not change classrooms for each period of scheduled instruction, attendance shall be taken in accordance with paragraph "a" above.*
- c) Any absence for a school day or portion thereof shall be recorded as excused or unexcused in accordance with the standards articulated in this policy.
- d) In the event that a student at any instructional level from kindergarten through grade 12 arrives late for or departs early from scheduled instruction, such tardiness or early departure shall be recorded as excused or unexcused in accordance with the standards articulated in this policy.

A record shall be kept of each scheduled day of instruction during which the school is closed for all or part of the day because of extraordinary circumstances including adverse weather conditions, impairment of heating facilities, insufficiency of water supply, shortage of fuel, destruction of or damage to a school building, or such other cause as may be found satisfactory to the Commissioner of Education.

Attendance records shall also indicate the date when a student withdraws from enrollment or is dropped from enrollment in accordance with Education Law Section 3202(1-a).

At the conclusion of each class period or school day, all attendance information shall be compiled and provided to the designated school personnel who are responsible for attendance. The nature of the absence, tardiness or early departure shall be coded on a student's record in accordance with the established District/building procedures.

Student Attendance/Course Credit

The District believes that classroom participation is related to and affects a student's performance and grasp of the subject matter and, as such, is properly reflected in a student's final grade. For purposes of this policy, classroom participation means that a student is in class and prepared to work.

Consequently, for each marking period a certain percentage of a student's final grade will be based on classroom participation as well as the student's performance on homework, tests, papers, projects, etc. as determined by the building administrator and/or classroom teacher.

(Continued)

SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)

Students are expected to attend all scheduled classes. Consistent with the importance of classroom participation, unexcused student absences, tardiness, and early departures will affect a student's grade, including credit for classroom participation, for the marking period.

At the middle school/senior high school level, any student with more than twenty percent (20%) absences in a course may not receive credit for the course. However, it is District policy that students with properly excused absences, tardiness and early departures for which the student has performed any assigned make-up work, assignments and/or tests shall not be counted as an absence for the purpose of determining the student's eligibility for course credit. District procedures will specify how student tardiness and early departures will be calculated and factored into the District's minimum attendance standard.

However, where a student earns a passing grade, credit will not be denied for the course(s).

For summer school and courses meeting 1/2 year or 1/4 year, the same policy will apply and a calculation of the absences will be prorated accordingly.

Transfer students and students re-enrolling after having dropped out will be expected to attend a prorated minimum number of the scheduled class meetings during their time of enrollment.

Students will be considered in attendance if the student is:

- a) Physically present in the classroom or working under the direction of the classroom teacher during the class scheduled meeting time; or
- b) Working pursuant to an approved independent study program; or
- c) Receiving approved alternative instruction.

Students who are absent from class due to their participation in a school sponsored activity are to arrange with their teachers to make up any work missed in a timely manner as determined by the student's teacher. Attendance at school sponsored events where instruction is substantially equivalent to the instruction which was missed shall be counted as the equivalent of regular attendance in class.

Upon returning to school following a properly excused absence, tardiness or early departure, it shall be the responsibility of the student to consult with his/her teacher(s) regarding arrangements to make up missed work, assignments and/or tests in accordance with the time schedule specified by the teacher.

(Continued)

SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)Notice of Minimum Attendance Standard/Intervention Strategies Prior to the Denial of Course Credit

In order to ensure that parents/persons in parental relation and students are informed of the District's policy regarding minimum attendance and course credit, and the implementation of specific intervention strategies to be employed **prior to the denial of course credit to the student for insufficient attendance**, the following guidelines shall be followed:

- a) Copies of the District's Comprehensive Student Attendance Policy will be mailed to parents/persons in parental relation and provided to students at the beginning of each school year or at the time of enrollment in the District.
- b) School newsletters and publications will include periodic reminders of the components of the District's Comprehensive Student Attendance Policy. Copies of the Attendance Policy will also be included in parent/student handbooks.
- c) At periodic intervals, a designated staff member(s) will notify, by telephone, the parent/person in parental relation of the student's absence, tardiness, or early departure and explain the relationship of the student's attendance to his/her ability to receive course credit. If the parent/person in parental relation cannot be reached by telephone, a letter shall be sent detailing this information.
- d) A designated staff member will review the District's Attendance Policy with students who have excessive and/or unexcused absences, tardiness or early departures. Further, appropriate student support services/personnel within the District, as well as the possible collaboration/referral to community support services and agencies, will be implemented prior to the denial of course credit for insufficient attendance by the student.

Notice of Students who are Absent, Tardy or Depart Early Without Proper Excuse

A designated staff member shall notify by telephone the parent/person in parental relation to a student who is absent, tardy or departs early without proper excuse. The staff member shall explain the District's Comprehensive Student Attendance Policy, the District's/building level intervention procedures, and, if appropriate, the relationship between student attendance and course credit. If the parent/person in parental relation cannot be reached by telephone, the staff member will provide such notification by mail. Further, the District's Attendance Policy will be mailed to the parent/person in parental relation to promote awareness and help ensure compliance with the policy.

(Continued)

SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)

If deemed necessary by appropriate school officials, or if requested by the parent/person in parental relation, a school conference shall be scheduled between the parent/person in parental relation and appropriate staff members in order to address the student's attendance. The student may also be requested to attend this conference in order to address appropriate intervention strategies that best meet the needs of the student.

Appeal Process

A parent/person in parental relation may request a building level review of their child's attendance record.

Building Review of Attendance Records

Commencing with the 2003-04 school year, the building principal will work in conjunction with the building attendance clerk and other designated staff in reviewing attendance records at the end of each term. This review is conducted to identify individual and group attendance patterns and to initiate appropriate action to address the problem of unexcused absences, tardiness and early departures.

Annual Review by the Board of Education

The Board of Education shall annually review the building level student attendance records and if such records show a decline in student attendance, the Board shall make any revisions to the Policy and plan deemed necessary to improve student attendance.

Community Awareness

The Board of Education shall promote necessary community awareness of the District's Comprehensive Student Attendance Policy by:

- a) Providing a plain language summary of the policy to parents or persons in parental relation to students at the beginning of each school year and promoting the understanding of such a policy to students and their parents/persons in parental relation;
- b) Providing each teacher, at the beginning of the school year or upon employment, with a copy of the policy; and
- c) Providing copies of the policy to any other member of the community upon request.

(Continued)

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Students

SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)

Education Law Sections 3024, 3025, 3202, 3205, 3206,
3210, 3211, and 3213
8 New York Code of Rules and Regulations
(NYCRR) Sections 104.1, 109.2 and 175.6

Adopted: 6/25/96
Revised: 10/23/03

SUBJECT: AGE OF ENTRANCE**Kindergarten**

Students who are legal residents of the School District and who reside with parents or guardians within the School District at the time of the opening day of school must be five (5) years of age or more on December 1 in order to register for Kindergarten.

A child who transfers into the School District at any time during the school year may be considered for admission to Kindergarten by the Superintendent provided:

- a) The parents were not legal residents of the School District on the opening day of school, and
- b) The child has been registered and enrolled in kindergarten in the district in which his/her parents were legal residents.

Other Grades

Admission of children to other grades shall involve a consideration of both chronological age and the readiness of the children to do the work of those grades.

Proof of Age

A student's birth certificate or other satisfactory evidence of age shall be presented at the time of initial registration. The child shall be entered under his/her legal name.

Education Law Sections 1712, 3202 and 3212

SUBJECT: DIAGNOSTIC SCREENING OF STUDENTS**New Entrants**

A new entrant means a pupil entering the New York State public school system for the first time, or re-entering a New York State public school with no available record of a prior screening.

The Board of Education shall provide for the diagnostic screening of every new entrant to school to determine which students:

- a) Are or may be disabled;
- b) Are or may be gifted; or
- c) Are or may be limited English proficient.

Current Students

Diagnostic screening will also be provided for all students who score below level two on either the New York State third grade English language arts or mathematics assessments in order to determine whether such students may have disabilities.

Such diagnostic screening shall be conducted:

- a) By persons appropriately trained or qualified;
- b) In the student's native language if the language of the home is other than English;
- c) In the case of new entrants, prior to the school year, if possible, but no later than December 1 of the school year of entry or within fifteen (15) days of transfer of a student into a New York State public school should the entry take place after December 1 of the school year;
- d) In the case of students who score below level two on either the third grade reading or mathematics test for New York State elementary school, and students who obtain a comparable percentile score on the Regents Preliminary Competency Test, within thirty (30) days of the availability of the test scores.

Such diagnostic screening shall include, but not be limited to the following:

- a) A physical examination by a physician/physician's assistant or nurse practitioner or submission of a health certificate in accordance with Sections 901, 903, and 904 of the Education Law, including proof of immunization as required by Section 2164 of the Public Health Law.

(Continued)

Students

SUBJECT: DIAGNOSTIC SCREENING OF STUDENTS (Cont'd.)

- b) A language development assessment.
- c) A determination that the student's home language or native language is other than English based upon an informal interview in English and a home language questionnaire.

No screening examination for vision, hearing or scoliosis condition is required where a student, parent, or person in parental relation objects on the grounds that such examination conflicts with their genuine and sincere religious beliefs.

If such screening indicates a possible disability, a referral shall be made to the Committee on Special Education (CSE) no later than fifteen (15) calendar days after completion of such diagnostic screening.

If such screening indicates a possibly gifted child, the name and finding shall be reported to the Superintendent of Schools and to the parents/guardians no later than fifteen (15) calendar days after completion of such screening. The term gifted child is defined as a child who shows evidence of high performance capability and exceptional potential in areas such as general intellectual ability, special academic aptitude and outstanding ability in visual and performing arts. Such definition shall include those children who require educational programs or services beyond those normally provided by the regular school program in order to realize their full potential.

If such screening indicates a child identified as possibly being of limited English proficiency, such child shall be referred for further evaluation in accordance with the Regulations of the Commissioner of Education to determine eligibility for appropriate transitional bilingual or free-standing ESL programs.

Reporting to Parents

Parents/guardians of children to be screened shall receive information in advance regarding the purpose of screening, the areas to be screened and the referral process. The information shall be communicated either orally or in writing in the parents' primary language(s). This information will be provided during the registration interview.

Parents/guardians have the right to request information regarding their child's performance during screening. They shall have access to the screening results and obtain copies upon request.

Confidentiality of Information

The Board of Education's policy and administrative regulations in accordance with the Family Educational Rights and Privacy Act of 1974 shall apply to all information collected about a child

(Continued)

Students

SUBJECT: DIAGNOSTIC SCREENING OF STUDENTS (Cont'd.)

through the screening program. In accordance with the policy and regulations, parents shall be informed of their right to privacy, their right to access to the records and their right to challenge those records should they be inaccurate, misleading or otherwise inappropriate.

Family Educational Rights and Privacy Act of 1974
20 United States Code (USC) Section 1232(g)
Education Law Sections 901, 903, 904, 905, 914 and
3208(5)
Public Health Law Section 2164
8 New York Code of Rules and Regulations
(NYCRR) Parts 117, 136, 142.2 and 154

NOTE: Refer also to Policies #7132-- Education of Homeless Children and Youth
#7512 -- Student Physicals
#8240 -- Instructional Programs: Driver Education, Gifted and Talented Education and Physical Education

Adopted: 6/25/96
Revised: 9/13/99; 5/27/04; 7/12/07

SUBJECT: ENTITLEMENT TO ATTEND -- AGE AND RESIDENCY**Ages of Attendance/Compulsory Attendance Age**

According to Education Law, a student who becomes six (6) years of age on or before the first of December in any school year shall be required to attend full-time instruction from the first day that the District schools are in session in September of such school year, and a student who becomes six (6) years of age after the first of December in any school year shall be required to attend full-time instruction from the first day of session in the following September. Except as otherwise provided in Education Law Section 3205(3), a student shall be required to remain in attendance until the last day of session in the school year in which the student becomes sixteen (16) years of age. In all city school districts, union free and central school districts having a population of more than 4,500 inhabitants and employing a Superintendent of Schools, the Board of Education may choose to require students who are not employed to attend full-time instruction until the end of the school year in which the student turns seventeen (17) years of age. The residence of children dwelling within the District boundaries shall be established in a manner consistent with State Law and the Regulations of the Commissioner.

All persons dwelling within the District who are between the ages of five (5) years and twenty-one (21) years and who have not received a high school diploma shall be entitled to enroll in the District.

Determination of Student Residency

The Board of Education or its designee shall determine whether a child is entitled to attend a District school. Any adverse residency decision by a school official, other than the Board or its designee, shall include written notice to the parent/person in parental relationship of the procedures for obtaining review of the decision within the District.

Regulations will be developed to implement the terms of this policy.

Children Living With Noncustodial Parents

A child's residence is usually determined by the residence of the custodial parent. However, a noncustodial parent who resides in the District may enroll his/her child in a District school if he/she shares the day-to-day responsibilities for the child and the custodial parent designates the child's residence with the noncustodial parent.

(Continued)

SUBJECT: ENTITLEMENT TO ATTEND -- AGE AND RESIDENCY (Cont'd.)**Homeless Children**

The parent/person in parental relation to a homeless child; or the homeless child, together with the homeless liaison designated by the School District in the case of an unaccompanied youth; or the director of a residential program for runaway and homeless youth established pursuant to Article 19-H of the Executive Law, in consultation with the homeless child, where such homeless child is living in such program, may designate either the school district of current location, the school district of origin, or a school district participating in a regional placement plan as the district the homeless child shall attend.

Children of Activated Reserve Military Personnel

Students temporarily residing outside the boundaries of the District, due to relocation necessitated by the call to active military duty of the student's parent or person in parental relationship, will be allowed to attend the public school that they attended prior to the relocation. However, the District is not required to provide transportation between a temporary residence located outside the District and the school the child attends.

Emancipated Minors

A determination of whether a student is to be designated as an emancipated minor in the Keshequa School District will be based on evidence that the student is no longer under custody, control and support of his/her parents/persons in parental relationship. To establish emancipation, a minor may submit documentation of his/her means of support, proof of residency and an explanation of the circumstances surrounding the student's emancipation, including a description of the student's relationship with his/her parents/persons in parental relationship.

These statements are renewable each school year. If at any time the above information is changed without prompt notification or proven to be false, the parent/person in parental relationship and/or student may be subject to legal action.

McKinney-Vento Homeless Education Assistance Act,
Section 722, as reauthorized by the No Child Left
Behind Act of 2001
Education Law Sections 2045, 3202, 3205, 3209 and
3212(4)
8 New York Code of Rules and Regulations
(NYCRR) Sections 100.2(x) and (y)

NOTE: Refer also to Policy #7131 -- Education of Homeless Children and Youth

Adopted: 6/25/96

Revised: 9/13/99; 10/23/03

SUBJECT: NON-RESIDENT STUDENTS

All children of the Keshequa School employees, including children of BOCES teachers working in the District, are eligible to attend the Keshequa Central School free of charge if they are over 5 and under 21 years and have not already received a high school diploma. All honorably discharged veterans regardless of age may attend full-time instruction without charge if approved by the principal.

Resident adults over 21 years of age may be permitted to attend school provided there is space available, they pay tuition and they meet other appropriate criteria. They may also adhere to all school rules and regulations. An equivalent amount of school tax paid by the resident shall be deducted from the tuition of any member of the immediate family in accordance with law.

Students over 5 and under 21 years of age living outside the Keshequa Central School District may be accepted as tuition students provided that space is available, an appropriate program leading to a high school diploma can be provided, and they meet the review criteria on the annual application form.

Non-resident students shall provide their own transportation to and from school.

Admission is probationary, subject to periodic review and must be reapproved annually by the Superintendent. The Superintendent is authorized to make non-resident student recommendations to the Board when circumstances exist that are not covered by this policy.

There is no automatic responsibility for educating the siblings of a non-resident student who has been attending classes in the Keshequa Central School District.

Regularly enrolled children of parents or guardians who have moved out of the District during the school year (September 1 - June 30) will be permitted to complete the current semester in the District without charge for tuition. A senior in the Keshequa District who is a resident of the District through the end of the first marking period may complete the entire senior year without charge for tuition.

Non-resident families who wish to enroll children in the Keshequa Central School District shall submit a request in writing to the Superintendent who shall determine whether or not admission will be granted.

The following general conditions for acceptance will be met when considering admittance:

- a) There is sufficient space to accommodate the non-resident student;
- b) No increase in the size of faculty or staff will be necessary;
- c) Admittance will not result in the establishment of a new section;

(Continued)

SUBJECT: NON-RESIDENT STUDENTS (Cont'd.)

- d) Parents/guardians must work out transfer conditions with the home school district or provide their own transportation;
- e) All rules and regulations in effect for District students will be applicable to non-District students;
- f) Tuition may be charged to families of non-resident students in accordance with formulas approved by the State Education Department.

Final decisions regarding the acceptance of non-resident students rest with the Board of Education.

Tuition-Paying StudentsFuture Students

The children of families who have signed a contract to buy or build a residence in the School District may be enrolled for the semester in which they expect to become residents. Non-resident tuition shall be charged, payable in advance, with an adjustment to be made when the family becomes a resident in the District.

Foreign Students

Students from other nations who are living with District residents may be enrolled at the discretion of the District. In accordance with federal law, a foreign student who attends a public secondary school under an F-1 Visa must reimburse the school district for the full unsubsidized per capita cost of providing education at the school during the student's attendance. The administration is authorized to file with the U.S. Department of Homeland Security the forms necessary for the monitoring of non-immigrant foreign students during the course of their stay in the district in accordance with the Student and Exchange Visitor Information System (SEVIS).

Other Non-resident Students

Non-resident students other than those affected by the above provisions may be accepted as tuition-paying students at the discretion of the Board of Education on an annual basis provided the general conditions listed above are met. Requests should be submitted to the Superintendent.

(Continued)

SUBJECT: NON-RESIDENT STUDENTS (Cont'd.)**Non-Tuition Students**Former Residents

- a) Students of any grade who move from the Keshequa Central School District during the school year may be given permission to finish the semester in which the move occurs.
- b) A student who moves from the District after completion of the first semester of the year preceding his/her anticipated graduation year may be given permission to remain in the Keshequa Central School District until graduation.

Foreign Exchange Students

Only foreign students participating in a recognized Student Exchange Program under a J-1 Visa may attend District schools without payment of tuition. The administration is authorized to file with the U.S. Department of Homeland Security the forms necessary for the monitoring of non-immigrant foreign students during the course of their stay in the District in accordance with the Student and Exchange Visitor Information System (SEVIS).

Proof of Residency

Such documentary or sworn proof as shall be required by the administration or Board of Education must be furnished prior to the admission of any child residing in the District with a person not his parent or who is the child of a non-resident. The Board of Education shall have the right to waive this policy against the admission of non-resident children for good cause and within its discretion.

Reservation of Claims

Should a material misstatement of fact be made and relied upon by any administrator or the Board of Education in admitting a non-resident student without tuition, the Board shall be entitled to recover the cost of instruction for the time the student was not authorized to attend a school in the District from the person having made the misstatement or from a person in parental relation to the student.

Tuition Fees

Where applicable, tuition fees are computed according to a formula established by the Commissioner of Education.

(Continued)

SUBJECT: NON-RESIDENT STUDENTS (Cont'd.)

Tuition of individual non-resident students shall be computed in advance at the time of enrollment. Methods of payment (e.g., monthly) may be arranged in the District Office and approved by the Superintendent. Non-resident status is contingent upon timely payment of tuition fees as established by the Board of Education.

Legal Residence

Parents who maintain more than one residence, but whose legal residence for the purposes of voting or filing income tax is within the District, are eligible to send their children to District schools. However, school tax payments of non-residents who own assessable property in the District will be deducted from any tuition charges levied against such non-resident.

Education Law Sections 1709(13), 2045 and 3202
8 New York Code of Rules and Regulations (NYCRR)
Section 174.2
8 United States Code (USC) Chapter 12

NOTE: Refer also to Policy #7131 -- Education of Homeless Children and Youth

Students

SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH

The parent/person in parental relation to a homeless child; or the homeless child, together with the homeless liaison designated by the School District in the case of an unaccompanied youth; or the director of a residential program for runaway and homeless youth established pursuant to Article 19-H of the Executive Law, in consultation with the homeless child, where such homeless child is living in such program, may designate either the school district of current location, the school district of origin, or a school district participating in a regional placement plan as the district the homeless child shall attend.

Pursuant to Commissioner's Regulations, a "homeless child" means a child or youth who lacks a fixed, regular, and adequate nighttime residence, including a child who is:

- a) Sharing the housing of other persons due to a loss of housing, economic hardship or a similar reason;
- b) Living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations;
- c) Abandoned in hospitals;
- d) Awaiting foster care placement; or
- e) A migratory child who qualifies as homeless in accordance with Commissioner's Regulations. As defined in the No Child Left Behind Act of 2001, the term "migratory child" *includes* a child who is, or whose parent or spouse is, a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, and who has moved from one school district to another in the preceding 36 months, in order to obtain, or accompanies such parent or spouse in order to obtain, temporary or seasonal employment in agricultural or fishing work.
- f) A child or youth who has a primary nighttime location that is:
 1. A supervised, publicly or privately operated shelter designed to provide temporary living accommodations including, but not limited to, shelters operated or approved by the state or local department of social services, and residential programs for runaway and homeless youth established pursuant to Article 19-H of the Executive Law; or
 2. A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; including a child or youth who is living in a car, park, public space, abandoned building, substandard housing, bus or train station or similar setting.

(Continued)

Students

SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)

The term "**homeless child**" shall not include a child in foster care or receiving educational services pursuant to Education Law Section 3202(4), (5), (6), (6a) or (7) or pursuant to Articles 81, 85, 87 or 88. For example, a child in a family home at board, a school for the mentally retarded, a hospital or other institution for the care, custody and treatment of children; youths under the direction of the Division for Youth incarcerated in county correctional facilities or youth shelters; or children residing in child care institutions or schools for the deaf or blind would not be considered "homeless."

Enrollment, Retention and Participation in the Educational Program

Enrollment of homeless children shall not be delayed and their ability to continue or participate in the educational program shall not be restricted due to issues such as:

- a) Transportation;
- b) Immunization requirements;
- c) Residency requirements;
- d) Birth certificates, medical records, IEPs, school records and other documentation;
- e) Guardianship issues;
- f) Comprehensive assessment and advocacy referral processes;
- g) Resolution of disputes regarding school selection;
- h) Proof of social security numbers;
- i) Attendance requirements;
- j) Sports participation rules;
- k) Inability to pay fees associated with extracurricular activities such as club dues and sports uniforms; or
- l) Other enrollment issues.

Educational Programs and Services

The School District shall provide homeless children and youth with access to all of its programs, activities and services to the same extent that they are provided to resident students.

Homeless children and youth shall be educated as part of the school's regular academic program. Services must be provided to homeless children and youth through programs and mechanisms that integrate homeless children and youth with their non-homeless counterparts, including programs for special education, vocational and technical education, gifted and talented students, before and after school, English language learners/limited English proficiency, Head Start, Even Start, and school nutrition. Services provided with McKinney-Vento funds must expand upon or improve services provided as part of the regular school program. Consequently, the School District shall ensure that homeless children and youth are not segregated in a separate school, or in a separate program within the school, based on their status as homeless; and to the extent feasible consistent with the requirements of Commissioner's Regulations, keep a homeless child or youth in the school of origin except when doing so is contrary to the wishes of the child's or youth's parent or guardian. Further, the

(Continued)

Students

SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)

School District shall review and revise policies and practices, including transportation guidelines, that may act as barriers to the enrollment, attendance, school success, and retention of homeless children and youth in the School District.

All homeless children and youth are automatically eligible for Title I Part A services whether or not they meet the academic standards or live in a Title I school attendance area. Homeless students may receive Title I educational or support services from schoolwide and targeted-assistance school programs.

Transportation

If the local social service district or the Office of Children and Family Services is not required to provide transportation, the designated district is responsible for providing the student's transportation. However, the school district of origin is responsible for the cost of transportation provided by the designated district. Transportation responsibilities apply to all school districts regardless of whether or not they receive McKinney-Vento funds. Where a homeless student designates the school district of current location as the district the student will attend, that district shall provide transportation to the student on the same basis as a resident student. Where the homeless student designates the school district of origin, the district of current location, at the request of a parent/guardian, shall provide or arrange for transportation to and from the school of origin in accordance with law and/or regulation even if the district does not provide transportation to non-homeless students (except for preschoolers). Transportation must be provided during the pendency of enrollment disputes. If the designated district provides transportation for non-homeless preschool children, it must also provide comparable transportation services for homeless preschool children.

School District Liaison for Homeless Children and Youth

The School District shall designate an appropriate staff person, who may also be a coordinator for other federal programs, as the local educational agency liaison for homeless children and youth to carry out the duties as enumerated in law, Commissioner's Regulations and applicable guidance issued by the U.S. and New York State Education Departments. The District will inform school personnel, local service providers and advocates of the office and duties of the local homeless liaison.

Training

The District will train all school enrollment staff, secretaries, school counselors, school social workers, and principals on the legal requirements for enrollment. School nutrition staff, school nurses, teachers, and bus drivers will receive training on homelessness that is specific to their field.

Outreach

The District will make every effort to inform the parents or guardians of homeless children and

(Continued)

SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)

youth of the education, transportation and related opportunities available to their children including transportation to the school of origin. The parent(s)/guardian(s) will be assisted in accessing transportation to the school they select, and will be provided with meaningful opportunities to participate in the education of their children. Public notice of educational rights of homeless children and youth will be disseminated by the District in places where families and youth are likely to be present (e.g., schools, shelters, soup kitchens), and in comprehensible formats (e.g., geared for low literacy or other community needs).

Dispute Resolution

The District shall establish guidelines for the prompt resolution of disputes regarding school selection or enrollment of a homeless student and provide a written explanation, including a statement regarding the right to appeal to the parent or guardian if the School District sends the student to a school other than the school of origin or the school requested by the parent or guardian.

If there is a factual dispute over whether a student is homeless, the District will immediately enroll the student and then provide the parent/guardian the opportunity to submit verification of homelessness. The student will remain enrolled until a final determination is made by the District and for a minimum of thirty (30) days after the final determination to allow the parent/guardian opportunity to appeal to the Commissioner of Education. If the student files an appeal that contains a request for a stay within thirty (30) days of such final determination, the District must continue to enroll the student until the Commissioner rules on the stay request.

Record and Reporting Requirements

If the District, as the school district of origin, receives a request to forward student records to a receiving district, the records must be forwarded within five days.

The School District shall maintain documentation regarding all aspects of the District's contact with and services provided to homeless students and youth for possible on-site monitoring by the State Education Department.

The District shall collect and transmit to the Commissioner of Education, at such time and in the manner as the Commissioner may require, a report containing such information as the Commissioner determines is necessary to assess the educational needs of homeless children and youths within the state.

[McKinney-Vento Homeless Education Assistance Act,
as reauthorized by the No Child Left Behind Act of 2001
42 United States Code \(USC\) Section 11431 et seq.
Education Law Section 3209](#)

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

Adopted: 10/23/03

Revised: 11/19/04; 3/17/05; 10/27/05

Students

SUBJECT: RELEASE TIME OF STUDENTS

Written requests from the parent/legal guardian for the release of students generally will be honored. The appropriate time and reason for absence shall be recorded on the attendance record, using the procedures mandated by the state.

Religious Instruction

Religious Instruction attendance is permitted during one hour of a school day in each week for courses in Religious Observance and Education maintained and operated by or under control of a duly constituted religious body, provided the student is registered for such courses and a copy of such registration is filed with the building principal. The request for absence from school to attend these classes should be requested in writing by the parents or guardian of the student.

The building principal shall assume this responsibility or shall designate an individual to review and approve all requests.

Dismissal Precautions

No student may be released from school during the school day without the permission of a parent, guardian, child protective services personnel or law enforcement officers pursuant to law, unless the name of the individual seeking release of the student appears on a list provided by the parent or guardian.

A student may be released to either parent unless a custodial parent supplies the school principal with a certified copy of a court order or divorce decree to the contrary.

No student will be allowed to walk home unless accompanied by a parent or authorized adult.

In the case of illness and the inability of the parent to transport the child home, no child will be allowed to walk home unless accompanied by an adult designated by the parent or person authorized by the parent. If the parent is unavailable, whenever possible, the school nurse or school employee will transport the child home. In no event will a child be allowed to walk home alone.

8 New York Code of Rules and Regulations
(NYCRR) Section 109.2

Adopted: 6/25/96
Revised: 10/23/03

SUBJECT: STUDENT EVALUATION**Placement**

Placement within the system, with respect to building, teacher, and grade or special class, shall be at the discretion of the school administration and shall be subject to review and change at any time. In making such decisions, the administrator will be guided by performance in class, past records, parent/legal guardian and teacher recommendations, standardized test scores, and any other appropriate sources of information, but the final decision shall rest with the school administration.

Promotion and Retention

The procedures to be followed by the staff regarding promotion and retention will be developed by the Superintendent and will be continually evaluated in the light of School District policy. Building principals may establish written standards for promotion or retention within the school units to which the students are assigned, subject to the guidelines of the Superintendent and the approval of the Board of Education.

Testing Program

The Board of Education endorses and supports the use of ability, achievement, diagnostic, readiness, interest and guidance tests as part of the total educational process to the degree to which tests help the District to serve its students.

Alternative Testing Procedures

The use of alternative testing procedures shall be limited to:

- a) Students identified by the Committee on Special Education and/or Section 504 as having a disability. Alternative testing procedures shall be specified in a student's Individualized Education Program or Section 504 Accommodation Plan; and
- b) Students whose native language is other than English, (i.e., English language learners) in accordance with State Education Department guidelines.

The alternative testing procedures employed shall be based upon a student's individual needs and the type of test administered.

The District shall report the use of alternative testing procedures to the State Education Department on a form and at a time prescribed by the Commissioner.

(Continued)

SUBJECT: STUDENT EVALUATION (Cont'd.)**Reporting to Parents/Legal Guardians**

Parents/legal guardians shall receive an appropriate report of student progress at regular intervals. Report cards shall be used as a standard vehicle for the periodic reporting of student progress and appropriate school related data. Report cards, however, are not intended to exclude other means of reporting progress, such as conferences, phone conversations, etc.

When necessary, attempts will be made to provide interpreters for non-English speaking parents/legal guardians.

Grading Systems

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

The District will utilize a grading system within each building. Classroom teachers will evaluate students and assign grades according to the established system.

All students are expected to complete the assigned classwork and homework as directed. If work is missed due to absence, 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.

Parent Conferences

Teachers have a responsibility to meet with parents to discuss student problems and progress. When a parent requests a conference with a teacher, the teacher shall make every effort to arrange a mutually convenient time.

Parent conferences will take place at least once a year on the elementary level.

8 New York Code of Rules and Regulations
(NYCRR) Sections 100.2(g), 117, and 154
Section 504 of the Rehabilitation Act of 1973,
29 United States Code (USC) Section 794 et seq.

Students

SUBJECT: PROVISION OF INTERPRETER SERVICES TO PARENTS WHO ARE HEARING IMPAIRED

The Board of Education assures parents or persons in parental relationship who are hearing impaired the right to meaningful access to school initiated meetings or activities pertaining to the academic and/or disciplinary aspects of their children's education. School initiated meetings or activities are defined to include, but are not limited to, parent-teacher conferences, child study or building-level team meetings, planning meetings with school counselors regarding educational progress and career planning, suspension hearings or any conferences with school officials relating to disciplinary actions. The term "hearing impaired" shall include any hearing impairment, whether permanent or fluctuating, which prevents meaningful participation in School District meetings or activities.

Parents or persons in parental relationship shall be notified of the availability of interpreter services to be provided at no charge, provided that a written request is made to the School District within fourteen (14) days of the scheduled event. Exceptions to the time frame request may be made for unanticipated circumstances as determined by the principal/designee. The District shall also notify appropriate school personnel as to the terms and implementation of this policy.

If interpreter services are requested, the District shall appoint an interpreter for the hearing impaired to interpret during the meeting or activity. The District will arrange for interpreters through a District-created list or through an interpreter referral service. The District shall also develop interagency agreements, as appropriate, to ensure that sign language interpreters are provided for eligible parents or persons in parental relationship when District students attend out-of-District schools or programs.

In the event that an interpreter is unavailable, the School District shall make other reasonable accommodations which are satisfactory to the parents or persons in parental relationship. Examples of what constitutes reasonable accommodations in the event an interpreter cannot be located may include, but are not limited to, the use of:

- a) Written communications, transcripts, notetakers, etc; and
- b) Technology, such as: a decoder or telecommunication device for the deaf, assistive listening devices, and closed or open captioning.

Education Law Section 3230
8 New York Code of Rules and Regulations (NYCRR)
Section 100.2(aa)

Adopted: 6/25/96

SUBJECT: ACADEMIC INTERVENTION SERVICES

Academic Intervention Services means additional instruction and/or student support services which supplement the instruction provided in the general curriculum and assist students in meeting the State learning standards. Academic Intervention Services are intended to assist students who are at risk of not achieving the State learning standards in English language arts, mathematics, social studies and/or science, or who are at risk of not gaining the knowledge and skills needed to meet or exceed designated performance levels on State assessments. Academic Intervention Services shall be made available to students with disabilities on the same basis as non-disabled students, provided, however, that such services shall be provided to the extent consistent with the students' individualized education program.

The Keshequa Central School District believes that all students should be afforded appropriate and targeted opportunities for academic assistance and intervention, based on root cause analysis of multiple measures so that they can be successful in meeting the New York State Learning Standards. The following district description of Academic Intervention Services (AIS) includes criteria for eligibility, and two components of AIS:

- a) Additional instruction that supplements the general curriculum (regular classroom instruction); and/or
- b) Student support services needed to address barriers to improved academic performance.

Eligibility for Academic Intervention Services

Eligibility for AIS services may be determined by NYS assessment results and/or district procedures.

Students will be eligible for AIS if they score below the designated performance level on the Elementary or Intermediate assessments in English language arts, mathematics, science or social studies. Students scoring at a Level 1 and Level 2 will receive AIS services.

Students in grades 9-12 will be eligible for AIS if they score below the approved passing grade on any Regents exam required for graduation in ELA, mathematics, science or social studies.

Specifically, the chart below details the entrance and exit criteria for each academic area.

(Continued)

Students

SUBJECT: ACADEMIC INTERVENTION SERVICES (Cont'd.)

Academic Area	First Level Screening Criteria For Grades Listed	Second Level Criteria (a minimum of two must confirm First Level Criteria)
Math	<ul style="list-style-type: none"> - K-1: oral screening tool based on K-1 benchmarks and end of year assessment - 2-3: Terra Nova tests (cut off score TBD) and grade level readiness tests at the end of the school year - 4-10: Score of Level 1 or 2 on NYS Assessments in grades 3-8 - 11-12: Failing score on NYS Graduation Exam (currently Math A) 	<ul style="list-style-type: none"> - Report card grades - Anecdotal records - Classroom performance (records of class work chapter and unit tests, participation, homework) - Local final examinations - Other student records, reports evaluation, including, but not limited to discipline records - Integrated Theme Tests from Reading Series - Writing Samples - Health related issues, mobility issues, family issues - Attendance records - Recommendations by classroom teacher, counselor, administrator, parent, school staff
ELA/Reading	<ul style="list-style-type: none"> - K-3: Peabody Picture Vocabulary Tests, DIBELS battery of grade level tests, Terra Novas - 4-11: Score of Level 1 or 2 on NYS Assessments in grades 3-8 - 12: Failing score on NYS Graduation Exam (English Regents, Grade 11) 	
Science	<ul style="list-style-type: none"> - 4: Second Level Criteria - 5-7: Score of Level 1 or 2 on NYS Assessment in grade 4 - 9: Score of Level 1 or 2 on NYS Assessment in grade 8 - 10-12: Failing score on NYS Graduation Exam (Earth Science or Living Environment) 	
Social Studies	<ul style="list-style-type: none"> - 5: Second Level Criteria - 6-8: Score of Level 1 or 2 on NYS Assessment in grade 5 - 9: Score of Level 1 or 2 on NYS Assessment in grade 8 - 10-12: Failing score on NYS Graduation Exam (Global Studies, US History) 	

(Continued)

SUBJECT: ACADEMIC INTERVENTION SERVICES (Cont'd.)**District Procedures**

In grades where no state assessments are given, students will be eligible for AIS if they are determined to be at risk of not meeting State standards, according to the second level criteria indicated above. The district procedure will always be used when a student is absent for all or part of a state assessment, or when a student transfers from out-of-state or the country.

Exit Criteria

Students may exit AIS services when they receive a 3 or 4 on a New York State assessment and/or if they meet second level criteria which indicates that they are no longer at risk of not meeting State standards.

Each student's records will be reviewed and discussed by his/her AIS provider and the classroom teacher(s) each semester to determine whether a student will remain in AIS. Recommendations for the following year should be made by April, so scheduling can occur. A Needs Assessment (see Appendix A) should be completed for each student discussed. This will act as a formal record for placement. Copies of the Needs Assessment should be distributed to:

- a) The Principal;
- b) The Guidance Office;
- c) The Director of Curriculum and Instruction; and
- d) Title I Math and Reading Teachers.

Types of AIS Services That May be Provided

The Keshequa School District will provide AIS in areas of academic instruction and support services. Decisions related to the frequency and intensity of service will be made by collaboration between the Principal, Director of Curriculum and Instruction, classroom teachers, remedial teachers, and/or counselors based upon individual student needs. All students are eligible for AIS, including those with disabilities and/or limited proficiency if they fail to meet the designated State performance standards or district-approved criteria levels. Additionally, Limited English Proficient (LEP)/English Language Learner (ELL) students who do not achieve the annual designated performance standards as stipulated in CR Part 154 are eligible for AIS.

The general plan is intended to describe services for students in the District in grades K-12. The District will review individual building needs each year by disaggregating data on:

(Continued)

SUBJECT: ACADEMIC INTERVENTION SERVICES (Cont'd.)

- a) Needs analysis of student performance information to determine root cause;
- b) The number of students receiving AIS at each grade level and within each standards area;
- c) The range of performance levels of eligible students as determined through State assessments and district-approved procedures;
- d) Staffing needs, instructional approaches and scheduling options needed to meet the range of intensity and services required by AIS;
- e) Ongoing oversight, monitoring and review by the Building Principal and the Director of Curriculum and Instruction.

Possible Options for Academic Intervention

The intensity of service will be determined by individual need and may include one or more of the following learning situations:

- a) Small group instruction;
- b) Co-teaching;
- c) Extra instructional time;
- d) Individualized instruction;
- e) Summer School
- f) Student Assistance Program;
- g) Learning Lab;
- h) Extra period(s) of instruction;
- i) Pre-teaching during another period or time;
- j) "Activity" period; academic period designed for extra help;
- k) Pull out from non-required specials;

(Continued)

SUBJECT: ACADEMIC INTERVENTION SERVICES (Cont'd.)

- l) Study Skills;
- m) Developmental Labs designed with individual skills in mind;
- n) Scheduling options including double blocks or extended time (stretched courses);
- o) Distance Learning;
- p) Alternative Education Placement;
- q) Out of District Special Education Placement.

Possible Range of Student Support Needs and Services

Student support services means interventions that address barriers to student progress. Examples of these barriers include attendance problems, discipline problems, family-related issues, health-related issues, nutrition-related issues and mobility-transfer issues.

Possible Options for Academic Intervention through Support Services

- a) Home visits;
- b) Individual/Group counseling;
- c) Attendance Monitoring;
- d) Discipline Plans;
- e) Health Services;
- f) Committee on Special Education Meeting;
- g) Student Assistance Program.

Procedures for Parent Notification

Building Principals will be responsible for parental notification indicating a need for Academic Intervention Services. This notification will be made in writing and will include:

- a) A summary of the services provided to the students;

(Continued)

SUBJECT: ACADEMIC INTERVENTION SERVICES (Cont'd.)

- b) Reasons for AIS;
- c) Consequences of not achieving the standards.

When AIS is discontinued, the parent will be notified in writing that the services will be ending, the criteria for ending the services, the current performance level of the student, and the assessment(s) that were used in determining the student's level of performance.

Student Progress Reports

Student progress will be documented. Quarterly reports will be sent to parents describing:

- a) The nature and intensity of the service provided;
- b) How the service was provided and by whom;
- c) The reasons for continuation or discontinuation of AIS based on State assessment data and other measures of evidence used by the District (see entrance and exit criteria);

Parents will also be kept apprised of their child's progress through parent communication, conferences or consultations each semester. Suggestions on ways to help their children outside of school will be made available to parents.

(Continued)

Students

SUBJECT: ACADEMIC INTERVENTION SERVICES (Cont'd.)**Implementation of the AIS Program at Keshequa Central School**

Currently the District's plan is to purchase a data system, AISM Direct, to assist with the implementation of Keshequa's AIS program. AISM Direct will provide staff members with the appropriate training in order to use the system.

The following chart describes the probable work plan for a yearly cycle of AIS programming:

Action	Who Will Provide	By When
Needs assessment and distribution	- Building Principals will initiate - Teacher teams will meet to determine entrance/exit/continuation recommendations	Spring-Summer
Data Input into AISM Direct	MS/HS Secretary	End of summer
Parent Notification Letter	- Teachers send lists of students to Principal and Secretary - Secretary prints letters - Principal signs letters - Office sends letters	During summer or by end of September
Quarterly Reports Written	Teachers use AISM Direct's pull down menus	Every quarter with report cards
Quarterly Reports Printed and Sent	Office/Secretary	Every quarter with report cards
Changes to Individual's Programming	Teacher notifies office Office will send notification letter	As necessary

This plan may be revised as needed.

Adopted: 6/20/06

SUBJECT: GRADUATION REQUIREMENTS

Credits Needed for Graduation - Total (20.5 plus 2.0PE Credits) 22.5

All students at Keshequa Central School will carry a minimum course load equivalent of 6.5 credits each year, unless participating in an approved Early Release Program as a Senior.

Graduation Requirements -

The passing of Regents Courses and their Comprehensive Examinations are required by Commissioner's Regulation to obtain a NYS Regents Diploma or Regents Diploma with Advanced Designation.

<u>Required Subjects</u>	<u>Regents Diploma</u>	<u>Regents Diploma with Advanced Designation</u>
English	4 credits	4 credits
Social Studies	4 credits	4 credits
Foreign Language (LOTE)	1 credit	3 credits**(see alternate majors below)
Mathematics	3 credits	3 credits
Science	3 credits	3 credits
Art/Music	1 credit	1 credit
Health	.5 credit	.5 credit
Physical Education	2 credits	2 credits
Major/Sequence Electives	<u>4.5 credits</u>	<u>2.5 credits</u>
TOTAL	23 credits	23 credits

NOTE: It is also a local requirement that Keshequa Central School graduates must complete a minimum of twenty (20) hours of community service as part of a civics unit on community involvement and participation. The work performed is voluntary, not for pay.

**Students may replace a 5 unit major in Art, Music, or a Career and Technical Educational program for a Regents with Advanced Designation in lieu of the Second Language/LOTE 3 unit requirement. Students must also pass any New York State examinations given in courses taken for Sequence requirements.

Types of Diplomas per Commissioner's Regulations:

- a) Regents Diploma
- b) Regents Diploma with Advanced Designation
- c) Individual Education Plan (IEP)

(Continued)

SUBJECT: GRADUATION REQUIREMENTS (Cont'd.)

Testing/Competency Requirements

New York State requires all students to *minimally* pass required New York State competency tests as follows:

English - All students are required to pass the Regents comprehensive Exam with a score of 65% or better.

Math - All students must pass the Math "A" Exam with a score of 65% or better.

Social Studies - All students are required to pass both the Global and US History Regents Exams with a score of 65% or better.

Science - All students are required to pass one (1) Regents Science Exam with a score of 65% or better.

Safety Net - Students with documented disabilities (as indicated in their Individualized Educational Program) or a 504 Safety Net may still take and receive RCT credit (when available) under certain guidelines for local diplomas. Also, these students may score between 55% and 64% on the above Regents Exams to receive local diploma credit.

The Keshequa Central School District's Board of Education has set the passing grade of 65% for Regents Exam/Assessment credit.

Academic Intervention Services

Students who have not passed or are at-risk of not passing the New York State Examinations are mandated to attend intervention services at appropriate levels.

Major/Sequence Requirements

To earn a Regents Diploma with Advanced Designation students must complete one of the following major/sequence areas and any accompanying mandated assessments:

- a) Art or Music - total of 5 credits OR
- b) Career and Technical Education - total of 5 credits (includes students who attend the Genesee Valley BOCES Career and Technical Center) OR
- c) Second Language/LOTE - total of 3 credits

(Continued)

SUBJECT: GRADUATION REQUIREMENTS (Cont'd.)**Promotion Policy**

In addition to the credit requirements above, all students must pass both English and Social Studies at each grade level to be promoted.

- a) To be considered a Sophomore (10th grader), the student must have **at least 4.5 credits.**
- b) To be considered a Junior (11th grader), the student must have accumulated **at least 9.0 credits.**
- c) To be considered a Senior (12th grader), the student must have accumulated **at least 15 credits.**

8 New York Code of Rules and Regulations (NYCRR)
Sections 100.1(i) and 100.5

Students

SUBJECT: EARLY GRADUATION

Upon request from the student's parent/legal guardian, a student shall be eligible for early graduation in fewer than eight semesters upon completion of all requirements for graduation, excluding physical education, as mandated by Commissioner's Regulations. A student shall not be required to continue enrollment for the sole purpose of completing physical education requirements.

Students will be eligible to participate in all junior and senior class functions, including award ceremonies and other recognitions (i.e., Valedictorian).

8 New York Code of Rules and Regulations
(NYCRR) Sections 100.5(a) and 100.5(e)

SUBJECT: CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES

The Board of Education is committed to ensuring that students with disabilities are provided appropriate opportunities to earn a high school diploma in accordance with the provisions of Section 100.5 of the Commissioner's Regulations. However, when necessary, the District may award high school individualized education program (IEP) diplomas to students with disabilities.

High School Diplomas

Students pursuing either a Regents or a local high school diploma must acquire a certain number of units of credit in specified courses and also meet subject sequence requirements. It is critical that students with disabilities be provided access to the required courses and testing programs needed for graduation with these awards.

High School Individualized Program (IEP) Diplomas

Each individualized education program (IEP) diploma awarded shall be accompanied by a written statement of assurance that the student named as its recipient shall continue to be eligible to attend school until the student has earned a high school diploma or until the end of the school year of such student's twenty-first (21st) birthday, whichever is earlier.

The Superintendent shall report to the State Education Department, within fifteen (15) days after the June graduation, the total number and the names of the students awarded IEP diplomas that school year.

Regents Competency Test (RCT) Safety Net for Students with Disabilities

In October 2003, the Board of Regents approved an extension of the Regents Competency Test (RCT) "safety net" for students with disabilities who pursue a Regents or local high school diploma.

The following students qualify for the RCT safety net:

- a) Students with disabilities identified through a CSE. Specific language regarding the availability of the safety net does not have to be indicated on the student's IEP.
- b) Students with disabilities identified through the Section 504 Multidisciplinary Team (MDT) if recommended and documented by the MDT on the student's Accommodation Plan.
- c) Students with disabilities declassified while in grades 8-12 if recommended and documented by the CSE on the student's IEP.

(Continued)

SUBJECT: CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES (Cont'd.)

Students with disabilities entering 9th grade from the 1996-97 school year through the 2009-10 school year must take each Regents course and examination required for their entering class.

For students with disabilities who first enter grade 9 in September 2005 and thereafter, a score by the student of 55-64 may be considered as a passing score on any Regents examination required for graduation; and, in such event, the District may issue a local diploma to such student. This provision shall apply only to students with disabilities who are entitled to attend school pursuant to Education Law Sections 3202 or 4402(5).

The safety net allows students with disabilities who fail a required Regents exam to meet the requirements for a local diploma by passing the RCT in that subject or the Department approved alternative. The school may administer the RCT before or after the Regents examination, but in all cases the student must take the required Regents examination in order to earn the local diploma. The RCT exams will be available until the student graduates or reaches the age of 21.

Education Law Sections 3202 and 4402(5)
8 New York Code of Rules and Regulations
(NYCRR) Section 100.9

Students

SUBJECT: TRANSFER STUDENTS/CREDIT

A student who enters a District school from another state, another country, or another New York State school is considered to be a transfer student. Students who have been receiving home instruction and enroll in the School District are also considered to be transfer students.

It is the responsibility of the high school principal to evaluate the transcript or other records of a transfer student enrolling in a District high school, and award the appropriate units of transfer credit towards a high school diploma. However, when a student transfers from a registered New York State high school to a (registered) District high school, the principal **must** transfer credit for all credit awarded by such registered New York State high school.

Additionally, the principal, after consulting with relevant faculty, may award transfer credit for work done at other educational and cultural institutions and for work done through independent study. The decision should be based on whether the student's record indicates that the work is consistent with New York State commencement level learning standards and is of comparable scope and quality to that which would have been done in the school awarding the credit.

Transfer students **must** meet all the units of credit requirements for a diploma. While principals have considerable discretion in reviewing a student's record, they cannot waive the units of credit requirements for a diploma. The assessment requirements a student must meet to earn a diploma are based on the year in which the student entered grade 9 for the first time in New York State or in an out-of-state or out-of-country school. Transfer students who are *exempted* from taking specific State assessments must have their transcripts and permanent records so annotated.

Interscholastic athletic eligibility requirements for transfer students shall be in accordance with the rules enumerated in the most recent New York State Public High School Athletic Association (NYSPHSAA) Handbook.

8 New York Code of Rules and Regulations
(NYCRR) Part 100

SUBJECT: GRADUATION STANDARD OF 65 ON REQUIRED REGENTS EXAMINATIONS

The Board of Education supports the higher academic achievement standards established in accordance with Commissioner's Regulations that sets 65 as the passing grade on all five Regents examinations required for high school graduation (i.e., the Regents comprehensive examination in English, a Regents examination in mathematics, the Regents examination in United States history and government, a Regents examination in science, and the Regents examination in global studies).

In order to obtain a local diploma, students who first enter grade 9 in September 2005, and thereafter, must attain the following scores on the five required Regents examinations:

Students Entering Grade 9 in September 2005

Unless otherwise authorized pursuant to law and/or regulations, students who first enter grade 9 in September 2005 and thereafter must attain a score of 65 or above on all five required Regents examinations.

Regents Diplomas

Students who score 65 or above on all five required Regents examinations receive a Regents-endorsed diploma. Students who score 65 or above on eight Regents examinations will receive an Advanced Regents diploma.

Students with Disabilities

Students with disabilities will still have the safety net option of taking and passing the Regents Competency Test if they have not been successful on the corresponding Regents exam in order to earn a local diploma. This provision will continue for students with disabilities entering grade 9 prior to September 2010.

For students with disabilities who first enter grade 9 in September 2005 and thereafter, a score by the student of 55-64 may be considered as a passing score on any Regents examination required for graduation; and, in such event, the District may issue a local diploma to such student. This provision shall apply only to students with disabilities who are entitled to attend school pursuant to Education Law Section 3202 or 4402(5).

Appeals Process on Regents Examinations Passing Score to Meet Regents Diploma Requirements

The District has established an appeals process in which students who score within three points of 65 and have met other criteria enumerated in Commissioner's Regulations that demonstrate they have achieved the State learning standards would be eligible to appeal.

(Continued)

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Students

**SUBJECT: GRADUATION STANDARD OF 65 ON REQUIRED REGENTS
EXAMINATIONS (Cont'd.)**

[Education Law Sections 3202 and 4402\(5\)](#)
8 New York Code of Rules and Regulations (NYCRR)
Section 100.5

Adopted: 10/27/05

Students

SUBJECT: DUAL CREDIT FOR COLLEGE COURSES

Students who wish to enroll in college level coursework shall meet all academic, grade level and coursework requirements as set forth by administrative rules and regulations. Students who have demonstrated intellectual and social maturity may choose to matriculate at any one of the colleges that have a cooperative agreement with our School District. Such opportunities may include early admission to college, collegiate-level work offered in the high school, or other means of providing advanced work. Review and approval by the administration are necessary before any college courses may be taken during the school day.

The Board shall not be required to pay tuition and other related costs for those high school students enrolled in college courses.

SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE**Student Records**

The Keshequa Central School District shall comply with the provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA). Under its provisions, "parents/guardians and noncustodial parent(s), whose rights are not limited by court order or formal agreement, of a student under eighteen (18), or a student who is eighteen (18) years of age or older or who is attending an institution of post-secondary education, have a right to inspect and review any and all official records, files, and data, including all material that is 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."

Access to Student Records

The Board directs that administrative regulations and procedures be formulated to comply with the provisions of federal law relating to the availability of student records. The purpose of such regulations and procedures shall be to make available to the parents/guardians of students and noncustodial parent(s) whose rights are not limited by court order or formal agreement, or students who are eighteen (18) years of age or older or who are attending an institution of post-secondary education, student records, and files on students, and to ensure the confidentiality of such records with respect to third parties.

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

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

Challenge to Student Records

Parents/guardians of a student under the age of eighteen (18), or a student who is eighteen (18) years of age or older or who is attending an institution of post-secondary education, shall have an opportunity for a hearing to challenge the content of the school records, to ensure that the records are not inaccurate, misleading, or otherwise in violation of the privacy 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.

(Continued)

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Students

SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)

Family Educational Rights and Privacy Act of 1974
20 United States Code (USC) Section 1232(g)
34 Code of Federal Regulations (CFR) Part 99

Adopted: 6/25/96
Revised: 9/13/99; 3/17/05

Students

SUBJECT: RELEASE OF INFORMATION TO THE NONCUSTODIAL PARENT

The District may presume that the noncustodial parent has the authority to request information concerning his/her child and release such information upon request. If the custodial parent wishes to limit the noncustodial parent's access to the records, it would be his/her responsibility to obtain and present to the school a legally binding instrument that prevents the release of said information.

20 United States Code (USC) 1232(g)(b)(4)(A)
34 Code of Federal Regulations (CFR), Part 99

Adopted: 6/25/96

Students

**SUBJECT: MILITARY RECRUITERS' ACCESS TO SECONDARY SCHOOL STUDENTS
AND INFORMATION ON STUDENTS**

In compliance with the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001 (NCLB); and the National Defense Authorization Act, and in accordance with the Family Educational Rights and Privacy Act (FERPA), the School District shall comply with a request by a military recruiter for secondary students' names, addresses, and telephone listings, **unless a parent has "opted out" of providing such information.**

Further, in compliance with the NCLB, the District shall give military recruiters the same access to secondary school students as they provide to postsecondary institutions or to prospective employers.

Under FERPA, the School District must provide notice to parents of the types of student information that it releases publicly. This type of information, commonly referred to as "directory information," which is released by the District includes -- but is not limited to -- such items as students' names, addresses, and telephone listings. The notice must include an explanation of a parent's right to request that the information not be disclosed without prior written parental consent; and further requires that parents be notified that the School District routinely discloses students' names, addresses, and telephone listings to military recruiters upon request, subject to a parent's request not to disclose such information without written parental consent.

A single notice provided through a mailing, student handbook, or other method that is reasonably calculated to inform parents of the above information is sufficient to satisfy the parental notification requirements of both FERPA and the NCLB. The notification shall advise the parent of how to opt out of the public, nonconsensual disclosure of directory information and the method and timeline within which to do so.

If a parent opts out of providing directory information (or any subset of such information) to third parties, the opt-out relating to their child's name, address, or telephone listing applies to request for military recruiters as well. For example, if the opt-out states that telephone numbers will not be disclosed to the public, the District may not disclose telephone numbers to military recruiters.

The Superintendent/designee shall ensure that appropriate notification is provided to parents informing them of their right to opt-out of the release of designated directory information without prior written parental consent.

Elementary and Secondary Education Act of 1965
Section 9528
20 United States Code (USC) Section 7908
as amended by the No Child Left Behind Act of 2001
National Defense Authorization Act Section 544
10 United States Code (USC) Section 503
Family Educational Rights and Privacy Act of 1974

(Continued)

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Students

**SUBJECT: MILITARY RECRUITERS' ACCESS TO SECONDARY SCHOOL STUDENTS
AND INFORMATION ON STUDENTS (Cont'd.)**

20 United States Code (USC) Section 1232(g)
34 Code of Federal Regulations (CFR)
Section 300.571
Education Law Section 2-a
8 New York Code of Rules and Regulations
(NYCRR) Section 3.33

Adopted: 10/23/03

Students

SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS

The Protection of Pupil Rights Amendment (PPRA) governs the administration to students of a survey, analysis, or evaluation that concerns one or more of the following **eight protected areas**:

- a) Political affiliations or beliefs of the student or the student's parent/guardian;
- b) Mental or psychological problems of the student or the student's family;
- c) Sex behavior or attitudes;
- d) Illegal, anti-social, self-incriminating, or demeaning behavior;
- e) Critical appraisals of other individuals with whom respondents have close family relationships;
- f) Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
- g) Religious practices, affiliations, or beliefs of the student or student's parent/guardian; or
- h) Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

PPRA also concerns marketing surveys and other areas of student privacy, parental access to information, and the administration of certain physical examinations to minors.

General Provisions

The requirements of PPRA do not apply to a survey administered to a student in accordance with the Individuals with Disabilities Education Act (IDEA). Further, PPRA does not supersede any of the requirements of FERPA.

The rights provided to parents/guardians under PPRA transfer from the parent/guardian to the student when the student turns 18 years old or is an emancipated minor under applicable State law.

The School District may use funds provided under Part A of Title V of the Elementary and Secondary Education Act of 1965 to enhance parental/guardian involvement in areas affecting the in-school privacy of students.

Annual Parental Notification of Policies/"Opt Out" Provisions

The School District shall provide for reasonable notice of the adoption or continued use of this policy directly to the parents/guardians of students enrolled in the District. At a minimum, the District shall provide such notice at least annually, at the beginning of the school year, and within a reasonable period of time after any substantive change in this policy.

Further, in the notification, the District shall offer an opportunity for parents/guardians to opt their child out of participation in the following activities:

(Continued)

Students

SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS (Cont'd.)

- a) The administration of **any survey** containing one or more of the **eight protected areas**.
 1. **U.S. Department of Education-Funded Surveys: Prior written consent from parents must be obtained** before students are required to submit to the survey.
 2. **Surveys funded by sources other than U.S. Department of Education:** Notification may indicate the specific or approximate dates during the school year when surveys will be administered and provide an opportunity for the parent to opt his/her child out of participating upon receipt of the notification.
- b) Activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose).
- c) Any non-emergency, invasive physical examination or screening that is required as a condition of attendance; administered by the school and scheduled by the school in advance; and not necessary to protect the immediate health and safety of the student, or of other students. The term "*invasive physical examination*" means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but *does not include a hearing, vision or scoliosis screening*.

Specific Notification

In the event that the District does not identify the specific or approximate dates of the activities or surveys to be administered in the general annual notification, it shall "directly" notify, such as through U.S. Mail or e-mail, the parents of students who are scheduled to participate in the specific activities or surveys prior to participation and provide an opportunity for the parent to opt his/her child out of participation.

U.S. Department of Education-Funded Surveys

In compliance with the Protection of Pupil Rights Amendment (PPRA), the School District is committed to protecting the rights and privacy interests of parents/guardians and students with regard to surveys funded in whole or part by any program administered by the U.S. Department of Education (DOE).

(Continued)

Students

SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS (Cont'd.)

The District shall make instructional materials available for inspection by parents/guardians if those materials will be used in connection with a DOE-funded survey, analysis, or evaluation in which their children participate. In addition, the School District **shall obtain prior written parental/guardian consent** before minor students are required to participate in any DOE-funded survey, analysis, or evaluation that reveals information concerning any of the **eight protected areas**.

Surveys Funded by Sources Other than U.S. Department of Education

The School District has developed and adopted this Board policy, in consultation with parents/guardians, regarding the following:

- a) The right of the parent/person in parental relation to inspect, upon request, a survey created by a third party (i.e., by a party other than the DOE) before the survey is administered or distributed by the school to a student. Requests by parents/guardians to inspect such surveys are to be submitted, in writing, to the Building Principal at least ten (10) days prior to the administration or distribution of any survey. Further, the District shall grant a request by the parent/guardian for reasonable access to such survey within a reasonable period of time after the request is received by the District.
- b) Arrangements shall be provided by the District to protect student privacy in the event of the administration or distribution of a survey to a student containing one or more of the **eight protected areas**, including the right of the parent/guardian of the student to inspect, upon request, any survey containing one or more of the **eight protected areas**. Such requests must be submitted by the parent/guardian, in writing, to the Building Principal at least 10 days prior to the administration or distribution of any survey.
- c) Parents/guardians shall be granted, upon request, reasonable access and the right to inspect instructional materials used as part of the educational curriculum for the student within a reasonable period of time (defined by the School District, for the purposes of this policy, as 30 days) after such request is received by the District. Requests shall be submitted by parents/guardians, in writing, to the Building Principal. The term "*instructional material*" means instructional content that is provided to a student, regardless of its format, including printed or representational materials, audiovisual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). *The term does not include academic tests or academic assessments.*

(Continued)

Students

SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS (Cont'd.)

- d) The administration of physical examinations or screenings that the School District may administer to a student.

Further, this law does not apply to any physical examination or screening that is permitted or required by State law, including physical examinations or screenings that are permitted without parental notification.

In the implementation of this provision regarding the administration of physical examinations or screenings that the school may administer to the student, the School District incorporates by reference Board policies that address student health services, as applicable, including but not limited to policies regarding the administration of medication, immunization of students, and student physicals.

- e) Unless mandated/authorized in accordance with Federal or State law and/or regulation, it is policy of the Board of Education, to **not permit** the collection, disclosure, or use of personal information (the term "*personal information*" is defined as individually identifiable information including a student's or parent/guardian's first and last name; home address; telephone number; or Social Security number) collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose), *unless otherwise exempted pursuant to law as noted below*. Questions regarding the collection, disclosure, or use of personal information collected from students for such marketing purposes may be referred to the school attorney as deemed necessary by the Superintendent/designee.

This law is not intended to preempt applicable provisions of State law that require parental/guardian notification.

These requirements **do not apply** to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:

- a) College or other postsecondary education recruitment, or **military recruitment*;
- b) Book clubs, magazines, and programs providing access to low-cost literary products;
- c) Curriculum and instructional materials used by elementary schools and secondary schools;

(Continued)

**Military recruiter access to student information is governed by the Family Educational Rights and Privacy Act of 1974 (FERPA) and the National Defense Authorization Act for Fiscal Year 2002.*

SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS (Cont'd.)

- d) Tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments;
- e) The sale by students of products or services to raise funds for school-related or education-related activities;
- f) Student recognition programs.

Family Educational Rights and Privacy Act of 1974, as amended by the No Child Left Behind Act of 2001
20 United States Code (USC) Sections 1232h(b) and 1232h(c)
34 Code of Federal Regulations (CFR) Part 98

NOTE: Refer also to Policies #7121 -- Screening of New School Entrants
#7242 -- Military Recruiters' Access to Secondary School Students and Information on Students
#7511 -- Immunization of Students
#7512 -- Student Physicals
#7513 -- Administration of Medication

SUBJECT: DESIGNATION OF PERSON IN PARENTAL RELATION

In accordance with General Obligations Law Title 15-A, a parent of a minor or incapacitated person may designate another person as a person in parental relation to such minor or incapacitated person for certain health care and educational decisions for a period not exceeding six (6) months. However, such parental designation is conditioned upon there being no prior order of any court in any jurisdiction currently in effect that would prohibit the parent from himself/herself exercising the same or similar authority; and provided further that, in the case where a court has ordered that both parents must agree on education or health decisions regarding the child, a designation pursuant to this law shall not be valid unless both parents have given their consent.

The designation of a person in parental relation must be in writing in the form prescribed by General Obligations Law Title 15-A, and shall include specified information as enumerated in law for designations of thirty (30) days or less, as well as additional information required for designations of more than thirty (30) days. The designation of a person in parental relation may be presented to any school that requires such designation by either the parent or designee. The designation may specify a period of time less than six (6) months for which such designation shall be valid unless earlier revoked by the parent in accordance with law. *However, a designation specifying a period of more than thirty (30) days shall be notarized.*

If no time period is specified in the designation, it shall be valid until the earlier of revocation; or

- a) The expiration of thirty (30) days from the date of signature if the designation does not meet the requirements for designations of more than thirty (30) days, or
- b) Six (6) months from the date of commencement specified in the designation if the designation meets the requirements for designations of more than thirty (30) days.

Scope of Designation

A designation made pursuant to this law may specify:

- a) The treatment, diagnosis or activities for which consent is authorized;
- b) Any treatment, diagnosis or activity for which consent is not authorized; or
- c) Any other limitation on the duties and responsibilities conveyed by the designation.

Revocation of Designation

A parent may revoke a designation by notifying, either orally or in writing, the designee or a school to which the designation has been presented, or by any other act evidencing a specific intent to revoke the designation. A designation shall also be revoked upon the execution by the parent of a

(Continued)

SUBJECT: DESIGNATION OF PERSON IN PARENTAL RELATION (Cont'd.)

subsequent designation. Revocation by one parent authorized to execute such a designation shall be deemed effective and complete revocation of a designation pursuant to law.

A designee who receives notification from a parent of any such revocation shall immediately notify any school to which a designation has been presented. A parent may directly notify any such school of the revocation, in which case the failure of the designee to notify the school of such revocation shall not make revocation ineffective.

Effect of Designation

- a) A designee shall possess all the powers and duties of a person in parental relation pursuant to Public Health Law Sections 2164 and 2504 and Education Law Sections 2 and 3212, unless otherwise specified in the designation.
- b) A designation shall not impose upon a designee a duty to support pursuant to Family Court Act Section 413.
- c) A designation shall not cause a change in the school district of residence of the child for purposes of the Education Law, and during the period of validity of the designation, the child shall be presumed to be a resident of the school district in which the parent resided at the time the designation was made.
- d) A designation shall terminate and be revoked upon the death or incapacity of the parent who signed the designation.
- e) The decision of a designee shall be superseded by a contravening decision of a parent.

A person who acts based upon the consent of a designee reasonably and in the good faith belief that the parent has in fact authorized the designee to provide such consent may not be deemed to have acted negligently, unreasonably or improperly in accepting the designation and acting upon such consent. However, any such person may be deemed to have acted negligently, unreasonably or improperly if he/she has knowledge of facts indicating that the designation was never given, or did not extend to an act or acts in question, or was revoked.

No provision of Title 15-A of the General Obligations Law shall be construed to require designation of a person in parental relation as provided within the statute where such designation is not otherwise required by law, rule or regulation.

[General Obligations Law Title 15-A](#)
[Education Law Sections 2 and 3212](#)
[Public Health Law Sections 2164 and 2504](#)
[Family Court Act Section 413](#)
[Mental Hygiene Law Section 80.03](#)

Adopted: 10/27/05

SUBJECT: SCHOOL CONDUCT AND DISCIPLINE

The Board of Education acknowledges its responsibility to protect the educational climate of the District and to promote responsible student behavior. Accordingly, the Board delegates to the Superintendent the responsibility for assuring the implementation of a *Code of Conduct for the Maintenance of Order on School Property*, including school functions, which shall govern the conduct of students as well as teachers, other school personnel, and visitors.

School property shall mean in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus as defined in Vehicle and Traffic Law Section 142. A school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place outside of New York State.

The Board shall further provide for the enforcement of such Code of Conduct, which shall be developed in collaboration with student, teacher, administrator, and parent organizations, school safety personnel and other personnel and shall incorporate, at a minimum, those components addressed in law and enumerated in Policy #3410 -- *Code of Conduct on School Property*. Specific components may vary as appropriate to student age, building levels, and educational needs.

In accordance with the *Code of Conduct on School Property*, areas addressing student conduct and behavior will further utilize the following strategies in promoting acceptable student behavior:

- a) A bill of rights and responsibilities of students that focuses upon positive student behavior, and is publicized and explained to all students on an annual basis;
- b) A Code of Conduct for student behavior setting forth prohibited student conduct and the range of penalties that may be imposed for violation of such Code, that is publicized and disseminated to all students and parents/guardians on an annual basis pursuant to law;
- c) Strategies and procedures for the maintenance and enforcement of public order on school property that shall govern the conduct of all persons on school premises, in accordance with Section 2801 of the Education Law and accepted principles of due process of law;
- d) Procedures within each building to involve student service personnel, administrators, teachers, parents/guardians and students in the early identification and resolution of discipline problems. For students identified as having disabilities, procedures are included for determining when a student's conduct shall constitute a reason for referral to the Committee on Special Education for review and modification, if appropriate, of the student's individualized education program;
- e) Alternative educational programs appropriate to individual student needs;

(Continued)

SUBJECT: SCHOOL CONDUCT AND DISCIPLINE (Cont'd.)

- f) Disciplinary measures for violation of the school policies developed in accordance with subparagraphs b) and c) of this paragraph. Such measures shall be appropriate to the seriousness of the offense and, where applicable, to the previous disciplinary record of the student. Any suspension from attendance upon instruction may be imposed only in accordance with Section 3214 of the Education Law;
- g) Guidelines and programs for in-service education for all District staff to ensure effective implementation of school policy on school conduct and discipline;
- h) The Superintendent of Schools shall solicit the recommendations of the teaching staff and administrators regarding in-service programs pertaining to the management and discipline of students. The Board shall sponsor such programs annually; and
- i) Administrative procedures relative to the review of student discipline decisions.

In cases of egregious circumstances, the Superintendent of Schools or his/her designee may act above and beyond the discipline code, unrestricted by subparagraphs b) and c). However, in these circumstances, a Superintendent's Hearing may be requested.

The Board of Education will review this policy on school conduct and discipline annually and amend it when appropriate. The policy shall be filed in each school building, and shall be available for review by an individual.

Education Law Sections 2801(1) and 3214
8 New York Code of Rules and Regulations
(NYCRR) Section 100.2(1)(2)

NOTE: Refer also to Policy #3410 -- Code of Conduct on School Property

Adopted: 9/25/96
Revised: 9/13/99; 10/23/03; 5/25/07; 7/12/07

Students

SUBJECT: LOSS OR DESTRUCTION OF DISTRICT PROPERTY

The District is authorized to seek restitution, through civil action when necessary, from the parent or guardian of an unemancipated student over the age of ten (10) and under the age of eighteen (18) where such student:

- a) Has willfully, maliciously, or unlawfully damaged, defaced or destroyed real or personal property in the care, custody and/or ownership of the District; or
- b) Has knowingly entered or remained in a District building, and wrongfully taken, obtained or withheld personal property owned or maintained by the District.

In instances where the District has sought and obtained a judgment from a court of competent jurisdiction, parent/guardian liability for civil damages shall not exceed five thousand dollars (\$5,000). Under certain circumstances, prior to the entering of a judgment in the sum total of five hundred dollars (\$500) or more, a court may consider the parent's or guardian's financial inability to pay any portion or all of the amount of damages which are in excess of five hundred dollars (\$500), and enter a judgment in an amount within the financial capacity of the parent or guardian. However, no such judgment shall be entered for an amount which is less than five hundred dollars (\$500).

False Reporting of an Incident and/or Placing a False Bomb

A School District is also authorized to seek restitution, as described in law, from a parent or guardian of an unemancipated student over the age of ten (10) and under the age of eighteen (18) where such student:

- a) Has falsely reported an incident; or
- b) Has placed a false bomb as defined in the New York State Penal Law.

Damages for falsely reporting an incident or placing a false bomb shall mean the funds reasonably expended by the School District in responding to such false report of an incident or false bomb, less the amount of any funds which have been or will be recovered from any other source as enumerated in law.

In seeking restitution, the School District shall file with the court, district attorney and defense counsel an affidavit stating that the funds reasonably expended for which restitution is being sought have not been and will not be recovered from any other source or in any other civil or criminal proceeding, except as provided for pursuant to General Obligations Law Section 3-112.

General Obligations Law Section 3-112
Penal Law Section 60.27

Adopted: 6/25/96
Revised: 6/26/00

Students

SUBJECT: STUDENT DRESS CODE

The responsibility for the dress and appearance of students shall rest with individual students and parents. They have the right to determine how the student shall dress, provided that such attire does not interfere with the operation of the school or infringe upon the general health, safety and welfare of District students or employees. Student dress and appearance must be in accordance with the District Code of Conduct. The administration is authorized to take action in instances where individual dress does not meet these stated requirements.

While the school administration may require students participating in physical education classes to wear certain types of clothing such as sneakers, socks, shorts, and tee shirts, they may not prescribe a specific brand which students must wear.

This policy does not mean that student, faculty, or parent groups may not recommend appropriate dress for school or special occasions. It means that a student shall not be prevented from attending school or a school function, or otherwise be discriminated against, so long as his/her dress and appearance meet the above requirements. A school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place outside of New York State.

Education Law Section 2801(1)
--definition of school function

NOTE: Refer also to *District Code of Conduct on School Property*

Adopted: 6/25/96
Revised: 10/23/03; 7/12/07

SUBJECT: SUSPENSION OF STUDENTS

The Superintendent and/or the Principal may suspend the following students from required attendance upon instruction:

- a) A student who is insubordinate or disorderly; or
- b) A student who is violent or disruptive; or
- c) A student whose conduct otherwise endangers the safety, morals, health or welfare of others.

When a student has been suspended and is of compulsory attendance age, immediate steps shall be taken to provide alternative instruction which is of an equivalent nature to that provided in the student's regularly scheduled classes.

SuspensionFive Days or Less

The Superintendent and/or the Principal of the school where the student attends shall have the power to suspend a student for a period not to exceed five (5) school days. In the absence of the Principal, the designated "Acting Principal" may then suspend a student for a period of five (5) school days or less.

When the Superintendent or the Principal (the "suspending authority") proposes to suspend a student for five (5) school days or less, the suspending authority shall provide the student with **notice** of the charged misconduct. If the student denies the misconduct, the suspending authority shall provide an **explanation** of the basis for the suspension.

When suspension of a student for a period of five (5) school days or less is proposed, administration shall also immediately notify the parent/person in parental relation in writing that the student *may be* suspended from school.

Written notice shall be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of such notice within twenty-four (24) hours of the decision to propose suspension at the last known address or addresses of the parents/persons in parental relation. Where possible, notification shall also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents/persons in parental relation.

The notice shall provide a description of the incident(s) for which suspension is proposed and shall inform the student and the parent/person in parental relation of their right to request an

(Continued)

SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

immediate informal conference with the Principal in accordance with the provisions of Education Law Section 3214(3)(b). Both the notice and the informal conference shall be in the dominant language or mode of communication used by the parents/persons in parental relation. At the informal conference, the student and/or parent/person in parental relation shall be authorized to present the student's version of the event and to ask questions of the complaining witnesses.

The notice and opportunity for informal conference shall take place **prior to** suspension of the student unless the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, in which case the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practical.

Teachers shall immediately report or refer a violent student to the Principal or Superintendent for a violation of the *District's Code of Conduct* and a minimum suspension period.

More Than Five School Days

In situations where the Superintendent determines that a suspension in excess of five (5) school days may be warranted, the student and parent/person in parental relation, upon reasonable notice, shall have had an opportunity for a fair hearing. At the hearing, the student shall have the right of representation by counsel, with the right to question witnesses against him/her, and the right to present witnesses and other evidence on his/her behalf.

Where the basis for the suspension is, in whole or in part, the possession on school grounds or school property by the student of any firearm, rifle, shotgun, dagger, dangerous knife, dirk, razor, stiletto or any of the weapons, instruments or appliances specified in Penal Law Section 265.01, the hearing officer or Superintendent shall not be barred from considering the admissibility of such weapon, instrument or appliance as evidence, notwithstanding a determination by a court in a criminal or juvenile delinquency proceeding that the recovery of such weapon, instrument or appliance was the result of an unlawful search or seizure.

Minimum Periods of Suspension

Pursuant to law, Commissioner's Regulations and the *District's Code of Conduct*, minimum periods of suspension shall be provided for the following prohibited conduct, subject to the requirements of federal and state law and regulations:

- a) Consistent with the federal Gun-Free Schools Act, any student who is determined to have brought a weapon to school or possessed a weapon on school premises shall be suspended for a period of not less than one (1) calendar year. However, the Superintendent has the authority to modify this suspension requirement on a case-by-case basis.

(Continued)

Students

SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

- b) A minimum suspension period for students who repeatedly are substantially disruptive of the educational process or substantially interfere with the teacher's authority over the classroom, provided that the suspending authority may reduce such period on a case-by-case basis to be consistent with any other state and federal law. The definition of "repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority" shall be determined in accordance with the Regulations of the Commissioner.
- c) A minimum suspension period for acts that would qualify the student to be defined as a violent student pursuant to Education Law Section 3214(2-a)(a), provided that the suspending authority may reduce such period on a case-by-case basis to be consistent with any other state and federal law.

Suspension of Students with Disabilities

Generally, should a student with a disability infringe upon the established rules of the schools, disciplinary action shall be in accordance with procedures set forth in the *District's Code of Conduct* and in conjunction with applicable law and the determination of the Committee on Special Education (CSE).

For suspensions or removals up to ten (10) school days in a school year that do not constitute a disciplinary change in placement, students with disabilities must be provided with alternative instruction or services on the same basis as non-disabled students of the same age.

If suspension or removal from the current educational placement constitutes a disciplinary change in placement because it is for more than ten (10) consecutive school days or constitutes a pattern because the suspensions or removals cumulate to more than ten school days in a school year, a manifestation determination must be made.

Manifestation Determinations

A review of the relationship between the student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the disability must be made by a manifestation team immediately, if possible, but in no case later than ten (10) school days after a decision is made:

- a) By the Superintendent to change the placement to an interim alternative educational setting (IAES);
- b) By an Impartial Hearing Officer (IHO) to place the student in an IAES; or

(Continued)

SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

- c) By the Board, District Superintendent, Superintendent or building principal to impose a suspension that constitutes a disciplinary change of placement.

The manifestation team shall include a representative of the District knowledgeable about the student and the interpretation of information about child behavior, the parent and relevant members of the CSE as determined by the parent and the District. The parent must receive written notice prior to the meeting to ensure that the parent has an opportunity to attend. This notice must include the purpose of the meeting, the names of those expected to attend and notice of the parent's right to have relevant members of the CSE participate at the parent's request.

The manifestation team shall review all relevant information in the student's file including the student's individualized education program (IEP), any teacher observations, and any relevant information provided by the parents to determine if: the conduct in question was caused by or had a direct and substantial relationship to the student's disability; or the conduct in question was the direct result of the District's failure to implement the IEP.

Finding of Manifestation

If it is determined, as a result of this review, that the student's behavior is a manifestation of his/her disability the CSE shall conduct a functional behavioral assessment and implement or modify a behavioral intervention plan. Unless the change in placement was due to behavior involving serious bodily injury, weapons, illegal drugs or controlled substances, the student must be returned to the placement from which the student was removed unless the parent and the District agree to a change of placement as part of the modification of the behavioral intervention plan.

No Finding of Manifestation

If it is determined that the student's behavior is not a manifestation of his/her disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner and for the same duration for which they would be applied to students without disabilities, subject to the right of the parent/person in parental relation to request a hearing objecting to the manifestation determination and the District's obligation to provide a free, appropriate public education to such student.

Provision of Services Regardless of the Manifestation Determination

Regardless of the manifestation determination, for subsequent suspensions or removals for ten (10) consecutive school days or less that in the aggregate total more than ten (10) school days in a school year but do not constitute a disciplinary change of placement, and for suspensions or other disciplinary removals in excess of ten (10) school days in a school year which do constitute a disciplinary change in placement for behavior, the CSE shall determine the services to be provided to

(Continued)

Students

SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

students with a disability necessary for them to continue to participate in the general education curriculum and progress toward meeting the goals set out in their IEP, and shall conduct or provide, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur.

Interim Alternative Educational Setting (IAES)

Students with disabilities who have been suspended or removed from their current placement for more than ten (10) school days may, as determined by the CSE, be placed in an IAES which is a temporary educational setting other than the student's current placement at the time the behavior precipitating the IAES placement occurred.

Additionally, the District may seek an order from a hearing officer for a change in placement of a student with a disability to an appropriate IAES for up to forty-five (45) school days if the District establishes, in accordance with law, that such student is substantially likely to injure himself/herself or others.

There are three (3) specific instances when a student with a disability may be placed in an IAES for up to forty-five (45) school days without regard to a manifestation determination:

- a) Where the student carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of the District; or
- b) Where a student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of the District; or
- c) Where a student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the District. Serious bodily harm has been defined in law to refer to one of the following:
 1. Substantial risk of death;
 2. Extreme physical pain; or
 3. Protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

A school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place outside of New York State.

(Continued)

SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a student with a disability who violates a code of student conduct.

In all cases, the student placed in an IAES shall:

- a) Continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress towards the goals set out in the student's IEP, and
- b) Receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

The period of suspension or removal may not exceed the amount of time a non-disabled student would be suspended for the same behavior.

Suspension From BOCES

The BOCES Principal may suspend School District students from BOCES classes for a period not to exceed five (5) school days when student behavior warrants such action.

In-School Suspension

In-school suspension will be used as a lesser discipline to avoid an out-of-school suspension. The student shall be considered present for attendance purposes. The program is used to keep each student current with his/her class work while attempting to reinforce acceptable behavior, attitudes and personal interaction.

BOCES Activities

BOCES activities, such as field trips and other activities outside the building itself, are considered an extension of the school program. Therefore, an infraction handled at BOCES is to be considered as an act within the School District itself.

A student who is ineligible to attend a District school on a given day may also be ineligible to attend BOCES classes. The decision rests with the Superintendent or his/her designee.

(Continued)

SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)**Exhaustion of Administrative Remedies**

If a parent/person in parental relation wishes to appeal the decision of the Building Principal and/or Superintendent to suspend a student from school, regardless of the length of the student's suspension, the parent/person in parental relation must appeal to the Board of Education prior to commencing an appeal to the Commissioner of Education.

Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446 Section 615(k)(1)]
18 United States Code (USC) Section 921
Individuals with Disabilities Education Act (IDEA)
20 United States Code (USC) Sections 1400 et seq.
20 United States Code (USC) Section 7151, as reauthorized by the No Child Left Behind Act of 2001
34 Code of Federal Regulations (CFR) Part 300
Education Law Sections 2801(1), 3214 and 4402
Penal Law Section 265.01
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(l)(2) and Part 201

Adopted: 6/25/96

Revised: 9/13/99; 6/26/00; 7/7/05; 7/12/07

Students

SUBJECT: STUDENTS PRESUMED TO HAVE A DISABILITY FOR DISCIPLINE PURPOSES

The parent of a student who has violated any rule or code of conduct of the School District and who was not identified as a student with a disability at the time of such behavior may assert several protections provided for under the Individuals with Disabilities Education Act (IDEA) and State regulations *if the School District is deemed to have had knowledge (as determined in accordance with law and/or regulations and referenced below) that the student was a student with a disability before the behavior that precipitated the disciplinary action occurred.*

Basis of Knowledge

The School District shall be deemed to have knowledge that the student had a disability if prior to the time the behavior occurred:

- a) The parent of the student has expressed concern in writing to supervisory or administrative personnel, or to a teacher of the student, that the student is in need of special education and related services. However, expressions of concern may be oral if the parent does not know how to write or has a disability that prevents a written statement;
- b) The parent of the student has requested an evaluation of the student; or
- c) A teacher of the student, or other District personnel, has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the Director of Special Education or to other supervisory personnel in accordance with the District's established child find or special education referral system.

Exception

A student is not a student presumed to have a disability for discipline purposes if, as a result of receiving the information specified above (i.e., subheading "Basis of Knowledge"):

- a) The parent of the student has not allowed an evaluation of the student pursuant to law and/or regulations;
- b) The parent of the student has refused services under law and/or regulations; or
- c) The student has been evaluated and it was determined that the student is not a student with a disability.

(Continued)

SUBJECT: STUDENTS PRESUMED TO HAVE A DISABILITY FOR DISCIPLINE PURPOSES (Cont'd.)**Responsibility for Determining Whether a Student is a Student Presumed to Have a Disability**

If it is claimed by the parent of the student or by School District personnel that the District had a basis for knowledge, in accordance with law and/or regulation, that the student was a student with a disability prior to the time the behavior subject to disciplinary action occurred, it shall be the responsibility of the Superintendent of Schools, Building Principal or other school official imposing the suspension or removal to determine whether the student is a student presumed to have a disability.

Conditions That Apply if There is No Basis of Knowledge

If it is determined that there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other nondisabled student who engaged in comparable behaviors.

However, if a request for an individual evaluation is made during the time period in which such nondisabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted in accordance with law and/or regulations. Pending the results of the evaluation, the student shall remain in the educational placement determined by school authorities.

If the student is determined to be a student with a disability, taking into consideration information from the evaluation and information provided by the parents, the District shall provide special education and related services in accordance with law and/or regulations.

[Individuals with Disabilities Education Improvement Act of 2004 \[Public Law 108-446, Section 615\(k\)\(5\)\]](#)
[Individuals with Disabilities Education Act \(IDEA\)](#)
[20 United States Code \(USC\) Section 1400 et seq.](#)
[34 Code of Federal Regulations \(CFR\) Part 300](#)
8 New York Code of Rules and Regulations (NYCRR)
Section 201.5

Students

**SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES
(ACCEPTABLE USE POLICY)**

The Board of Education will provide access to various computerized information resources through the District's computer system ("DCS" hereafter) consisting of software, hardware, computer networks and electronic communications systems. This may include access to electronic mail, so-called "on-line services" and the "Internet." It may include the opportunity for some students to have independent access to the DCS from their home or other remote locations. All use of the DCS, including independent use off school premises, shall be subject to this policy and accompanying regulations. Further, all such use must be in support of education and/or research and consistent with the goals and purposes of the School District.

One purpose of this policy is to provide notice to students and parents/guardians that, unlike most traditional instructional or library media materials, the DCS will allow student access to external computer networks not controlled by the School District where it is impossible for the District to screen or review all of the available materials. Some of the available materials may be deemed unsuitable by parents/guardians for student use or access. This policy is intended to establish general guidelines for acceptable student use. However, despite the existence of such District policy and accompanying guidelines and regulations, it will not be possible to completely prevent access to computerized information that is inappropriate for students. Furthermore, students may have the ability to access such information from their home or other locations off school premises. Parents/guardians of students must be willing to set and convey standards for appropriate and acceptable use to their children when using the DCS or any other electronic media or communications.

Standards of Acceptable Use

Generally, the same standards of acceptable student conduct which apply to any school activity shall apply to use of the DCS. This policy does not attempt to articulate all required and/or acceptable uses of the DCS; nor is it the intention of this policy to define all inappropriate usage. Administrative regulations will further define general guidelines of appropriate student conduct and use as well as proscribed behavior.

District students shall also adhere to the laws, policies and rules governing computers including, but not limited to, copyright laws, rights of software publishers, license agreements, and student rights of privacy created by federal and state law.

Students who engage in unacceptable use may lose access to the DCS in accordance with applicable due process procedures, and may be subject to further discipline under the District's school conduct and discipline policy and the District Code of Conduct. The District reserves the right to pursue legal action against a student who willfully, maliciously or unlawfully damages or destroys property of the District. Further, the District may bring suit in civil court against the parents/guardians of any student who willfully, maliciously or unlawfully damages or destroys District property pursuant to General Obligations Law Section 3-112.

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Students

**SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES
(ACCEPTABLE USE POLICY) (Cont'd.)**

Student data files and other electronic storage areas will be treated like school lockers. This means that such areas shall be considered to be School District property subject to control and inspection. The computer coordinator may access all such files and communications to ensure system integrity and that users are complying with the requirements of this policy and accompanying regulations. Students should **NOT** expect that information stored on the DCS will be private.

Notification/Authorization

The District's Acceptable Use Policy and accompanying Regulations will be disseminated to parents and student in order to provide notice of the school's requirements, expectations, and student's obligations when accessing the DCS.

Student use of the DCS is conditioned upon written agreement by all students in grades 3-12 and their parents/guardians that student use of the DCS will conform to the requirements of this policy and any regulations adopted to ensure acceptable use of the DCS. All such agreements shall be kept on file in the IT Department. (Opt-in or Affirmative consent).

Regulations will be established as necessary to implement the terms of this policy.

NOTE: Refer also to Policy #8271 -- [The Children's Internet Protection Act: Internet Content Filtering/Safety Policy](#)

Adopted: 7/7/05

Students

SUBJECT: ALCOHOL, TOBACCO, DRUGS, AND OTHER SUBSTANCES (STUDENTS)

The Board of Education recognizes that the misuse of drugs, alcohol and/or tobacco is a serious problem with legal, physical, emotional and social implications for the entire community. Therefore, the consumption, sharing and/or selling, use and/or possession of alcoholic beverages, tobacco products, illegal drugs, counterfeit and designer drugs, or paraphernalia for the use of such drugs is prohibited at any school-sponsored event or on school property at all times. The inappropriate use of prescription and over-the-counter drugs shall also be disallowed. Persons shall be banned from entering school grounds or school-sponsored events when exhibiting behavioral, personal or physical characteristics indicative of having used or consumed alcohol or other substances.

School property shall mean in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus as defined in Vehicle and Traffic Law Section 142. A school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place outside of New York State.

Through the collaborative efforts of staff, students, parents/guardians and the community as a whole, a comprehensive program shall be developed addressing alcohol, tobacco, drugs, and other substances to include the following elements:

Primary Prevention

Preventing or delaying alcohol, tobacco, drugs, and other substance use/abuse by students shall be the major focus of a comprehensive K through 12 program in which proactive measures of prevention and early intervention are emphasized. This program shall include:

- a) A sequential K through 12 curriculum based on recognized principles of effectiveness that is developed and incorporated into the total educational process. This curriculum shall be concerned with education and prevention in all areas of alcohol, tobacco, drugs, and other substances use/abuse;
- b) Training school personnel and parents/guardians to reinforce the components of the policy through in-service and community education programs with up-to-date factual information and materials.
- c) An effort to provide positive alternatives to alcohol, tobacco, drugs, and other substances use/abuse through the promotion of drug/tobacco/alcohol-free special events, service projects and extracurricular activities that will develop and support a positive peer influence.

(Continued)

Students

**SUBJECT: ALCOHOL, TOBACCO, DRUGS, AND OTHER SUBSTANCES (STUDENTS)
(Cont'd.)****Intervention**

School-based intervention services shall be made available to all students, grades K through 12, and provided by prevention professionals who are appropriately trained in this area. The purpose of intervention is to eliminate any existing use/abuse of alcohol, tobacco, drugs, and other substances and to identify students considered to be at risk for use/abuse. Intervention programming shall include:

- a) Counseling of students in groups and as individuals on alcohol, tobacco, drugs, and other substance use/abuse. Counselors shall be appropriately trained and skilled school staff assigned for this purpose.
- b) Referring students to community or other outside agencies when their use/abuse of alcohol, tobacco, drugs, and other substances requires additional counseling or treatment. Referral is a key link in school and community efforts and the process is basic to the dissemination of information regarding available counseling and health services;
- c) Providing a supportive school environment designed to continue the recovery process for students returning from treatment. A re-entry program may include continuing student and/or family counseling and emphasizing positive alternatives to alcohol, tobacco, drugs, and other substance use/abuse.
- d) Developing a parent network to serve as a support group and provide a vehicle of communication for parent education;
- e) Ensuring confidentiality as required by state and federal law.

Disciplinary Measures

Disciplinary measures for students consuming, sharing and/or selling, using and/or possessing alcoholic beverages, tobacco products, illegal drugs, counterfeit and designer drugs, or paraphernalia for the use of such drugs shall be outlined in the District's Code of Conduct on School Property.

Staff Development

There shall be ongoing training of District staff about the components of an effective alcohol, tobacco and other substances program. Training shall include, but not be limited to, District policies and regulations and the staff's role in implementing such policies and regulations. Teachers shall be trained to implement the District's K through 12 alcohol, tobacco, drugs and other substance prevention curricula; intervention staff shall be suitably trained to carry out appropriate services.

(Continued)

Students

**SUBJECT: ALCOHOL, TOBACCO, DRUGS, AND OTHER SUBSTANCES (STUDENTS)
(Cont'd.)****Implementation, Dissemination and Monitoring**

It shall be the responsibility of the Superintendent to implement the alcohol, tobacco, drugs, and other substances Board policy by collaboration with school personnel, students, parents/guardians and the community at large.

Additionally, copies of Board policy shall be disseminated to District staff, parents/guardians and community members. The Superintendent/designee shall periodically review the tobacco, drugs and alcohol abuse prevention program to determine its effectiveness and support appropriate modifications, as needed.

Safe and Drug-Free Schools and Communities Act,
as reauthorized by the No Child Left Behind Act of
2001
20 United States Code (USC) Section 7101 et seq.
Education Law Section 2801(1)

NOTE: Refer also to Policies #3280 -- Community Use of School Facilities
#3410 -- Code of Conduct on School Property
#5630 -- Smoking/Tobacco Use
#7310 -- School Conduct and Discipline
#8211 -- Prevention Instruction
District Code of Conduct on School Property

Adopted: 6/25/96
Revised: 9/13/99; 10/23/03; 7/12/07

Students

SUBJECT: SEARCHES AND INTERROGATIONS

Students are protected by the Constitution from unreasonable searches and seizures. A student may be searched and contraband seized on school grounds (including grounds leased by the District), school buses, or in a school building by a School District employee only when the School District employee has reasonable suspicion to believe the student is engaging in proscribed activity which is in violation of school rules and/or illegal.

Factors to be considered in determining whether reasonable suspicion exists to search a student include:

- a) The age of the student;
- b) The student's record and past history;
- c) The predominance and seriousness of the problem in the school where the search is directed; and
- d) The urgency to conduct the search without delay.

If reasonable suspicion exists to believe that a student possesses a weapon, it is permissible for a School District employee to frisk that student.

Lockers

Lockers are provided by the school for student use and the administration has the right to search lockers. A student may have exclusive use of a locker as far as other students are concerned but he/she does not have such exclusivity over the locker as it relates to the school authorities.

Questioning of Students by School Officials

School officials have the right to question students regarding any violations of school rules and/or illegal activity. In general, administration may conduct investigations concerning reports of misconduct which may include, but are not limited to, questioning students, staff, parents/guardians, or other individuals as may be appropriate and, when necessary, determining disciplinary action in accordance with applicable due process rights.

Should the questioning of students by school officials focus on the actions of one particular student, the student will be questioned, if possible, in private by the appropriate school administrator. The student's parent/guardian may be contacted; the degree, if any, of parental/guardian involvement will vary depending upon the nature and the reason for questioning, and the necessity for further action which may occur as a result.

(Continued)

Students

SUBJECT: SEARCHES AND INTERROGATIONS (Cont'd.)

The questioning of students by school officials does not preclude subsequent questioning/interrogations by police authorities as otherwise permitted by law. Similarly, the questioning of students by school officials does not negate the right/responsibility of school officials to contact appropriate law enforcement agencies, as may be necessary, with regard to such statements given by students to school officials.

School officials acting alone and on their own authority, without the involvement of or on behalf of law enforcement officials (at least until after the questioning of students by school authorities has been conducted) are not required to give the so-called "Miranda warnings" (*i.e.*, advising a person, prior to any custodial interrogations as defined in law, of the right to remain silent; that any statement made by the individual may be used as evidence against him/her; and that the individual has the right to the presence of an attorney, either retained or appointed) prior to the questioning of students.

If deemed appropriate and/or necessary, the Superintendent/designee may also review the circumstances with School District legal counsel so as to address concerns and the course of action, if any, which may pertain to and/or result from the questioning of students by school officials.

Law Enforcement Officials

It shall be the policy of the Keshequa School District that a cooperative effort shall be maintained between the school administration and law enforcement agencies. Law enforcement officials may be summoned in order to conduct an investigation of alleged criminal conduct on school premises or during a school-sponsored activity, or to maintain the educational environment. They may also be summoned for the purpose of maintaining or restoring order when the presence of such officers is necessary to prevent injury to persons or property.

Administrators have the responsibility and the authority to determine when the assistance of law enforcement officers is necessary within their respective jurisdictions. The School District's administrators shall at all times act in a manner that protects and guarantees the rights of students and parents.

Interrogation of Students by Law Enforcement Officials

If police are involved in the questioning of students on school premises, whether or not at the request of school authorities, it will be in accordance with applicable law and due process rights afforded students. Generally, police authorities may only interview students on school premises without the permission of the parent/guardian in situations where a warrant has been issued for the student's arrest (or removal). Police authorities may also question students for investigations of crimes committed on school property. Generally, in all other situations, if the police wish to speak to a student without a warrant, they should take the matter up directly with the student's parent/guardians.

(Continued)

SUBJECT: SEARCHES AND INTERROGATIONS (Cont'd.)

Whenever police wish to question a student on school premises, administration will attempt to notify the student's parent/guardian.

If possible, questioning of a student by police should take place in private and in the presence of the Building Principal/designee.

Education Law Sections 1604(9) and (30), 1709(2),
1709(33) and 2801
Family Court Act Section 1024
8 New York Code of Rules and Regulations
(NYCRR) Section 100.2(l)

Students

SUBJECT: BUS RULES AND REGULATIONS

The Keshequa Central School District furnishes transportation to those students whose disability or distance from the school make the service essential. Except as otherwise mandated in a student's Individualized Education Program (IEP), riding these buses is a privilege and may be withdrawn if the student does not comply with the rules and regulations set forth in this District.

While the law requires the School District to furnish transportation for resident students, it does not relieve parents of students from the responsibility of supervision until such time as the students board the bus in the morning, and after the students leave the bus at the end of the school day.

Once a student boards the bus, and only at that time, does the student become the responsibility of the School District. Such responsibility will end when the student is delivered to the regular bus stop at the close of the school day.

Bus drivers shall be held responsible for reasonable and acceptable behavior of students **while** riding the school bus. Students riding school buses are expected to conform to the rules of conduct in order to permit the bus driver to transport his/her passengers safely.

The Board of Education, the Superintendent and/or his/her designee has the authority to suspend the transportation privileges of children who are disorderly and insubordinate on buses. Generally, parent(s)/guardian(s) will be required to make alternative transportation arrangements for their children who have been suspended from riding the bus. However, the effect of a suspension from transportation on the student's ability to attend school will be considered. If a suspension from transportation effectively results in a suspension from attendance because of the distance between the home and the school and the absence of alternative public or private means of transportation, the District shall make appropriate arrangements to provide for the student's education.

If a student with a disability who receives transportation as a related service as part of his/her Individualized Education Program is being considered for suspension from transportation, and that suspension would effectively result in a change in placement, the student shall be referred to the Committee on Special Education.

The Board directs the administration to establish rules and regulations for student conduct on buses, including applicable due process rights to be afforded students suspended from transportation privileges. These rules and regulations shall be promulgated to all concerned, including the non-public schools to which students are transported.

Individuals With Disabilities Education Act (IDEA)
20 United States Code (USC) Sections 1400-1485
8 New York Code of Rules and Regulations
(NYCRR) Section 156

Adopted: 6/25/96
Revised: 5/24/07

Students

SUBJECT: CORPORAL PUNISHMENT

Corporal punishment as a means of discipline shall not be used against a student by any teacher, administrator, officer, employee or agent of this School District.

However, if alternative procedures and methods which would not involve physical force do not work, then the use of reasonable physical force is not prohibited for the following reasons:

- a) Self-protection;
- b) Protection of others;
- c) Protection of property; or
- d) Restraining/removing a disruptive student.

Whenever a school employee uses physical force against a student, the school employee shall, within the same school day, make a report to the Superintendent describing in detail the circumstances and the nature of the action taken.

The Superintendent of Schools shall submit a written report semi-annually to the Commissioner of Education, with copies to the Board of Education, by January 15 and July 15 of each year, setting forth the substance of each written complaint about the use of corporal punishment received by the Keshequa Central School authorities during the reporting period, the results of each investigation, and the action, if any, taken by the school authorities in each case.

Complaints

Any person who wishes to register a complaint about the alleged use of corporal punishment shall address a written complaint to the principal of the building in which the student is enrolled. Within ten (10) school days, the building principal shall investigate the allegation and shall provide a written report of the findings to the student (if requested), to the complaining party, the employee involved and to the Superintendent for appropriate action, if any. The Superintendent shall provide the Board of Education with a copy of the report.

Rules of the Board of Regents Section 19.5
8 New York Code of Rules and Regulations
(NYCRR) Section 100.2(1)(3)

NOTE: Refer also to Policy #7351 -- Crisis Intervention Policy

Adopted: 6/25/96

Students

SUBJECT: CRISIS INTERVENTION POLICY

The Cornell Method of Therapeutic Crisis Intervention (TCI) is the Keshequa Central School's approved program for training staff in crisis prevention and intervention. The major focus of this program is to provide staff with attitudes, skills and knowledge which will help the individuals with whom they work to maintain the greatest degree of self-control and independence possible. The emphasis is on a positive and proactive as opposed to reactive approaches to behavior management. Included within the TCI curriculum, sections on the special needs of emotionally disabled persons, techniques for preventing crisis with emphasis on team-oriented approaches, and verbal and non-verbal calming techniques.

It is Keshequa Central School's intent to minimize the use of physical interventions and to emphasize sound behavior management programming based upon individual needs and integrated within a program of active treatment. However, despite the emphasis on crisis prevention and proactive behavior intervention, it is sometimes necessary to respond to behavior crisis by physically intervening. In order to provide optimal protection for those involved in such events, it is the policy of Keshequa Central School that only approved TCI personal (physical) interventions are employed by staff and that the use of such interventions be thoroughly documented.

NOTE: Refer also to Policies #5662 -- Crisis Response
#7350 -- Corporal Punishment

Adopted: 9/27/99

Students

SUBJECT: WEAPONS IN SCHOOL AND THE GUN-FREE SCHOOLS ACT**Weapons in School**

The possession of a weapon on school property, in District vehicles, in school buildings, or at school sponsored activities or settings under the control and supervision of the District regardless of location, is strictly prohibited, except by law enforcement personnel. Any person possessing a weapon for educational purposes in any school building must have written authorization of the Superintendent of Schools or his/her designee.

The Penal Code of the State of New York shall be used to determine what is considered a weapon.

Penal Law Sections 265.01-265.06

Specific Penalties Imposed by the Gun-Free Schools Act

No student shall bring or possess any "firearm" as defined in federal law on school premises (including school buildings and grounds, District vehicles, school settings and/or school sponsored activities under the control and supervision of the District regardless of location). For purposes of this policy, the term "firearm" includes any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of such weapon; any firearm muffler or silencer; or any "destructive device" (e.g., any explosive, incendiary, or poison gas, including bombs, grenades, rockets or other similar devices). The term does not include a rifle which the owner intends to use solely for sporting, recreational or cultural purposes; antique firearms; or Class C common fireworks.

In accordance with the Gun-Free Schools Act and Section 3214(3)(d) of the Education Law, any student who brings or possesses a firearm, as defined in federal law, on school property, will be referred by the Superintendent to the appropriate agency or authority for a juvenile delinquency proceeding in accordance with Article 3 of the Family Court Act when the student is under the age of sixteen (16) except for a student fourteen (14) or fifteen (15) years of age who qualifies for juvenile offender status under the Criminal Procedure Law, and will be referred by the Superintendent to the appropriate law enforcement officials when the student is sixteen (16) years of age or older or when the student is fourteen (14) or fifteen (15) years of age and qualifies for juvenile offender status under the Criminal Procedure Law.

In addition, any student attending a District school who has been found guilty of bringing a firearm to or possessing a firearm on school property, after a hearing has been provided pursuant to Section 3214 of the Education Law, shall be suspended for a period of not less than one (1) calendar year and any student attending a non-district school who participates in a program operated by the School District using funds from the Elementary and Secondary Education Act of 1965 who is determined to have brought a firearm to or possessed a firearm at a District school or on other premises used by the School District to provide such programs shall be suspended for a period of not

(Continued)

Students

SUBJECT: WEAPONS IN SCHOOL AND THE GUN-FREE SCHOOLS ACT (Cont'd.)

less than one (1) calendar year from participation in such program. The procedures of Education Law Section 3214(3) shall apply to such a suspension of a student attending a non-district school. Further, after the imposition of the one (1) year penalty has been determined, the Superintendent of Schools has the authority to modify this suspension requirement for each student on a case-by-case basis. In reviewing the student's one (1) year suspension penalty, the Superintendent may modify the penalty based on factors as set forth in Section 100.2 of the Regulations of the Commissioner of Education and in Commissioner's Decisions. The determination of the Superintendent shall be subject to review by the Board of Education in accordance with Education Law Section 3214(3)(c) and by the Commissioner of Education in accordance with Education Law Section 310.

Student with a Disability

A student with a disability who is determined to have brought a firearm to school or possessed a firearm at school may be placed in an interim alternative educational setting, in accordance with federal and state law, for not more than forty-five (45) calendar days. If the parent or guardian requests an impartial hearing, the student must remain in the interim alternative placement until the completion of all proceedings, unless the parent or guardian and District can agree on a different placement.

A student with a disability may be given a long term suspension pursuant to the Gun-Free Schools Act only if a group of persons knowledgeable about the student, as defined in federal regulations implementing the IDEA, determines that the bringing of a firearm to school or possessing a firearm at school was not a manifestation of the student's disability, subject to applicable procedural safeguards.

If it is determined that the student's bringing of a firearm to school or possessing a firearm at school was a manifestation of the student's disability, the Superintendent must exercise his/her authority under the Gun-Free Schools Act to modify the long term suspension requirement, and determine that the student may not be given a long term suspension for the behavior. The Committee on Special Education may review the student's current educational placement and initiate change in placement proceedings, if appropriate, subject to applicable procedural safeguards.

The District may offer home instruction as an interim alternative educational setting during the pendency of review proceedings only if the student's placement in a less restrictive alternative educational setting is substantially likely to result in injury either to the student or to others.

The District may also seek a court order to immediately remove a student with a disability from school if the District believes that maintaining the student in the current educational placement is substantially likely to result in injury to the student or to others.

(Continued)

Students

SUBJECT: WEAPONS IN SCHOOL AND THE GUN-FREE SCHOOLS ACT (Cont'd.)

Students with disabilities continue to be entitled to all rights enumerated in the Individuals With Disabilities Education Act and Article 89 of the Education Law; and this policy shall not be deemed to authorize suspension of students with disabilities in violation of these laws.

This policy does not prohibit the District from utilizing other disciplinary measures including, but not limited to, out-of-school suspensions for a period of five days or less, or in-school suspensions, in responding to other types of student misconduct which infringe upon the established rules of the school. Additionally, this policy does not diminish the authority of the Board of Education to offer courses in instruction in the safe use of firearms pursuant to Education Law Section 809-a.

The District will continue to provide the suspended student who is of compulsory attendance age with appropriate alternative instruction during the period of the student's suspension.

Gun-Free Schools Act as reauthorized by the No Child Left Behind Act of 2001
18 United States Code (USC) Section 921(a)
Individuals With Disabilities Education Act (IDEA)
20 United States Code (USC) Sections 1400-1485 and 7151
Criminal Procedure Law Section 1.20(42)
Education Law Sections 310, 809-a, 3214 and Article 89
Family Court Act Article 3
8 New York Code of Rules and Regulations (NYCRR) Section 100.2 and Part 200

NOTE: Refer also to Policies #3411 -- Unlawful Possession of a Weapon Upon School Grounds

Adopted: 6/25/96
Revised: 9/27/99; 3/11/04

SUBJECT: EXTRACURRICULAR ACTIVITIES

The Board recognizes the educational values inherent in student participation in the extracurricular life at school, and supports the concept and commits itself to the assignment of staff for the formation of student groups for such purposes as building social relationships, developing interests in an academic area, and gaining an understanding of the elements and responsibilities of good citizenship.

Limited Open Forum

The Board of Education maintains a limited open forum where secondary students may meet for voluntary student-initiated activities unrelated directly to the instructional program, regardless of religious, political or philosophical content.

To provide "a fair opportunity" to students who wish to conduct a meeting, the Board of Education, in accordance with the provisions of the Equal Access Act, shall ensure that:

- a) The meeting is voluntary and student-initiated;
- b) There is no sponsorship of the meeting by the school, the government, or its agents or employees;
- c) Employees or agents of the school or government are present at religious meetings only in a nonparticipatory capacity;
- d) The meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school; and
- e) Nonschool persons may not direct, conduct, control, or regularly attend activities of student groups (20 USC Section 4071[c]).

The Board prohibits student organizations whose activities may be unlawful or may cause disruption or interference with the orderly conduct of the educational process.

Administration is responsible for establishing regulations governing the use of school facilities by student organizations.

Eligibility for Attendance

- a) Students who are suspended from school on a day of a party, school dance, or other school affair scheduled after regular school hours are not eligible for participation or attendance at such events.

(Continued)

SUBJECT: EXTRACURRICULAR ACTIVITIES (Cont'd.)

- b) In order for students to attend a school-sponsored function, it is necessary that students attend classes for at least half of the school day on the day of the activity. One-half of the school day is defined as follows: from 8:30 a.m. until noon or from noon until the end of the school day.
- c) To participate in an athletic game or practice session, students must comply with the Interscholastic Athletic Code.

School property shall mean in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus as defined in Vehicle and Traffic Law Section 142. A school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place outside of New York State.

Equal Access Act,
20 United States Code (USC) Sections 4071-4074
Education Law Sections 1709 and 1709-a, 2503-a,
2554-a and 2801(1)
Vehicle and Traffic Law Section 142
8 New York Code of Rules and Regulations
(NYCRR) Part 172

Students

SUBJECT: CENSORSHIP OF SCHOOL SPONSORED STUDENT PUBLICATIONS AND ACTIVITIES

The Board of Education encourages student publications not only because they offer an educational activity through which students gain experience in reporting, writing, editing, and understanding responsible journalism, but also because they provide an opportunity for students to express their views and a means of communicating within and without the school community.

Students shall enjoy the constitutional right of freedom of expression. They shall have the right to express their views in speech, writing, or through any other medium or form, limited solely by those restrictions imposed on all citizens generally and those specifically applicable to children and youth in a school setting.

Students have a right to distribute literature on school grounds and in school buildings provided such distribution does not interfere with or disrupt the educational process. No literature may be distributed unless a copy is submitted in advance to the building principal.

The District may exercise editorial control over the style and content of student speech in school sponsored publications and activities that are part of the educational curriculum.

Students

SUBJECT: CONSTITUTIONALLY PROTECTED PRAYER IN THE PUBLIC SCHOOLS

In accordance with the most recent Guidance Document issued by the U.S. Department of Education implementing the requirements of the No Child Left Behind Act of 2001, the Board of Education affirms the responsibilities of the School District, consistent with applicable statutory/case law pertaining to the First Amendment of the United States Constitution, to allow students and staff to engage in constitutionally protected prayer within the District schools.

Accordingly, no Board of Education policy shall prevent, or otherwise deny participation in, constitutionally protected prayer in District schools, consistent with the Guidance Document and applicable law as enumerated above.

The Board rescinds any other policy that may be inconsistent with the mandates of this policy, which shall supersede any and all Board policies to the contrary.

Elementary and Secondary Education Act of 1965,
Section 9524, as amended by the No Child Left Behind
Act of 2001
United States Constitution, First Amendment
Equal Access Act,
20 United States Code (USC) Sections 4071-4074

NOTE: Refer also to Policy #8360 -- Religious Expression in the Instructional Program

Adopted: 10/23/03

Students

SUBJECT: SPORTS AND THE ATHLETIC PROGRAM

Athletics are an integral part of a well balanced educational program. Therefore, the Board supports within its resources a broad sports program with equal access for both males and females, with emphasis on maximum participation, through interscholastic and intramural activity.

The interscholastic athletic program shall conform to the Regulations of the Commissioner of Education as well as the established rules of the New York State Public High Schools Athletic Association and the State Education Department.

Eligibility for interscholastic athletic competition requires that the students:

- a) Provide written parental/legal guardian consent;
- b) Pass satisfactorily the medical examination administered by the school physician/nurse practitioner or the student's personal physician. The school physician retains final approval on all physicals performed by the student's personal physician; and
- c) Meet the requirements for interscholastic competition as set forth by the Commissioner's Regulations and the New York State Public High School Athletic Association.

Selection/Classification Process

The Board approves the use of the selection/classification process for all secondary school interscholastic team members. The Board directs the Superintendent to implement the procedures and maintain a file of those students deemed eligible as a result of those procedures.

Student Athletic Injuries

No student should be allowed to practice or play in an athletic contest if he/she is suffering from an injury. The diagnosis of and prescription of treatment for injuries is strictly a medical matter and should under no circumstances be considered within the province of the coach. A coach's responsibility is to see that injured players are given prompt and competent medical attention, and that all details of a doctor's instructions concerning the student's functioning as a team member are carried out. No student will be allowed to practice or compete if there is a question whether he/she is in adequate physical condition.

A physician's certificate may be required before an athlete is permitted to return to practice or competition.

(Continued)

SUBJECT: SPORTS AND THE ATHLETIC PROGRAM (Cont'd.)**Athletic Program - Safety**

The District will take reasonable steps to see that physical risks to students participating in the interscholastic athletic program shall be kept at a minimum by:

- a) Requiring medical examinations of participants;
- b) Obtaining certificated coaches to coach all varsity, junior varsity, and modified games.
- c) Ensuring that equipment is both safe and operative within approved guidelines.

Students

SUBJECT: CONTESTS FOR STUDENTS, STUDENT AWARDS AND SCHOLARSHIPS

Distribution of educational material, essay contests, and poster contests must be approved in advance by the building principals if the sponsoring organization wishes to involve students in the project on school time. Samples of informational material should accompany the request. Upon the judgment of the principal, the request may be forwarded to the Superintendent and the Board of Education for approval.

Student Awards and Scholarships

The School District may obtain and award to its students awards and scholarships. The Board of Education, having been entrusted by law, will hold in trust gifts, grants, bequests and legacies given or bequeathed to the Keshequa Central School District and shall apply the same and/or their interest and proceeds according to the instruction of the donors and according to the procedures established by the administration.

Education Law Section 1709(12-a)

SUBJECT: BANK AND CREDIT UNION STUDENT BRANCHES WITHIN THE SCHOOLS

Banks or Federally-Chartered Credit Unions

The Board of Education supports educational programs and services that provide students the skills, knowledge and experience necessary to manage their personal finances and obtain general financial literacy. Therefore, the School District may enter into an agreement with Wyoming County National Bank to open and maintain a limited service branch within designated school(s) for access by students, staff and employees.

Definitions

For purposes of this policy and as enumerated in Banking Law, the following terms are defined as:

- a) "School" shall mean any school within the District for which the Board has entered into an agreement authorizing a credit union to operate a student branch within such school.
- b) "Student" shall mean a child enrolled in a District school.
- c) "Student branch" shall mean the designation provided to the credit union pertaining to the in-school services and financial education offered to students.

Student Membership

Any student enrolled in the school maintaining a student branch, although he/she is not otherwise qualified for membership in the credit union, shall be qualified for a student membership in such credit union. Student membership shall expire thirty (30) days after the student's graduation from secondary school, transfer to another school or termination of enrollment.

The student branch shall be for the express use of the students and may not be used by faculty, staff or lineal ancestors or descendents of students. Neither faculty, staff nor lineal ancestors or descendents of student members are eligible for membership in the credit union unless otherwise qualified under Article XI of the Banking Law.

Banking Law Section 450-b

Adopted: 6/10/04

Students

SUBJECT: SCHOOL HEALTH SERVICES

All districts must provide and maintain a continuous program of health services which includes, but is not limited to:

- a) Providing medical examinations, dental inspection and/or screening, scoliosis screening, vision screening and audiometer tests, designed to determine the health status of the student;
- b) Informing parents or other persons in parental relation to the student, pupils and teachers of the individual student's health condition subject to federal and state confidentiality laws. The District will provide this notice in writing if the District becomes aware that the student has defective sight or hearing or a physical disability, including sickle cell anemia, or other condition which may require professional attention with regard to health;
- c) Where the exigencies warrant (where the parents/persons in parental relation are unable or unwilling to provide the necessary relief and treatment), providing relief in situations where the student would otherwise be deprived of the full benefit of education through inability to follow the instruction offered;
- d) Guiding parents, students and teachers in procedures for preventing and correcting defects and diseases and for the general improvement of the health of students;
- e) Instructing school personnel in procedures to take in case of accident or illness;
- f) Maintaining a program of education to inform school personnel, parents, non-school health agencies, welfare agencies and the general public regarding school health conditions, services and factors relating to the health of students;
- g) Providing inspections and supervision of the health and safety aspects of the school plant;
- h) Providing health examinations before participation in strenuous physical activity and periodically throughout the season as necessary;
- i) Providing health examinations necessary for the issuance of employment certificates, vacation work permits, newspaper carrier certificates and street trades badges; and
- j) Surveying and making necessary recommendations concerning the health and safety aspects of school facilities and the provision of health information.

Education Law Article 19
8 New York Code of Rules and Regulations
(NYCRR) Part 136

Adopted: 7/12/07

Students

SUBJECT: IMMUNIZATION OF STUDENTS

Every child entering or attending a District school must present proof of immunization in accordance with Section 2164 of Public Health Law unless:

- a) A New York State licensed physician certifies that such immunization may be detrimental to the child's health; or
- b) The student's parent, parents, or persons in parental relation hold genuine and sincere religious beliefs which are contrary to the requirement.

Except for the above two exemptions, the District may not permit a student lacking evidence of immunization to remain in school for more than fourteen (14) days, or more than thirty (30) days for an out-of-state or out-of-country transferee who can show a good faith effort to get the necessary certification or other evidence of immunization.

The administration will notify the local health authority of the name and address of excluded students and provide the parent/person in parental relation a statement of his/her duty regarding immunization as well as a consent form prescribed by the Commissioner of Health. The school shall cooperate with the local health authorities to provide a time and place for the immunization of these students.

Parents, guardians or other persons in parental relation may appeal to the Commissioner of Education if their child is denied school entrance or attendance for failing to meet health immunization standards.

The District will provide an annual summary of compliance with immunization requirements to the Commissioner of Health.

Education Law Section 914
Public Health Law Section 2164
8 New York Code of Rules and Regulations
(NYCRR) Part 136
10 New York Code of Rules and Regulations
(NYCRR) Subpart 66-1

NOTE: Refer also to Policy #7132 -- Education of Homeless Children and Youth

Adopted: 6/25/96

Revised: 10/23/03; 5/27/04; 5/10/05; 7/12/07

SUBJECT: STUDENT PHYSICALS**Health Examination**

Each student enrolled in District schools must have a satisfactory health examination conducted by the student's physician, physician assistant or nurse practitioner within twelve months prior to the commencement of the school year of:

- a) The student's entrance in a District school at any grade level;
- b) Entrance to pre-kindergarten or kindergarten;
- c) Entry into the 2nd, 4th, 7th and 10th grades.

The District may also require an examination and health history of a student when it is determined by the District that it would promote the educational interests of the student.

In addition, the District requires a certificate of physical fitness for:

- a) All athletes prior to their first sport of the school year, then only those who were injured or ill during their first sport before participating in a second sport during the school year; and
- b) All students who need work permits.

Health Certificate

Each student must submit a health certificate attesting to the health examination within thirty (30) days after his or her entrance into school and within thirty (30) days after his or her entry into the 2nd, 4th, 7th and 10th grades. The health certificate shall be filed in the student's cumulative record. The health certificate must:

- a) Describe the condition of the student when the examination was given;
- b) State the results of any test conducted on the student for sickle cell anemia;
- c) State whether the student is in a fit condition of health to permit his/her attendance at public school and, where applicable, whether the student has defective sight or hearing, or any other physical disability which may tend to prevent the student from receiving the full benefit of school work or from receiving the best educational results, or which may require a modification of such work to prevent injury to the student;
- d) Be signed by a duly licensed physician, physician assistant, or nurse practitioner, who is authorized by law to practice in New York State consistent with any applicable written

(Continued)

Students

SUBJECT: STUDENT PHYSICALS (Cont'd.)

practice agreement; or authorized to practice in the jurisdiction in which the examination was given, provided that the Commissioner of Health has determined that such jurisdiction has standards of licensure and practice comparable to those of New York.

Examination by Health Appraisal

The Principal or the Principal's designee will send a notice to the parents of, or person in parental relationship to, any student who does not present a health certificate, that if the required health certificate is not furnished within thirty (30) days from the date of such notice, an examination by health appraisal will be made of such student by the Director of School Health Services.

The Director of School Health Services shall cause such students to be separately and carefully examined and tested to ascertain whether any such student has defective sight or hearing, or any other physical disability which may tend to prevent the student from receiving the full benefit of school work or from receiving the best educational results, or which may require a modification of such work to prevent injury to the student.

The physician, physician assistant or nurse practitioner administering such examination shall determine whether a one-time test for sickle cell anemia is necessary or desirable and, if so determined, shall conduct such test and include the results in the health certificate.

Unless otherwise prohibited by law, if it is ascertained that any students have defective sight or hearing, or a physical disability or other condition, including sickle cell anemia which may require professional attention with regard to health, the Principal or Principal's designee shall notify, in writing, the student's parents or persons in parental relation as to the existence of such disability. If the parents or persons in parental relation are unable or unwilling to provide the necessary relief and treatment for such students, such fact shall be reported by the Principal or Principal's designee to the Director of School Health Services, who then has the duty to provide relief for such students.

Health Screenings

The District will provide:

- a) Scoliosis screening at least once each school year for all students in grades 5 through 9. The positive results of any such screening examinations for the presence of scoliosis shall be provided in writing to the student's parent or person in parental relation within ninety (90) days after such finding;
- b) Vision screening to all students who enroll in school including at a minimum color perception, distance acuity, near vision and hyperopia within six (6) months of admission to the school. In addition, all students shall be screened for distance acuity in grades

(Continued)

SUBJECT: STUDENT PHYSICALS (Cont'd.)

Kindergarten, 1, 2, 3, 5, 7 and 10 and at any other time deemed necessary. The results of all such vision screening examinations shall be provided in writing to the student's parent or person in parental relation and to any teacher of the student. The vision report will be kept in a permanent file of the school for at least as long as the minimum retention period for such records;

- c) Hearing screening to all students within six months of admission to the school and in grades Kindergarten, 1, 3, 5, 7 and 10, as well as at any other time deemed necessary. Screening shall include, but not be limited to, pure tone and threshold air conduction screening. The results of any such hearing tests shall be provided in writing to the student's parent or person in parental relation and to any teacher of the student.

The results of all health screenings (dental, hearing, vision and scoliosis) shall be recorded on appropriate forms signed by the health professional making the examination, include appropriate recommendations, and be kept on file in the school. The health records of individual students will be kept confidential in accordance with the federal Family Educational Rights and Privacy Act (FERPA) and any other applicable federal and State laws.

Accommodation for Religious Beliefs

No health examinations, health history, examinations for health appraisal, screening examinations for sickle cell anemia and/or other health screenings shall be required where a student or the parent or person in parental relation to such student objects thereto on the grounds that such examinations, health history and/or screenings conflict with their genuine and sincere religious beliefs. A written and signed statement from the student or the student's parent or person in parental relation that such person holds such beliefs shall be submitted to the Principal or Principal's designee, in which case the Principal or Principal's designee may require supporting documents.

Family Educational Rights and Privacy Act of 1974
(FERPA)
20 United States Code (USC) Section 1232(g)
Education Law Sections 901-905, 912 and 3217
8 New York Code of Rules and Regulations
(NYCRR) Part 136

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Students

SUBJECT: STUDENT PHYSICALS (Cont'd.)

NOTE: Refer also to Policies #5690 -- Exposure Control Program
#5691 -- Communicable Diseases
#5692 -- Human Immunodeficiency Virus (HIV) Related Illnesses
#7121 -- Diagnostic Screening of Students
#7132 -- Education of Homeless Children and Youth
#7511 -- Immunization of Students

Adopted: 6/25/96
Revised: 10/23/03; 8/9/05; 7/12/07

SUBJECT: ADMINISTRATION OF MEDICATION

Under certain circumstances, when it is necessary for a student to take medication (prescription and non-prescription) during school hours, the school's registered professional nurse may administer the medication if the parent or person in parental relation submits a written request accompanied by a written request from a physician indicating the frequency and dosage of prescribed medication. The parent or person in parental relation must assume responsibility to have the medication delivered directly to the health office in a properly labeled original container.

Procedures for receipt, storage and disposal of medications as well as procedures for taking medications off school grounds or after school hours while participating in a school-sponsored activity will be in accordance with State Education Department Guidelines.

Emergency Medication

The administration of emergency medication (injectable, including "epi-pens," and/or oral) to a student for extreme hypersensitivity may be performed by any school staff member responding to the emergency. Such a response would fall under the Good Samaritan exemption for rendering emergency care during a life threatening situation.

Use of Inhalers in Schools

In accordance with law, the School District must permit students who have been diagnosed by a physician or other duly authorized health care provider as having a severe asthmatic condition to carry and use a prescribed inhaler during the school day. Prior to permitting such use, the school health office must receive the written permission of the prescribing physician or other duly authorized health care provider, and parental consent, based on such physician's or provider's determination that the student is subject to sudden asthmatic attacks severe enough to debilitate that student. In addition, upon the written request of a parent or person in parental relation, the Board shall allow such pupils to maintain an extra inhaler in the care and custody of the school's registered professional nurse.

A record of such physician or health care provider/parental permission shall be maintained in the school health office.

Health office personnel will maintain regular parental contact in order to monitor the effectiveness of such self-medication procedures and to clarify parental responsibility as to the daily monitoring of their child to ensure that the medication is being utilized in accordance with the physician's or provider's instructions. Additionally, the student will be required to report to the health office on a periodic basis as determined by health office personnel so as to maintain an ongoing evaluation of the student's management of such self-medication techniques, and to work cooperatively with the parents and the student regarding such self-care management.

(Continued)

Students

SUBJECT: ADMINISTRATION OF MEDICATION (Cont'd.)

Students who self-administer medication without proper authorization, under any circumstances, will be referred for counseling by school nursing personnel. Additionally, school administration and parents will be notified of such unauthorized use of medication by the student, and school administration may also be involved in determining the proper resolution of such student behavior.

Education Law Sections 902(b), 916, 6527(4)(a) and
6908(1)(a)(iv)
Public Health Law Section 3000-a

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Students

SUBJECT: HEALTH RECORDS

The school shall keep a convenient, accurate, and up-to-date health record of every student. Insofar as the health records include confidential disclosures or findings, they shall be kept confidential. Individual records may be interpreted by the nurse to administrators, teachers, and counselors, consistent with law.

8 New York Code of Rules and Regulations
(NYCRR) Part 136

Adopted: 6/25/96

Students

SUBJECT: PEDICULOSIS (HEAD LICE)

During the school year each student will be checked for a potential head lice problem. This will be done at the school nurse's and administration's discretion. Children identified as having head lice will be sent home and information will be provided for each parent on the methods of treatment.

We will **not** accept any child back in school unless the child is free of lice and nits (eggs). Prior to entrance to school the child must be reexamined by the school nurse.

Parents need to bring the child to school. They will not be allowed to ride the school bus until they are reexamined by the school nurse.

Students

SUBJECT: ACCIDENTS AND MEDICAL EMERGENCIES

Procedures shall be established and maintained by the Superintendent for the handling of student injuries that occur on school property and during school activities.

Student Emergency Treatment

All staff members of the School District are responsible to obtain first aid care of students who are injured or become ill while under school supervision.

In most instances first aid should be rendered, and then the parent should be contacted to come to school and transport the student to the family physician. Beyond first aid, the medical care of the student is the parent's responsibility. However, the student's welfare is always the primary concern, and it is the responsibility of school personnel to exercise good judgment and care under all circumstances.

The Board of Education encourages all staff members to become qualified to give emergency treatment through instruction in first aid and Cardiopulmonary Resuscitation (CPR) and Automated External Defibrillators (AEDs).

Transporting an Ill or Injured Student

In the event of an illness or injury to a student, an ambulance may be called if warranted. This solution will be used after other alternatives, including parent/person in parental relation contact, have been made.

Insurance

The Board of Education shall approve provisions for all students to be covered by group insurance.

Such student accident insurance policies are to be a co-insurance with family coverage(s) as primary.

Education Law Sections 1604(7-a), 1604(7-b),
1709(8-a) and 1709(8-b)

Adopted: 6/25/96
Revised: 7/12/07

Students

SUBJECT: STUDENTS WITH LIFE THREATENING ALLERGIES

Students, parents, school personnel and health care providers must all work together to provide the necessary information and training to allow children with chronic health problems to participate as fully and safely as possible in the school experience.

Particularly for those students with chronic conditions such as asthma and allergies (food, insect sting, etc.) which may result in severe, life-threatening reactions to various environmental triggers, it is necessary that the District work cooperatively with the parent(s) and the healthcare provider to:

- a) Develop an individual health care plan that includes all necessary treatments, medications, training and educational requirements for the student. If the student is eligible for accommodations based upon the Individuals with Disabilities Act (IDEA), Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act, the appropriate procedures will be followed regarding evaluation and identification;
- b) Obtain appropriate health care provider authorization in writing that includes the frequency and conditions for any testing and/or treatment; symptoms and treatment of any conditions associated with the health problem; and directions for emergencies; and
- c) Secure written parent permission and discuss parental responsibility that includes providing the health care provider's orders, providing any necessary equipment, and participation in the education and co-management of the child as he/she works toward self-management.

The District will work toward assisting students in the self-management of their chronic health condition based upon the student's knowledge level and skill by:

- a) Adequately training all staff involved in the care of the child;
- b) Assuring the availability of the necessary equipment and/or medications;
- c) Providing appropriately trained licensed persons as required by law;
- d) Providing additional appropriately trained adults to complete delegated tasks as allowed by law;
- e) Developing an emergency plan for the student; and
- f) Providing ongoing staff and student education.

(Continued)

Students

SUBJECT: STUDENTS WITH LIFE THREATENING ALLERGIES (Cont'd.)**Use of Epinephrine Auto-Injector Devices (Epi-Pens) in the School Setting**

The administration of epinephrine by epi-pen to a student with a known severe allergy needing an anaphylactic treatment agent may be performed by a school staff member responding to an emergency situation when such use has been prescribed by a licensed prescriber. However, a Registered Nurse/Nurse Practitioner must have trained the staff member to administer the epi-pen and given him/her approval to assist the student in the event of an anaphylactic reaction.

Documentation of training must be maintained in the Anaphylaxis Protocol for Non-Licensed School Staff Members for each affected student. The emergency response by non-licensed school staff members is permitted under the Medical Practice Act (Education Law section 6527(4)(a)) and the Nurse Practice Act (Education Law section 6908 (1)(a)(iv)) and is covered by the "Good Samaritan Law" (Public Health Law section 3000-a).

[Americans with Disabilities Act,](#)
[42 United States Code \(USC\) Section 12101 et seq.](#)
[Individuals with Disabilities Education Act \(IDEA\)](#)
[20 United States Code \(USC\) Sections 1400-1485](#)
[34 Code of Federal Regulations \(CFR\) Part 300](#)
[Section 504 of the Rehabilitation Act of 1973,](#)
[29 United States Code \(USC\) Section 794 et seq.](#)
[Education Law Sections 6527 and 6908](#)
[Public Health Law Section 3000-a](#)

NOTE: Refer also to Policy #7513 -- [Administration of Medication](#)

Adopted: 3/17/05

Students

SUBJECT: CHILD ABUSE

The Keshequa Central School District subscribes to all of the provisions of Title 6 - Child Protective Services of the Social Services Law (Sections 411-428). Our purpose is to provide protective services to abused and maltreated children as described by the law, and to make all school personnel within the District aware of our legal responsibilities under this law.

Regulations shall be developed, maintained and disseminated by administration regarding the:

- a) Mandatory reporting of suspected child abuse/neglect;
- b) Reporting procedures and obligations of persons required to report;
- c) Provisions for taking a child into protective custody;
- d) Mandatory reporting of deaths;
- e) Immunity from liability and penalties for failure to report; and
- f) Obligations for provision of services and procedures necessary to safeguard the life of a child.

Additionally, an ongoing training program for all professional staff shall be established and implemented to enable such staff to carry out their reporting responsibilities.

Social Services Law Sections 411-428
Family Court Act Section 1012
Education Law Section 3209-a

Child Abuse in an Educational Setting

The School District is committed to the protection of students in educational settings from abuse and maltreatment by employees or volunteers as enumerated in law.

"Child abuse" shall mean any of the following acts committed in an educational setting by an employee or volunteer against a child:

- a) Intentionally or recklessly inflicting physical injury, serious physical injury or death; or
- b) Intentionally or recklessly engaging in conduct which creates a substantial risk of such physical injury, serious physical injury or death; or

(Continued)

Students

SUBJECT: CHILD ABUSE (Cont'd.)

- c) Any child sexual abuse, defined as conduct prohibited by Article 130 or 263 of the Penal Law; or
- d) The commission or attempted commission against a child of the crime of disseminating indecent materials to minors pursuant to Article 235 of the Penal Law.

"Educational setting" shall mean the building(s) and grounds of the School District; the vehicles provided by the School District for the transportation of students to and from school buildings, field trips, co-curricular and extracurricular activities both on and off School District grounds; all co-curricular and extracurricular activity sites; and any other location where direct contact between an employee or volunteer and a child has allegedly occurred.

In any case where an oral or written allegation is made to a teacher, school nurse, school guidance counselor, school psychologist, school social worker, school administrator, School Board member, or other school personnel required to hold a teaching or administrative license or certificate, that a child (defined in the law as a person under the age of twenty-one (21) years enrolled in a school district in this state) has been subjected to child abuse by an employee or volunteer in an educational setting, that person shall upon receipt of such allegation:

- a) Promptly complete a written report of such allegation including the full name of the child alleged to be abused; the name of the child's parent; the identity of the person making the allegation and their relationship to the alleged child victim; the name of the employee or volunteer against whom the allegation was made; and a listing of the specific allegations of child abuse in an educational setting. Such written report shall be completed on a form as prescribed by the Commissioner of Education.
- b) Except where the school administrator is the person receiving such an oral or written allegation, the employee completing the written report must promptly *personally deliver* a copy of that written report to the school administrator of the school in which the child abuse allegedly occurred (subject to the following paragraph).

In any case where it is alleged the child was abused by an employee or volunteer of a school other than a school within the school district of the child's attendance, the report of such allegations shall be promptly forwarded to the Superintendent of Schools of the school district of the child's attendance and the school district where the abuse allegedly occurred.

Any employee or volunteer who reasonably and in good faith makes a report of allegations of child abuse in an educational setting in accordance with the reporting requirements of the law shall have immunity from civil liability which might otherwise result by reason of such actions.

(Continued)

SUBJECT: CHILD ABUSE (Cont'd.)

Upon receipt of a written report alleging child abuse in an educational setting, the school administrator or Superintendent must then determine whether there is "reasonable suspicion" to believe that such an act of child abuse has occurred. Where there has been a determination as to the existence of such reasonable suspicion, the school administrator or Superintendent must follow the notification/reporting procedures mandated in law and further enumerated in administrative regulations including parental notification. When the school administrator receives a written report, he/she shall promptly provide a copy of such report to the Superintendent.

Where the school administrator or Superintendent has forwarded a written report of child abuse in an educational setting to law enforcement authorities, the Superintendent shall also refer such report to the Commissioner of Education where the employee or volunteer alleged to have committed such an act of child abuse holds a certification or license issued by the State Education Department.

Any school administrator or Superintendent who reasonably and in good faith makes a report of allegations of child abuse in an educational setting, or reasonably and in good faith transmits such a report to a person or agency as required by law, shall have immunity from civil liability which might otherwise result by reason of such actions.

Reports and other written material submitted pursuant to law with regard to allegations of child abuse in an educational setting, and photographs taken concerning such reports that are in the possession of any person legally authorized to receive such information, *shall be confidential and shall not be redisclosed except* to law enforcement authorities involved in an investigation of child abuse in an educational setting or as expressly authorized by law or pursuant to a court-ordered subpoena. School administrators and the Superintendent shall exercise reasonable care in preventing such unauthorized disclosure.

Additionally, teachers and all other school officials shall be provided an annual written explanation concerning the reporting of child abuse in an educational setting, including the immunity provisions as enumerated in law. Further, the Commissioner of Education shall furnish the District with required information, including rules and regulations for training necessary to implement District/staff responsibilities under the law.

Prohibition of "Silent" (Unreported) Resignations

The Superintendent and other school administrators are prohibited from withholding from law enforcement authorities, the Superintendent or the Commissioner of Education, where appropriate, information concerning allegations of child abuse in an educational setting against an employee or volunteer in exchange for that individual's resignation or voluntary suspension from his/her position.

(Continued)

Students

SUBJECT: CHILD ABUSE (Cont'd.)

Superintendents (or a designated administrator) who reasonably and in good faith report to law enforcement officials information regarding allegations of child abuse or a resignation as required pursuant to the law shall have immunity from any liability, civil or criminal, which might otherwise result by reason of such actions.

Education Law Sections 1128-33 and 3028-b
Penal Law Article 130, 235 and 263
8 New York Code of Rules and Regulations
(NYCRR) Part 83

Adopted: 6/25/96
Revised: 1/29/01; 10/23/03

Students

SUBJECT: SEXUAL HARASSMENT OF STUDENTS

The Board of Education affirms its commitment to non-discrimination and recognizes its responsibility to provide for all District students an environment that is free of sexual harassment and intimidation. Sexual harassment is a violation of law and stands in direct opposition to District policy. Therefore, the Board prohibits and condemns all forms of sexual harassment by employees, school volunteers, students, and non-employees such as contractors and vendors which occur on school grounds and at all school-sponsored events, programs and activities including those that take place at locations off school premises. Generally, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct or communication of a sexual nature when:

- a) Submission to or rejection of such sexually harassing conduct and/or communication by a student affects decisions regarding any aspect of the student's education, including participation in school-sponsored activities;
- b) Conditions exist within the school environment that allow or foster obscene pictures, lewd jokes, sexual advances, requests for sexual favors or other harassing activities of a sexual nature; and
- c) Such conduct and/or communication has the purpose or effect of substantially or unreasonably interfering with a student's academic performance or participation in an educational or extracurricular activity, or creating an intimidating, hostile or offensive learning environment; and/or effectively bars the student's access to an educational opportunity or benefit.

The Board acknowledges that in determining whether sexual harassment has occurred the totality of the circumstances, expectations, and relationships should be evaluated including, but not limited to, the ages of the harasser and the victim; the number of individuals involved; and the type, frequency and duration of the conduct. The Board recognizes that sexual harassment can originate from a person of either sex against a person of the opposite or same sex, and from a third party such as a school visitor, volunteer, or vendor, or any other individual associated with the School District. Sexual harassment may occur from student-to-student, from staff-to-student, from student-to-staff, as well as staff-to-staff.

In order for the Board to enforce this policy, and to take corrective measures as may be necessary, it is essential that any student who believes he/she has been a victim of sexual harassment in the school environment, as well as any other person who is aware of and/or who has knowledge of or witnesses any possible occurrence of sexual harassment, immediately report such alleged harassment; such report shall be directed to or forwarded to the District's designated complaint officer(s) through informal and/or formal complaint procedures as developed by the District. Such complaints are recommended to be in writing, although verbal complaints of alleged sexual harassment will also be promptly investigated in accordance with the terms of this policy. In the event

(Continued)

Students

SUBJECT: SEXUAL HARASSMENT OF STUDENTS (Cont'd.)

that the complaint officer is the alleged offender, the report will be directed to the next level of supervisory authority.

Upon receipt of an informal/formal complaint, the District will conduct a thorough investigation of the charges. To the extent possible, within legal constraints, all complaints will be treated as confidentially and privately as possible. However, disclosure may be necessary to complete a thorough investigation of the charges, and any disclosure will be provided on a "need to know" basis.

Based upon the results of the investigation, if the District determines that an employee and/or student has violated the terms of this policy and/or accompanying regulations, immediate corrective action will be taken as warranted. Should the offending individual be a student, appropriate disciplinary measures will be applied, up to and including suspension, in accordance with District policy and regulation, the Code of Conduct, and applicable laws and/or regulations. Should the offending individual be a school employee, appropriate disciplinary measures will be applied, up to and including termination of the offender's employment, in accordance with legal guidelines, District policy and regulation, the Code of Conduct and the applicable collective bargaining agreement(s). Third parties (such as school volunteers, vendors, etc.) who are found to have violated this policy and/or accompanying regulations will be subject to appropriate sanctions as warranted and in compliance with law.

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

Finding That Harassment Did Not Occur

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

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

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

(Continued)

SUBJECT: SEXUAL HARASSMENT OF STUDENTS (Cont'd.)**Knowingly Makes False Accusations**

Employees and/or students who *knowingly* make false accusations against another individual as to allegations of harassment may also face appropriate disciplinary action. Because of the damage that can be done to someone falsely accused, any individual who in bad faith knowingly makes a false complaint or report of sexual harassment or sex discrimination will be subject to disciplinary action up to and including termination in accordance with legal guidelines, District policy, and any applicable collective bargaining agreement(s).

Development and Dissemination of Administrative Regulations

Regulations will be developed for reporting, investigating and remedying allegations of sexual harassment. An appeal procedure will also be provided to address any unresolved complaints and/or unsatisfactory prior determinations by the applicable complaint officer(s).

Such regulations will be developed in accordance with federal and state law as well as any applicable collective bargaining agreement(s).

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

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

Civil Rights Act of 1991
42 United States Code (USC) Section 1981(a)
Title VII of the Civil Rights Act of 1964,
42 United States Code (USC) Section 2000e et seq.
Title IX of the Education Amendments of 1972,
20 United States Code (USC) Section 1681 et seq.
34 Code of Federal Regulations (CFR) Section 100 et
seq.
29 Code of Federal Regulations (CFR) Section
1604.11(a)
Executive Law Sections 296 and 297

Adopted: 6/25/96

Revised: 9/13/99; 6/26/00; 8/9/05

SUBJECT: BULLYING: PEER ABUSE IN THE SCHOOLS

The Board of Education is committed to providing a safe and productive learning environment within its schools. Bullying of a student by another student is strictly prohibited on school property, in school buildings, on school buses, and at school sponsored events and/or activities whether occurring on or off campus. The Board of Education shall require the prohibition of bullying - along with the range of possible intervention activities and/or sanctions for such misconduct - to be included in the *District Code of Conduct* for all grade levels.

For purposes of this policy, the term "bullying" among children is defined, in general, as: "a variety of negative acts carried out repeatedly over time. It involves a real or perceived imbalance of power, with a more powerful child or group attacking those who are less powerful." Bullying can take three forms:

- a) Physical (including, but not limited to, hitting, kicking, spitting, pushing, taking personal belongings);
- b) Verbal (including, but not limited to, taunting, malicious teasing, name calling, making threats); and
- c) Psychological (including, but not limited to, spreading rumors; manipulating social relationships; or engaging in social exclusion, extortion, or intimidation).

Bullying may also occur as various forms of harassment and/or hazing of students by other students (including "pledging" and/or a student's initiation into or affiliation with a school or student related organization or team).

The District also prohibits "Internet bullying" (also referred to as "cyber-bullying") including the use of instant messaging, e-mail, web sites, chat rooms, and text messaging when such use interferes with the operation of the school; or infringes upon the general health, safety and welfare of District students or employees.

However, it is important to note that a single negative act as enumerated above may also constitute "bullying" (if not more serious misconduct) based upon the particular circumstances such as the seriousness of the act and/or the intent of the actor.

Any student who believes that he/she is being subjected to bullying behavior, as well as any other person who has knowledge of or witnesses any possible occurrence of bullying, shall report the bullying to any staff member or the building principal. The staff member/building principal to whom the report is made (or the staff member/building principal who witnesses bullying behavior) shall investigate the complaint and take appropriate action to include, as necessary, referral to the next level

(Continued)

Students

SUBJECT: BULLYING: PEER ABUSE IN THE SCHOOLS (Cont'd.)

of supervisory authority and/or other official designated by the District to investigate allegations of bullying. Investigation of allegations of bullying shall follow the procedures utilized for complaints of harassment within the School District. Allegations of bullying shall be promptly investigated and will be treated as confidential and private to the extent possible within legal constraints.

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of bullying. Follow-up inquiries and/or appropriate monitoring of the alleged bully and victim shall be made to ensure that bullying behavior has not resumed and that all those involved in the investigation of allegations of bullying have not suffered retaliation.

Personnel at all levels are responsible for taking corrective action to prevent bullying behavior of which they have been made aware at School District sites or activities and/or reporting such behavior to their immediate supervisor. Further, staff training shall be provided to raise awareness of the problem of bullying within the schools and to facilitate staff identification of and response to such bullying behavior among students.

Prevention and intervention techniques within the District to prevent against bullying behavior and to support and protect victims shall include building-level and classroom-level strategies and activities as determined by administration. Individual intervention will be provided by appropriate staff members to bullies, victims and their parents to help ensure that the bullying stops.

Rules against bullying shall be publicized District-wide and shall be disseminated as appropriate to staff, students and parents. Disciplinary sanctions for violation of this policy shall be outlined in the *District Code of Conduct* as enumerated above and may also be incorporated in staff and student handbooks.

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property
#3420 -- Anti-Harassment in the School District
#7551 -- Sexual Harassment of Students
District Code of Conduct

Adopted: 9/23/04

Students

SUBJECT: HAZING OF STUDENTS

The Board is committed to providing a safe, productive and positive learning environment within its schools. Hazing activities are demeaning, abusive and/or illegal behaviors that harm victims, and are inconsistent with the educational goals of the District by negatively impacting the school environment. Hazing of a student by another student or group of students is strictly prohibited on school property; in school buildings; on school buses; by school sponsored groups or clubs; and at school sponsored events and/or activities whether occurring on or off-campus. Hazing of a student refers to soliciting, encouraging, aiding, or engaging in "hazing" behavior as defined pursuant to District policy, regulation and/or law. The Board shall require the prohibition of hazing - along with the range of possible intervention activities and/or sanctions for such misconduct - to be included in the District *Code of Conduct* for all grade levels.

For purposes of this policy, the term *"hazing" among students is defined as any humiliating or dangerous activity expected of a student to join a group, regardless of their willingness to participate.* Hazing behaviors include, but are not limited to, the following general categories:

- a) Humiliation: socially offensive, isolating or uncooperative behaviors.
- b) Substance abuse: abuse of tobacco, alcohol or illegal drugs.
- c) Dangerous hazing: hurtful, aggressive, destructive, and disruptive behaviors.

Incorporated within this definition are various forms of physical, emotional and/or sexual abuse which may range in severity from teasing/embarrassing activities to life threatening actions.

Even if the hazing victim participated "willingly" in the activity, or there was no "intent" by the hazer to harm or injure another individual, hazing is still hazing and against District policy, the *District Code of Conduct* and may be in violation of New York State Law. However, hazing of students does not need to rise to the level of criminal activity for such conduct to be in violation of District rules and subject to appropriate disciplinary sanctions. Any hazing activity, whether by an individual or a group, shall be presumed a forced activity and in violation of District policy, regardless of the "willingness" of the student to participate.

Any student who believes that he/she is being subjected to hazing behavior, as well as students, school employees or third parties who have knowledge of or witness any possible occurrence of hazing, shall report the incident to any staff member or the building principal. Anonymous student complaints of hazing behavior will also be investigated by the District. The staff member/building principal to whom the report is made (or the staff member/building principal who witnesses hazing behavior) shall investigate the complaint/incident and take appropriate action to include, as necessary, referral to the next level of supervisory authority

(Continued)

Students

SUBJECT: HAZING OF STUDENTS (Cont'd.)

and/or other official designated by the District to investigate allegations of hazing. Investigations of allegations of hazing shall follow the procedures utilized for complaints of harassment within the School District. Allegations of hazing shall be promptly investigated and will be treated as confidential and private to the extent possible within legal constraints.

Prohibition of Retaliation

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of hazing. Follow-up inquiries and/or appropriate monitoring of the alleged hazer(s) and victim(s) shall be made to ensure that hazing behavior has not resumed and that all those involved in the investigation of allegations of hazing have not suffered retaliation. Any act of retaliation is subject to appropriate disciplinary action by the District.

Knowingly Makes False Accusations

Students who *knowingly* make false accusations against another individual as to allegations of hazing may also face appropriate disciplinary action.

District Responsibility/Training

Personnel at all levels are responsible for taking corrective action to prevent hazing behavior of which they have been made aware at school District sites; by school sponsored groups or clubs; and at school sponsored events and/or activities whether occurring on or off-campus. Further, as may be applicable, personnel are to report such hazing behavior to their immediate supervisor. Staff training shall be provided to raise awareness of the problem of hazing within the schools and to facilitate staff identification of, and response to, such hazing behavior among students.

Prevention and intervention techniques within the District to help prevent hazing behavior and to support and protect victims shall include building-level and classroom-level strategies and activities as determined by administration. Individual intervention will be provided by appropriate staff members to hazers, victims and their parents to help ensure that the hazing stops.

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Students

SUBJECT: HAZING OF STUDENTS (Cont'd.)

Rules against hazing shall be publicized District-wide and shall be disseminated as appropriate to staff, students and parents. Disciplinary sanctions for violation of this policy shall be outlined in the *District Code of Conduct* and may also be incorporated in staff and student handbooks. In addition, allegations of hazing behavior may result in referral to law enforcement officials as necessary.

New York State Penal Law Sections 120.16 and 120.17
Education Law Sections 1709-a, 2503-a, 2554-a, and
2801
8 New York Code of Rules and Regulations
(NYCRR) Section 100.2(1)(2)

Adopted: 9/23/04

Students

SUBJECT: STUDENT DIRECTORY INFORMATION

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

In accordance with the Family Educational Rights and Privacy Act (FERPA), the District defines student directory information as the following: name; address; telephone listing; date and place of birth, enrollment status (e.g., undergraduate or graduate, full time or part time); major field of study; grade level; participation in officially recognized activities and sports; weight and height (if members of athletic teams); dates of attendance; honors, degrees and awards received; electronic mail address; photograph; and the name of the educational agency or institution most recently previously attended by the student.

The release of student directory information is not to be confused with the release of secondary school students' names, addresses and telephone listings to Military Recruiters (Policy #7243). In compliance with the Elementary and Secondary Education Act of 1965 as amended by the No Child Left Behind Act of 2001 (NCLB), the National Defense Authorization Act and in accordance with FERPA, the School District shall comply with the request by a military recruiter for this information unless a parent has "opted out" of providing such information.

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

Students

SUBJECT: SUICIDE

The suicide of a student has an extremely disturbing effect on the school and the local community. Unfortunately, there has been a significant increase in the number of adolescents who choose suicide as a way to resolve their problems. It is the intent of this district to alert school personnel to the implications of suicide by a student, to help the school and the community cope with the aftermath of such a tragic event should it occur, to recommend ways of identifying children and adolescents at risk of attempting suicide and to suggest ways to prevent such occurrences.

Suicide prevention will be incorporated into the curriculum to make students aware of this growing problem. This will be done in a manner so as not to glamorize the situation but to educate students in regard to this policy.

The administration is responsible for informing staff of regulations and procedures of suicide prevention, intervention, and post-intervention that have been developed by the administration.

Students

SUBJECT: NOTIFICATION OF SEX OFFENDERS

In accordance with the Sex Offender Registration Act ("Megan's Law"), the Board of Education supports the New York State Department of Criminal Justice Services (DCJS) in its effort to inform the community in certain circumstances of the presence of individuals with a history of sex offenses, particularly against children, in the school locality. This policy is enacted in order to minimize the possibility that the sex offender will come in contact with school-age children, and to assist law enforcement agencies in preventing further criminal activity from occurring. Furthermore, the District shall cooperate with local police authorities and the local community in promoting and protecting the safety and well being of its students.

Dissemination of Information to Staff

It is the policy of the Board of Education to disseminate all information which the District receives from local police authorities in conjunction with Megan's Law to all school staff. Staff members shall inform their immediate supervisor if they observe within the school building, on school grounds, at school activities, or at or near bus routes any individual whose description matches the information which was provided to the District by local law enforcement authorities. Such law enforcement officials will be notified of this information by the District as appropriate.

Dissemination of Information to Public

Information that is disseminated to the School District pursuant to Megan's Law will be disclosed in accordance with New York State Law and as set forth in the regulation accompanying this policy.

Implementation

Administrative regulations shall be developed to implement this policy.

Correction Law Article 6-C
Executive Law 259-c(14)
Penal Law 65.10(4-a)
Public Officers Law Section 84 et seq.

Adopted: 11/18/98
Revised: 10/27/05

Students

SUBJECT: SUPERVISION OF STUDENTS

Students working on any activity must be supervised by the teacher or staff member in charge of the activity. This applies to all in school and extracurricular activities as well as sports activities and events. Permission to hold practices or meetings must not be granted unless a teacher or staff member is definitely in charge.

- a) District personnel will be fully responsible for the supervision of all students in either their class or their after school activities.
- b) Coaches will maintain supervision over the dressing rooms by personally being present during the dressing periods. Coaches are responsible for the supervision of their athletes at the end of practice. This may entail bus duty, or making sure students have transportation home.
- c) Teachers and/or assigned school personnel in the elementary grades will be responsible for the playground supervision of all the children under their jurisdiction during the recess periods and before the regular afternoon sessions. The principal will distribute the responsibility so that the playground situation will be properly controlled.
- d) Students are not to be sent on any type of errand away from the building without the consent of the principal.

NOTE: Refer also to Policy #5730 -- Transportation of Students: Transportation to School Sponsored Events

Students

SUBJECT: SPECIAL EDUCATION: DISTRICT PLAN

A District plan shall be developed and updated every two years describing the Special Education program in the Keshequa Central School District. The District plan shall include the following:

- a) A description of the nature and scope of special education programs and services currently available to students residing in the District, including but not limited to descriptions of the District's resource room programs and each special class program provided by the District in terms of group size and composition.
- b) Identification of the number and age span of students (school age and preschool) to be served by type of disability and recommended setting.
- c) The method to be used to evaluate the extent to which the objectives of the program have been achieved.
- d) A description of the policies and practices of the Board of Education to ensure the allocation of appropriate space within the District for special education programs that meet the needs of students and preschool children with disabilities.
- e) A description of the policies and practices of the Board of Education to ensure that appropriate space will be continually available to meet the needs of resident students and preschool students with disabilities who attend special education programs provided by Boards of Cooperative Educational Services.
- f) A description of how the District intends to ensure that all instructional materials to be used in the schools of the District will be made available in a usable alternative format for each student with a disability at the same time as such instructional materials are available to non-disabled students. The alternate format must meet National Instructional Materials Accessibility Standard defined in federal law.
- g) The estimated budget to support such plan.
- h) The date on which such plan was adopted by the Board of Education.
- i) A description of how the District plan is consistent with the special education space requirements plan for the region as developed by the Board of Cooperative Educational Services.

The District plan, with personally identifiable student information deleted, shall be filed and available for public inspection and review by the Commissioner.

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Students

SUBJECT: SPECIAL EDUCATION: DISTRICT PLAN (Cont'd.)

20 United States Code (USC) 1474(e)(3)(B)
8 New York Code of Rules and Regulations
(NYCRR) Part 155 and Section 200.2(c)

Adopted: 6/25/96
Revised: 5/27/04; 7/12/07

SUBJECT: CHILDREN WITH DISABILITIES

The Board of Education recognizes the existence of individual differences in the intellectual, social, emotional and physical development of children attending school in the District. In recognizing these differences the Board supports a system of services offered in the least restrictive environment for children with disabilities which includes:

- a) Not requiring any student to obtain a prescription for a drug or other substance identified as a controlled substance by the federal Controlled Substances Act as a condition of receiving services.
- b) Education in regular classes with or without support services, education in a resource room, education for part of the day in a special class, full time education in a special class, home instruction and education in a residential setting.
- c) Providing for the education of students with disabilities with non-disabled peers to the extent appropriate.
- d) Taking the following measurable steps to recruit, hire, train and retain highly qualified personnel to provide special education programs and services:
 - 1) Utilize established procedures for publication of all potential job openings;
 - 2) Check credentials and requirements listed on applications;
 - 3) Provide training sessions for interview committee.
- e) Establishing the following guidelines for the provision of appropriate accommodations necessary to measure the academic achievement and functional performance of the student in the administration of District-wide assessments:
 - 1) Ensure that necessary accommodations are specified on individualized education program (IEP);
 - 2) Review the need for accommodations at Committee on Special Education (CSE) evaluations/re-evaluations.

(Continued)

Students

SUBJECT: CHILDREN WITH DISABILITIES (Cont'd.)

- f) To the extent feasible, using universal design principles (defined as a concept or philosophy for designing and delivering products and services that are usable by people with the widest range of functional capabilities, which include products and services that are directly usable without requiring assistive technologies and products and services that are made usable with assistive technologies) in developing and administering District-wide assessment programs by:
- 1) Addressing appropriate universal design principles in IEP;
 - 2) Having the Library media specialist and/or curriculum coordinator and/or Director of CSE keep Committee on Special Education (CSE)/Committee on Preschool Special Education (CPSE) apprised of available products and services utilizing universal design principles.
- g) Consideration of the location of a school program(s) to a student's residence, before placement into an educational program.
- h) Adoption of written policies and procedures ensuring that students with disabilities are provided appropriate opportunities to earn a high school diploma in accordance with Commissioner's Regulations.
- i) Allocation of appropriate space within the District for special education programs that meet the needs of students with disabilities.
- j) Assurance that appropriate space will be available to meet the needs of resident students with disabilities who attend special education programs provided by BOCES.

Individuals with Disabilities Education Improvement Act of
2004 [Public Law 108-446 Section 614(a)
21 United States Code (USC) 812(c)
Education Law Sections 3208 and 4401-4407
8 New York Code of Rules and Regulations (NYCRR)
Sections 100.5, 100.9, 200.2(b)(3), 200.2(c)(2)(v),
200.4(e)(9) and 200.6(a)(1)

NOTE: Refer also to Policies #7615 -- Least Restrictive Environment

Adopted: 6/25/96
Revised: 7/12/07

Students

SUBJECT: GROUPING BY SIMILARITY OF NEEDS

The Board of Education will provide appropriate special education and related services to students with disabilities. For those students for whom an appropriate education requires that they be placed together for purposes of special education, the following guidelines shall apply:

- a) That each student with a disability shall be identified, evaluated and placed as determined by the Committee on Special Education (CSE).
- b) The Committee shall determine written goals and corresponding short-term instructional objectives for each student with a disability by considering the special and individual needs of each student with a disability.
- c) The Committee shall recommend to the Board of Education appropriate educational programs and services for each student with a disability based upon the CSE evaluation.
- d) The CSE shall provide information to those teachers and professionals who arrange instructional groups for students with disabilities. Information shall include physical, psychological and social information as well as achievement test results.
- e) The curriculum and instruction provided to students with disabilities who are grouped by similarity of needs shall be consistent with the individual needs of each student in the group.
- f) Students with disabilities may be grouped according to:
 - (1) Academic achievement, functional performance and learning characteristics;
 - (2) Social needs;
 - (3) Physical development; and
 - (4) Management needs.
- g) When grouping students by similarity of needs, the social needs or physical development of a student shall not be the sole determinant for placement of a student in a special education program.
- h) The management needs of such students may vary, provided that environmental modifications, adaptations, or, human or material resources required to meet the needs of any one student in the group are provided and do not consistently detract from the opportunities of other students in the group to benefit from instruction.

8 New York Code of Rules and Regulations
(NYCRR) Sections 200.2(b)(3), 200.6(a)(3)

Adopted: 6/25/96

Revised: 9/13/99; 7/17/07

Students

SUBJECT: THE ROLE OF THE BOARD IN IMPLEMENTING A STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM

The Board of Education shall establish at least one Committee on Special Education and one Committee on Preschool Special Education. The Board may also establish, as necessary, Subcommittees on Special Education to ensure timely evaluation and placement of students with disabilities.

Committee on Special Education

The Board of Education shall, upon completion of its review of the recommendations of the CSE, arrange for the appropriate special education programs and services to be provided to a student with a disability. The Board shall notify the parent/guardian of its action in accordance with federal and state law and regulations.

For a student not previously identified as having a disability, the CSE shall provide a recommendation to the Board which shall arrange for the appropriate special education programs and services to be provided within 60 school days of the date of receipt of consent to evaluate. For a student with a disability referred for review, a recommendation shall be provided to the Board which shall arrange for the appropriate special education programs and services to be provided within 60 school days of the referral for review. However, if such recommendation of the CSE is for placement in an approved in-state or out-of-state private school, the Board shall arrange for such special education programs and services for students with disabilities within 30 days of the Board's receipt of the recommendation of the CSE.

If on review of the recommendation of the CSE, the Board of Education disagrees with such recommendation, the Board shall follow one of the following procedures:

- a) The Board may remand the recommendation to the CSE with a statement of the Board's objections or concerns and a request that a timely meeting be held to review and consider such objections or concerns. The CSE shall consider the Board's objections or concerns, revise the IEP where appropriate, and resubmit a recommendation to the Board. If the Board continues to disagree with the recommendation of the CSE, the Board may continue to remand the recommendation to the original committee for additional reviews of its objections or concerns, or establish a second CSE to develop a new recommendation in accordance with the following paragraph, provided that the Board arranges for the programs and services in accordance with the student's IEP within the timelines as outlined above; or, in the alternative,
- b) The Board may establish a second CSE to develop a new recommendation for the student. If the Board disagrees with such new recommendation, the Board may remand the recommendation to the second CSE with a statement of the Board's objections or concerns and a request that a timely meeting be held to review and consider such objections or

(Continued)

Students

SUBJECT: THE ROLE OF THE BOARD IN IMPLEMENTING A STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM (Cont'd.)

concerns. The second CSE shall consider the Board's objections or concerns, revise the IEP where appropriate, and resubmit a recommendation to the Board. If the Board continues to disagree with the recommendation of the second CSE, the Board may continue to remand the recommendation for additional reviews of its objections or concerns by the second CSE, provided that the Board arranges for the programs and services in accordance with the student's IEP, as developed by the second CSE, within the timelines as outlined above.

Pursuant to Commissioner's Regulations, the Board may not select the recommendation of the original CSE once it has established a second CSE.

The Board shall provide the student's parents/guardians with written notice and a copy of the statement of its objections or concerns and notice of due process rights in accordance with Section 200.5 of the Regulations of the Commissioner.

Committee on Preschool Special Education

Upon receipt of the recommendation of the Committee on Preschool Special Education (CPSE), the Board of Education shall arrange for the preschool student with a disability to receive such appropriate programs and services in accordance with the student's IEP, commencing with the July, September or January starting date for the approved program, unless such services are recommended by the CPSE less than 30 days prior to, or after, the appropriate starting date selected for the preschool student with a disability; in that case, such services shall be provided no later than 30 days from the recommendation of the CPSE.

If the Board disagrees with the recommendation of the CPSE, the Board shall send the recommendation back to the CPSE with notice of the need to schedule a timely meeting to review the Board's concerns and to revise the IEP as deemed appropriate. The Board of Education shall provide such notice as required by federal and state law and regulations.

Subcommittee on Special Education

The number of Subcommittees on Special Education will be determined by the CSE and the CSE will be responsible for the oversight and monitoring of the activities of each subcommittee to assure compliance with the requirements of applicable state and federal laws and regulations.

Each Subcommittee may perform the functions for which the CSE is responsible, except:

- a) When a student is considered for initial placement in a special class; or

(Continued)

SUBJECT: THE ROLE OF THE BOARD IN IMPLEMENTING A STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM (Cont'd.)

- b) When a student is considered for initial placement in a special class outside of the student's school of attendance; or
- c) When a student is considered for placements in a school primarily serving students with disabilities or a school outside the District.

Subcommittees shall report annually to the CSE regarding the status of each student with a disability within its jurisdiction. Upon receipt of a written request from the parent or person in parental relationship to a student, the Subcommittee shall refer to the CSE any matter in which the parent disagrees with the Subcommittee's recommendation concerning a modification or change in the identification, evaluation, educational placement or provision of a free appropriate education to the student.

Education Law Sections 4402 and 4410
8 New York Code of Rules and Regulations
(NYCRR) Sections 200.2(d)(1), 200.4(c) and (d),
200.5 and 200.16(e)

NOTE: Refer also to Policies #7614 -- Appointment and Training of Committee on Preschool Special Education (CPSE) Members
#7630 -- Appointment and Training of Committee on Special Education (CSE)/Subcommittee on Special Education Members

Adopted: 6/25/96
Revised: 9/13/99; 5/27/04; 7/12/07

Students

SUBJECT: LEAST RESTRICTIVE ENVIRONMENT

Least restrictive environment means that placement of students with disabilities in special classes, separate schools or other removal from the regular educational environment occurs only when the nature or severity of the disability is such that even with use of supplementary aids and services, education in regular classes cannot be satisfactorily achieved. The placement of an individual student with a disability in the least restrictive environment shall:

- a) Provide the special education and related services, as well as supplementary aids and services, needed by the student. The term "related services" does not include a medical device that is implanted, or the replacement of such device.
- b) Provide for education of the student to the maximum extent appropriate to the needs of the student with other students who do not have disabilities; and
- c) Be as close as possible to the student's home.

The District has an obligation, pursuant to law and regulation, to educate students with disabilities in the least restrictive environment. The School District shall ensure that:

- a) Each student with a disability shall be educated with nondisabled students to the maximum extent appropriate;
- b) Each student with a disability shall be removed from the regular educational environment only when the nature or severity of the student's disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily; and
- c) To the maximum extent appropriate to the student's needs, each student with a disability shall participate with nondisabled students in nonacademic and extracurricular services and activities.

The District shall ensure that a continuum of alternative placements, in accordance with law and/or regulation, will be available to meet the needs of students with disabilities for special education and related services. To enable students with disabilities to be educated with nondisabled students to the maximum extent appropriate, specially designed instruction and supplementary services may be provided in the regular class. Such services may include, but are not limited to, consultant teacher services and other group or individual supplemental or direct special education instruction.

(Continued)

Students

SUBJECT: LEAST RESTRICTIVE ENVIRONMENT (Cont'd.)

Individuals with Disabilities Education Act (IDEA)
20 United States Code (USC) Section 1400 et seq.
34 Code of Federal Regulations (CFR) Part 300
Education Law Sections 4401-4410-a
8 New York Code of Rules and Regulations
(NYCRR) Sections 100.5, 100.9, 200.1(cc), 200.1(qq),
200.2(b), 200.4 and 200.6

Students

**SUBJECT: PREREFERRAL INTERVENTION STRATEGIES IN GENERAL EDUCATION
(PRIOR TO A REFERRAL FOR SPECIAL EDUCATION)**

The School District shall establish a plan for implementing schoolwide approaches and prereferral interventions in order to remediate a student's performance *prior to referral* for special education.

The provision of programs and/or services for students starts with consideration/implementation of instruction in the general education curriculum, with appropriate supports and/or modifications as may be necessary. In implementing prereferral intervention strategies, the District may utilize resources/strategies already in place for qualified students including, but not limited to, services available through Section 504 of the Rehabilitation Act of 1973, and Educationally Related Support Services and Academic Intervention Services as defined in Education Law and/or Commissioner's Regulations. All of these programs may be considered as possible components of Prereferral/Intervention Instructional Support Plans. The District will ensure that they have a system in place, with appropriate personnel, for developing, implementing and evaluating prereferral intervention strategies.

The District will provide general education support services, instructional modifications, alternative instructional approaches, or alternative program options to address a student's performance prior to a referral to a Committee on Special Education (CSE). Formal Instructional Support Services Teams (ISST) or other school-based teams (e.g., Direct Student Support Teams or Child Study Teams), will be formed in accordance with law and/or regulations as may be applicable as well as District guidelines. The ISST will include representatives from general and special education as well as other disciplines and include individuals with classroom experience. Parents/persons in parental relation to students will be involved in developing prereferral strategies to address the educational needs of their child. Additionally, the District will seek collaboration between outside agencies and the school prior to a referral of the student to the CSE in order to address necessary student support services.

Administration shall ensure that appropriate opportunities exist for collaboration between general educators and special educators, and that consultation and support are available to teachers and other school personnel to assist parents/persons in parental relation to students and teachers in exploring alternative approaches for meeting the individual needs of any student prior to formal referral for special education.

The determination of prevention and prereferral intervention strategies/services shall consider the student's strengths, environment, social history, language and cultural diversity in addition to the teacher's concerns. The building administrator will further ensure that all staff are familiar with intervention procedures and procedures for operating an ISST.

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Students

**SUBJECT: PREREFERRAL INTERVENTION STRATEGIES IN GENERAL EDUCATION
(PRIOR TO A REFERRAL FOR SPECIAL EDUCATION) (Cont'd.)**

Prereferral/Intervention Instructional Support Plans shall be proactive in their strategies to meet the broad range of student needs and to improve student performance. Prereferral/Intervention strategies and/or Instructional Support Plans are to be reviewed and evaluated to determine their effectiveness, and modified as may be appropriate. Appropriate documentation of the prevention and/or intervention strategies implemented shall be maintained.

However, should a referral be made to the CSE during the course of implementing prereferral/intervention instructional support services, the CSE is obligated in accordance with law to continue its duties and functions, and must meet mandatory time lines in evaluating the student for special education services and implementation of an individualized education program, if applicable.

Educational Related Support Services

Educational related support services (ERSS) means curriculum and instructional modification services; direct student support team services; assessment and non-career counseling services; special instruction to eligible students with disabilities as defined in Education Law Section 4401, which does not generate excess cost aid including related services but excluding transportation and transition services; and to eligible, qualified students pursuant to Section 504 of the Rehabilitation Act of 1973. These services are provided to eligible students, individually or in groups, and may include those related consultation services provided to their families and related school personnel in order to enhance the academic achievement and attendance of such students. Educational related support services shall also mean speech and language improvement services as defined in Commissioner's Regulations.

ERRS Services may be utilized as a component of any Prereferral/Intervention Instructional Support Plan.

Section 504 of the Rehabilitation Act of 1973

For students who are qualified for services pursuant to Section 504 of the Rehabilitation Act, but are not classified as students with disabilities as defined in Education Law Section 4401, Section 504 Accommodation Plans may address instructional support services that can be utilized as components of any prereferral/intervention strategies as deemed necessary and/or appropriate.

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**SUBJECT: PREREFERRAL INTERVENTION STRATEGIES IN GENERAL EDUCATION
(PRIOR TO A REFERRAL FOR SPECIAL EDUCATION) (Cont'd.)**

Academic Intervention Services

Academic intervention services means additional instruction which supplements the instruction provided in the general curriculum and assists students in meeting the State learning standards as defined in Commissioner's Regulations and/or student support services which may include guidance, counseling, attendance, and study skills which are needed to support improved academic performance. However, such services shall not include services provided to students with limited English proficiency pursuant to Commissioner's Regulations or special education services and programs as defined in Education Law Section 4401. Academic intervention services are intended to assist students who are at risk of not achieving the State learning standards in English language arts, mathematics, social studies and/or science, or who are at risk of not gaining the knowledge and skills needed to meet or exceed designated performance levels on State assessments.

The District has developed a description of the academic intervention services offered to grades K-12 students in need of such services. The District will review and revise this description every two years based on student performance results.

Parental notification of students who have been determined to need academic intervention services will be provided as per Commissioner's Regulations.

In implementing prevention and/or prereferral intervention support strategies in order to remediate a student's performance prior to referral for special education, the utilization of academic intervention services, as enumerated in Commissioner's Regulations, may be included as a component of any such Prereferral/Intervention Instructional Support Plan.

Education Law Sections 3602(32), 4401 and 4401-a
8 New York Code of Rules and Regulations
(NYCRR) Sections 100.1(g), (p), (r), (s), and (t);
100.2(v); 100.2(dd)(4); 100.2(ee); 200.2(b)(7);
200.4(a)(2) and (9); 200.4(c); and Part 154
Section 504 of the Rehabilitation Act of 1973,
29 United States Code (USC) Section 794 et seq.

Students

SUBJECT: DECLASSIFICATION OF STUDENTS WITH DISABILITIES

The School District shall establish and implement a plan for the appropriate declassification of students with disabilities which must include:

- a) The regular consideration for declassifying students when appropriate;
- b) A reevaluation of the student prior to declassification; and
- c) The provision of educational and support services to the student upon declassification.

Eligibility Determinations

The School District must evaluate a student with a disability prior to determining that a student is no longer a student with a disability as defined in accordance with Commissioner's Regulations, and the District shall provide a copy of the evaluation report and the documentation of eligibility to the student's parent. The results of any reevaluations must be addressed by the Committee on Special Education (CSE) in a meeting to review and, as appropriate, revise the student's IEP.

Prior to the reevaluation, the School District shall obtain informed written parental consent unless otherwise authorized pursuant to law and/or regulation. Parental consent need not be obtained if the District can demonstrate that it has taken reasonable measures to obtain that consent, and the student's parents fail to respond. The District must have a record of its attempts to obtain parental consent. Should the student's parents refuse consent for the reevaluation, the District may continue to pursue the reevaluation by using mediation and/or due process procedures.

The District shall take whatever action is necessary to ensure that the parent understands the proceedings at the meeting of the CSE, including arranging for an interpreter for parents with deafness or whose native language is other than English.

Graduation/Aging Out

The District is not required to conduct a reevaluation of a student before the termination of a student's eligibility due to graduation with a local high school or Regents diploma or exceeding the age eligibility for a free appropriate public education. However, the District must provide the student with a summary (Student Exit Summary) of the student's academic achievement and functional performance, including recommendations on how to assist the student in meeting his/her post secondary goals. Although not required to do so, the District will also provide this Student Exit Summary (www.vesid.nysed.gov/specialed/idea/studentexit.htm) to students exiting with a High School Equivalency Diploma.

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Students

SUBJECT: DECLASSIFICATION OF STUDENTS WITH DISABILITIES (Cont'd.)

In addition, the parent must receive prior written notice, in accordance with Commissioner's Regulations, before the student's graduation from high school with a local or Regents diploma or before he/she receives an Individualized Education Program (IEP) diploma. If the student will be graduating with an IEP diploma, this prior written notice must indicate that the student continues to be eligible for a free appropriate public education until the end of the school year in which the student turns twenty-one (21) or until receipt of a regular high school diploma.

Recommendation for Declassification

If the student has been receiving special education services, but it is determined by CSE that the student no longer needs special education services and can be placed in a regular educational program on a full-time basis, the recommendation shall:

- a) Identify the declassification support services, if any, to be provided to the student; and/or the student's teachers; and
- b) Indicate the projected date of initiation of such services, the frequency of provision of such services, and the duration of these services, provided that such services shall not continue for more than one (1) year after the student enters the full-time regular education program.

Declassification Support Services

When appropriate, the District shall provide declassification support services to students who have moved from special education to a full-time regular educational program in accordance with the recommendation of the CSE.

Declassification support services means those services provided by persons appropriately certified pursuant to Part 80 of Commissioner's Regulations, or holding a valid teaching license in the appropriate area of service, to a student or the student's teacher to aid in the student's move from special education to full-time regular education, including:

- a) For the student, psychological services, social work services, speech and language improvement services, noncareer counseling, and other appropriate support services; and
- b) For the student's teacher, the assistance of a teacher aide or a teaching assistant, and consultation with appropriate personnel.

Procedural Safeguards Notice

The District shall use the procedural safeguards notice prescribed by the Commissioner of Education. The District will further ensure that the procedural safeguards notice is provided in the

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Students

SUBJECT: DECLASSIFICATION OF STUDENTS WITH DISABILITIES (Cont'd.)

native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the District shall take steps to ensure that the notice is translated orally or by other means to the parent in his/her native language or other mode of communication; that the parent understands the content of the notice; and that there is written evidence that all due process procedures, pursuant to law and/or regulation, have been met.

[Individuals with Disabilities Education Improvement Act of 2004 \[Public Law 108-446 Section 614\(a\)\]](#)
[Individuals with Disabilities Education Act \(IDEA\)](#)
[20 United States Code \(USC\) Section 1400 et seq.](#)
[34 Code of Federal Regulations \(CFR\) Part 300](#)
Education Law Sections 4401-4410-a
8 New York Code of Rules and Regulations (NYCRR) Sections 100.1(q), 100.2(u), 200.2(b)(8), 200.4(b)(4), 200.4(b)(5), 200.4(c)(3), 200.4(c)(4), 200.4(d)(1) and 200.5(a)

NOTE: Refer also to Policy #7641 -- [Transition Services](#)

Adopted: 10/23/03
Revised: 7/12/07

1999

7620

Students

SUBJECT: STUDENTS WITH DISABILITIES PARTICIPATING IN SCHOOL DISTRICT PROGRAMS

All students with disabilities residing in the District, including those of preschool age, shall be provided with full access and opportunity to participate in School District programs, including extracurricular programs and activities, that are available to all other students enrolled in the public schools of the District. Parents/legal guardians of students with disabilities, including those students placed in out-of-District programs, shall receive timely notice of such District programs and activities.

8 New York Code of Rules and Regulations
(NYCRR) Section 200.2(b)(1)

Adopted: 6/25/96
Revised: 9/13/99

Students

SUBJECT: SECTION 504 OF THE REHABILITATION ACT OF 1973

The Board of Education affirms its compliance with those sections of the Rehabilitation Act of 1973 dealing with program accessibility.

Section 504 of the Rehabilitation Act prohibits discrimination against qualified individuals with disabilities in federally assisted programs or activities solely on the basis of disability. The District shall make its program and facilities accessible to all its students with disabilities.

The District shall also identify, evaluate and extend to every qualified student with a disability under Section 504 a free, appropriate public education, including modifications, accommodations, specialized instruction or related aids and services, as deemed necessary to meet their educational needs as adequately as the needs of non-disabled students are met.

The District official responsible for coordination of activities relating to compliance with Section 504 is the Superintendent of Schools. This official shall provide information, including complaint procedures, to any person who feels his or her rights under Section 504 have been violated by the District or its officials.

Section 504 Officer

The Board of Education shall designate an individual as the responsible employee to coordinate School District compliance with Section 504 of the Rehabilitation Act and its administrative regulations and with the Americans with Disabilities Act.

The District's Section 504 compliance officer shall formulate procedures for carrying out the policies in this statement and shall be responsible for continuing surveillance of District educational programs and activities with regard to compliance with Section 504 and its administrative regulations.

Section 504 Committee

A District 504 committee shall be appointed by the Board of Education every year. It shall include as regular members, the school psychologist, a building administrator, a guidance counselor, a school nurse and a learning specialist. Alternating members can also include the child's parent(s) and teacher(s). The committee will review all referrals and recommend any necessary action.

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

NOTE: Refer also to Policy #3232 -- Complaints and Grievances by Students

Adopted: 6/25/96

Revised: 9/13/99

Students

SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON SPECIAL EDUCATION (CSE)/SUBCOMMITTEE ON SPECIAL EDUCATION MEMBERS

Committee on Special Education (CSE) Membership

The Board of Education shall appoint a Committee on Special Education (CSE) whose membership shall include, but not be limited to, the following members:

- a) The parent(s) of the student. To ensure that one or both parents are present at each CSE meeting, the District and the parent(s) may agree to use alternative means of participation such as videoconferences or conference phone calls.
- b) Not less than one (1) regular education teacher of such student (if the student is, or may be, participating in the regular education environment);
- c) Not less than one (1) special education teacher of the student, or, where appropriate, at least one (1) special education provider (i.e., related service provider) of such student;
- d) A representative of the School District who is qualified to provide or administer or supervise special education and who is knowledgeable about the general education curriculum and about the availability of resources of the District;
- e) An individual who can interpret the instructional implications of evaluation results, who may be a CSE member selected from the regular education teacher, the special education teacher or provider, the school psychologist, or the School District representative described above, or a person having knowledge or special expertise regarding the student as determined by the District;
- f) At the discretion of the parent or the District, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate. The determination of knowledge or special expertise shall be made by the party (parents or School District) who invited the individual to be a member of the committee;
- g) Whenever appropriate, the student with a disability;
- h) A school psychologist;
- i) A school physician, if requested in writing at least seventy-two (72) hours prior to the meeting by the parents of the student or the School District; and

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Students

SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON SPECIAL EDUCATION (CSE)/SUBCOMMITTEE ON SPECIAL EDUCATION MEMBERS (Cont'd.)

- j) An additional parent residing in the District or a neighboring school district who is a parent of a student with a disability, a parent of a student who has been declassified and is no longer eligible for an individualized education program (IEP), or a parent of a disabled child who has graduated. This parent member may serve for a period of five years beyond the student's declassification or graduation, provided that the parent shall not be employed by or under contract with the School District. Such parent is not a required member if the parents of the student request, in writing, that the additional parent member not participate in the meeting.

Subcommittee on Special Education Membership

The Membership of each subcommittee shall include, but not be limited to, the following members:

- a) The parent(s) of the student;
- b) Not less than one (1) regular education teacher of such student (if the student is, or may be, participating in the regular education environment);
- c) Not less than one (1) special education teacher, of the student, or where appropriate, at least one (1) special education provider (i.e., related service provider) of such student;
- d) A representative of the School District who is qualified to provide or administer or supervise special education and who is knowledgeable about the general education curriculum and about the availability of resources of the District;
- e) A school psychologist, whenever a new psychological evaluation is reviewed or a change to a program option with a more intensive staff/student ratio, as set forth in Section 200.6(f)(4) of the Regulations of the Commissioner, is considered;
- f) At the discretion of the parent or the Committee, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate. The determination of knowledge or special expertise shall be made by the party (parents or School District) who invited the individual to be a member of the subcommittee;
- g) An individual who can interpret the instructional implications of evaluation results, who may be a member described in letters "b" through "f" of this subheading; and
- h) Whenever appropriate, the student with a disability.

(Continued)

SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON SPECIAL EDUCATION (CSE)/SUBCOMMITTEE ON SPECIAL EDUCATION MEMBERS (Cont'd.)

Training

The training of qualified personnel is essential to the effective implementation of the Regulations of the Commissioner of Education regarding the education of all students with disabilities.

The Director of Special Education shall be responsible to the Superintendent for establishing administrative practices and procedures for training all District personnel responsible for carrying out the provisions of Part 200 of the Commissioner's Regulations as well as members of the Committee on Special Education.

Alternative Means of Meeting

When conducting a meeting of the CSE, the parent and the representative of the District appointed to the CSE may agree to use alternative means of meeting participation, such as videoconferences and conference calls.

Individuals with Disabilities Education Act (IDEA)
20 United States Code (USC) Section 1400 et seq.
34 Code of Federal Regulations (CFR) Part 300
Education Law Section 4402
8 New York Code of Rules and Regulations
(NYCRR) Sections 200.2(b)(3), 200.3, and
200.4(d)(4)(i)(d)

NOTE: Refer also to Policies #7613 -- The Role of the Board in Implementing a Student's Individualized Education Program
#7614 -- Appointment and Training of Committee on Preschool Special Education Members

Adopted: 6/25/96
Revised: 9/13/99; 10/23/03; 1/12/06

Students

**SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON PRESCHOOL
SPECIAL EDUCATION (CPSE) MEMBERS**

Committee on Preschool Special Education (CPSE) Membership

The Board of Education shall appoint a Committee on Preschool Special Education (CPSE) whose membership shall include, but not be limited to, the following members:

- a) The parent(s) of the preschool child;
- b) Not less than one (1) regular education teacher of such child (if the child is, or may be, participating in the regular education environment);
- c) Not less than one (1) special education teacher of the child or, where appropriate, at least one (1) special education provider (i.e., related service provider) of such child;
- d) A representative of the School District who is qualified to provide, or supervise the provision of, special education and who is knowledgeable about the general education and curriculum and about the availability of preschool special education programs and services and other resources of the District and the municipality (who shall serve as Chairperson of the CPSE);
- e) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team selected from the regular education teacher, the special education teacher or provider, the school psychologist, the School District representative described above, or a person having knowledge or special expertise regarding the student as determined by the District;
- f) At the discretion of the parent or the District, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate. The determination of knowledge or special expertise shall be made by the party (parents or School District) who invited the individual to be a member of the committee;
- g) An additional parent of a child with a disability who resides in the School District *or* a neighboring school district, and whose child is enrolled in a preschool or elementary level education program provided that such parent shall not be employed by or under contract with the School District or municipality; and provided further that such parent shall not be a required member if the parents of the child request, in writing, that the additional parent member not participate in the meeting.

(Continued)

SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE) MEMBERS (Cont'd.)

- h) For a child's transition from early intervention programs and services (Infant and Toddler Programs), the appropriately licensed or certified professional from the County Early Intervention Program. This professional must attend all meetings of the CPSE conducted prior to the child's initial receipt of services; and
- i) A representative of the municipality of the preschool child's residence. Attendance of the appointee of the municipality is not required for a quorum.

Training

The training of qualified personnel is essential to the effective implementation of the Regulations of the Commissioner of Education regarding the education of all students with disabilities.

The Director of Special Education shall be responsible to the Superintendent for establishing administrative practices and procedures for training all District personnel responsible for carrying out the provisions of Part 200 of the Commissioner's Regulations as well as members of the Committee on Preschool Special Education.

Individuals with Disabilities Education Act (IDEA)
20 United States Code (USC) Section 1400 et seq.
34 Code of Federal Regulations (CFR) Part 300
Education Law Section 4410
8 New York Code of Rules and Regulations (NYCRR)
Sections 200.2(b)(3) and 200.3

NOTE: Refer also to Policies #7613 -- The Role of the Board in Implementing a Student's Individualized Education Program
#7630 -- Committee on Special Education/Subcommittee on Special Education Members

Adopted: 6/25/96

Revised: 9/13/99; 10/23/03; 5/27/04; 1/12/06

Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):
DEVELOPMENT AND PROVISION****Development of Individualized Education Program**

The Board of Education directs that the Committee on Special Education (CSE) or Committee on Preschool Special Education (CPSE) shall have prepared a written statement (program) for each child with a disability.

Such an Individualized Education Program (IEP) will be developed by the CSE or CPSE upon referral, and reviewed or revised, whichever is appropriate, for every child with a disability at least annually or in the event that the program no longer appears to be appropriate to meet the student's needs and ability level.

The District shall ensure that each student with a disability has an IEP in effect at the beginning of each school year.

Individual Evaluations

Unless a referral is withdrawn, an individual evaluation at no cost to the parent will be completed by the CSE/CPSE within sixty (60) calendar days of receiving written parental consent, unless:

- a) A student enrolls in the District after sixty (60) days and prior to a determination by the student's previous school district as to whether the student has a disability, but only if the new school district is making sufficient progress to ensure a prompt completion of the evaluation and the parent and the new district agree to a specific timeframe for completion;
or
- b) The parent or student repeatedly fails or refuses to produce the student for evaluation.

No student shall be required to obtain a prescription for a drug or other substance identified as a controlled substance by the federal Controlled Substances Act as a condition of receiving an evaluation.

The individual evaluation will include a variety of assessment tools and strategies, including information provided by the parent. The purpose of the evaluation is to gather relevant functional, developmental and academic information that may assist in determining whether the student is a student with a disability and the content of the student's IEP. This shall include information relating to enabling the student to participate and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities.)

(Continued)

Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):
DEVELOPMENT AND PROVISION (Cont'd.)**

As part of any evaluation, a group that includes the CSE/CPSE and other qualified professionals, as appropriate, shall review existing evaluation data on the student including evaluations and information provided by the parents of the student, current classroom-based assessments, local or state assessments, classroom-based observations, and observations by teachers and related services providers.

On the basis of that review, and input from the student's parents, the group shall identify what additional data, if any, are needed to determine:

- a) Whether the student has or continues to have a disability;
- b) The present levels of academic achievement and related developmental needs of the student, including:
 1. Academic achievement, functional performance, and learning characteristics;
 2. Social development;
 3. Physical development; and
 4. Management needs.
- c) In the case of a reevaluation of a student, whether the student continues to need special education; and
- d) Whether any additions or modifications to the special education services are needed to enable the student to meet the measurable annual goals set out in the IEP of the student and to participate, as appropriate, in the general education curriculum.

If additional data are not needed, the District must notify the parents of that determination and the reasons for it and of the right of the parents to request an assessment to determine whether, for purposes of services provided in accordance with law and Commissioner's Regulations, the student continues to be a student with a disability and to determine the student's educational needs. The District is not required to conduct the assessment unless requested to do so by the student's parents.

Individual Re-evaluations

A Committee on Special Education (CSE/CPSE) shall arrange for an appropriate re-evaluation of each student with a disability:

(Continued)

Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):
DEVELOPMENT AND PROVISION (Cont'd.)**

- a) If the District determines that the educational or related services needs, including improved academic achievement and functional performance of the student warrant re-evaluation;
- b) If the student's parent or teacher request a re-evaluation;
- c) At least once every three (3) years.

A re-evaluation shall not be conducted more frequently than once a year unless the parent and the District representative appointed to the CSE/CPSE agree otherwise.

The re-evaluation will be conducted by a multi-disciplinary team or group of persons, including at least one teacher or other specialist with knowledge in the area of the student's disability. The re-evaluation shall be sufficient to determine the student's individual needs, educational progress and achievement, the student's ability to participate in instructional programs in regular education and the student's continuing eligibility for special education. The results of any re-evaluations must be addressed by the CSE/CPSE in reviewing, and as appropriate, revising the student's IEP.

To the extent possible, the District shall encourage the consolidation of re-evaluation meetings for the student and other CSE/CPSE meetings for the student.

Amendments to the IEP

Amendments to the IEP made after the annual review by the CSE may be made by rewriting the IEP or by developing a written document to amend or modify the student's current IEP, provided that:

- a) The parent receives a prior written notice of any changes to the IEP; and
- b) The parent receives any documents that amend the IEP, or upon request, a revised copy of the entire IEP with the amendments incorporated.

Use of Recording Equipment at IEP Meetings

The Board of Education shall allow recording equipment to be used at meetings regarding individualized education programs for students with disabilities.

Provision of Individualized Education Program

The Board of Education directs that the Superintendent/designee(s) establish administrative practices and procedures to ensure that each regular education teacher, special education teacher, related service provider and/or other service provider who is responsible for the implementation of a

(Continued)

Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):
DEVELOPMENT AND PROVISION (Cont'd.)**

student's IEP is *provided a paper or electronic copy of such student's IEP (including amendments to the IEP) prior to the implementation of such program*. For purposes of this policy, "other service provider" means a representative of another public school district, charter school, Board of Cooperative Educational Services (BOCES) or school enumerated in Articles 81, 85 or 89 of the Education Law where the student receives or will receive IEP services. Further, the District will designate at least one school official who shall be responsible for maintaining a record of the personnel who have received IEP copies for each student.

Any *copy of a student's IEP shall remain confidential* in compliance with the Individuals with Disabilities Education Act, the Family Educational Rights and Privacy Act, and District policy regarding confidentiality of student records; and shall not be disclosed to any other person other than the parent of such student, except in accordance with federal and state laws and/or regulations. Appropriate training and information will be provided to designated school personnel, as applicable, to ensure the confidentiality of such information. Procedures will be established to ensure that copies of students' IEPs are stored in secure locations and retrieved or destroyed when such professionals are no longer responsible for implementing a student's IEP.

The Chairperson of the CSE, CSE subcommittee, or CPSE *shall designate* for each student one or, as appropriate, more than one professional employee of the School District with knowledge of the student's disability and education program *who will be responsible to, prior to the implementation of the IEP, inform* each regular education teacher, special education teacher, related service provider, other service provider, supplementary school personnel (i.e., a teaching assistant or a teacher aide as defined in Commissioner's Regulations), and other provider and support staff person of his/her responsibility to implement the recommendations on a student's IEP, including the responsibility to provide specific accommodations, program modifications, supports and/or services for the student in accordance with the IEP. In selecting the professional staff person(s), the Chairperson could select him/herself for this responsibility, another administrator, or a teacher, related service provider or other professional based on the particular circumstances of the student's disability and education program.

The School District shall also ensure that each teaching assistant, teacher aide and each other provider responsible for assisting in the implementation of a student's IEP has *the opportunity to review* a copy of the student's IEP (including amendments) prior to the implementation of such program. Further, each teaching assistant, teacher aide and such other provider responsible for assisting in the implementation of a student's IEP shall have *ongoing access* to a copy of the IEP, which may be the copy provided to the student's special education teacher or the teacher or related service provider under whose direction the supplementary school personnel or other provider works. However, the District may, at its discretion, provide a copy of the IEP to teaching assistants and/or teacher aides.

A copy of a student's IEP shall be provided to the student's parents at no cost to the student's parents.

(Continued)

Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):
DEVELOPMENT AND PROVISION (Cont'd.)**

Individuals with Disabilities Education Improvement
Act of 2004 [Public Law 108-446 Section 615(k)(l)]
Individuals with Disabilities Education Act (IDEA)
20 United States Code (USC) Sections 1400 et seq.
21 United States Code (USC) 812(c)
Education Law Articles 81, 85 and 89
Education Law Sections 3208 and 4402(7)
8 New York Code of Rules and Regulations
(NYCRR) Sections 200.1(hh), 200.2(b)(11),
200.4(b)(4), 200.4(e)(3), 200.4(f) and 200.16(e)(6)

Students

SUBJECT: TRANSITION SERVICES

Beginning not later than the first IEP to be in effect when the student is age 15 (and at a younger age, if determined appropriate), and updated annually, the student's IEP must include:

- a) A statement of the student's needs taking into account the student's strengths, preferences and interests as they relate to transition from school to post-school activities;
- b) Appropriate measurable postsecondary goals based upon age appropriate transition assessments relating to training, education, employment and, where appropriate, independent living skills;
- c) A statement of transition service needs that focuses on the student's courses of study, such as participation in advanced-placement courses or a vocational educational program;
- d) Needed activities to facilitate the student's movement from school to post-school activities, including instruction, related services, community experiences, the development of employment and other post-school adult living objectives and, when appropriate, acquisition of daily living skills and functional vocational evaluation; and
- e) A statement of the responsibilities of the District and participating agencies, when applicable, for the provision of such services and activities, before the student leaves the school setting, that promote movement from school to post-school opportunities.

As defined by the Commissioner's Regulations, transition services means a coordinated set of activities for a student with a disability, designed within a results-oriented process that is focused on improving the academic and functional achievement of the child with a disability to facilitate movement from school to post-school activities. Post-school activities include, but are not limited to, post-secondary education, vocational training, integrated competitive employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities must be based on the individual student's needs, taking into account the student's strengths, preferences and interests and shall include needed activities in the following areas:

- a) Instruction;
- b) Related services (the term "related services" does not include a medical device that is implanted, or the replacement of such device);
- c) Community experiences;

(Continued)

Students

SUBJECT: TRANSITION SERVICES (Cont'd.)

- d) The development of employment and other post-school adult living objectives; and
- e) When appropriate, acquisition of daily living skills and functional vocational evaluation.

[Individuals with Disabilities Education Improvement Act of 2004 \[Public Law 108-446 Section 614\(a\)\]](#)
[Individuals with Disabilities Education Act \(IDEA\)](#)
[20 United States Code \(USC\) Sections 1400 et seq.](#)
34 Code of Federal Regulations (CFR) Sections
300.343, 300.347 and 300.348
Education Law Section 4401
8 New York Code of Rules and Regulations
(NYCRR) Sections 200.1(qq), 200.1(fff),
2004.(d)(2)(ix), and 200.5(c)(2)(vii)

NOTE: Refer also to Policy #7617 – [Declassification of Students with Disabilities](#)

Students

SUBJECT: TWELVE MONTH SPECIAL SERVICES AND/OR PROGRAMS

The School District shall provide, directly or by contract, special services and/or programs during July and August to those students whose disabilities are severe enough to exhibit the need for a structured learning environment of twelve (12) months duration in order to prevent substantial regression as determined by the Committee on Special Education (CSE) or Committee on Preschool Special Education (CPSE). Written consent of the parent is required prior to initial provision of special education services in a twelve-month special service and/or program.

For students eligible for twelve (12) month service and/or program, the Individualized Education Program (IEP) shall indicate the identity of the provider of services during the months of July and August, and for preschool students determined by the CPSE to require a structured learning environment of twelve (12) months duration to prevent substantial regression, a statement of the reasons for such recommendation.

[Individuals with Disabilities Education Improvement Act of 2004 \[Public Law 108-446 Section 614\(a\)\]](#)
[Individuals with Disabilities Education Act \(IDEA\)](#)
[20 United States Code \(USC\) Sections 1400 et seq.](#)
8 New York Code of Rules and Regulations
(NYCRR) Sections 200.1(qq), 200.4(d)(2)(x),
200.5(b)(1)(iii), 200.6(j) and 200.16(h)(3)(v)

Adopted: 6/25/96

Revised: 9/13/99; 5/27/04; 7/12/07

Students

SUBJECT: TRANSFER STUDENTS WITH DISABILITIES

To facilitate the transition of students with disabilities transferring into or out of the District the District shall:

- a) As the district of origin take reasonable steps to promptly respond to all requests from the new school district.
- b) As the new school district take reasonable steps to promptly obtain the student's records from the previous school, including the Individualized Education Program (IEP), supporting documents and any other records relating to the provision of special education services.
- c) Provide to a student with a disability (as defined in Section 200.1(zz) of Commissioner's Regulations) who transfers school districts within the same academic year a free appropriate education including services comparable to those described in the student's previous IEP.
 1. For transfers within New York State, the previously held IEP will be followed in consultation with the parents until the District adopts the previously held IEP or develops, adopts and implements a new IEP consistent with federal and State law and regulation.
 2. For transfers from outside New York State, in consultation with the parents the previously held IEP will be followed until the District conducts an evaluation and, if appropriate, develops a new IEP consistent with federal and State law and regulation.

Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446 Section 614(a)]
Individuals with Disabilities Education Act (IDEA)
20 United States Code (USC) Sections 1400 et seq.
8 New York Code of Rules and Regulations
(NYCRR) Sections 200.1(zz) and 200.4(e)(8)

Adopted: 7/12/07

Students

**SUBJECT: IDENTIFICATION AND REGISTER OF CHILDREN WITH DISABILITIES
(CHILD FIND)**

The School District is required to locate and identify all students with disabilities who reside in the District, including students who do not attend public school. Therefore, it is the policy of the Board of Education to conduct a census in order to have all children with disabilities within its jurisdiction under the age of twenty-one (21) identified, located and evaluated, including children of preschool age, homeless children, children who are wards of the State as defined in Commissioner's Regulations and children in all public and private agencies and institutions.

Procedures must be established to locate, identify and evaluate all nonpublic elementary and secondary school students with disabilities, including religious-school children, to ensure the equitable participation of parentally placed private school students with disabilities and an accurate count of such students. The District will consult with representatives of private schools and representatives of parents of parentally placed private school students on the child find process. The District in which the nonpublic elementary or secondary school is located is responsible for child find, equitable provision of services and consultation requirements. Any such student suspected of having a disability is to be referred to the Committee on Special Education (CSE) of the student's district of residence for evaluation and possible identification as a student with disability.

Census data shall be reported by October 1 to the Committee on Special Education (CSE)/Committee on Preschool Special Education (CPSE) as appropriate. The CSE/CPSE will maintain and revise annually a register and related summary reports containing the data requirements indicated in Commissioner's Regulations including the number of students enrolled in private schools by their parents who are evaluated to determine if they are students with disabilities, the number of such students who are determined to have a disability and the number who received special education services.

Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446 Section 612]
Individuals with Disabilities Education Act (IDEA)
20 United States Code (USC) Section 1400 et seq.
34 Code of Federal Regulations (CFR) Part 300
Education Law Sections 3240-3242, 3602-c(2-a) and 4402(1)(a)
8 New York Code of Rules and Regulations (NYCRR) Sections 200.2(a) and 200.4

NOTE: Refer also to Policy #7160 -- School Census

Adopted: 6/25/96

Revised: 3/17/05; 8/9/05; 1/12/06

SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES

The Board of Education recognizes the rights of the parent/guardian to be fully informed of all information relevant to the identification, or change in identification, evaluation and educational placement of a child with a disability.

All due process procedures for parents/guardians and children in the Commissioner's Regulations shall be observed by the School District.

Definition of Parent

Parent means a birth or adoptive parent, a guardian, a person in parental relationship to the child as defined in Education Law section 3212, an individual designated as a person in parental relation pursuant to Title 15-A of the General Obligations Law including an individual so designated who is acting in the place of a birth or adoptive parent (including a grandparent, stepparent or other relative with whom the child resides), or a surrogate parent who has been appointed in accordance with section 200.5(n) of Commissioner's Regulations. The term does not include the State if the student is a ward of the State.

A foster parent may act as a parent unless State law, regulations or contractual obligations with a State or local entity prohibit the foster parent from acting as a parent.

Unless a judicial decree identifies a specific person(s) to act as the parent or make educational decisions for the student, if one or more parties is qualified to act as a parent, the birth or adoptive parent is presumed to be the parent unless they do not have the legal authority to do so.

Surrogate Parents

It is the duty of the School District to determine whether a child needs a surrogate parent and to assign a surrogate parent in the manner permitted under New York State law. This determination shall be completed within a reasonable time following the receipt of a referral for an initial evaluation or re-evaluation.

In the event that no parent or guardian for a child with a disability can be identified; or after reasonable efforts the whereabouts of the parent or guardian cannot be determined; or the student is an unaccompanied homeless youth; or the child with a disability is a ward of the State and does not have a "parent" as defined above; or the rights of the parent to make educational decisions have been subrogated by a judge in accordance with State law; the Board shall assign an individual to act as a surrogate for the parents or guardians.

Alternatively, the surrogate parent may be appointed by a judge overseeing the child's case.

(Continued)

SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)

The person selected as a surrogate shall have no interest that conflicts with the interest of the child he/she represents, and shall have knowledge and skills that ensure adequate representation of the child.

Prior Written Notice

Prior written notice must be given to parents of a student with a disability a reasonable time before the District proposes to, or refuses to, initiate or change the identification, evaluation, educational placement of the student or the provision of a free appropriate public education to the student. Prior written notice must also be provided informing the parents when no additional data is required to determine the student's educational needs, the reasons for this determination and their right to request an assessment.

If the prior written notice relates to a proposed action that also requires parental consent, the District must give notice at the same time it requests parental consent. The prior written notice will contain all elements required by Commissioner's Regulations.

A parent may elect to receive prior written notice and other required notifications by electronic mail (e-mail) communication if the District makes this option available.

Parental Consent

In accordance with due process, a parent or guardian of a special education student or a student suspected of having a disability must provide informed consent before the School District can take certain actions.

Consent for Evaluations

The parent or guardian must provide informed consent to the initial evaluation, or reevaluations in accordance with law and/or regulations. If a parent does not provide consent for an initial evaluation, the School District *may* pursue the evaluation by commencing a due process hearing to override the refusal to provide consent.

Parental consent for a reevaluation is not needed if the District can demonstrate that it has taken reasonable measures to obtain consent, but the parents or guardians have failed to respond.

Consent for the Initial Provision of Services

Parental consent is also required for the initial provision of special education services. Consent for an initial evaluation does not constitute consent for the initial provision of services. If a parent does not provide consent for the initial provision of services, the School District *shall not* provide the special education program and services to the student and shall not use the due process procedures to

(Continued)

SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)

challenge the parent's refusal to consent. The School District shall not be considered to be in violation of the requirements to provide a free appropriate public education (FAPE), shall not be required to convene a meeting of the committee on special education or develop an IEP.

Consent for Other Actions

Prior written consent must also be provided:

- a) Prior to releasing any personally identifiable information; and
- b) Prior to each time the District proposes to access a parent's private insurance.

Consent for an Unaccompanied Homeless Youth

Consent may be provided by a surrogate parent. However, until a surrogate parent is appointed, consent may be provided on a temporary basis by an employee of a temporary housing facility operated or approved by a local social services district or a residential facility for runaway and homeless youth.

Consent for a Ward of the State

A ward of the State means a child or youth under the age of twenty-one (21):

- a) Who has been placed or remanded pursuant to Social Services Law or the Family Court Act or freed for adoption pursuant to Social Services Law; or
- b) Who is in the custody of the Commissioner of Social Services or the Office of Children and Family Services; or
- c) Who is a destitute child under Social Services Law.

In the event that a child is a ward of the State, the School District shall make reasonable efforts to obtain the informed consent from the parent of the child for an initial evaluation to determine whether the child is a child with a disability.

The School District is not required to obtain informed consent if:

- a) Despite reasonable efforts to do so, the School District cannot discover the whereabouts of the parent of the student, including consulting with the agency responsible for the care of the student; or

(Continued)

Students

SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)

- b) The rights of the parents of the student have been terminated in accordance with State law;
or
- c) The rights of the parent to make educational decisions have been subrogated by a judge in accordance with State law.

Procedural Safeguards Notice

The School District will provide the procedural safeguards notice prescribed by the Commissioner of Education to the parents of a student with a disability at least one time per year and also:

- a) Upon initial referral or parental request for evaluation;
- b) Upon the first filing of a due process complaint notice to request mediation or an impartial hearing; and
- c) Upon request by a parent.

Individuals with Disabilities Education Improvement Act of 2004 (Public Law 108-446) Section 614(a)
Individuals with Disabilities Education Act (IDEA)
20 United States Code (USC) Section 1400 et seq.
34 Code of Federal Regulations (CFR) Part 300
Education Law Sections 3212, 4005, 4202, 4401 and 4402
8 New York Code of Rules and Regulations (NYCRR) Sections 200.1 and 200.5

Adopted: 6/25/96
Revised: 7/7/05; 7/12/07

Students

SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS

The School District is committed to making every effort to amicably resolve differences involving the educational programs for students with disabilities. Mediation will be available to resolve disputes involving any matter, including matters arising prior to the filing of a request for an impartial hearing. In addition, the District may establish procedures providing the opportunity to meet with a disinterested party from a community dispute resolution center for an explanation of the benefits of the mediation process. For those exceptional circumstances where a more formal method is required, the impartial hearing process will be utilized. The Impartial Hearing Officer (IHO) renders a written decision after the parties present and refute evidence before him/her. The decision of the IHO is final and binding on both parties unless appealed to the State Review Officer (SRO).

Impartial Due Process Hearing Process

The request for an impartial due process hearing must be submitted within two (2) years of the date the parent or the District knew or should have known about the alleged action forming the basis of the complaint. However, the two (2) year timeline does not apply if the parent was prevented from requesting the hearing due to specific misrepresentations by the District that it had resolved the problem or the District's withholding of information from the parent that is required by Commissioner's Regulations.

The following is an overview of the impartial hearing process/prehearing conference:

Due Process Complaint Notification

- a) The parent or the School District may request an impartial hearing by first submitting a due process complaint notice.

A hearing may not be held until a due process complaint notice is filed. Either the parent, the District, or the attorney representing either party may present a complaint with respect to any matter relating to the identification, evaluation or educational placement of a student with a disability or a student suspected of having a disability, or the provision of a free appropriate public education to such student.

This written due process complaint notice must include:

1. The name of the student;
2. The address of the student's residence or, in the case of a homeless student, available contact information;
3. The name of the school the child is attending;

(Continued)

Students

SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)

4. A description of the nature of the problem of the student relating to the proposed initiation or change, including facts relating to the problem; and
 5. A proposed resolution of the problem to the extent known and available to the party at the time.
- b) The due process complaint notice will be deemed sufficient unless the party receiving the notice notifies the other party and the IHO in writing within fifteen (15) days of receiving the notice that they believe the notice requirements have not been met.
 - c) Within five (5) days of the receipt of the notice of insufficiency, the IHO shall make a determination on the face of the notice of whether the notification meets the notice requirements and shall immediately notify the parties in writing of the determination.
 - d) If the District has not sent a prior written notice to the parent regarding the subject matter of the complaint notice, the District will send a response to the parent within ten (10) days of receiving the complaint which includes:
 1. An explanation of why the District proposed or refused to take the action raised in the complaint;
 2. A description of other options the Committee on Special Education (CSE)/Committee on Preschool Special Education (CPSE) considered and why those options were rejected;
 3. A description of each evaluation procedure, assessment, record, or report the District used as a basis for the proposed or refused action; and
 4. A description of the factors relevant to the District's proposal or refusal.
 - e) Upon receipt or filing of the due process complaint notice, the District will provide the procedural safeguards notice to the parents. The District will also inform parents in writing of the availability of mediation and of any free or low-cost legal and other relevant services available in the area.
 - f) Within 10 days of receiving the complaint notice, the non-complaining party must send a response specifically addressing the issues raised in the notice.
 - g) A party may amend its due process complaint notice only if:
 1. The other party consents in writing and is given the opportunity to resolve the complaint through a resolution session;

(Continued)

Students

SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)

2. The IHO grants permission, but not later than five (5) days before the impartial due process hearing commences.

Applicable timelines for the impartial due process hearing will recommence at the time of the filing of the amended notice.

- h) No issues may be raised at the impartial due process hearing that were not raised in the due process complaint notice.

Resolution Session

- a) Within fifteen (15) days of receiving the due process complaint notice from the parent and prior to the due process hearing itself, the District shall convene a meeting with the parents and relevant members of the CSE/CPSE who have specific knowledge of the facts identified in the complaint. A representative of the District who has decision-making authority must attend. The attorney for the District may not attend unless the parent is accompanied by an attorney. At this resolution meeting, the District has the opportunity to resolve the complaint after the parents discuss their complaint and the facts forming its basis.
- b) When conducting meetings and carrying out administrative matters (such as scheduling), the parent and District may agree to use alternative means of meeting participation such as video conferences or conference calls.
- c) The parent and District may agree in writing to waive the resolution session or agree to use the mediation process to resolve the dispute.
- d) If a settlement is reached, the parties shall execute a legally binding agreement signed by the parent and the representative of the District who has authority to bind the District. This agreement is enforceable in court. However, either party may void the agreement within three (3) business days of the agreement's execution.
- e) If the District has not resolved the complaint to the satisfaction of the parents within thirty (30) days of receipt of the complaint notice, the impartial hearing process may begin and all applicable timelines commence.

Pre-Hearing Conference

A pre-hearing conference (which may take place via telephone) may be scheduled by the IHO to simplify or clarify issues; establish dates for the completion of the hearing; identify evidence to be entered into the record; identify witnesses expected to provide testimony; and/or address other administrative issues.

(Continued)

Students

SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)Impartial Due Process Hearing

In the event the complaint is not resolved in a resolution session, the Board will arrange for an impartial hearing to be conducted. When carrying out administrative matters relating to an impartial due process hearing, such as scheduling, exchange of witness lists and status conferences, the parent and District may agree to use alternative means of meeting participation such as video conferences or conference calls.

- a) The District must immediately (but not later than two (2) business days after receipt of the due process complaint notice or mailing of the due process complaint notice to the parent) initiate the process to select an IHO. The District selects the IHO through a rotational selection process in accordance with regulatory timelines. The Superintendent's Secretary/District Clerk will be responsible for contacting IHOs and maintaining appropriate records.
- b) The IHO must be certified by the Commissioner of Education, be independent and have access to the support and equipment necessary to perform the duties of an IHO. When the selected IHO indicates availability, the Board of Education must immediately appoint him/her. To expedite this process, the Board may designate one (1) or more of its members to appoint the IHO on behalf of the Board.
- c) The IHO may not accept appointment unless he/she is available to make a determination of sufficiency of a due process complaint notice within five (5) days of receiving such a request and (unless an extension is granted) to initiate the hearing within the first fourteen (14) days after (whichever of the following comes first):
 1. The date the IHO receives the parties' written waiver of the resolution session; or
 2. The date the IHO receives the parties' written confirmation that a resolution session was held but no agreement could be reached; or
 3. The expiration of the thirty (30) day period beginning with the receipt of the due process complaint notice.
- d) The hearing, or a prehearing conference, shall commence within the timeframe specified in c) above, unless an extension is granted pursuant to Commissioner's Regulations.

(Continued)

Students

SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)

- e) Except in the case of expedited due process hearings, each party must disclose to all parties all evaluations completed by that date and recommendations based on the offering party's evaluation that they intend to use at the hearing not less than five (5) days prior to the hearing. The IHO may bar any party that fails to comply with this requirement from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.
- f) The hearing will be conducted at a time and location that is reasonable and convenient to the parent and the student involved. The hearing shall be closed to the public unless the parent requests an open hearing.
- g) The role and responsibilities of the IHO will be as enumerated in Commissioner's Regulations.
- h) The student shall remain in his/her current placement during the pendency of the impartial hearing unless both parties agree or except as otherwise provided for expedited impartial hearings for certain disciplinary suspensions or removals of a student.
- i) The IHO renders and forwards the finding of fact and decision to the parties and to the State Education Department in accordance with regulatory timelines but not later than forty-five (45) days after the date required for commencement of the impartial hearing specified in c) above. For expedited hearings the deadline is fifteen (15) business days from receipt of the request for a hearing; for preschool hearings the timeframe is thirty (30) days after the receipt by the Board of a request for a hearing or after the initiation of such hearing by the Board.
- j) The decision of the IHO is final and binding on both parties unless appealed to the State Review Officer (SRO).

Recordkeeping and Reporting

The District will utilize the New York State Education Department's Impartial Hearing Reporting System (IHRS) to access the alphabetical list of the names of each IHO who is certified in New York State and available to serve in the District. The District will record and report to the State Education Department required information relating to the selection of IHOs and the conduct of impartial hearings according to the manner and schedule specified by the Department. The Superintendent shall designate a staff member(s) who will be responsible for reporting such information as required relating to the impartial hearing process into the State Education Department's web-based reporting system.

(Continued)

Students

SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)**Compensation of Impartial Hearing Officers**

The District will be responsible for compensating the IHO for prehearing, hearing and post-hearing activities at the rate agreed upon at the time of the IHO's appointment. The rate of compensation may not exceed the maximum rate approved by the Director of the Division of the Budget. The District will also reimburse the IHO for travel and other hearing-related expenses (e.g., duplication and telephone costs) pursuant to an annually determined schedule. On an annual basis, the District will forward a copy of its compensation rates to each IHO on the District's rotational list.

Mediation

Mediation is voluntary and does not deny or delay a parent's right to an impartial hearing. If mediation is initiated after a request for an impartial hearing has been received, the impartial hearing must continue unless the request for the impartial hearing is withdrawn. However, a party may request an extension to an impartial hearing in order to pursue mediation.

Guardians ad Litem at Impartial Hearings

Unless a surrogate parent has been previously appointed, the IHO must appoint a guardian ad litem when he/she determines that the interests of the parent(s) are opposed to or are inconsistent with those of the student or whenever the interests of the student would be best protected by such appointment.

Confidentiality

All issues relating to a request for and conduct of an impartial hearing must be kept confidential by all District staff.

Administrative Procedures

Administrative procedures will be developed for the selection and appointment of an IHO consistent with regulatory requirements.

(Continued)

Students

SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)

Individuals with Disabilities Education Act (IDEA)
20 United States Code (USC) Section 1400 et seq.
34 Code of Federal Regulations (CFR) Part 300
Education Law Sections 4005, 4202, 4404(1) and
4410(7)
8 New York Code of Rules and Regulations
(NYCRR) Sections 200.1, 200.2, 200.5, 200.16, 200.21
and 201.11

NOTE: Refer also to Policy #7690 -- Special Education Mediation

Adopted: 6/25/99
Revised: 10/23/03; 5/27/04; 7/12/07

Students

SUBJECT: INDEPENDENT EDUCATIONAL EVALUATIONS

Parents or guardians of a child with a disability have a right to an independent evaluation (IEE) at public expense if they disagree with the evaluation obtained by the School District. However, the School District may initiate a hearing to show that its evaluation was appropriate. If the hearing officer finds that the School District's evaluation is appropriate, the parents may obtain an IEE but not at public expense. However, parents may still be entitled to a publicly funded IEE that exceeds the maximum if such an evaluation is justified by the child's unique circumstances.

In the event the independent evaluation is granted at public expense, it must be administered within the greater Rochester area or a 50 mile radius. The fee shall not exceed \$450. However, parents may still be entitled to a publicly-funded evaluation that exceeds this maximum if such an evaluation is justified by the child's unique circumstances.

Parent/guardians are not required to notify the School District that an IEE is being sought, nor may the District refuse to pay for it on the basis of the parents' failure to provide the District with the prior notice. Reimbursement requests for an IEE must be submitted within two years of the District's original evaluation.

8 New York Code of Rules and Regulations
(NYCRR) Sections 200.1(u) and 200.5(a)
34 Code of Federal Regulations (CFR)
Sections 300.12 and 300.503

Students

SUBJECT: SPECIAL EDUCATION MEDIATION

The District will offer mediation to resolve any disputes involving any matter for which an impartial due process hearing may be brought, including matters arising prior to the filing of a request for an impartial hearing.

Such mediation shall be conducted by mediators furnished by a Community Dispute Resolution Center who are not employees of a State educational agency providing direct services to the student who is the subject of the mediation process or a school district or program serving students with disabilities. Mediators may not have a personal or professional interest which would conflict with their objectivity in the mediation process and should be knowledgeable in laws and regulations relating to the provision of special education services.

Parents or persons in parental relation to students suspected of or having disabilities will receive written notice of the availability of the mediation program each time they receive notice of their entitlement to the impartial hearing procedures in accordance with Federal and State law and regulations. If the parent and District agree, alternative means of meeting participation may be utilized, such as video conferences and conference calls.

Discussions during the mediation process must be confidential and may not be used as evidence in any subsequent due process hearing or civil proceedings. The parties may be required to sign a confidentiality pledge prior to the commencement of the process.

If resolution to the complaint is reached through mediation, the parent and the representative of the District who has the authority to bind the District will execute a legally binding written agreement specifying the resolution and stating that all discussions occurring during the mediation process are confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding. If the written agreement is inconsistent with the student's current individualized education programs (IEP), the IEP must be immediately amended to reflect the mediation agreement.

The mediation process is voluntary and will not operate to diminish or limit any rights provided for in law, including the right of the parent or person in parental relation to request an impartial hearing subsequent to mediation. Parents or persons in parental relation to students suspected of or having disabilities continue to have full access to all rights, including due process procedures, provided for in federal and state laws and regulations. Similarly, mediation shall not be construed to limit a parent or person in parental relation from requesting an impartial hearing without having first utilized mediation procedures set forth in Education Law.

(Continued)

2007

7690
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Students

SUBJECT: SPECIAL EDUCATION MEDIATION (Cont'd.)

[Individuals with Disabilities Education Improvement Act of 2004 \(Public Law 108-446\) Section 614\(a\)](#)
[Individuals with Disabilities Education Act \(IDEA\)](#)
[20 United States Code \(USC\) Section 1400 et seq.](#)
[34 Code of Federal Regulations \(CFR\) Part 300](#)
Education Law Sections 4005, 4202 and 4404-a
Judiciary Law Section 849a
8 New York Code of Rules and Regulations
(NYCRR) Sections 200.1 and 200.5

Adopted: 6/25/96
Revised: 5/27/04; 7/12/07

Keshequa Central School District

INSTRUCTION

(Section 8000)

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SUBJECT: CURRICULUM DEVELOPMENT, RESOURCES AND EVALUATION

Public education must respond to the changes in contemporary life. The Board thus encourages continual review and evaluation of existing programs and practices in the School District. As an outgrowth of this District-wide process, the Board will seek changes it deems advantageous in more effectively meeting the needs of students and the expectations of the community.

It shall be the building principal's responsibility, in combination with the teaching staff, to develop the written curriculum, with review and approval of the Superintendent and makes a recommendation to the Board of Education for approval.

The Superintendent will be responsible for providing to the Board regular reports on District programs and ongoing curriculum study and revision.

Curriculum Resources

There are many resources for curriculum development that exist in our School District, and the instructional staff, under the guidance of the administration, is expected to delve into those resources for possible improvement of the instructional program. Each teacher has the privilege of being an initiator of improvement, as well as a reactor to changing conditions, and the principals shall be involved in curriculum development.

The Superintendent may appoint curriculum study committees, and their findings, as well as the collective judgments of the staff about the pertinence of various possible changes, shall be submitted by the Superintendent to the Board of Education for consideration in the forming of curriculum policy.

Curriculum Evaluation

The Board of Education shall direct a continuing evaluation of the curriculum as part of a program of instructional improvement.

All aspects of the curriculum shall be subjected to a searching and critical analysis in an attempt to improve the learning and growth of students.

The administrative staff shall evaluate the curriculum in a systematic manner, involving school personnel and others as appropriate.

The administrative staff shall make periodic recommendations for action by the Board. The Board of Education from time to time may invite teachers or others to discuss the curriculum.

(Continued)

**SUBJECT: CURRICULUM DEVELOPMENT, RESOURCES AND EVALUATION
(Cont'd.)**

Curriculum Guides and Course Outline

A curriculum guide shall be developed and reviewed annually listing the courses offered in the high school, the requirement for graduation and any other information which will be helpful to the high school students and parents.

The Superintendent may also, in his/her discretion, develop curriculum guides for other schools of the District.

Basic Instructional Program

The basic instructional program shall include all those courses of instruction required by the Education Law, the Rules of the Board of Regents and Regulations of the Commissioner of Education as well as such other courses and programs as the Board of Education shall determine to be beneficial to the students of the District, within the restrictions imposed by limited District resources.

Education Law Sections 1709 and 3204

Instruction

SUBJECT: REQUEST FOR PART 100 VARIANCE OR PART 200 INNOVATIVE PROGRAM WAIVER FROM COMMISSIONER'S REGULATIONS

Consistent with the purposes of A New Compact for Learning, the Board of Education encourages collaboration by teachers, administrators, parents and students of the District in developing innovative educational programs and practices that will lead to greater achievement for all students.

Requests for a variance or waiver from the requirements in Part 100 and Sections 200.1/200.6, respectively, of the Commissioner's Regulations must be approved by the local Board of Education and signed by the Superintendent of Schools. An application may also be submitted by several districts, or a combination of districts, BOCES and/or private schools, applying as a consortium. Consortium applications must be approved by each participating local Board of Education and Superintendent of Schools.

Subsequent to Board of Education approval, all applications must be forwarded to the District Superintendent of Schools of which the local district is a part for review, consultation, and recommendation prior to submission to the State Education Department. The District Superintendent may provide technical assistance to the applicant and make recommendations to the State Education Department. Interested applicants may also request technical assistance through their Regional Education Coordinator.

8 New York Code of Rules and Regulations
(NYCRR) Sections 100.2(n) and 200.6(k)

Instruction

SUBJECT: EQUAL EDUCATIONAL OPPORTUNITIES

It is the policy of this District that each student attending its public schools shall have equal educational opportunities and will not be excluded or prevented from participating in or having admittance to the educational courses, programs or activities; school services; and extracurricular events on the basis of race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, age, marital status, military status, or disability. Sexual orientation is defined as heterosexuality, homosexuality, bisexuality, or asexuality, whether actual or perceived.

Administration shall establish grievance procedures that provide for the prompt and equitable resolution of complaints pertaining to discrimination on the basis of race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, age, marital status, military status, or disability.

Title VII of the Civil Rights Act of 1964,
42 United States Code (USC) Section 2000-e, et seq.
Prohibits discrimination on the basis of race, color,
religion, sex or national origin.

Title VI of the Civil Rights Act of 1964,
42 United States Code (USC) Section 2000-d, et seq.
Prohibits discrimination on the basis of race, color or
national origin.

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

The Americans With Disabilities Act,
42 United States Code (USC) Section 12101 et seq.
Prohibits discrimination on the basis of disability.

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

New York State Civil Rights Law Section 40-c
Prohibits discrimination on the basis of race, creed,
color, national origin, sex, marital status, sexual
orientation or disability.

(Continued)

SUBJECT: EQUAL EDUCATIONAL OPPORTUNITIES (Cont'd.)

New York State Executive Law Section 290 et seq.
Prohibits discrimination on the basis of age, race, creed,
color, national origin, sex, sexual orientation, disability,
military status, or marital status.

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

Instruction

SUBJECT: SAFETY CONDITIONS AND PROGRAMS

Student and staff safety is one of the Board of Education's most important concerns and all reasonable steps will be taken to ensure that the school environment is safe and secure.

The practice of safety will be considered an integral part of the instructional program through fire prevention, emergency procedures and drills, driver education, and traffic and pedestrian safety.

Each principal will be responsible for the supervision of a safety program for his/her school.

The safety program may include, but not be limited to, in-service training, plant inspection, fire prevention, accident recordkeeping, driver and vehicle safety programs, emergency procedures and drills, and traffic safety programs relevant to students, employees and the community.

It shall be the duty of the Board of Education to provide inspections and supervision of the health and safety aspects of the school facilities. In addition to these mandated provisions, the Board shall develop its own guidelines to promote safety within the school.

Eye Safety/Student Use of Hand-Held Laser Pointers

Eye safety devices are to be provided by the School District for the protection of employees, students and visitors, and worn in the technology education classes and labs when activities present a potential eye hazard. The Superintendent or his/her designee will insure that these devices are properly repaired, cleaned and stored to prevent the spread of germs or diseases after individuals use them.

Each classroom teacher is responsible for the safe and proper use of all instructional materials and equipment by students in his/her classroom. Laser pointers are to be used by students only when such use is approved and supervised by the classroom instructor.

Students will be advised not to stare directly into the beam from a laser pointer or direct the beam at the eyes of another individual. Students are not to aim the pointer into the audience. Students are to be made aware of the hazards associated with the particular type of laser pointer used.

Education Law Sections 409, 409-a,
807-a, and 906
8 New York Code of Rules and Regulations
(NYCRR) Part 136 and Section 141.10

Adopted: 6/25/96
Revised: 9/13/99

Instruction

SUBJECT: PREVENTION INSTRUCTION**Family Life Education**

In an effort to meet specific community and District desires, the Board of Education will promote a comprehensive approach to family life education, including information about communication, values, and self-esteem, as well as physical development, human sexuality, and parenting. The goals of this program will include the following:

- a) Develop a curriculum which deals with the physical, mental, emotional, social and economic aspects of close personal relationships which help students, parents, educators and the community to acquire knowledge and decision-making skills related to the physical, social and emotional aspects of family and human sexuality;
- b) Promote student awareness of their own physiological and psychological development at various stages of growth;
- c) Provide an opportunity for students from all educational levels to gain factual knowledge which supports responsible personal behavior; and
- d) Develop appreciation for the role of the family in society and preparing each member for the responsibilities of family membership and adulthood, including marriage and parenthood.

AIDS Instruction in Health Education

The Board of Education shall provide a health education program that will include appropriate instruction for all students concerning Acquired Immune Deficiency Syndrome (AIDS). Accurate information concerning the nature of the disease, methods of transmission, and means of prevention shall be provided in an age-appropriate manner and shall be consistent with community values and will stress that abstinence is the most appropriate and effective premarital protection against AIDS. Parents shall have available the AIDS and the family life curriculum and materials upon request at the beginning of the school year in which their child participates in the program and updates to the curriculum annually thereafter. Parents will also be encouraged to attend curriculum review meetings, offered the chance to review instructional materials in person, and discuss any concerns with District staff.

A representative community advisory group consisting of appropriate school personnel, School Board members, parents, religious representatives, and other community members shall be established in order to make recommendations for curriculum content, implementation, and evaluation of an AIDS instructional program and the Family Life Education Program. Appropriate training will be provided for instructional staff.

(Continued)

Instruction

SUBJECT: PREVENTION INSTRUCTION (Cont'd.)

Parents/legal guardians shall have the right to exclude their children from those portions of a school's health education program that address AIDS prevention instruction. A statement must be completed and filed with the District declaring that the parent/legal guardian will be responsible for seeing that the student receives prevention instruction outside of the classroom.

AIDS instruction in the elementary grades shall be taught by the regular classroom teachers, while such instruction in the middle and high school grades shall be a part of the required health education curriculum.

Automated External Defibrillator Instruction

Instructions regarding cardiopulmonary resuscitation may be offered for voluntary admission as a part of the health education curriculum in all senior high schools.

Commencing with the 2006-2007 school year, in addition to the requirement that all teachers of health education shall be certified to teach health, persons instructing pupils in the correct use of automated external defibrillators shall possess valid certification by a nationally recognized organization (e.g., American Heart Association, American Red Cross) or the state emergency medical services council offering certification in the operation of an automated external defibrillator and in its instruction.

School authorities that choose to offer such course of instruction shall provide the needed facilities, time and place for the instruction and shall provide learning aids and curriculum resource materials to support the course of study.

Substance Abuse-Prevention Instruction

The Board of Education recognizes the need to educate students on the hazards of alcohol, tobacco and/or drug abuse. A prevention program will be developed to inform students of:

- a) Causes for substance abuse;
- b) Physical and psychological damage associated with substance abuse;
- c) Avoidance of alcohol, tobacco and drugs.
- d) Dangers of driving while under the influence of alcohol or drugs.

(Continued)

Instruction

SUBJECT: PREVENTION INSTRUCTION (Cont'd.)**Environmental Conservation Instruction**

The Board of Education supports and encourages the development of a District-wide, articulated curriculum of environmental conservation integrated into other program disciplines.

Fire and Arson Prevention/Injury Prevention/Life Safety Education

The Board of Education directs the administration to provide instruction in fire and arson prevention, injury prevention and life safety education relating to protection against injury or death and property loss or damage as a result of criminally initiated or other preventable fire.

Such instruction shall include materials to educate children on the dangers of falsely reporting a criminal incident, an impending explosion or fire emergency involving danger to life or property, an impending catastrophe, or a life safety emergency.

The Board of Education directs the administration to provide such instruction for all students for a period of not less than forty-five (45) minutes in each month that school is in session.

Student Safety

Instruction in courses in technology education, science, home and career skills, art and physical education, health, and safety shall include and emphasize safety and accident prevention.

Safety instruction shall precede the use of materials and equipment by students in applicable units of work in the courses listed above, and instructors shall teach and enforce all safety procedures relating to the particular courses. These shall include the wearing of protective eye devices in appropriate activities.

Emergency Planning

The School District shall maintain updated plans and operating procedures to be followed in the event of natural or manmade disasters or enemy attack. Students shall be provided instruction to respond effectively in emergency situations.

(Continued)

SUBJECT: PREVENTION INSTRUCTION (Cont'd.)**Instruction on Prevention of Child Abduction**

All students in grades K through 8 in District schools shall receive instruction designed to prevent the abduction of children. Such instruction shall be provided by or under the direct supervision of regular classroom teachers and the Board of Education shall provide appropriate training and curriculum materials for the regular classroom teachers who provide such instruction. However, at the Board's discretion, such instruction may be provided by any other public or private agency.

The Commissioner of Education will provide technical assistance to assist in the development of curricula for such courses of study which must be age appropriate and developed according to the needs and abilities of students at successive grade levels in order to provide awareness skills, information, self-confidence, and support to aid in the prevention of child abduction.

For purposes of developing such courses of study, the Board of Education may establish local advisory councils or utilize the school-based shared decision making and planning committee established pursuant to the Regulations of the Commissioner to make recommendations concerning the content and implementation of such courses. Alternatively, the District may utilize courses of instruction developed by consortia of school districts, boards of cooperative educational services, other school districts, or any other public or private agency. Such advisory council shall consist of, but not be limited to, parents, school trustees and Board members, appropriate school personnel, business and community representatives, and law enforcement personnel having experience in the prevention of child abduction.

AIDS Instruction:

8 New York Code of Rules and Regulations
(NYCRR)
Sections 135.3(b)(2) and 135.3(c)(2)

Civil Preparedness:

New York State Office of Disaster Preparedness

Fire and Arson:

Education Law Section 808

Prevention of Child Abduction:

Education Law Section 803-a

Student Safety:

Education Law Section 808

8 New York Code of Rules and Regulations
(NYCRR)
Sections 107 and 155

(Continued)

SUBJECT: PREVENTION INSTRUCTION (Cont'd.)

Substance Abuse:

Education Law Section 804
8 New York Code of Rules and Regulations
(NYCRR) Section 135.3(a)

Adopted: 6/25/96
Revised: 3/17/05; 7/12/07

SUBJECT: FIRE DRILLS, BOMB THREATS AND BUS EMERGENCY DRILLS**Fire Drills**

The administration of each school building shall provide instruction for and training of students, through fire drills, in procedures for leaving the building in the shortest possible time and without confusion or panic.

Fire drills shall be held at least twelve (12) times in each school year; eight (8) of these shall be held between September 1 and December 1. At least one (1) of the twelve (12) drills shall be held during each of the regular lunch periods, or shall include special instruction on the procedures to be followed if a fire occurs during a student's lunch period.

At least two (2) additional drills shall be held during summer school in buildings where summer school is conducted and one (1) of these drills shall be held during the first week of summer school.

After-School Programs

The building principal or his/her designee shall require those in charge of after-school programs, attended by any individuals unfamiliar with the school building, to announce at the beginning of such programs the procedures to be followed in the event of an emergency.

Bomb ThreatsSchool Bomb Threats

A bomb threat, even if later determined to be a hoax, is a criminal action. No bomb threat should be treated as a hoax when it is first received. The school has an obligation and responsibility to ensure the safety and protection of the students and other occupants upon the receipt of any bomb threat. This obligation must take precedence over a search for a suspect object. Prudent action is dependent upon known information about the bomb threat - location, if any; time of detonation; etc. If the bomb threat is targeted at the school parking lot or the front of the school, building evacuation may not be an appropriate response. If the bomb threat indicates that a bomb is in the school, then building evacuation is necessary unless the building has been previously inspected and secured in accordance with State Education Department Guidelines. Specific procedures can be found in the building level school plan, as required by Project SAVE.

The decision to evacuate a building or to take shelter is dependent upon information about where the bomb is placed and how much time there is to reach a place of safety. Prudent action dictates that students and other occupants be moved from a place of danger to a place of safety. Routes of egress and evacuation or sheltering areas must be thoroughly searched for suspicious objects before ordering an evacuation. Failure to properly search evacuation routes before an evacuation takes place can expose students and staff to more danger than remaining in place until the search has taken place. Assistance is available from local police agencies and the New York State Police to train staff to check evacuation routes.

(Continued)

Instruction

SUBJECT: FIRE DRILLS, BOMB THREATS AND BUS EMERGENCY DRILLS (Cont'd.)Police Notification and Investigation

A bomb threat to a school is a criminal act, which is within the domain and responsibility of law enforcement officials. Appropriate State, county, and/or local law enforcement agencies must be notified of any bomb threat as soon as possible after the receipt of the threat. Law enforcement officials will contact, as the situation requires, fire and/or county emergency coordinators according to the county emergency plan.

Therefore, the building administrator or designee is to notify local law enforcement officials and follow established procedures to move all occupants out of harm's way.

Implementation

The Board of Education directs the Superintendent or his/her designee to develop administrative regulations to implement the terms of this policy. Additionally, such regulations are to be incorporated in the District-wide School Safety Plan and the building level school safety plan, with provisions to provide written information to all staff and students regarding emergency procedures by October 1 of each school year, an annual drill to test the emergency response procedures under each of its building level school safety plans; and the annual updating of the District-wide and building level school safety plans, by July 1, as mandated pursuant to law and/or regulation.

Bus Emergency Drills

The Board of Education directs the administration to conduct a minimum of three (3) emergency drills to be held on each school bus during the school year. The first drill is to be conducted during the first seven days of school, the second drill between November 1 and December 31, and the third drill between March 1 and April 30.

Each drill shall include instruction in all topics mandated by the Education Law and the Commissioner's Regulations and shall include, but will not be limited to, the following:

- a) Safe boarding and exiting procedures;
- b) The location, use and operation of the emergency door, fire extinguishers, first aid equipment and windows as a means of escape in case of fire or accident;
- c) Orderly conduct as bus passengers.

Students who ordinarily walk to school shall also be included in the drills.

8 New York Code of Rules and Regulations
(NYCRR) Sections 155.17 and 156.3(h)(2)
Penal Law Sections 240.55, 240.60 and 240.62
Education Law Sections 807, 2801-a and 3623

Adopted: 6/25/96

Revised: 9/13/99; 6/26/00; 10/23/03; 5/27/04

Instruction

SUBJECT: CAREER AND TECHNICAL (OCCUPATIONAL) EDUCATION

The Board of Education recognizes the need for career and technical education and reaffirms its policy of strengthening the local high school career and technical education program through utilization of any available federal and state funds for that purpose and of supporting the BOCES program.

Equal Opportunity

The Board of Education prohibits discrimination on the basis of sex, sexual orientation, race, color, national origin, military status or disability in any career and technical education program or activity of this District.

The career and technical education program and/or activities shall be readily accessible to students with disabilities.

Public Notification

Prior to the beginning of each school year or academic semester, the District shall issue an appropriate public announcement which advises students, parents, employees and the general public that career and technical education opportunities will be offered without regard to sex, sexual orientation, race, color, creed, religion, national origin, political affiliation, age, marital status, military status or disability. Included in such announcement will be the name, address, and telephone number of the person designated to coordinate Title IX/Section 504/ADA activities.

Grievance Procedure

Grievance procedures for resolving complaints regarding discrimination shall be disseminated to adequately inform students, parents and employees of the existence of these procedures.

BOCES Advisory Council

In accordance with Education Law, the Advisory Council of the BOCES is designated as the local Advisory Council for career and technical education in the School District.

Civil Rights Law Section 40-c
Education Law Article 93
8 New York Code of Rules and Regulations
(NYCRR) Sections 100.2(h) and 141 et seq.
Executive Law Section 290 et seq.

Adopted: 6/25/96

Revised: 9/13/99; 10/23/03; 5/27/04

SUBJECT: GUIDANCE PROGRAM

A District plan for the K-12 guidance program shall be filed in the District office and made available for public review. This plan shall be subject to annual review and revised as necessary in the following areas:

- a) Identification of guidance program objectives;
- b) Activities to accomplish the objectives;
- c) Identification of staff members and other resources to accomplish the objectives;
- d) Provisions for the annual assessment of program results.

Guidance Program (K-5)

A coordinated guidance program in grades K-5 shall be developed and implemented to:

- a) Help students who exhibit any attendance, academic, behavioral or adjustment problems;
- b) Educate students concerning the avoidance of child sexual abuse;
- c) Encourage parental involvement; and
- d) Prepare students to participate effectively in their current and future educational programs.

Guidance Program (6-12)

A coordinated guidance program in Grades 6-12 shall be developed and implemented including the following activities and services:

- a) An annual review of each student's educational progress and career plans;
- b) Instruction at each grade level to help students learn about curriculum options and careers;
- c) Individual and/or group counseling assistance to help students develop and implement post secondary education and career plans;
- d) Encouragement of parents involvement;
- e) Individual or group counseling assistance to help students who exhibit any attendance, academic, behavioral or adjustment problems; and
- f) Employment of personnel certified or licensed as school counselors.

(Continued)

SUBJECT: GUIDANCE PROGRAM (Cont'd.)**Confidentiality of Student Information Obtained in Counseling**

The District recognizes that maintaining the confidentiality of information provided by a student during a counseling session enhances the trust the student has for the counselor and the counselor's ability to effectively counsel students. In addition, the District recognizes that various federal and state laws limit disclosure of information relating to student participation in or referral to alcohol and drug programs operated by the District or other agencies, and information relating to the HIV (AIDS) status of a student. The District thus adopts a policy which generally considers all information obtained from a student during the course of counseling to be confidential.

In certain circumstances a disclosure of such information may be appropriate. In particular, if the information reveals that a student could be a danger to himself/herself or to others, or the student has a medical condition which may require professional medical attention, disclosure of such information may be made to the appropriate person (e.g., a parent or guardian).

In determining whether to make a disclosure, the counselor should consider the subject of the information for which disclosure is considered, the age of the student involved, whether the student has disclosed such information to others who have responsibility for the concern, the identity of the person to whom the disclosure should be made, the affect of the disclosure on the student involved, and the probable response from the recipient of the information.

If the counselor has questions as to the appropriateness of a disclosure, the counselor should discuss the matter on a confidential basis with the Superintendent of Schools. In circumstances where a disclosure is made, the District recommends that the counselor advise the student that the disclosure will be made and the reasons for this decision.

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

SUBJECT: INSTRUCTIONAL PROGRAMS: DRIVER EDUCATION, GIFTED AND TALENTED EDUCATION AND PHYSICAL EDUCATION

Driver Education

A driver education course may be offered under the conditions set forth by the New York State Education Department.

Education Law Section 806-a

Gifted and Talented Students

The Board of Education will provide appropriate educational programs for students identified as being gifted and talented.

Education Law Article 90 and Section 3204(2)(b)
8 New York Code of Rules and Regulations (NYCRR)
Section 142

Physical Education Class

All students, except those with medical excuses, shall participate in physical education in accordance with the Commissioner's Regulations. Any student whose condition precludes participation in a regular program shall be provided with adaptive physical education approved by the Commissioner of Education.

Education Law Sections 803 and 3204
8 New York Code of Rules and Regulations
(NYCRR) Section 135.4

Instruction

SUBJECT: PATRIOTISM, CITIZENSHIP AND HUMAN RIGHTS EDUCATION

In order to promote a spirit of patriotic and civil service and obligation, as well as to foster in students of the District moral and intellectual qualities which are essential in preparing them to meet the obligations of citizenship, the Board requires students attending District schools, over the age of eight years, to attend instructional courses in patriotism, citizenship, and human rights issues, with particular attention to the study of the inhumanity of genocide, slavery, the Holocaust, and the mass starvation in Ireland from 1845 to 1850 (the "Irish Potato Famine").

The Board also directs that all students attending District schools in grades eight through twelve receive instruction in the history, meaning, significance and effect of the United States Constitution, the New York State Constitution, and the Declaration of Independence.

The curricula for such courses must include the subjects specified by the Board of Regents and be for the period of instruction, as mandated by the Regents, which is necessary in these subjects in each of the appropriate grades.

One week during each school year a uniform course of exercises shall be provided to teach students, in an age appropriate manner, the purpose, meaning and importance of the Bill of Rights Articles in the United States and New York State Constitutions. These exercises shall be in addition to the above required courses.

In addition, each School District that receives Federal Funds for a fiscal year shall hold an educational program on the United States Constitution on September 17th of each year for the students in the District to commemorate the September 17, 1787 signing of the Constitution, known as Constitution Day and Citizenship Day. However, when September 17 falls on a Saturday, Sunday, or holiday, this day shall be held during the preceding or following week.

The Board directs that the above named subjects, as mandated by law, be addressed in the instructional curricula provided by the District.

Education Law Section 801
Public Law 108-477 Section 111(b)

Adopted: 6/25/96
Revised: 9/13/99; 8/9/05

**SUBJECT: CIVILITY, CITIZENSHIP AND CHARACTER EDUCATION/
INTERPERSONAL VIOLENCE PREVENTION EDUCATION**

Civility, Citizenship and Character Education

The Board of Education recognizes that teaching students respect, civility and understanding toward others, as well as the practice and reinforcement of appropriate behavior and values of our society, is an important function of the School System.

The School District wishes to foster an environment where students exhibit behavior that promotes positive educational practices, allows students to grow socially and academically, and encourages healthy dialogue in respectful ways. By presenting teachers and staff as positive role models, the District stresses positive communication and discourages disrespectful treatment. This policy is not intended to deprive and/or restrict any student of his/her right to freedom of expression but, rather, seeks to maintain, to the extent possible and reasonable, a safe, harassment free and educationally conducive environment for our students and staff.

Furthermore, the District shall ensure that the course of instruction in grades K through 12 includes a component on civility, citizenship and character education in accordance with Education Law. Character education is the deliberate effort to help students understand, care about, and act upon core ethical values.

Character education shall instruct students on the principles of:

- a) Honesty,
- b) Tolerance,
- c) Personal responsibility,
- d) Respect for others,
- e) Observance of laws and rules,
- f) Courtesy,
- g) Dignity, and other traits which will enhance the quality of students' experiences in, and contributions to, the community.

As determined by the Board of Regents, and as further enumerated in Commissioner's Regulations, the components of character education shall be incorporated in existing School District curricula as applicable.

(Continued)

Instruction

**SUBJECT: CIVILITY, CITIZENSHIP AND CHARACTER EDUCATION/
INTERPERSONAL VIOLENCE PREVENTION EDUCATION (Cont'd.)**

The District encourages the involvement of staff, students, parents and community members in the implementation and reinforcement of character education in the schools.

Education Law Sections 801 and 801-a

Interpersonal Violence Prevention Education

The Commissioner of Education, pursuant to law, shall make available to the District an interpersonal violence prevention education package for students in grades K through 12; and the use of such material will be incorporated as part of the health or other related curricula or programs.

As modified by the Board of Regents, the health curriculum requirements shall provide greater focus on the development of skills, by no later than middle school, that are needed to recognize, cope with and address potentially violent incidents, including an understanding of the student's roles in emergency situations, what to do when confronted with another student who is experiencing a mental health problem, and other related skills designed to reduce the threat of violence in the schools.

Education Law Section 804(4)

Instruction

SUBJECT: EVALUATION OF THE INSTRUCTIONAL PROGRAM

The Board of Education recognizes that education is a continuous process that cannot be satisfactorily achieved without the coordination and cooperation of all components of the entire System. To achieve the highest quality of education on all levels, a critical appraisal of the District's instructional program as it operates in each school and at each level is essential.

The purposes of the evaluation of the District's instructional programs are to:

- a) Indicate instructional strengths and weaknesses;
- b) Provide information needed for advance planning;
- c) Provide data for public information;
- d) Show the relationship between achievement and the school's system stated goals; and
- e) Check on the suitability of the instructional program in terms of community requirements.

A continuing evaluation will be conducted at the school and System-wide level by the administrative team. The need as shown by this evaluation will be listed on a priority basis. School improvement programs will be aimed at meeting these needs.

The administration shall report to the Board stating the strengths and weaknesses of the District's instructional programs. Plans for correcting the weaknesses will be a part of the report.

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

Adopted: 6/25/96

Instruction

SUBJECT: PROGRAMS AND PROJECTS FUNDED BY TITLE I**Parental Involvement**

The Board of Education recognizes the rights of parent/legal guardians to be fully informed of all information relevant to their children who participate in programs and projects funded by Title I. The District shall ensure parental involvement in these programs and projects by:

- a) Providing such support for parental involvement activities as required by law;
- b) Convening an annual meeting to which all parents/legal guardians of participating children shall be invited;
- c) Providing parents/legal guardians with reports on their children's progress;
- d) Providing opportunities for regular meetings of parents/legal guardians.

In addition to the above, the District shall, jointly and in agreement with parents of students receiving Title I services, establish expectations for parent involvement in Title I programs in accordance with Section 1118(a) of the Improving America's Schools Act of 1994. Similarly, each Title I school within the District shall establish building level school/parent involvement policies in accordance with Section 1118(b). Such school/parent policies shall include, where applicable, school-parent compacts outlining how parents, the entire school staff, and students will share the responsibility for improved student achievement and the means by which the school and parents will build and develop a partnership to help students achieve the state's high standards.

Comparability of Services

The School District shall ensure equivalence among the schools in the District of the same grade span and levels of instruction with regard to teachers, administrators and auxiliary personnel as well as equivalence in the provision of curriculum materials and instructional supplies in Title I programs.

Title I of the Elementary and Secondary
Education Act of 1965, as amended by the
Improving America's Schools Act of 1994
20 United States Code (USC) Section 6301 et seq.
34 Code of Federal Regulations (CFR) Part 75

Adopted: 6/25/96
Revised: 9/13/99

Instruction

SUBJECT: INSTRUCTIONAL TECHNOLOGY

The Board of Education recognizes its responsibility to further the District's educational goals through the use of appropriate and high quality technological materials and equipment. For the purpose of this policy, technology refers to computers, interactive videodiscs, Compact Disc-Read Only Memory (CD-ROM) devices, local area networks, satellite transmission and other telecommunications equipment.

Continuing advances in technology are bringing about changes that have an increasing impact on the way we obtain, process, evaluate and use information. Therefore, the District is committed to:

- a) A comprehensive staff development program to ensure appropriate and effective use of technology.
- b) The preparation of students to utilize multiple types of technology.
- c) The integration of technology within and across all curriculum areas.
- d) The equitable distribution and access to technological equipment and materials for all students.
- e) The promotion of technology as an alternative to traditional methods of gathering, organizing and synthesizing information.
- f) The provision of sufficient funds, within the budgetary constraints of the Board, for the implementation of technology instruction.

The Board directs the Superintendent or his/her designee to assess the technological needs of the District's instructional program, research and review current materials and make recommendations to the Board.

Instruction

SUBJECT: THE CHILDREN'S INTERNET PROTECTION ACT: INTERNET CONTENT FILTERING/SAFETY POLICY

In compliance with The Children's Internet Protection Act (CIPA) and Regulations of the Federal Communications Commission (FCC), the District has adopted and will enforce this Internet safety policy that ensures the use of technology protection measures (i.e., filtering or blocking of access to certain material on the Internet) on all District computers with Internet access. Such technology protection measures apply to Internet access by both adults and minors with regard to visual depictions that are obscene, child pornography, or, with respect to the use of computers by minors, considered harmful to such students. Further, appropriate monitoring of online activities of minors, as determined by the building/program supervisor, will also be enforced to ensure the safety of students when accessing the Internet.

Further, the Board of Education's decision to utilize technology protection measures and other safety procedures for staff and students when accessing the Internet fosters the educational mission of the schools including the selection of appropriate teaching/instructional materials and activities to enhance the schools' programs; and to help ensure the safety of personnel and students while online.

However, no filtering technology can guarantee that staff and students will be prevented from accessing all inappropriate locations. Proper safety procedures, as deemed appropriate by the applicable administrator/program supervisor, will be provided to ensure compliance with the CIPA.

In addition to the use of technology protection measures, the monitoring of online activities and access by minors to inappropriate matter on the Internet and World Wide Web *may* include, but shall not be limited to, the following guidelines:

- a) Ensuring the presence of a teacher and/or other appropriate District personnel when students are accessing the Internet including, but not limited to, the supervision of minors when using electronic mail, chat rooms, and other forms of direct electronic communications. As determined by the appropriate building administrator, the use of e-mail and chat rooms may be blocked as deemed necessary to ensure the safety of such students;
- b) Monitoring logs of access in order to keep track of the web sites visited by students as a measure to restrict access to materials harmful to minors;
- c) In compliance with this Internet Safety Policy as well as the District's Acceptable Use Policy, unauthorized access (including so-called "hacking") and other unlawful activities by minors are prohibited by the District; and student violations of such policies may result in disciplinary action; and

(Continued)

Instruction

SUBJECT: THE CHILDREN'S INTERNET PROTECTION ACT: INTERNET CONTENT FILTERING/SAFETY POLICY (Cont'd.)

- d) Appropriate supervision and notification to minors regarding the prohibition as to unauthorized disclosure, use and dissemination of personal information regarding such students.

The determination of what is "inappropriate" for minors shall be determined by the District and/or designated school official(s). It is acknowledged that the determination of such "inappropriate" material may vary depending upon the circumstances of the situation and the age of the students involved in online research.

The terms "minor," "child pornography," "harmful to minors," "obscene," "technology protection measure," "sexual act," and "sexual contact" will be as defined in accordance with CIPA and other applicable laws/regulations as may be appropriate and implemented pursuant to the District's educational mission.

**Under certain specified circumstances, the blocking or filtering technology measure(s) may be disabled for adults engaged in bona fide research or other lawful purposes. The power to disable can only be exercised by an administrator, supervisor, or other person authorized by the School District.*

The School District shall provide certification, pursuant to the requirements of CIPA, to document the District's adoption and enforcement of its Internet Safety Policy, including the operation and enforcement of technology protection measures (i.e., blocking/filtering of access to certain material on the Internet) for all School District computers with Internet access.

The District has provided reasonable public notice and has held at least one (1) public hearing or meeting to address the proposed Internet Content Filtering/Safety Policy prior to Board adoption. Furthermore, appropriate actions will be taken to ensure the ready availability to the public of the District's Internet Content Filtering/Safety Policy, as well as any other District policies relating to the use of technology.

Notification/Authorization

The District's Acceptable Use Policy and accompanying Regulations will be disseminated to parents and students in order to provide notice of the school's requirements, expectations, and student's obligations when accessing the Internet.

Student use of the DCS is conditioned upon written agreement by all students in grades 3-12 and their parents/guardians that student use of the DCS will conform to the requirements of this policy and any regulations adopted to ensure acceptable use of the DCS. All such agreements shall be kept on file in the IT Department. (Opt-in or Affirmative consent).

(Continued)

Instruction

**SUBJECT: THE CHILDREN'S INTERNET PROTECTION ACT: INTERNET CONTENT
FILTERING/SAFETY POLICY (Cont'd.)**

The District has provided reasonable public notice and has held at least one (1) public hearing or meeting to address the proposed Internet Content Filtering/Safety Policy prior to Board adoption. Furthermore, appropriate actions will be taken to ensure the ready availability to the public of the District's Internet Content Filtering/Safety Policy, as well as any other District policies relating to the use of technology.

47 United States Code (USC) Sections 254(h) and
254(l)
47 Code of Federal Regulations (CFR) Part 54

SUBJECT: INSTRUCTION FOR ENGLISH LANGUAGE LEARNERS OR STUDENTS WITH LIMITED ENGLISH PROFICIENCY

The Board of Education recognizes its responsibility to ensure that students of foreign birth or ancestry, who have limited English proficiency, are provided with an appropriate program of bilingual transitional education or a free-standing program of instruction composed of English as a Second Language component. Regulations and procedures shall be developed pursuant to the Regulations of the Commissioner to:

- a) Identify those students who are English language learners or who have limited English proficiency by means of a diagnostic screening of new entrants and provide a program of bilingual education or English as a Second Language for eligible students. A plan shall be developed to meet the educational needs of each student and proficiency will be measured annually by a language assessment instrument in order to determine further participation by a student. The plan will include assessment of each student's performance in content areas to measure the student's academic progress. State mandated tests may be offered in a student's native language.
- b) Ensure that such students have access to appropriate instructional and support services, including guidance programs pursuant to Commissioner's Regulations and the opportunity to participate in District educational programs, including all existing extracurricular programs and activities, which are available to all other students enrolled in the public schools of the District.

The instructional programs and services available to limited English proficient pupils to help them acquire English proficiency may include, pursuant to Commissioner's Regulations, bilingual education programs, free-standing English as a second language programs, appropriate support services, transitional services, in-service training and parental notification.

No pupil shall be served in a bilingual or English as a second language program pursuant to Commissioner's Regulations for a period in excess of three (3) years from the date of enrollment in school unless such period is extended by the Commissioner of Education with respect to an individual pupil for a period not to exceed six (6) years.

A student whose score on an English language assessment instrument as specified in Section 154.2(a) of the Commissioner's Regulations is a result of a disability shall be provided special education programs and services in accordance with the individualized education program (IEP) developed for such student and shall also be eligible for services pursuant to Part 154 of the Commissioner's Regulations when these services are recommended in the IEP.

(Continued)

**SUBJECT: INSTRUCTION FOR ENGLISH LANGUAGE LEARNERS OR STUDENTS
WITH LIMITED ENGLISH PROFICIENCY (Cont'd.)**

The parent/guardian of a student identified as an English language learner or as limited English proficient shall be informed in his/her native language, if necessary, of the student's identification for and/or participation in an English language learner instructional program.

The Superintendent shall ensure that all data required by the Commissioner's Regulations is submitted to the State Education Department in a timely manner.

Title I of the Elementary and Secondary Education Act
of 1965, as amended by the No Child Left Behind Act
of 2001, Sections 1112(g) and 3302(a)
Education Law Sections 207, 215, 2117, 3204(2)(2-a),
3602, and 3713
8 New York Code of Rules and Regulations
(NYCRR) Section 100.2(g) and Parts 117 and 154

Instruction

SUBJECT: PURPOSES OF INSTRUCTIONAL MATERIALS

The purpose of instructional materials shall be to implement, enrich, and support the educational program of the school.

Instructional materials should contribute to the development of positive social and intellectual values of the students.

The Board of Education shall provide the faculty and students in the District with such instructional materials as are educationally needed and financially feasible to make the instructional program meaningful to students of all levels of ability.

Articulation of the Instructional Program

The Board of Education recognizes the uniqueness of the elementary and secondary levels of education within the District. While preserving the special character and needs of these levels, the Board also wishes to promote the highest level of articulation (or inter-relationships) possible between programs of the District to ensure steady, uninterrupted learning and assure optimal continuity in programming for all students in the District.

With this in mind, the Board directs the Superintendent of Schools to:

- a) Formulate, with the input of appropriate school personnel, administrative regulations and plans for articulation of the instructional program in District school, K-12;
- b) Arrange meetings regularly with building principals for the purpose of setting goals, and advancing evaluation and articulation between schools;
- c) Ensure the successful orientation of students in the elementary and secondary programs to advance to the next level;
- d) Promote articulation in all areas of interrelations between schools of the District; and
- e) Report to the Board annually on the nature, extent, timing and evaluation of all activities for the promotion of articulation in the District.

Education Law Section 701

Adopted: 6/25/96

SUBJECT: SELECTION OF LIBRARY AND AUDIOVISUAL MATERIALS

The Board of Education agrees that the responsibility of the school library is:

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

In interpreting these principles, the following will apply:

- a) Broad and varied collections will be developed systematically by the librarian and the audiovisual specialist, based on recommendations of the professional staff and suggestions of students and parents. Final approval will be made by the building principal.
- b) Qualitative standards of selection involving factual accuracy, authoritativeness, artistic quality and appeal will be applied by librarians and audiovisual specialists before purchases are made.
- c) Materials will not be excluded because of the race, nationality, political opinions or religious views of the author.
- d) Materials will be continuously re-evaluated in relation to changing curriculum and instructional needs. Worn out, out-dated materials will be discarded.
- e) Records related to the circulation of library materials or other records identifying the names of library users shall be confidential and shall not be made available to anyone except by a court order in a criminal proceeding.

(Continued)

Instruction

SUBJECT: SELECTION OF LIBRARY AND AUDIOVISUAL MATERIALS (Cont'd.)

- f) Legal counsel shall be consulted before complying with any request to release records in order to determine if such request is in proper form and reflects good cause for its issuance.

Rules of the Board of Regents Section 21.4

Adopted: 6/25/96

Instruction

SUBJECT: CONTROVERSIAL ISSUES

Controversial issues may be studied as part of the curriculum and teachers shall present these issues in their classrooms in an impartial and objective manner.

Teachers wishing to call upon outside speakers in the presentation of controversial issues are required to obtain the approval of the principal who shall keep in mind the obligation for presenting opposing views as well, and who shall inform the Superintendent prior to the presentation.

It is recognized that parents and citizens of the community have a right to protest to the school administration when convinced that unfair and biased presentations are being made by the teacher. In considering such protests, the Superintendent of Schools shall provide for a hearing so that both parties may fairly express their views. If requested, the Superintendent's decision may be appealed to the Board of Education.

Instruction

SUBJECT: TEXTBOOKS/WORKBOOKS

The term "textbook," as defined by *McKinney's Consolidated Laws of New York*, is "A textbook, for the purposes of this section shall mean any book, or a book substitute, which shall include hard covered or paperback books, work books, or manuals which a pupil is required to use as a text, or a text-substitute, in a particular class or program in the school he legally attends."

The Board of Education shall make provision for funds to be budgeted for the purchase of textbooks and related instructional materials. It will base its choice of textbooks on the recommendation of the Superintendent, who shall involve appropriate supervisory and teaching staff members in the selection of textbooks. The textbook recommended for adoption will support the best current instructional methods and be consistent with the curriculum established for the schools.

Upon the recommendation of the Superintendent of Schools, the Board of Education shall designate the textbooks to be used. Textbooks, once adopted by the Board, cannot be superseded within a period of five years, except by a three-fourths vote of the total Board.

Students will be required to pay for lost books or for excessive damage to books.

Textbooks for Resident Students Attending Private Schools

Resident students attending private schools will be supplied non-sectarian textbooks in accordance with the requirements of Education Law.

Workbooks

The Board of Education shall approve the expenditure of funds for the purchase of workbooks and manuals.

The term "workbook" shall refer to the type of book that provides spaces to write in and is consumed each year. It is usually paper-covered and designed to be used in connection with a textbook.

Education Law Section 701 et seq.

Instruction

SUBJECT: USE OF COPYRIGHTED MATERIALS

It is the intent of the Board of Education to abide by the provisions of the United States Copyright Law (Title 17 United States Code Section 101 et seq.).

All employees are prohibited from copying materials not specifically allowed by the copyright law, fair use guidelines, licenses or contractual agreements, or the permission of the copyright proprietor.

Any employee who willfully disregards the copyright policy shall be in violation of Federal Copyright Laws and District policy and shall assume all liability.

A copyright officer may be appointed by the Superintendent to provide information for all personnel regarding current copyright law and to maintain copyright records.

Regulations and procedures shall be developed by the administration detailing what can and cannot be copied. Appropriate copyright notices will be placed on or near all equipment used for duplication.

Title 17 United States Code (USC)
Section 101 et seq.

Instruction

SUBJECT: RELIGIOUS EXPRESSION IN THE PUBLIC SCHOOLS

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

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

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

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

School Activities Related to Religious Holidays or Themes

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

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

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

Symbols in the Schools

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

(Continued)

SUBJECT: RELIGIOUS EXPRESSION IN THE PUBLIC SCHOOLS (Cont'd.)**Music in the Schools**

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

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.

United States Constitution, First Amendment
New York State Constitution, Article XI, Section 4
Equal Access Act,
20 United States Code (USC) Sections 4071- 4074
Education Law Sections 1609(9) and (10), 1709(1) and
(3), 3204(5) and 3210
8 New York Code of Rules and Regulations
(NYCRR) Sections 16.2 and 109.2

SUBJECT: ACCEPTABLE USE POLICY**Mission Statement**

Everyone who lives in a technological society must have the ability to use and view technology as a basic skill. A mission of the Keshequa Central School District (hereinafter referred to as KCSD) is to prepare students to be productive adults within our society. We believe that computers, networks, electronic mail, on-line services and the Internet are some of the tools available to administrators, teachers and students that can help us meet that end.

Authorization

The KCSD authorizes the use of the KCSD Network for the support of New York State Learning Standards and the educational objectives of the KCSD. All users shall agree to this Policy and sign a written contract stating so. Authorization of one's network account is not transferable and may not be shared.

Privilege

Access to the KCSD Network is a privilege, not a right. All users are responsible for appropriate behavior when using the KCSD Network and all related equipment. Access will be granted to all users who agree to act in a considerate, appropriate, responsible, ethical and legal manner. Inappropriate use of the KCSD Network will result in immediate action by the KCSD Network Administrators and/or District Administrators, and may result in suspension and/or revocation of the use of the KCSD Network in accordance with law, applicable due process procedures, and collective bargaining agreement(s). Access to the KCSD Network from any non-District network account is subject to the same policies and regulations as access from a District network account. Each student who receives a District network account will be part of a discussion with a KCSD faculty member pertaining to the proper use of our network. During school hours, faculty will guide students toward appropriate materials. Outside of school, parents and/or legal guardians will bear this responsibility.

Compliance

All users shall demonstrate mastery of basic competencies in using the KCSD Network. The KCSD Network Administrators may require a user to demonstrate such mastery or require additional training before permission to the KCSD Network is granted. All District network accounts, including e-mail, shall be considered to be School District property and subject to control and inspection. The KCSD Network Administrators may access all such files and communications to insure system integrity and document that users are complying with the requirements of District policy, State or Federal Law. Use of any external computer network not controlled by the KCSD by a ***student must be authorized and monitored*** by a faculty member.

(Continued)

Instruction

SUBJECT: ACCEPTABLE USE POLICY (Cont'd.)**Security**

Security within the KCSD Network is a top priority. Users of the KCSD Network who identify a security problem must notify a faculty member and/or a KCSD Network Administrator. Users are not to demonstrate the problem to others.

Along with ones access to the KCSD Network comes access to the Internet and the availability of materials from all over the world. While the KCSD filters, and retains the right to filter Internet access, the District cannot exercise control over the content of the information which may be accessed by a user through the Internet. The KCSD is provided with the BESS (N2H2, Inc.) content filter through our local BOCES, which is our internet service provider.

The KCSC filters Internet access in accordance with Federal mandates and complies with the Children's Internet Protection Act (CIPA). When a site is identified as containing objectionable material, a district employee submits the Internet address to BESS, and the N2H2, Inc. blocks that site from any future access by KCSD Internet users.

Attempts to gain access to the KCSD Network as a KCSD Network Administrator by non-Administrative staff will result in cancellation of the users' privileges. Any user identified as a security risk or as having a history of problems with other computer systems may be denied access to the KCSD Network.

Conduct

In addition to any District discipline code, the following specific activities with regard to the KCSD Network and any other external computer network not controlled by the KCSD shall be prohibited by all users:

- a) Use to obtain, view, download, send, print, display or otherwise gain access to or transmit materials that are unlawful, obscene, pornographic or abusive.
- b) Damaging, disabling or otherwise interfering with the operation of workstations, the network system, software or related equipment through physical action or by electronic means.
- c) Use of unauthorized software on the KCSD Network.
- d) Changing, copying, renaming, deleting, reading or otherwise accessing files not created by the user.
- e) Use for financial gain, commercial activity, product advertisement or political lobbying.

(Continued)

Instruction

SUBJECT: ACCEPTABLE USE POLICY (Cont'd.)

- f) Violating any copyright law.
- g) Disclosure of individual passwords to others or using another's password.
- h) Revealing personal information about oneself or of other users including, but not limited to, disclosure of home address, telephone numbers and bank records.
- i) Violating any District policy, code or regulation and/or any Federal, State and Local Law or regulation.
- j) Using the network to receive, transmit or make available to others messages that are racist, sexist, abusive, harassing or threatening to others.

Because it is impossible to control all materials available through the Internet, school staff and parents and/or guardians are ultimately responsible for setting and conveying the standards that students should follow when using these information resources. The KCSD supports each family's right to decide whether or not to allow their child to have access to the internet from their KCSD account.

Liability

The KCSD has taken precautions to restrict access to controversial materials, however, the integrity of the system ultimately depends on the integrity of its users. KCSD makes no warranties of any kind, whether expressed or implied, for the service it is providing. Use of any information obtained via the Internet is at your own risk. The KCSD will not be responsible for any damages a user suffers. This includes, but is not limited to, loss of data caused by a user's own negligence, errors or omissions. KCSD specifically denies any responsibility for the accuracy or quality of information obtained through its services.

Sanctions

Any violations of this Policy may result in the suspension and/or revocation of access privileges to the KCSD Network. Additional disciplinary action may be determined in accordance with existing District procedures regarding inappropriate language or behavior, as well as any Federal, State and Local Law. When applicable, law enforcement agencies may be involved. Further, the district may ring suit in civil court against the parents and/or guardians of any student who willfully, maliciously or unlawfully damages or destroys district property pursuant to Education Law 1790 (36).

(Continued)

Instruction

SUBJECT: ACCEPTABLE USE POLICY (Cont'd.)

The KCSD reserves the right to deviate from the progressive penalties based on the seriousness of the violation. Consequences for violations will exist for a 12-month period from date of infraction and will be determined by level of seriousness. All offenses will carry over to the following school year, when appropriate:

1st Offense:	Student will lose 3 weeks of network access and/or Internet privileges.
2nd Offense:	Student will lose an additional 7 weeks of network access and/or Internet privileges (for a total of 10 weeks)
3rd Offense:	Student will lose 1 semester (20 weeks) of network access and/or Internet privileges
4th Offense:	Student's network account and Internet privileges will be revoked and terminated permanently

Adopted: 91/9/97
Revised: 5/8/07

SUBJECT: DISTRICT WEBSITE AND WEB PAGES

In order to support the vision and mission of the School District, the District will create and maintain a website for the following purposes:

- a) A place to showcase innovative student and staff educational projects, presentations, and learning experiences;
- b) A gateway to District and community resources and to educational websites;
- c) A means for the community resources and to educational websites;
- d) A means of "opening up" communications among students, District personnel, the community, and associated organizations (ex., PTSA).

The District website may not be used for any commercial promotional activity.

Regulations will be developed for implementing guidelines as to staff/student access and usage of the District website.

The Board of Education recognizes the value of web sites on the World Wide Web as informational and educational tools. The District will create and maintain a web site for the following purposes:

- a) To support the District's mission;
- b) To provide the community with information about the District and its schools (e.g., policies, curricular and extra-curricular programs, opportunities for students, student and staff achievements, calendars, schedules, operations);
- c) To provide students and the community with support for learning;
- d) To serve as a channel for feedback from students, families and the community; and
- e) To serve as a communication tool regarding classroom activities for students and their families.

Certain standards will govern the posting of information on the District's web site:

- a) Web pages must serve one or more of the District's stated purposes;

(Continued)

Instruction

SUBJECT: DISTRICT WEBSITE AND WEB PAGES (Cont'd.)

- b) Web page content and construction must comply with all applicable federal, state and local laws as well as policies established by the District;
- c) Web pages must reflect high standards of content, design, respectability, good taste and appropriateness for the Keshequa school community;
- d) The District web site may not be used for any commercial promotional activity. Neither staff nor students may publish personal web pages as part of the District web site.

The Superintendent is directed to develop appropriate regulations for the implementation of this Policy.

Criteria

In addition to compliance with other Board Policies and Regulations, web pages posted on the District's website must adhere to the following criteria:

- a) A web page may be posted for education, informational and/or promotional purposes by:
 - 1. A District-sanctioned student organization, extra-curricular group or athletic team;
 - 2. A District or building-level sanctioned committee;
 - 3. An instructional department;
 - 4. District administration;
 - 5. A classroom teacher;
 - 6. A District-wide or building level PTSA or other District recognized parent group.

Neither District employees nor students may publish personal web pages as part of the District's website. Outside organizations may not post web pages on the District's website.

- b) A web page must be sponsored by a member of the District faculty, staff or administration who will be responsible for its content, design, currency and maintenance. The sponsor is responsible for ensuring that those constructing and maintaining the page have the necessary technical training and that they fully understand and adhere to District policies and regulations. The page must include the name of the sponsor.

(Continued)

Instruction

SUBJECT: DISTRICT WEBSITE AND WEB PAGES (Cont'd.)

- c) Web pages must be designed to protect students, families, District employees and any other persons from unwanted disclosure of personally identifying information.
- d) Web pages may include student, faculty or staff names if applicable, but may not include home telephone numbers or addresses, home e-mail addresses or other identifying information such as names of family members.
- e) Web pages may include individual or group photographs, audio or video clips, but individuals may not be identified by name.
- f) Web pages may not be used for any non-school related commercial, for profit or not-for-profit promotional activity. Web pages may mention such organizations only in the context of school programs that have a direct relationship to those organizations (e.g., sponsorship of an activity, student community service project).
- g) Links to non-District web sites are allowed as long as those sites are consistent with the purposes of the District web site and District standards. However, the District link must contain a disclaimer indicating the user is leaving the District web site and that the linked material has not necessarily been reviewed or approved by the District.
- h) All web pages must conform to the standards for appropriate use found in the District's Acceptable Use Policy concerning safety, system security, inappropriate language, privacy, resource limits, plagiarism and copyright infringement, inappropriate access to materials and illegal acts.
- i) All student and parent web pages shall include the following notice: "This is a [student or parent] generated Web page. Opinions expressed on this page do not necessarily reflect those of the District."
- j) All web pages must be approved through the designated process before being posted to the District's Web site.

Classroom Web Pages

In addition to the above criteria, classroom web pages must comply with the following:

- a) Prior to gaining access, a classroom teacher must attend a formal training session regarding the use of the technology and appropriate information to be included on classroom web pages.

(Continued)

Instruction

SUBJECT: DISTRICT WEBSITE AND WEB PAGES (Cont'd.)

- b) Classroom web pages posted by teachers do not have to go through the Approval Process set forth in Section D of this Regulation, but must be approved by the appropriate building administrator prior to their initial posting on the District's website.
- c) No students may be given access to a teacher's web account to upload content onto a classroom web page.

Consequences for Non-Compliance

- a) Web pages that do not comply with these criteria are subject to revocation of approval and removal from the District's website.
- b) Students posting non-approved or inappropriate material on the District's website are subject to suspension or revocation of access to the District's computer network and the imposition of discipline under the District's code of conduct. In the case that a violation constitutes a criminal offense, it will be reported to the appropriate authorities.
- c) Faculty or staff posting non-approved or inappropriate material on the District's website are subject to suspension or revocation of access to the District's computer network and the imposition of discipline in accordance with the applicable bargaining agreement, if any, and applicable laws, rules and regulations. In the case that a violation constitutes a criminal offense, it will be reported to the appropriate authorities.

Process for Approval

- a) Sponsors should initiate the approval process by submitting a mock-up of the proposed web page to the appropriate Building Administrator for preliminary approval of the general concept and content of the page and compliance with District policies and regulations.
- b) The Building Administrator shall forward the proposal to the Technology Coordinator for review of the technical aspects of the page and assistance in loading the page onto the server.

Changes to Approved Web Pages

Once a site has been approved for posting on the District's web site, the sponsor may make changes to keep information current and/or responsive to changing curricular or co-curricular needs as long as the general nature and content of the page remains the same. Changes to the purpose, nature or general content of the page must be submitted through the approval process **prior** to the change being made. The sponsor will be responsible for ensuring that all changes in an approved page are in compliance with all applicable laws and District policies.

(Continued)

SUBJECT: DISTRICT WEBSITE AND WEB PAGES (Cont'd.)

Oversight

The Superintendent or his/her designee shall have the authority to approve or deny the posting of any proposed web page on the District's website based upon compliance with the terms and conditions set forth in this Policy and Regulation.

SUBJECT: ANIMALS IN THE SCHOOL (INSTRUCTIONAL PURPOSES)

The Board of Education, in recognizing the educational uses of animals in the classroom, requires that permission be obtained from the Building Principal before animals are brought into the school or classrooms. It is the Principal's responsibility to ensure that there is an appropriate educational purpose if any animal is housed in a classroom. Animals are not to be transported on school buses with the exception of animals certified to assist persons with disabilities.

Study and Care of Live Animals

Any school which cares for or uses animals for study shall ensure that each animal in the school be afforded the following:

- a) Appropriate quarters;
- b) Sufficient space for the normal behavior and postural requirements of the species;
- c) Proper ventilation, lighting, and temperature control;
- d) Adequate food and clean drinking water; and
- e) Quarters which shall be cleaned on a regular basis and located in an area where undue stress and disturbance are minimized.

Only the teacher or those students designated by the teacher are to handle the animals.

It shall be the responsibility of the Principal or his/her designee to develop a plan of care for those animals housed in school in the event of an emergency school closing or in the event the animals remain in the classroom on days when school is not in session.

Dissection of Animals

Any student expressing a moral or religious objection to the performance or witnessing of the dissection of an animal, either wholly or in part, shall be provided the opportunity to undertake and complete an alternative project approved by the student's teacher; provided, however, that such objection is substantiated in writing by the student's parent or legal guardian. Students who perform alternative projects shall not be penalized.

(Continued)

SUBJECT: ANIMALS IN THE SCHOOL (INSTRUCTIONAL PURPOSES) (Cont'd.)**Instruction in the Humane Treatment of Animals**

Students in elementary school must receive instruction in the humane treatment and protection of animals and the importance of the part they play in the economy of nature as well as the necessity of controlling the proliferation of animals that are subsequently abandoned and caused to suffer extreme cruelty.

This instruction may be joined with work in literature, reading, language, nature study, or ethnology.

[Americans with Disabilities Act.](#)
[42 United States Code \(USC\) Section 12101 et. seq.](#)
[Education Law Section 809](#)
8 New York Code of Rules and Regulations
(NYCRR) Section 100.2(c)(8)

1996

8410

Instruction

SUBJECT: SCHOOL CALENDAR AND SCHOOL DAY

School Calendar

The Superintendent shall be responsible for the preparation of a school calendar to be presented to the Board for adoption.

School Day

The school day shall be set by the Superintendent with approval of the Board.

Education Law Sections 3204(4) and 3604(7)(8)
8 New York Code of Rules and Regulations
(NYCRR) Section 175.5

Adopted: 6/25/96

1996

8420

Instruction

SUBJECT: OPENING EXERCISES

The Board directs the administration to include the Pledge of Allegiance as part of the opening exercises in all the schools. Under certain circumstances, such as religious conviction, students may be excused from this requirement as a protection of their Constitutional rights.

Education Law Section 802
8 New York Code of Rules and Regulations
(NYCRR) Section 108.5

Adopted: 6/25/96

1996

8430

Instruction

SUBJECT: INDEPENDENT STUDY

Independent study, for credit, will be available to meet special individual needs of students in grades nine (9) through twelve (12). Credit shall be granted only for courses in the approved curriculum.

Regulations to implement this policy shall be developed under the direction of the high school principal.

8 New York Code of Rules and Regulations
(NYCRR) Section 100.5(d)(1)

Adopted: 6/25/96

1996

8440

Instruction

SUBJECT: HOMEWORK

The Board of Education acknowledges the educational value of homework as an adjunct to and extension of the instructional program of the schools. For the purposes of this policy, "homework" shall refer to those assignments to be prepared by the student outside of the school or independently while in attendance at school.

Adopted: 6/25/96

Instruction

SUBJECT: HOME TUTORING (TEMPORARY INSTRUCTION)

Resident children attending public or non-public schools who qualify for home tutoring due to a long term illness shall be provided with such instruction in accordance with New York State Education Law and Commissioner's Regulations.

Students with an illness that will prevent them from attending school for a period of five consecutive days or longer may be assigned a home tutor if their parent or guardian provides the following documentation:

- a) A note from a physician indicating that the student should not attend school due to illness. The note must specify the dates that the student should be absent.
- b) A note from the parent/guardian requesting the student receive home instruction.

The principal or his/her designee will file the documentation in the student's medical record. A tutor will be assigned as soon as possible.

If tutoring is to take place in the home, the parent/guardian must be present at the time.

Students are required to be present at the designated time. If the tutor arrives and the student or parent/guardian is not present, it will be considered an absence. The District will discontinue home instruction after three consecutive or five total absences.

Education Law Sections 1604(20),
1709(24), 3202, and 4401

SUBJECT: FIELD TRIPS

Student field trips shall be permitted with the objective of providing enrichment experiences. Planning field trips on weekends and after school hours should be encouraged by advisors and teachers.

In Grades 7-12:

- a) All field trips should be scheduled prior to May 1. (In other words, no field trips will be scheduled in May or June where class time is missed.)
- b) Field trips in the high school and middle school are limited to two trips per month for each grade level.
- c) Participation by grade level will be determined by participation in the activity of 10 or more students from a specific grade level.

All Single Day Field Trips

- a) Field trips must be scheduled at least two weeks in advance to give administration and transportation time to plan.
- b) Trips should originate at a department, class, club or grade level meeting. The principal must be included at this point to get his/her conceptual approval.
 - 1. Set date and number of chaperones needed. When determining number of chaperones needed, consider the site being visited. The facility, such as some museums, may need to be consulted to determine if there is a recommended number of chaperones or if there is a limitation in the number of chaperones. (The chaperone guidelines per 7410R recommends a chaperone to student ratio of 1 to 8 or 1 to 10.) *It is recommended to include parent chaperones if possible. This will help school personnel gain parental support and increase parental involvement in school activities.*
 - 2. Complete transportation request
 - 3. Determine cost
 - 4. Set time for departure and return

(Continued)

Instruction

SUBJECT: FIELD TRIPS (Cont'd.)

5. Draft an information letter to be sent home, upon approval, that includes:
- (a) permission slip
 - (b) purpose of the trip
 - (c) time of departure for trip and approximate time of return
 - (d) rules and regulations for students
 - (e) date for the return of permission information about lunches or snacks
 - (f) provision for medication if needed by the student
 - (g) amount of spending money needed
 - (h) itinerary for parents which includes phone numbers
 - (i) type of clothing student should wear

(DO NOT SEND ANYTHING HOME BEFORE IT IS APPROVED)

- c) Present the plan for the trip to the building principal for approval. Include information on how the safety of the group will be maintained including any liability concerns. Information should also include how the group will be monitored such as head counts at certain intervals during the trip.
- d) Send letters and permission slips home. In Grades 7-12, distribute release forms to obtain signatures and assignments from other teachers for classes that will be missed.
- e) Make arrangements for parents to transport students home once you arrive back at school. Set up a phone tree to alert parents which can be activated once the arrival time is known.
- f) Collect permission slips back and money. Check your liability and notes from parents regarding student health concerns. NOTE: An alternative method for obtaining money may be to request scholarships from Student Council and/or other service organizations.
- g) Bring all money to the Central Treasurer and obtain a check.
(Teachers should not carry large amounts of cash.)
- h) Turn in a copy of permission slips to the main office. All slips must be kept on file in the school office for one year.
- i) On the day of the field trip, provide chaperones with clear guidelines to students. Chaperones have the responsibility of maximizing student safety and assisting students on the trip.
- j) Upon returning to school, chaperones may not leave the building until all students are gone. Avoid taking students home in your own vehicle. If you must transport a student home, the school's liability insurance will cover you beyond your own personal insurance coverage.

(Continued)

SUBJECT: FIELD TRIPS (Cont'd.)**Overnight Field Trips**

- a) Field trips must be scheduled at least two weeks in advance to give administration and transportation time to plan.
- b) Trips should originate at a department, class, club or grade level meeting. The principal must be included at this point to get his/her conceptual approval.
 1. Set date and number of chaperones needed. When determining number of chaperones needed, consider the site being visited. The facility, such as some museums, may need to be consulted to determine if there is a recommended number of chaperones or if there is a limitation in the number of chaperones. (The chaperone guidelines per 7410R recommends a chaperone to student ratio of 1 to 8 or 1 to 10.) *It is recommended to include parent chaperones if possible. This will help school personnel gain parental support and increase parental involvement in school activities.*
 2. Complete transportation request
 3. Determine cost
 4. Set time for departure and return
 5. Draft an information letter to be sent home, upon approval, that includes:
 - (a) permission slip
 - (b) purpose of the trip
 - (c) time of departure for trip and approximate time of return
 - (d) rules and regulations for students
 - (e) date for the return of permission information about lunches or snacks
 - (f) provision for medication if needed by the student
 - (g) amount of spending money needed
 - (h) itinerary for parents which includes phone numbers
 - (i) type of clothing student should wear

(Continued)

SUBJECT: FIELD TRIPS (Cont'd.)

- c) Consider the issue of money payments for trips. Determine if the cost of the trip will be paid by:
1. Each individual in the group
 2. Class/club/school account
 3. Other sources such as the Arts Council
 4. Consider the scholarship needs of students presently receiving free/reduced lunches.

Money for field trips may be obtained by fund raising. Consult Board of Education Policy #3274 regarding Fund Raising. Clubs and organizations may have one fund raising activity per year. Each class may have two fund raising activities per year.

- d) Present the plan for the trip to the building principal for approval. Include information on how the safety of the group will be maintained including any liability concerns. Information should also include how the group will be monitored such as head counts at certain intervals during the trip.

All trips shall be taken to a destination within a 150 mile radius of Nunda. These trips can take place over a weekend or during vacation periods. Other trips over the 150 mile limit may be approved by the Board of Education for justifiable educational reasons which comply with fund raising guidelines.

Seniors may take the traditional trip using a maximum of two school days in April plus a weekend or vacation period, such as Washington, DC, Virginia, New York City.

The Board of Education may consider other options for the date and location of the senior trip. However, it is the expectation of the Board of Education that this trip be educational in nature.

- e) Overnight trips must be presented to the Board of Education for approval. Plan at least one month in advance to get the trip on the Board of Education agenda. Notice of presentation should be given to the Clerk of the Board of Education, presently the Secretary to the Superintendent, at least one week before the Board meeting. One faculty advisor must be in attendance to answer questions about the trip.

(Continued)

Instruction

SUBJECT: FIELD TRIPS (Cont'd.)

- f) Send letters and permission slips home. In Grades 7-12, distribute release forms to obtain signatures and assignments from other teachers for classes that will be missed. *For overnight trips, consider if there is a need to obtain notarized "Health and Medical Release Forms" from each student.*
- g) Collect permission slips back and money. Check your liability and notes from parents regarding student health concerns. NOTE: An alternative method for obtaining money may be to request scholarships from Student Council and/or other service organizations.
- h) Bring all money to the Central Treasurer and obtain a check.
(Teachers should not carry large amounts of cash.)
- i) Turn in a copy of all permission slips to the main office. All slips must be kept on file in the school office for one year.
- j) Make room assignments with roommates.
- k) Make arrangements for parents to transport students home once you arrive back at school. Set up a phone tree to alert parents which can be activated once the arrival time back to school is known. Make arrangements for the bus to drop off students at home on the return trip that live en route.
- l) On the day of the field trip, provide chaperones with clear guidelines to students. Chaperones have the responsibility of maximizing student safety and assisting students on the trip.
- m) It is recommended that chaperones bring a photo of every student going on the trip in case of an emergency.
- n) Upon returning to school, chaperones may not leave the building until all students are gone. Avoid taking students home in your own vehicle. If you do take a student home, the school's liability insurance will cover you beyond your own personal insurance coverage.

Adopted: 6/25/96

Revised: 5/28/98; 11/18/98; 6/26/00

SUBJECT: HOME INSTRUCTION (HOME SCHOOLING)

From time to time, parents will choose to instruct their children at home. The School District will attempt to cooperate with parents who wish to provide home schooling for their children realizing that the child who is educated at home should receive an education in a manner consistent with an educational plan and at least substantially equivalent to that given to students of like age and attainments in the local public schools. The required subjects should be taught in a competent, systematic, and sequential manner, specifically in relation to the required courses as enumerated in Commissioner's Regulation Section 100.10.

Provision of Services to Home-Instructed StudentsRegarding Home-Instructed Students:

They are not awarded a high school diploma. A high school diploma may only be awarded to a student enrolled in a registered secondary school who has completed all program requirements set by the Board of Regents, the school or the District.

- a) They are not eligible to participate in interscholastic sports. Commissioner's Regulations mandate that only students enrolled in the public school are allowed to participate in interscholastic sports.

The School District does not permit home-instructed students to participate in such extracurricular activities.

- b) The District is not required to loan available textbooks and other materials (e.g., library materials, microscopes, computer software, movie projectors).

The District shall not provide such textbooks and other materials to the extent available to home-instructed students.

- c) The School District is not required to furnish health services.
- d) The District is not responsible for providing remedial programs.

(Continued)

Instruction

SUBJECT: HOME INSTRUCTION (HOME SCHOOLING) (Cont'd.)

- e) They may not participate in the instructional program of the School District except for dual enrollment opportunities the District *may* make available under the "Dual Enrollment Law" and for special education programs and services the District is required to offer (exceptions are listed below).

The District shall not make available to home-instructed students occupational and vocational education programs (career and technical education programs) and programs for the gifted in accordance with the provisions of the "Dual Enrollment Law."

- f) The District shall offer a home-instructed student with disabilities the special education services as addressed in the approved Individualized Education Program (IEP) by the Committee on Special Education. *However, there is no requirement that such services be provided in the student's home.* Further, the District shall conduct a census and register of students with disabilities who reside in the District in accordance with Education Law and Commissioner's Regulations.
- g) Students instructed at home shall not be allowed to use school facilities, except as provided for community organizations in Policy #3280 -- Community Use of School Facilities.

Primary responsibility for determining compliance with Commissioner's Regulations addressing home instruction rests with the Superintendent of Schools of the school district in which a home-instructed student resides.

Education Law Sections 3204, 3205, 3210(2), 3212(2),
3240-42, 3602-c, and 4402
8 New York Code of Rules and Regulations
(NYCRR) Sections 100.10, 135.4(c)(7)(ii)(b)(2), and
200.2(a)

Instruction

SUBJECT: INSTRUCTION: NEW YORK STATE LEARNING STANDARDS

At the approach of the twenty-first century, the New York State Board of Regents approved a new set of learning standards for New York students. These standards are high, yet they apply to all students. The standards represent the core of what all people should know, understand and be able to do as a result of their schooling. These standards will form the basis for education in New York State. This is an education in which children may expect an intellectually powerful education no matter where they live, in which teaching, assessment and the provision for learning are to be closely linked; and in which schools and parents must share the same high expectations of youngsters.

Consistent with the purposes of the New York State Learning Standards, the Board of Education encourages teachers, students, administrators, and parents of the District to develop regulations that will develop educational programs and practices that enhance student performance and achievement.

