

# **POLICY MANUAL**

## *Auburn Enlarged City School District*



*Together, WE make a difference!*

# Policy Manual

## **"PHILOSOPHY"**

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

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

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

## **FOREWORD**

Contained herein are the policy statements formulated by the Board of Education of the Auburn Enlarged City 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 Auburn Enlarged City School District shall be the minutes of the meetings of the Board of Education.

**Auburn Enlarged City School District**

**NUMBER**

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**NUMBER**

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## By-Laws

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

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

The Legislature of the State has implemented this constitutional mandate through the creation of school districts of various types. The Auburn Enlarged City 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: 2/26/02

## 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 Auburn Enlarged City 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: 2/26/02



## By-Laws

**SUBJECT: NUMBER OF MEMBERS AND TERMS OF OFFICE**

The Board of Education of the Auburn Enlarged City School District shall consist of nine (9) members elected by the qualified voters of the School District at the annual election as prescribed by law.

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

9 Member Board - Education Law Section 1804(1)  
Term of Office - Education Law Section 2105

Adopted: 2/26/02

2013

1140

By Laws

**SUBJECT: STUDENT LIAISON TO THE BOARD OF EDUCATION**

The Board of Education recognizes the value of having students participate with the Board, the administrative staff, and the teaching faculty, in the educational and governance processes, which directly affect them. In order to have a student liaison on the Board of Education, a proposition must be placed on the ballot at budget time for the community to vote on. A district may offer voters this option every two years.

The Board of Education agrees that a student serving as an ex-officio, non-voting member of the school board if district voters approve having a student serve in that capacity for the school year. The student selected must be a senior at the high school and have attended the high school for at least two years prior to the selection. Although the student board member is not entitled to vote, he or she can sit with the board at all public meetings. He or she cannot participate in executive sessions.

Adopted: 8/27/2013  
Amended: 3/11/2014  
Amended 10/14/2014  
Amended: 10/8/2019

## By-Laws

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

A Board of Education member of the Auburn Enlarged City School District must meet the following qualifications:

- a) A citizen of the United States;
- b) Eighteen (18) years of age or older;
- c) Able to read and write;
- d) A legal resident one (1) year prior to the election;
- e) Cannot be an employee of the Auburn Enlarged City School District;
- f) The only member of his/her family (that is, cannot be a member of the same household) on the Auburn Enlarged City School District Board;
- g) May not simultaneously hold another, incompatible public office;
- h) Must not have been removed from a school district office within one year preceding the date of election to the Board.

Education Law Sections 2102, 2103, 2103-a,  
and 2502(7)  
Public Officers Law Section 3

Adopted: 2/26/2002

## 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 petition. Such petition shall be directed to the Clerk of the School District, and shall be signed by at least one hundred qualified voters of the District.

Vacancies upon the Board of Education shall not be considered separate specific offices and that the nominating petitions shall not describe any specific vacancy upon the Board of Education for which the candidate is nominated. Such procedure shall be followed with respect to all nominations and elections in subsequent years until and unless such proposition is repealed by the electors of the District at a regular election by the adoption of a proposition to repeal the original proposition.

- b) The notice of the annual District meeting must state that petitions nominating candidates for the office of member of the Board of Education must be filed with the Clerk of the District not later than the thirtieth day preceding the election at which time the candidates so nominated are to be elected.
- c) Voting will be by machine, and provision 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.
- d) The hours of voting shall be as indicated by Board resolution.
- e) 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.
- f) 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.
- g) The District Clerk 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.
- h) Only qualified voters as determined by Education Law (Section 2012) may vote at any District meeting or election.
- i) No electioneering will be allowed within one hundred (100) feet of the polling place.

(Continued)

## By-Laws

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

- j) 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, 2031-a, 2032, 2034(7)(d),  
2105(14), and 2121

Adopted: 2/26/02

## 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)

2003

1230  
2 of 2

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: February 26, 2002  
Amended: March 15, 2005

## By-Laws

**SUBJECT: RESIGNATION AND DISMISSAL**

Board members may resign at any Board meeting, at which time the resignation shall be automatically accepted and reflected in the Board minutes. A Board member may also resign by filing a written resignation with the District Clerk.

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 ten (10) days before the time designated for a hearing on the charges, and the board members 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.

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

Adopted: 2/26/2002  
Amended: 1/13/2009



## By-Laws

**SUBJECT: LEGAL QUALIFICATIONS OF VOTERS AT SCHOOL DISTRICT MEETINGS**

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

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

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

Education Law Section 2012  
Election Law Article 5

Adopted: 2/26/02

## 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 #6540 -- Defense and Indemnification of Board Members and Employees

Adopted: 2/26/02

## 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

The elected officers of the Board of Education are:

- a) President;
- b) Vice President.

Intentions for office of President and Vice President must be announced at the regular board meeting prior to the Reorganizational Meeting. Those members seeking nomination will state their intentions during the discussion on the related agenda item. Current or elected board members can make their intentions known for leadership roles during this time as per policy 2110.

Education Law Sections 1701 and 2105(6)

Adopted: 02/26/2002  
Amended: 11/15/2011

## 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; in the event that there are vacancies to fill
- 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) Serves as spokesperson for Board; and
- h) Assists in agenda planning to the extent possible with the Vice President and Superintendent.

Education Law Section 1701

Adopted: 02/26/2002  
Amended: 10/11/2011

## By-Laws

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

The Board of Education shall 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. The Vice President will assist in agenda planning to the extent possible with the President and the Superintendent.

Education Law Section 1701

Adopted: 2/26/02

**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) External (Independent) Auditor;
- f) Central Treasurer, Extraclassroom Activities Account;
- g) Faculty Auditor, Extraclassroom Activities Account;
- h) Audit Committee.

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

- a) Census Enumerator and assistants if District conducts census;
- 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 Officer;
- f) Records Management Officer;
- g) Asbestos Hazard Emergency Response Act (AHERA) Local Educational Agency (LEA) designee;

(Continued)

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

- h) Compliance Officer (Title IX/Section 504/ADA) for discrimination and harassment issues;
- i) Liaison for Homeless Children and Youth;
- j) Dignity Act Coordinator [one (1) in each building].

The following may also be appointed:

- a) School Attorney;
- b) Claims Auditor/Deputy Claims Auditor;
- c) Internal Auditor;

**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) School Pesticide Representative;

(Continued)

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

- i) School Meal Program Appeal Officer

**Authorizations**

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

- 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

29 Code of Federal Regulations (CFR) Section 1910.1450

Education Law Sections 305(31), 1709 and 2503

8 New York Code of Rules and Regulations (NYCRR) Part 185

21 New York Code of Rules and Regulations (NYCRR) Parts 1401, 9760

Adopted: 02/26/2002

Amended: 01/11/2005

Amended: 11/18/2008

Amended: 02/08/2011

Amended 6/26/2012



## By-Laws

**SUBJECT: DUTIES OF THE DISTRICT CLERK**

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

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

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

Education Law Section 2121  
Public Officers Law Section 104

Adopted: 2/26/02

## By-Laws

**SUBJECT: DUTIES OF THE SCHOOL DISTRICT TREASURER / DEPUTY TREASURER**

The Treasurer is appointed by the Board of Education at the Annual Organizational Meeting and will be covered by a blanket bond. In the absence of the Treasurer, the Deputy Treasurer assumes all the responsibilities of the Treasurer. In addition to the routine duties of accounting, filing, posting and preparing reports and statements concerning District finances, the District Treasurer / Deputy 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, including payments of bond principal and interest;
- c) Maintains proper records and files of all checks, and approved payment of bills and salaries;
- d) Makes all such entries and posts to all such financial ledgers, records and reports including bond and note registers, as may be properly required to afford the District an acceptable and comprehensive financial accounting of the use of its moneys and financial transactions;
- e) Signs all checks drawn on District fund accounts provided that the District's Claims Auditor has attested to the authority to issue the check based upon proper evidence of a charge against the District's funds;
- f) Safeguards either his/her electronic signature and/or the check-signing machine and signature plate, personally overseeing all preparation of checks;
- g) Assumes other duties customary to the office.

Duties-Education Law Section 2122  
Bond-Education Law Section 2130, Part 5  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 170.2 (g) and (o) and 170.2 (p)  
9 NYCRR Section 540.4

Adopted: 2/26/2002  
Amended: 1/25/2011  
Amended: 3/11/2014

## By-Laws

**SUBJECT: DUTIES OF THE TAX COLLECTOR**

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 City or County Treasurer, as appropriate, a list of unpaid taxes as of the end of the collection period;
- 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: 2/26/02

## By-Laws

**SUBJECT: DUTIES OF THE INDEPENDENT AUDITOR**

The Board by 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.

Education Law Section 2116-a  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 170.2 and 170.3

Adopted: 3/12/02

## By-Laws

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

The Board may appoint an internal claims auditor who shall hold the position subject to the pleasure of the Board. No person shall be eligible for appointment to the office of internal claims auditor who shall be:

- a) A member of the Board;
- b) The Clerk or Treasurer of the Board;
- c) The official of the District responsible for business management;
- d) The Purchasing Agent;
- e) Clerical personnel directly involved in accounting and purchasing functions.

Valid claims against the District shall be paid by the Treasurer only upon the approval of the internal claims auditor. The internal claims auditor shall:

- a) Examine all claim forms with respect to the availability of funds within the appropriate codes;
- 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 1709-20a, 2526

Adopted: 3/12/02  
Amended: 10/28/08

By laws

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

Extra classroom Activity (ECA) Central Treasurer

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

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

Faculty Auditor

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

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

(continued)

By laws

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

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

8NYCRR Part 172

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

Adopted 3/12/2002

Amended: 2010

Amended: 7/23/2019

## By-Laws

**SUBJECT: DUTIES OF THE SCHOOL ATTORNEY(S)**

The Board of Education shall employ a School Attorney(s) 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 by the Board of Education. The duties of the school physician/nurse practitioner shall include, but are not limited to, the following:

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

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

Adopted: 3/12/2002  
Amended: 6/26/2012

**SUBJECT: PRINCIPLES FOR SCHOOL BOARD MEMBERS**

The Board of Education of the Enlarged City School District of Auburn endorses and accepts the following Code of Ethics:

The efficient School Board member renders the highest type of public service. His/her influence reaches out beyond the limits of the immediate district and touches the very heart of the community. Every decision a school board member makes must be student-centered. Likewise, an inefficient Board member, by hindering educational progress in his/her own district, impairs the whole educational program. The responsibilities of the office are large; the opportunities for service to childhood and to the community are unlimited.

Effective management of the Auburn Enlarged City School District must be based on the spirit of teamwork and partnership among the Board, the school administrators, and the teaching staff, each party accepting its own responsibility while respecting and allowing full scope for the discharge of responsibilities by other partners.

In meeting the responsibilities of his/her office, each Board member is guided in his/her operations by the following principles:

- accept the responsibility, along with my fellow Board members, of seeing that appropriate and equitable facilities and resources are provided for the proper functions of the schools.
- will voice my opinions frankly and respectfully in Board meetings and vote for what I believe is in the best interest for all stakeholders of the District.
- will help to frame policies and plans only after considering the recommendation of the appropriate administrative staff, together with my reasons for making such recommendations.
- will accept all Board decisions once they are made and will not hinder carrying them out effectively.
- will forward all issues or concerns from the staff to the superintendent and will not conduct personal investigations into charges concerning students and/or personnel.
- will present questions or concerns of school employees only to the Superintendent of the District and will not solicit reports or information pertaining to District affairs from staff members except through the Superintendent of Schools.

(Continued)

## By-Laws

**SUBJECT: PRINCIPLES FOR SCHOOL BOARD MEMBERS (Cont'd)**

- will not become an advocate for someone seeking a job in the Auburn City School District.
- seeking to do business with the District in any way for personal prestige, I will resign from the Board prior to any discussion of said business.
- if seeking employment in the District, I will resign from the Board prior to entering into any discussion pertaining to said employment.
- will represent the community as a whole.
- will follow the communication guidelines set forth by the Board of Education Operating Communication Protocols .
- recognize that the most effective way to work for the best interests of the schools is through collaboration with colleagues on the School Board.

Adopted: 3/12/2002  
Amended: 9/23/2008  
Amended: 10/8/2013

**SUBJECT: AUDIT COMMITTEE**

An Audit Committee has been established by Board resolution. The Audit Committee may consist of:

- a) The Board as a whole;
- b) A subcommittee of the Board; 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, membership is advisable to provide accounting and auditing expertise.

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

1. Employed by the District;
2. An individual who within the last two years provided, or currently provides, services or goods to the District;
3. The owner of or have a direct and material interest in a company providing goods or services to the District; or
4. A close or immediate family member of an employee, officer, or contractor providing services to the District.

The Audit Committee will consist of at least three members who should collectively possess knowledge in accounting, auditing, financial reporting, and District finances. They will serve without compensation, but will 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 will be deemed District Officers, but will not be required to be residents of the District.

The role of the Audit Committee will be advisory unless the Audit Committee consists of at least a quorum of Board members, and any recommendations it provides to the Board will not substitute for any required review and acceptance by the Board.

The Audit Committee will 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 will 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) Providing recommendations regarding the appointment of the External (Independent) Auditor for the District;
- b) Meeting with the External (Independent) Auditor prior to commencement of the audit;
- c) Reviewing and discussing 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) Receiving and reviewing the draft annual audit report and accompanying draft management letter and, working directly with the External (Independent) Auditor, assist the Board in interpreting such documents;
- e) Making a recommendation to the Board on accepting the annual audit report; and
- f) Discussing and analyzing every corrective action plan developed by the District in response to any audit and assist the Board in its implementation.

**Corrective Action Plan**

Within 90 days of receipt of the report or management letter, the Superintendent will 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 (SED); or
- e) A final audit report issued by the United States or an office, agency, or department thereof.

The Audit Committee will review and approve the corrective action plans developed by the Superintendent and Business Official. The corrective action plan must be filed with the SED, and if appropriate, must include the expected date(s) of implementation. The District will also timely post a copy of this plan on its website. 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 District's implementation of these recommendations; and participating in the evaluation of the performance of the Internal Audit Function.

The Audit Committee may conduct an Executive Session 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 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 of the Audit Committee, if authorized by a Board resolution. However, if the 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)

Non-Instructional/Business  
Operations**SUBJECT: AUDIT COMMITTEE (Cont'd.)**

Education Law §§ 2116-a, 2116-c, and 3811-3813  
Public Officers Law §§ 105(b), 105(c), and 105(d)  
8 NYCRR § 170.12(d)

NOTE: Refer also to policies #1330 -- Appointments and Designations by the Board  
#1335 -- Appointment and Duties of the Claims Auditor  
#2210 -- Committees of the Board

REVISED from November 2005 Update

Adopted: 3/27/2007

Amended: 2/10/2009

Amended: 8/24/2010

Amended: 10/11/2011

Amended: 4/11/2017

## By-Laws

**SUBJECT: AUDIT COMMITTEE CHARTER****PURPOSE**

The general purpose of the Audit Committee is to review and monitor the District's financial reporting process and internal financial control systems. The Committee is also responsible for reviewing and reporting findings from the internal and external auditor to the entire board. The Committee will review and monitor the timing and scope of internal and external audit activities, the implementation of effective internal controls by District management and timely management response to audit findings.

**MEMBERSHIP**

The members of the Audit Committee will consist of three Board of Education members appointed by the full Board of Education. Members should have a working familiarity with basic accounting and financial management practices. Members of the community can be appointed to the committee with the consent of the Board of Education.

**TERM OF SERVICE**

Members will serve for one year, subject to reappointment annually. A two-year commitment is encouraged to provide continuity.

**SCOPE OF ACTIVITIES**

The Audit Committee will review on an annual basis the audit plans, audit scope and findings of the District's external auditors.

The Audit Committee will participate in the selection of the District's external auditing firm; determine areas to be emphasized in the external audits; and assist in the development of the external and internal audit contract.

The Audit Committee will inquire of management and the independent external and internal auditor about significant risks or exposures, and assess the steps management has taken to minimize such risks to the district.

The Audit Committee will review with management and the independent external auditor at the completion of the annual examination the District's financial statements, management letter comments and the independent external auditor's report.

The Audit Committee will make recommendations to the Board of Education regarding the appointment of the Internal Auditor and assist in providing oversight to the District's internal audit function. The Committee will review on a regular basis the audit plans, audit scope and findings of the District's internal auditor(s).

(Continued)



## By-Laws

**SUBJECT: AUDIT COMMITTEE CHARTER (con't)**

The Audit Committee will make recommendations to the Board of Education regarding the appointment of the Claims Auditor, assist in the oversight of the Claims audit function and review significant recommendations and findings of the Claims Auditor.

The Audit Committee will review all corrective action plans developed in response to audit reports and monitor the implementation of such plans. The Committee will also monitor the implementation by management of recommendations made by the external, internal and/or claims auditor.

The Audit Committee will report on their review of the District's Reserve Funds and advise appropriate funding levels.

The Internal Auditor and the Audit Committee will regularly report audit findings, and management responses back to the entire board of education. These reports will be at least quarterly.

The Audit committee will work with the Internal Auditor to review, monitor and amend all board policies to assure that the Board and the District's are in compliance with such policies, and with State and Federal Laws.

Adopted: 8/2004

Amended: 1/2006

Amended: 2/2009

Amended: 8/24/2010

**SUBJECT: INTERNAL AUDIT****Purpose**

The internal audit function is established to provide the Board of Education and Superintendent with independent analyses, appraisals, and recommendations concerning the adequacy and effectiveness of the District's systems of internal control and the quality of performance of management in carrying out assigned responsibilities and achieving established objectives.

**Authority**

Internal auditing is an integral part of the District and functions under the policies established by the Superintendent and the Board of Education. Internal auditing is authorized to direct a broad, comprehensive program of examination within the District. To allow the internal audit function to be discharged in an effective manner, the auditor has the authority to audit all functions and have unrestricted access to all records, personnel, and physical properties within the District; including the authority to audit board functions, process, procedures and policies for consistency and compliance with state and federal laws.

To ensure independence and objectivity, internal audit shall not develop or install procedures, prepare records, or engage in any activity that would normally be subject to its review. Moreover, internal audit shall have no authority over, or responsibility for, any of the activities audited. Internal auditing is not intended to be a replacement for operating management's responsibility to implement and ensure the adequacy, effectiveness and efficiency of internal controls, but rather is an evaluator of those controls.

**Responsibility**

The auditor shall develop a comprehensive internal audit plan to ensure all activities and programs of the District are reviewed at appropriate intervals based on a documented risk analysis. The audit plan shall encompass financial, operational and compliance performance concerns as identified in the assessment of the District's risk. The internal audit plan should be reviewed and approved annually by the Audit Committee.

A written report will be prepared and issued by the auditor following the conclusion of each audit. Should corrective action be indicated, as evidenced by specific recommendations contained in the internal audit report, management shall include in its response specific steps taken or planned to effect the corrective action. With respect to program audits, reports will focus on achievement of established objectives and measurement of outputs, benefits and impacts. Program audits may result in recommendations to expand, improve, limit, or discontinue a program. Periodically, the internal auditor will present a summary of his/her audit reports and findings to the Superintendent, Audit Committee and Board of Education.

**Reporting**

The internal auditor will be appointed by the Board of Education. The Internal Auditor reports administratively to the Superintendent, and functionally to the Audit Committee and Board of Education. The Internal Auditor shall meet at least quarterly with the Audit Committee and Board of Education, presenting and discussing audit reports and issues.

**Standards of Internal Audit**

The internal audit function shall adhere to the professional and ethical standards regarding internal auditing as set by the Institute of Internal Auditors and the American Institute of Certified Public Accountants.

Adopted: 2/10/2009

Amended: 8/24/2010

## By-Laws

**SUBJECT: POLICY**

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

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

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

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

It shall be the Board's responsibility to keep its written policies up-to-date so that they may be used consistently as a basis for Board action and administrative decision.

The Superintendent is given the continuing commission of calling to the Board's attention all policies that are out-of-date or for other reasons appear to need revision.

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

Adopted: 3/12/02

## 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.

Adopted: 3/12/02

## By-Laws

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

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

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

When the Board schedules a meeting on at least one week's notice, it will give or electronically transmit public notice of the time and place to the news media and conspicuously post the notice in one or more designated public locations at least 72 hours before the meeting. Notice of other meetings will be given or electronically transmitted, to the extent practicable, to the news media and conspicuously posted at one or more designated public locations at a reasonable time before the meeting. When the District has the ability to do so, it will conspicuously post the meeting notices on its website.

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

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

If videoconferencing or online technology is used to conduct a meeting, the public notice for the meeting will inform the public, identify all the locations for the meeting, and state that the public has the right to attend at any of the locations. If a meeting is streamed live over the internet, the public notice will inform the public of the website's internet address. Voting may be done through videoconferencing, provided that members can be both seen and heard voting and participating from remote locations.

(Continued)

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

**Recording Meetings**

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

**Public Expression**

The Board encourages public expression at Board meetings. The Board will designate a specific portion of its meeting agenda for this participation. The Board may invite visitors to participate in its discussion of matters on the agenda.

**Quorum**

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

**Use of Parliamentary Procedure**

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

Education Law §§ 1708 and 2504  
General Construction Law § 41  
Public Officers Law Article 7, §§ 103(d), 104, and 107

NOTE: Refer also to Policies #1520 -- Special Meetings of the Board of Education  
#1540 -- Executive Sessions  
#6211 -- Employment of Relatives of Board Members

Adopted: 3/12/2002  
Amended: 2/14/2012  
Amended: 5/08/2012  
Amended: 5/9/2017

## By-Laws

**SUBJECT: AGENDA FORMAT**

For regular Board meetings, the following format is used:

- a) Call to Order, Roll Call, Pledge of Allegiance to the flag;
- b) Approval of the Agenda
- c) Minutes of Previous Meeting
- d) Communications – Residents Wishing to Be Heard
- e) Superintendent's Reports/Presentations
- f) Committee Reports/Workshops
- g) Old Business
- h) Financial Matters
- i) Instructional Personnel
- j) Non-Instructional Personnel
- k) Approval of Children's Services
- l) Board Policy
- m) Information Sharing
- n) Other
- o) Adjournment

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

Education Law Section 1606  
Public Officers Law Section 104(2)

Adopted: 3/12/02

## 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 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 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 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

Adopted: 3/12/02



## 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 1st.

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.

**Annual Meeting (Election and Budget Vote)**

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

**Notice**

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

NOTE: Refer also to Policy #5160 -- Absentee Ballots

Adopted: 3/12/02

## By-Laws

**SUBJECT: BUSINESS OF THE ANNUAL DISTRICT ELECTION**

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

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

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

Education Law Sections 1716 and 2025

Adopted: 3/12/02

## By-Laws

**SUBJECT: ANNUAL ORGANIZATIONAL MEETING**

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

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

Education Law Section 1707

Adopted: 3/12/02

## By-Laws

**\*Required Policy****SUBJECT: SUBMISSION OF QUESTIONS AND PROPOSITIONS AT THE ANNUAL MEETING AND ELECTION AND SPECIAL DISTRICT MEETINGS****Questions and Propositions at the Annual Meeting and Election**

The following rules and regulations shall apply to the submission of the questions or propositions at the annual meeting and election 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 sixty (60) 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. The School District, however, retains the right to reject certain voter propositions, including those propositions that are advisory in nature or beyond the scope of voter authority.
- 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 Education Law Section 2018.

**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 subdivisions 2 and 3 of Education Law Section 2008.

Education Law Sections 1703, 2008, 2018, 2035(2) and 2601-a

Adopted: 2/26/2002 (as Policy #1260)

Amended: 1/27/2015 (# change - Erie 1 BOCES to Policy 1650)

## By-Laws

**SUBJECT: QUORUM**

The quorum for any meeting of the Board shall be five (5) 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: 3/12/02

## By-Laws

**SUBJECT: MINUTES**

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

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

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

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

All Board minutes shall be signed by the District Clerk when approved and stored in a locked room or locked file cabinet. Unless otherwise provided by law, minutes shall be available to the public within two (2) weeks following the date of a meeting; draft copies, so marked, are acceptable, subject to correction. Minutes of executive sessions shall be available to the public within one (1) week of the date of the executive session.

Public Officers Law Section 106

Adopted: 3/12/02

## By-Laws

**SUBJECT: EXECUTIVE SESSIONS**

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

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

Motions for executive sessions should state the subject or subjects to be discussed in executive session. It is insufficient to merely recite statutory language.

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

Education Law Section 3020-a  
Public Officers Law Article 7

Adopted: 3/12/02

Amended: 8/27/13

**Auburn Enlarged City School District**

**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, by-laws, goals and objectives shall be given to the electee by the Clerk;
- f) The opportunity shall be provided for new Board members to attend orientation programs sponsored by organizations for boards of education.

## Internal Operations

**SUBJECT: USE OF PARLIAMENTARY PROCEDURE**

The business of the Board of Education shall be conducted in accordance with the authoritative principles of parliamentary procedure as found in the latest edition of Robert's Rules of Order.

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

Adopted: 4/9/02

## 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.

Any Board member may be allowed to attend any committee meeting regardless of whether the Board member has been appointed to the convening committee. An attending Board Member who is not part of the appointed committee may attend in the same way as any other public person. Attendance during committee meetings does not imply active participation and does not include presence during a committee's executive session where such a session is held.

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.

Each committee shall be responsible to keep minutes of each meeting. Minutes will be filed with the Board Clerk within two weeks of meeting, and copies shall be provided to the President of the Board, to members of the committee, the Board, and to the Superintendent.

**Visitation Committees**

Members of the Board shall visit schools within the District at least twice per year and will share observations about conditions or programs with the whole Board.

Education Law Section 1708

Adopted: 4/9/2002  
Amended: 3/27/2007

## Internal Operations

**SUBJECT: MEMBERSHIP IN ASSOCIATIONS**

The School may maintain membership and participate cooperatively in New York State and the Central New York School Boards Associations. Additionally, the Board may maintain membership and participate cooperatively in other associations for the purpose of devising practical ways of obtaining greater economy and efficiency in school district affairs and projects.

Education Law Section 1618  
Comptroller's Opinion 81-255

Adopted: 4/9/02

## Internal Operations

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

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

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

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

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

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

Adopted: 4/9/02

## Internal Operations

**SUBJECT: COMPENSATION AND EXPENSES**

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

Members of the Board of Education shall be reimbursed for authorized expenses incurred by attending meetings, workshops and conventions which are held outside the Enlarged City School District of Auburn in discharge of their duties as members of the Board of Education.

Members of the Board of Education shall be reimbursed for such expenses incurred when attending meetings within the District if such meetings involve other school boards and/or school board associations and/or members of other governmental units (i.e., Cayuga County School Boards Association Meetings with State and Federal Legislators).

Education Law Section 2118  
General Municipal Law Section 77-b

Adopted: 4/9/02

## Internal Operations

**SUBJECT: BOARD SELF-EVALUATION**

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

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

Adopted: 4/9/02

**Auburn Enlarged City School District**

**NUMBER**

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Community Relations

**NUMBER**

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**SUBJECT: PUBLIC INFORMATION POLICY****Introduction**

The Auburn Enlarged City School District (The District) actively pursues consistent communication between the schools and the **community**, with the intent to promote effective school/home/community partnerships.

The District recognizes that citizens have a right to know what is occurring in their public school system, and that citizens receive all information, whether supportive or critical, directly from the district itself.

Therefore, the District will:

1. Maintain effective communication between the District and the community.
2. Disseminate accurate, timely information about school policies, programs, procedures, achievements, decisions and critical issues.
3. Provide timely interpretation of decisions and actions, and proactively clarify misunderstanding and misinformation.
4. Encourage district staff to share in the responsibility for communication of policies and programs with the community.
5. Maintain an effective working relationship with the news media.

**Dissemination of Information**

The District desires to work cooperatively with all parent/community groups and the media.

**District Spokespersons**

The Superintendent is the official spokesperson for the District and has the primary responsibility for official dissemination of all information concerning the District to the news media. Except for statements made by the Superintendent or his designate, no employee of the District, other than the Superintendent, shall purport to represent the official point of view of the school system in public communications.

The Board President is the spokesperson for the Board when the Board is making a statement on an issue. No individual member of the Board will speak for, or in the name of, the Board unless by explicit direction of the Board. Other Board Members may be asked by the Board President or Superintendent to speak to the media on a case-by-case basis when appropriate. Board members should emphasize to the media when asked to speak as a Board member that they can only speak as private citizens unless they have been empowered by the Board to speak on the Board's behalf.

(Continued)

## Community Relations

**SUBJECT: PUBLIC INFORMATION POLICY (Con't)**

To minimize misunderstanding, and provide accurate, comprehensive information about the School District, the Superintendent will coordinate all of the District's communication and media efforts, specifically:

1. All media coverage of the District, including commercial and cable TV, radio and print.
2. All documents relating to District news conferences, press releases and parent/community information.
3. All inquiries relating to duties and qualifications of professional staff.
4. All inquiries relating to student information, including academic, behavior and/or family matters.
5. All parent/community, business and governmental information directives and reports.

**Privacy and News Media Coverage for Students**

At the beginning of each school year, the "media approval release" clause will be provided to each parent or guardian for signature. Those parents or guardians who sign the media clause are allowing their child or children to be photographed and interviewed for that school year. Parents who do not sign the media clause indicate that they do not want their child or children interviewed, photographed or named in any media release. Schools will maintain this release until the end of the school year.

The District will cooperate with the media when they are covering school sponsored activities. Reporters and photographers may, following approval from the Superintendent's Office, report on or photograph any activity or program, providing there is no disruption of the activity or educational process, and a proper parental release is secured.

Adopted: 11/26/2002  
Amended: 12/09/2008

## 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: 11/26/02

## 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: 11/26/02

## Community Relations

**SUBJECT: FLAG DISPLAY**

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

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

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

Adopted: 11/26/02

## 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.

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 service. Volunteers may be involved in many facts 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, inservice programs, and evaluation. Volunteers will not be used to provide transportation for school-sponsored activities

Services of volunteers may be accepted by the Board, the Superintendent of Schools, Central Office Administrators, Building Principal or persons designated by the board and/or the Superintendent to handle this responsibility. All volunteers may be subject to the same screening procedures used for regular school employees, including but not limited to the following:

- a) Volunteers will be required to provide references, who will be contacted before the volunteer begins services on school grounds.
- b) The District reserves the right to request information on previous criminal convictions.
- c) The District reserves the right to investigate each applicant through the New York child abuse register.

The District will maintain complete records of any information obtained through any of the above procedures.

Administrative regulations will be developed to implement the terms of this policy.

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

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

Adopted: 11/26/02

## Community Relations

**SUBJECT: SCHOOL VOLUNTEERS**

A school volunteer is defined as a non-paid person who assists District staff, including but not limited to instructional personnel, in curricular, co-curricular, or extracurricular programs. A volunteer is a person who offers to provide assistance or service of his/her own free will without legal obligations.

**General Guidelines**

- 1) Use of volunteers shall not conflict with or replace any duly appointed and/or authorized District personnel or the duties/job responsibilities of such personnel. Any information gained through volunteering must be held in strict confidence with the Principal/designee assuring that the volunteer has no access to confidential student or personnel data unless as designated by a school official in accordance with the Family Educational Rights and Privacy Act (FERPA).
- 2) Volunteers may assist on an occasional or regularly scheduled basis, yet, may not teach or provide the initial instruction for accomplishing educational objectives; but may reinforce skills taught by the professional staff.
- 3) Volunteers may not provide transportation to students in their personal automobiles for any school-sponsored activities.
- 4) Volunteers may not be assigned the responsibility for disciplining students but may assist the teacher in maintaining proper behavior of students and report behavioral problems to the teacher.
- 5) Volunteers may not supervise a class in the absence of the teacher.
- 6) Volunteers are not to contact parents regarding the performance of students or write comments on any papers/school work sent home.
- 7) The need for volunteers will be determined by the Principal and other personnel.
- 8) All regularly scheduled volunteers will complete an application, provide authorization for a reference check, and shall be screened and/or interviewed by the Building Principal or his/her designee. An application shall be filled out by each prospective volunteer and upon approval by the building principal/administrator shall be forwarded to the District Office for evaluation.
- 9) The Superintendent retains the right to approve or reject any volunteer applications submitted for consideration. Upon approval by the Superintendent volunteers must be approved by the Board of Education.





Application for Volunteers  
PERSONAL INFORMATION



Date \_\_\_\_\_ Social Security Number \_\_\_\_\_

Name \_\_\_\_\_

Last First Middle

Address \_\_\_\_\_

Street City State Zip Code

Phone Number \_\_\_\_\_ / \_\_\_\_\_

Home Work

GENERAL

HAVE YOU EVER BEEN CONVICTED OF VIOLATING ANY LAW (EXCEPT TRAFFIC VIOLATIONS)? **Yes No**  
If yes, attach summary of details. Disclosure of a criminal record does not automatically disqualify you from volunteer consideration. Your case will be judged on its own merits.

Do you have any physical, mental or medical impairment which would interfere with your ability to perform the job for which you are applying? **Yes No**

If any, please explain: \_\_\_\_\_

What volunteer services are you willing to perform? \_\_\_\_\_

**EMPLOYER**

List below your current or last employer.

Date - Month and Year	Name and Address of Employer	Position
From		
To		

**REFERENCES**

List below three persons not related to you, whom you have known at least a year.

Name	Address	Phone #	Years Acquainted

**EMERGENCY INFORMATION**

In case of emergency, please notify:

Name Address Phone Number

**AUTHORIZATION**

I authorize investigation on all statements contained in this application.

Date Signature

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Reviewed by Building Principal \_\_\_\_\_

Date \_\_\_\_\_

Remarks: \_\_\_\_\_

Central Office Use Only  
Approved Denied

## Community Relations

**SUBJECT: NAMING OF DISTRICT'S SCHOOLS, ROOMS, AND SITES**

The Board of Education has the responsibility to approve the naming or re-naming of its buildings, rooms, or other sites within the District.

Factors to consider in the naming of a building, a room, or a site will include:

- a) A specific connection between the community served and the school district residence. When there is no specific connection to the community, the nominee should be an exemplary symbol of leadership and character;
- b) Meritorious, extraordinary, and enduring service to the District's students, parents, and staff;
- c) Outstanding qualities of character or leadership; and
- d) Contributions to the community.

A process for nominations will include:

- a) The building, room, or site to be named;
- b) Notice of a closing date for nominations to be made for the Board's consideration;
- c) Selection of a panel by the Board to review nominations prior to a recommendation to the entire board. Membership should include parent organization(s), student organization(s), and teacher(s) associated with the building or site; and
- d) The Superintendent or his/her designee will serve as a non-voting chair of the panel.

When a school or a facility is closed, the Board reserves the right to retire the name or to preserve it for use in the future.

## 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: 11/26/02

## Community Relations

**SUBJECT: VISITORS TO SCHOOL BUILDINGS**

Close communication and supportive relationships between parents/guardians and schools are essential to increasing student achievement and enhancing school climate. The Auburn Enlarged City School District supports these efforts through effective and appropriate visitations to schools and to classrooms by parents/guardians, community members, and other appropriate individuals, subject to the following guidelines:

- 1) Parents/guardians may request a visit to their child's classroom(s) through the Building Principal, at which time the purpose of the visit will be established. The date and time of the visit will be mutually agreed upon directly between the parent/guardian and the teacher. The Building Principal will be notified, in advance, of the arrangements which have been agreed upon for the visit.
- 2) Teachers may request that a parent/guardian visit the classroom by directly contacting the parent/guardian and establishing a mutually agreed upon time and date. The Building Principal will be notified of the visit, in advance.
- 3) Visitations by individuals other than parents/guardians shall be arranged directly between the Building Principal and the individual making the request. The purpose of the visit will be made clear at that time in order to facilitate appropriate arrangements.
- 4) Visitation will occur in a way that avoids or minimizes disruption to the normal learning process and the ordinary classroom routine. The Building Principal may be present when appropriate. Visitors agree to maintain confidentiality regarding information which they acquire during the course of the visit as explained to the visitor by the Building Principal.
- 5) Individuals visiting the schools are to go directly to the Main Office of the building which they are planning to visit, and follow the specific visitor procedures prescribed by that building.
- 6) If a staff member notices that a visitor does not report to the Main Office upon entering the building, he/she should report that occurrence to the Building Principal/designee.
- 7) Before a child may be taken from the building by a non-school person, the visitor must be recognized by the Building Principal or his/her designee as one having the legal right to take the child. The visitor will wait in the Main Office for the child to come from the classroom and/or follow other duly approved procedures for that building.
- 8) Signs will be posted throughout the school building directing visitors to report to the Main Office.

## Community Relations

**SUBJECT: PUBLIC EXPRESSION AT MEETINGS**

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

The Board of Education provides a maximum of 30 minutes at this time for public participation. Any resident of the Auburn Enlarged City School District is welcome to address the Board of Education on items pertaining to the education and/or the operation of the School District.

There will be time provided on the agenda at this point. Any resident wishing to address the Board of Education is requested to come forward to the lectern on being recognized and to give his/her name and address. Questions relating to employees of the District will not be permitted; such questions should be referred to the Superintendent at another time. Residents have been asked to sign in at the lectern and are limited to one presentation of three (3) minutes or less.

The Board of Education shall take the appropriate time to consider any necessary response in a timely fashion. District employees and students are encouraged to follow established channels for complaints/grievances prior to addressing the Board. Non-residents who wish to address the Board directly shall do so in writing. All such communications should be addressed to the District Clerk for presentation to the Board at the next scheduled meeting.

The President is responsible for the orderly conduct of the meeting and shall rule on such matters as the time to be allowed for public discussions, the appropriateness of the subject being presented, and suitability of the time for such a presentation.

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

## Community Relations

**SUBJECT: PUBLIC HEARINGS**

The following guidelines shall be followed whenever large delegations come before the Board regarding a District issue:

a) Position of the Board Stated:

After the meeting has been officially opened, the President of the Board shall briefly state the position of the Board on the issue. If official action on the issue has not as yet been taken, the President may so state and may summarize briefly the arguments for and against the issue to be decided. Other members of the Board may also be heard at this time.

b) Public Expression:

The Clerk of the Board shall secure the names of all those persons wishing to be heard before the Board. Those desiring to speak shall indicate whether they are in favor of or against the issue involved. The president may set a limit of two (2) minutes and may then grant an addition of three (3) minutes, if so required.

## Community Relations

**SUBJECT: PUBLIC COMPLAINTS****Complaints by Citizens**

Complaints by citizens regarding any facet of the District school operation often can be handled more satisfactorily by the administrative officer in charge of the unit closest to the source of the complaint. In most instances, complaints will be made to the building Principal and/or his/her assistant, if the verbal complaint cannot be resolved by the teacher, coach, or other school building or district level employee.

If the verbal complaint is not resolved at the unit level, the following steps will be taken:

- The complaint will be submitted in writing to the District Clerk. The District Clerk will maintain a complaint log and will contact the sender within five days of the receipt.
- Within 10 days of the receipt of the complaint by the District Clerk, the Superintendent of the District, or designee, will review the submitted complaint, and will contact the sender, outlining steps which will be taken regarding the particulars of the complaint.
- The Superintendent will oversee a resolution of the issues cited in the complaint. If the resolution attempts are not successful, the Superintendent will present to the Board of Education a summary of the complaint and attempts to resolve the complaint.
- The Board of Education will have the right to review all the information gathered by the District during the complaint process. The district leadership team, comprised of the Superintendent and the Board President and Vice President, will act accordingly to resolve the issues of the complaint in a reasonable period of time. The resolution will be recorded by the District Clerk and all involved parties will be copied in the resolution.

It shall be the responsibility of the Superintendent to prepare procedures, as may be needed within this policy, to channel the complaints so that they may be properly reviewed and acted upon.

Anonymous complaints will be investigated to the best of one's ability.

The complaint policy will be reviewed annually by the district leadership team.

Adopted: 11/26/2002

Amended: 08/25/2009

Amended: 11/15/2011

# Complaint / Response Procedure

The Complaint/Response Procedure is one attempt by the District to ensure a positive school environment which demonstrates respectfulness and ensures safety for all of its children and adults. Individuals who feel that a circumstance exists which detracts from the District's or the building's integrity should follow these steps:

- 1) Fill out the "Complaint / Response" form available at the main office and complete all sections.
- 2) Make a copy of the District Complaint Form (or formal complaint letter in writing) and leave the original with the District Clerk, 78 Thornton Avenue, Auburn, NY 13021. (See the second paragraph on the first page).
- 3) Expect a response of receipt from the District Clerk within five (5) school days, and a response from the Superintendent outlining steps which will be taken regarding the particulars of the complaint within ten (10) school days.

For convenient reference the building administrators are:

Casey Park Elem. School  
Kelly Garback  
255-8764

Genesee Elementary School  
Heather Costello  
255-8644

Herman Ave. Elem. School  
Ronald Gorney  
255-8684

Owasco Elementary School  
Jeremy Moore  
255-8724

Seward Elementary School  
Amy Mahunik  
255-8604



Auburn High School  
Brian Morgan  
255-8305

Auburn Junior High School  
David Oliver  
255-8484

Superintendent of Schools  
Jeffrey Pirozzolo  
255-8835



Community Relations

**Auburn Enlarged City School District**  
**COMPLAINT / RESPONSE PROCEDURE**

Students, Parents, or Community members shall have the opportunity to present their concerns free from interference, coercion, restraint, discrimination, or reprisal. The "Complaint / Response Procedure" exists for the purpose of bringing forward topics or complaints which have been set aside for some reason.

Complaints by citizens regarding any facet of the school operation often can be handled more satisfactorily by the administrator in charge of the building and closest to the source of the complaint. If the complaint and related concerns are not resolved at this level to the satisfaction of the complainant, the complaint may then be carried to the District Clerk who will forward it to the Superintendent and/or one of his/her assistants. If the complaint and related concerns are not resolved at the Superintendent level to the satisfaction of the complainant, the complaint may be then carried to the Board of Education.

For a matter to be considered, all aspects of this report should be completed. The sender can expect acknowledgment of the issue within five (5) school days and a decision within ten (10) school days. If more time is needed, the school will provide a specific date to meet the concern.

Date of Request: \_\_\_\_\_ Name: \_\_\_\_\_

Request Given To: \_\_\_\_\_ Phone #: \_\_\_\_\_  
*District Clerk*

Description of the circumstance, problem, or complaint:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
*Signature*

Resolution of the Complaint and whether the complaint was resolved at the school, district, State (SED), or Federal U.S. Department of Education (USDE) level.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
*Signature*

Date of Response: \_\_\_\_\_ Matter Resolved: \_\_\_\_\_ Yes

Copy to Supervisor: \_\_\_\_\_ No

Copy to: *Parent / Student / Community Member*

## Community Relations

**SUBJECT: TITLE I COMPLAINTS/APPEALS**

Written complaints and appeal procedures for Title I, Parts A, C, and D or section 100.2(ee) of Commissioner's Regulations regarding academic intervention services are the following:

- All complaints must be written; signed by the person or agency representative filing the complaint; specify the requirement of law or regulation being violated and the related issue, problem, and/or concern; contain information/evidence supporting the complaint; and state the nature of the correction action desired.
- Complaints will follow the district's formal complaint/response procedure under public complaints for tracking purposes; the District's Program Manager for Title I shall conduct the review of complaints or appeals.
- In addition to filing the complaint with the District, a copy of the complaint/appeals regarding Title I should be sent to:

New York State Education Department  
Office of ESSA Funded Programs  
Attention: Complaint Coordinator  
89 Washington Avenue, Room 320 EB  
Albany, NY 12234

In cases where the complaint is not satisfactorily resolved with the New York State Education Department, complaints may be filed with the:

United States Department of Education  
Compensatory Education Programs  
400 Maryland Avenue, S.W.  
Room 3W230, FOB#6  
Washington, D.C. 20202-6132

- An appeal must be requested and postmarked within 20 business days of receipt of the District's response to the original complaint.

34 CFR Sections 299.10-299.12

USC 1221e-3(a)(1), 8895

Academic Intervention Services of the Regulations of the Commissioner Section 100.2

Adopted: 4/22/2009

Amended: 5/13/2014

2002

3240

Community Relations

**SUBJECT: STUDENT PARTICIPATION**

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

Adopted: 11/26/02

## Community Relations

**SUBJECT: PARENT-TEACHER ASSOCIATION; ORGANIZATION; PARTNERSHIP**

There are various Parent-Teacher membership group names, the most widely known are Parent-Teacher Associations (PTA); Parent-Teacher Organizations (PTO); and Parent-Teacher Partnerships (PTP). All agree on the common interest 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.

The Board of Education recognizes the goal of such membership groups and therefore encourages staff members and parents to join and participate actively in its programs.

The following guidelines have been developed for such membership groups

1. Operate as a self-governing body
2. Plan programs and activities to meet child and community needs
3. Work at school site, at home, and in the community for all children
4. Ensure confidentiality at all times regarding student information and comply with the Family Educational Rights and Privacy Act (FERPA)
5. Comply with Internal Revenue Service regulations and be identified by a unique taxpayer identification number.
6. Be aware of all Board policies or administrative regulations and operate within those policies and regulations.
7. Maintain financial records and make available, upon request, for Board and/or public inspection;
8. Obtain approval for fund raising activities in advance by the Superintendent or designee; and
9. Accept contributions according to the District's policy and regulations regarding the acceptance of gifts.

The Board of Education does not assume any financial responsibility for a Parent-Teacher membership group and excludes itself from any liability the group may incur.

Adopted: 11/26/2002

Amended: 02/27/2007

## 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.

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 #7450 -- Fund Raising by Students

Adopted: 11/26/2002

## 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 Auburn Enlarged City 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

## 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. The Guiding Principals below will be utilized to determine various levels of approval. The Superintendent of Schools will make final determination regarding Advertising in Schools.

- e) **Denial** – requests from an interested party that is not in partnership with the district, and/or *has a cost for the students to participate*, and/or the request does not support student’s educational program, whereby it is self-serving to the interested party only (e.g. Come join Burn City Crossfit for Kids from a local gym, Eye Vision Coverage at a local optical business, Kidding Around Yoga with Megan)
- f) **Posted on News for Employees** – requests that fall under “benefits” for our employees (e.g. Liberty Mutual, Empower Federal Credit Union, Costco/BJ’s)
- g) **Community Resource Section on Website** – (e.g. CCC Summer Classes for Youth, Lacrosse Fundraiser, applications for Girl Scouts or Boy Scouts)
- h) **Countertop at School/Posting and/or Manned Table Once a Year at Open House** – requests from an interested party that is *not* in partnership with the school district that benefit our students and/or feeder programs for the district’s athletic program. There will be a designated location (e.g. library, cafeteria, etc.) for agencies to share information and/or have families sign-up/register for outside programs - (e.g. Cub/Boy Scouts, Girl Scouts, Rainbow for Girls, Summer Activities at Champions for Life and Everest Park including Boy’s Soccer and Girl’s Lacrosse Clinic, Community Preservation Committee’s Halloween Costume sale, Fright Night Mansion at the Owasco Firehouse Pavilion, Skaneateles Figure Skating Club, Trunk or Treat with Auburn Alliance Church, Fundraising event for a student/staff in the District, Auburn Arsenal Girls Soccer Club/Summer Camp)
- i) **Countertop at School and/or Manned Table at Event at School (e.g. Parent/Teacher Conferences, Kindergarten Registration)** - requests from an interested party that *is* in partnership (long-term partnership, not a few events) with the district (e.g. YMCA, BTW, East Hill Medical for Mobile Dental Clinics, Banks to promote student banking)
- j) **Manned Table During the School Day** – vendors that currently have a relationship with the District through payroll deduction (e.g. AFLAC, 403b providers, Credit Union/Banks)
- k) **Distribution Through PE Teachers** – It should be noted that students are offered to take materials, but not required. The programs advertised must have a direct connection to school programs and authorized by the Athletic Director (e.g. Auburn Softball Camp)
- l) **Backpacked Home with Students** - activities associated with the Cayuga County Health Department (e.g. Walk to School Day, established Club that the BOE has approved such as Orchestra Boosters)

## 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.

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: 11/26/2002



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

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

**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 loan of equipment and materials for public purposes that serve the welfare of the community is allowed, as long as the equipment is not needed at that time for school purposes and that the proposed use will not disrupt normal school operations.

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 Board will also allow the loan of equipment to local governments and other entities that benefit the welfare of the surrounding community. The Board supports such inter-municipal cooperation as it saves taxpayer monies and is a more efficient use of scarce or costly equipment and resources.

Administrative forms will be used to request the use of school facilities and to assure the lender's responsibility for, and return of, all such materials and equipment.

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

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

This statute provides for the following:

(Continued)

## Community Relations

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

- a) No covered entity (elementary school, secondary school or LEA) shall deny equal access or a fair opportunity to meet, or discriminate against any group affiliated with the Boy Scouts of America or any other Title 36 patriotic youth group that requests to conduct a meeting within the covered entity's designated open forum or limited public forum.
1. A designated open forum exists when the school designates a time and place for one or more outside youth community groups to meet on school premises or in school facilities, including during the hours in which attendance at the school is compulsory, for reasons other than to provide the school's educational program.
  2. A limited public forum exists when the school allows one or more outside youth or community groups to meet on school premises or in school facilities before or after the hours during which attendance at the school is compulsory.
- b) No covered entity shall deny access or opportunity or discriminate for reasons including the membership or leadership criteria or oath of allegiance to God and country of the Boy Scouts of America or of the Title 36 patriotic youth group.
- c) Access to facilities and the ability to communicate using school-related means of communication must be provided to any group officially affiliated with the Boy Scouts of America or any other Title 36 patriotic youth group on terms that are no less favorable than the most favorable terms provided to other outside youth or community groups.

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

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

20 United States Code (USC) Section 7905  
36 United States Code (USC) Subtitle II  
34 Code of Federal Regulations (CFR) Parts 75, 76 and 108  
Education Law Section 414  
NY Constitution Article 8

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property  
#5640 -- Smoking/Tobacco Use  
#7320 -- Alcohol, Tobacco, Drugs and Other Substances (Students)  
#7410 -- Extracurricular Activities  
*District Code of Conduct on School Property*

**Refer to: Form 3280 1F – Building Use  
Form 3280 2F – School Owned Materials & Equipment**

Adopted: 11/26/2002  
Amended: 5/08/2012

**Building Use – Type of Event:** (please circle)

**3280 1F**

<i>Athletics</i>	<i>Community Use</i>	<i>Fine Arts</i>	<i>School Activity / Meeting</i>
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**An Agreement Between \_\_\_\_\_ and the Auburn Enlarged City School District**

**Name of Organization** \_\_\_\_\_  
**Date Submitted** \_\_\_\_\_  
**Contact Person** \_\_\_\_\_  
**Daytime Phone Number** \_\_\_\_\_  
**Address** \_\_\_\_\_  
**Purpose** \_\_\_\_\_  
**E-mail Address** \_\_\_\_\_

<i>School Building(s)</i> (please circle)							
<i>Casey Park</i>	<i>Genesee</i>	<i>Herman Avenue</i>	<i>Owasco</i>	<i>Seward</i>	<i>Auburn Junior High</i>	<i>Auburn High</i>	<i>Harriet Tubman Admin Bldg.</i>

<i>Day(s) of The Week</i> (please circle)						
<i>Sunday</i>	<i>Monday</i>	<i>Tuesday</i>	<i>Wednesday</i>	<i>Thursday</i>	<i>Friday</i>	<i>Saturday</i>

**Date & Time Requested:** *Outside organizations that have been approved to use school facilities, are required to be out of the building by 11:00 p.m.*

**From:** \_\_\_/\_\_\_/\_\_\_ **To:** \_\_\_/\_\_\_/\_\_\_

**Requested Set-Up Time:** Start \_\_\_\_\_ End \_\_\_\_\_

**Actual Time of Event:** Start \_\_\_\_\_ End \_\_\_\_\_

*Please Identify Building Areas Needed:  
(Circle)*

**SPECIFY WHICH PLAYING FIELD(S):** \_\_\_\_\_

**Setup instructions:** \_\_\_\_\_

**Field Lining → By School District or Requestor**

**SPECIFY SPECIAL NEED(S):** \_\_\_\_\_

**Please note: If the lighting and sound equipment is needed, the organization using the building must hire an experienced person to run it at its expense.**

<i>Auditorium</i>	<i>Stage lighting</i>	<i>Audio or video monitor</i>	<i>Gym(s) # Specify at AHS</i>
<i>Dressing Rooms</i>	<i>Sound system</i>	<i>Speaker's podium</i>	<i>Full or # 1- 2- 3</i>
	<i>Projection equip.</i>	<i>Library</i>	
<i>Cafeteria</i>	<i>Music stands</i>	<i>Kitchen</i>	

**Breakdown Instructions:** \_\_\_\_\_

**Total number of Auburn students participating** \_\_\_\_\_ **Total number of participants** \_\_\_\_\_

**Total number of spectators** \_\_\_\_\_

**Is admission to be charged?** \_\_\_\_\_ **Price per ticket** \_\_\_\_\_

*If a profit organization, name of non-profit organization to receive proceeds from admission fees (documentation must be attached to this effect): \_\_\_\_\_*

*Supervision required at expense of Requestor: Yes \_\_\_\_\_ No \_\_\_\_\_*

*If yes, please describe: \_\_\_\_\_*

Senior Custodial Offices:

Please contact the senior custodian of requested building two (2) weeks prior to the event:

<i>Auburn High 255-8334</i>	<i>Auburn Junior High 255-8492</i>	<i>Casey Park Elementary 255-8763</i>	<i>Genesee Elementary 255-8643</i>
<i>Herman Ave. Elementary 255-8688</i>	<i>Owasco Elementary 255-8723</i>	<i>Seward Elementary 8608</i>	

*We, the undersigned, agree to the following terms and conditions in accordance with the use of buildings and grounds in the Auburn Enlarged City School District, as per this agreement. We also attest that we have read and shall abide by the attached policy stipulations:*

- 1. No association or organization is entitled, as a matter of right, to use school facilities, but must apply in writing and in advance to the discretion of the Board of Education. The Superintendent of Schools or his designee may grant provisional permission for use of school facilities, pending action by the Board of Education at its next regular meeting.*
- 2. Organizations must provide an adult, 21 years of age or older, to preserve order, supervise their functions and also agree to be liable for all costs for injury or damages to persons or property due to lack of proper and adequate supervision. To this end, the organization will provide a Certificate of Liability for a minimum amount of \$100,000 for non-physical activities and \$1,000,000 for physical activities with the Auburn Enlarged City School District named as an additional insured. Supervision may incorporate policemen and firemen on location, if necessary. The Superintendent of Schools, or his designee, shall determine the number of personnel such as firemen, policemen, custodians, cafeteria workers, etc., which may be required for a particular function or functions.*
- 3. Organization hereby agrees to hold District harmless from all claims and actions for personal injury or property damage which may arise by reason of organizations use of said premises during this period and organization further agrees to pay for all costs reasonably incurred in the repair of any damage to the premises or in the defense of any actions or the settlement of any claims arising during this period and attributable to organization's use of the premises.*
- 4. In cases of scheduling conflicts, Auburn Enlarged City School District Events take precedence over a community rental. Priority for the use of facilities will be as follows:*
  - a. School District Sponsored Activities*
  - b. Local Community Sponsored Groups*
  - c. Other Civic Groups*
- 5. All buildings and grounds, unless otherwise specified shall be left in the same condition in which they were found.*
- 6. The right to revoke an agreement at any time is reserved by the Board of Education. The Superintendent may suspend the agreement pending action by the Board of Education at its subsequent meeting.*

7. *The rental fees shall be in accordance with the rates established by the Auburn Enlarged City School District. During after school hours, or when custodians are normally not in the building, or when the Superintendent or his designee determines additional custodians' necessary, the organization hereby agrees to pay for the use of school custodians (and any other district employees) at the rates established by the Auburn Enlarged City School District.*
8. *The rates are as appears on the attached fee schedule. Fees for required outside personnel, such as policemen or firemen, shall be borne by the organization using the school facility.*
9. *The undersigned have read the attached fee schedule and we agree to abide with such, as well as with the conditions specified in the fee schedule.*

*Upon preliminary approval of the use of the building facilities, a security deposit in the amount of \$100.00 made payable to the Auburn Enlarged City School District, a copy of your Certificate of Insurance, indicating the Auburn Enlarged City School district as an additional insured for a minimum of \$100,000 liability, and a letter documenting all proceeds being forwarded to a non-profit organization (if applicable) must be forwarded to the District Business Office.*

**\*\*The organization agrees that payments shall be made within 60 days of the day of billing\*\***

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**Signature and Title of Representative**

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**Certification of Signature by Another Officer**

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**AUBURN ENLARGED CITY SCHOOL DISTRICT – FEE SCHEDULE**

<i>School</i>	<i>Auditorium Capacity</i>	<i>Auditorium Fee</i>	<i>Gym Capacity</i>	<i>Gym Fee</i>	<i>Cafeteria Capacity</i>	<i>Cafeteria Fee</i>
<i>Auburn High</i>	<i>935 &amp; 11 Wheelchair Spaces</i>	<i>\$250</i>	<i>1140</i>	<i>\$200</i>	<i>485</i>	<i>\$50</i>
<i>Auburn Jr. High</i>	<i>1153 &amp; 20 Wheelchair Spaces</i>	<i>200</i>	<i>326</i>	<i>\$100</i>	<i>208</i>	<i>\$40</i>
<i>Casey Park</i>	<i>275 &amp; 5 Wheelchair Spaces</i>	<i>50</i>	<i>268</i>	<i>\$40</i>	<i>112</i>	<i>\$30</i>
<i>Genesee</i>	<i>255</i>	<i>50</i>	<i>136</i>	<i>\$40</i>	<i>95</i>	<i>\$30</i>
<i>Herman</i>	<i>249</i>	<i>50</i>	<i>245</i>	<i>\$40</i>	<i>145</i>	<i>\$30</i>
<i>Owasco</i>	<i>166 &amp; 7 Wheelchair Spaces</i>	<i>50</i>	<i>500</i>	<i>\$40</i>	<i>246</i>	<i>\$30</i>
<i>Seward</i>	<i>N/A</i>	<i>N/A</i>	<i>720</i>	<i>\$50/use</i>	<i>146</i>	<i>\$30</i>

**In the instance of a gym and cafeteria combination, the word "combo" will appear in the fee column. A double rate will not be charged in "combo" categories.**

**REHEARSALS – AUDITORIUMS**

<i>Auburn High School</i>	<i>\$40/hour – maximum charge of \$120 per use</i>
<i>Auburn Junior High School</i>	<i>\$40/hour – maximum charge of \$120 per use</i>
<i>Elementary School</i>	<i>\$30/use</i>

**PRACTICE SESSIONS – GYM**

<i>High School</i>	<i>\$40/hour – maximum of \$120/use</i>
<i>Junior High and Elementary w/shower facilities</i>	<i>\$30/use</i>
<i>Elementary w/o shower facilities</i>	<i>\$25/use</i>

**HOLLAND STADIUM – CAPACITY 5200**

	<b>Night</b>	<b>Day</b>
<i>School Groups</i>	<i>\$300</i>	<i>\$125</i>
<i>Others</i>	<i>\$600</i>	<i>\$200</i>
<i>Practice – stadium</i>	<i>\$ 40/hour</i>	<i>\$ 30</i>

OTHER INDOOR FACILITIES

Night

<i>Classroom</i>	<i>\$20/hour</i>
<i>Media Center</i>	<i>\$35/hour</i>
<i>Locker Room</i>	<i>\$125/use</i>

**CUSTODIAL FEE - \$43/hour** Based on current CSEA contract for custodian on step 2 of the salary schedule. Overtime will be charged where applicable.

**ATHLETIC FIELDS** (per contest prep charge)

**First Time Marking:**

<b>Cross Country</b>	<b>Football</b>	<b>Lax Boys</b>	<b>Lax Girls</b>	<b>Baseball</b>	<b>Soccer</b>	<b>Softball</b>	<b>Field Hockey</b>
\$425	\$175	\$85	\$125	\$90	\$130	\$60	\$125

**Re-Markings:**

<b>Cross Country</b>	<b>Football</b>	<b>Lax Boys</b>	<b>Lax Girls</b>	<b>Baseball</b>	<b>Soccer</b>	<b>Softball</b>	<b>Field Hockey</b>
\$410	\$65	\$30	\$50	\$90	\$55	\$60	\$50

Updated: 7/5/2012

**AUBURN ENLARGED CITY SCHOOL DISTRICT  
PERMISSION FORM FOR AUTHORIZED USE OF  
SCHOOL-OWNED MATERIALS AND EQUIPMENT  
(i.e., MUSICAL INSTRUMENTS)**

Date: \_\_\_\_\_

TO: \_\_\_\_\_  
(Building Principal/Administrator)

Name: \_\_\_\_\_ Telephone #: \_\_\_\_\_

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

Agency/Organization: \_\_\_\_\_

I request permission to use the following piece(s) of school-owned materials and/or equipment **(i.e., musical instruments)**.

<u>Material/Equipment</u>	<u>School</u>	<u>Model #</u>	<u>Serial #</u>

I shall require use of this material and / or equipment from (date) \_\_\_\_\_  
to (date) \_\_\_\_\_.

*I understand that I assume the responsibility for returning the materials and/or equipment in the same condition it was borrowed. The community member, employee or student (or his/her parent/guardian) may be held responsible for the cost of repair or replacement, with the exception of normal wear and tear, in accordance with applicable law.*

\* \_\_\_\_\_  
(Signature of Requestor)

\*If the request is being made by a student under eighteen (18) years of age, the form is to be signed by a parent/guardian.

Condition of Material(s)/Equipment at time of Loan: \_\_\_\_\_

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_  
Principal / Administrator

Condition of Material(s)/Equipment at time of Return: \_\_\_\_\_

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_  
Principal / Administrator

## Community Relations

**SUBJECT: OPERATION OF MOTOR-DRIVEN VEHICLES ON DISTRICT PROPERTY**

The use of motor-driven vehicles, including cars, snowmobiles, mini-bikes, motorcycles, all-terrain vehicles (ATV's) and other such vehicles is prohibited on any school grounds or areas except for authorized school functions or purposes.

**Student Vehicles on School Property**

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

Students who drive motor vehicles or bicycles onto school property must understand:

- a) The school is not responsible for the vehicle or its contents. Vehicles parked or driven on school property are done so at the driver's own risk.
- b) Vehicles may be subject to search if there exists reasonable grounds to suspect that drugs, alcohol, stolen property, or other contraband might be present in the vehicle.
- c) The driver of a vehicle is responsible for the behavior and conduct of all passengers in the vehicle as well as the vehicle's contents. If a passenger in the vehicle is found to be in violation of the school's student vehicle policy, the matter will be recorded in the driver's record and dealt with according to the guidelines developed by the administration.
- d) Removal of Vehicles from District Property:

Any vehicle parked outside of an authorized area, or any vehicle found parked in a parking field or driveway of the District during a snowstorm, flood, fire or other public emergency, or any vehicle found unattended in a parking field or driveway of the District where it constitutes an obstruction to traffic, or any vehicle found abandoned in a parking field or driveway of the District, or any unauthorized vehicle found parked in a parking field or driveway of the District during school or business hours shall be removed and stored at the expense of the owner or operator.

Vehicle and Traffic Law Section 1670

Adopted: 11/26/2002



## Community Relations

**\*Required Policy****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 – 90 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 - 90 et seq.

Adopted: 11/26/2002  
Amended: 2/27/2007

**SUBJECT: PUBLIC ACCESS TO RECORDS****Purpose and Scope**

- 1) The people's right to know the process of government decision-making and the documents and statistics leading to determinations is basic to our society. Access to such information should not be thwarted by shrouding it with the cloak of secrecy or confidentiality.
- 2) These regulations provide information concerning the procedures by which records may be obtained from an agency as defined by Public Officers Law Section 86(3). No District regulations shall be more restrictive than Public Officers Law Article 6.
- 3) The District Records Access Officer shall furnish to the public the information and records required by the Freedom of Information Law, as well as records otherwise available by other applicable law.
- 4) Any conflicts among laws governing public access to records shall be construed in favor of the widest possible availability of public records.
- 5) The District shall amend existing regulations or adopt new regulations to implement the Freedom of Information Law in conformity with any amendments to this law.

**Designation of Records Access Officer**

- 1) The Board of Education shall be responsible for insuring compliance with the regulations herein, and shall designate one person as Records Access Officer by name or by specific job title and business address, who shall have the duty of District response to public requests for access to records.
- 2) The Records Access Officer is responsible to:
  - a. Assist the requester in identifying requested records, if necessary;
  - b. Upon locating the records, take one of the following actions:
    - (1) Make records available for inspection; or
    - (2) Deny access to the records in whole or in part and explain in writing the reasons therefore;

(Continued)

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

- c. Upon payment of, or offer to pay, the established fee (if applicable) provide copies of records;
- d. Upon request, certify that a record is a true copy;
- e. Upon failure to locate records, certify that:
  - (1) The District is not the custodian for such records, or
  - (2) The records cannot be found after diligent search.

**Requests for Public Access to Records**

The Board of Education designates the Central Office as the location where records shall be available for public inspection and copying.

The District shall accept requests for public access to records and produce records during all hours it is regularly open for business.

- 1) The District requires that a request be made in writing.
- 2) A request shall reasonably describe the record or records sought. Whenever possible a person requesting records should supply information regarding dates, file designations or other information that may help to describe the records sought.

**Requests for Public Access to Records via E-mail**

If the District has the capability to retrieve electronic records, it must provide such records electronically upon request.

The District shall accept requests for records submitted in the form of electronic mail and respond to such requests by electronic mail using the forms supplied by the District. This information shall be posted on the District Web site, clearly designating the e-mail address for purposes of receiving requests for records via this format.

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

(Note: For sample e-mail request and response forms, see Web sites:  
<http://www.dos.state.ny.us/coog/emailrequest.html> or  
<http://www.dos.state.ny.us/coog/emailresponse.html>)

(Continued)

**SUBJECT: PUBLIC ACCESS TO RECORDS (Cont'd.)****Requests for Public Access to Records via E-mail**

If the District has the capability to retrieve electronic records, it must provide such records electronically upon request.

The District shall accept requests for records submitted in the form of electronic mail and respond to such requests by electronic mail using the forms supplied by the District. This information shall be posted on the District Web site, clearly designating the e-mail address for purposes of receiving requests for records via this format.

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

(Note: For sample e-mail request and response forms, see Web sites:  
<http://www.dos.state.ny.us/coog/emailrequest.html> or  
<http://www.dos.state.ny.us/coog/emailresponse.html>)

**Response to Requests for Access to Records**

- 1) The District will, in accordance with its published rules, make available for public inspection and copying all records, except that such agency may deny access to records or portions thereof that:
  - a. Are specifically exempted from disclosure by state or federal statute;
  - b. If disclosed would constitute an unwarranted invasion of personal privacy under the provisions of Public Officers Law Section 89(2);

An unwarranted invasion of personal privacy includes, but shall not be limited to:

- (1) Disclosure of employment, medical or credit histories or personal references of applicants for employment;
- (2) Disclosure of items involving the medical or personal records of a client or patient in a medical facility;
- (3) Sale or release of lists of names and addresses if such lists would be used for solicitation or fund raising purposes;

(Continued)

## Community Relations

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

- (4) Disclosure of information of a personal nature when disclosure would result in economic or personal hardship to the subject party, and such information is not relevant to the work of the agency requesting or maintaining it; or
- (5) Disclosure of information of a personal nature reported in confidence to the District and not relevant to the ordinary work of the District;

Unless otherwise provided by the Freedom of Information Law, disclosure shall not be construed to constitute an unwarranted invasion of personal privacy:

- (1) When identifying details are deleted;
  - (2) When the person to whom a record pertains consents in writing to disclosure;
  - (3) When upon presenting reasonable proof of identity, a person seeks access to records pertaining to himself/herself;
- c. If disclosed would impair present or imminent contract awards or collective bargaining negotiations;
- d. Are compiled for law enforcement purposes and which, if disclosed would:
- (1) Interfere with law enforcement investigation or judicial proceedings;
  - (2) Deprive a person of a right to a fair trial or impartial adjudication;
  - (3) Identify a confidential source or disclose confidential information relating to a criminal investigation; or
  - (4) Reveal criminal investigative techniques or procedures, except routine techniques and procedures;
- e. If disclosed would endanger the life or safety of any person;
- f. Are inter-agency or intra-agency materials which are not:
- (1) Statistical or factual tabulations or data;
  - (2) Instructions to staff that affect the public;
  - (3) Final agency policy or determinations; or

(Continued)

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

- (4) External audits, including but not limited to audits performed by the comptroller and the federal government;
  - g. Are examination questions or answers which are requested prior to the final administration of such questions;
  - h. Are computer access codes.
- 2) The District shall, within five (5) business days of receipt of a written request for records(s) reasonably described, make the record(s) available to the person requesting them, deny the request in writing or furnish a written acknowledgment of receipt of the request and a statement of the approximate date when such request will be granted or denied.
  - 3) The District will provide to the person requesting the record(s) a written statement indicating: (1) the reason for the District's inability to grant the request within twenty (20) days; and (2) a date certain within a reasonable period, depending upon the circumstances, when the request will be granted in whole or in part.
  - 4) Denial of access shall state the reason for the denial and advise the person denied access of his/her right to appeal to the person or body established to hear appeals. That person or body shall be identified by name, title, business address and business telephone number. The Records Access Officer shall not be the appeals officer.

**Fulfilling FOIL (Freedom of Information Law) Requests**

The District shall provide copies of records in the format and on the medium requested by the person filing the FOIL request if the District can reasonably do so. The District may not enter into a contract for the creation or maintenance of records if such a contract impairs the right of the public to inspect or copy the District's records.

The District cannot use the excuse that the FOIL request is voluminous, burdensome or it lacks the staff to copy the documents as it may recover any costs in complying with the request including having an outside entity provide copying, programming or other services needed.

Should the District have the ability to do so with reasonable effort, it must retrieve or extract requested records or data maintained in its computer storage system. Moreover, the District must retrieve or extract records or data electronically when doing so would take less employee time than manual retrieval or redaction of non-electronic records. Programming necessary to retrieve computer records and to either transfer them into the medium requested or to allow them to be read or printed is

(Continued)

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

not deemed to constitute preparation or creation of a new record. Records provided in computer format may not be encrypted.

The public may and can only be charged an amount equal to the hourly salary attributed to the employee or employees required to produce a copy of the record, the actual cost of the storage device or media provided in complying with the FOIL request, and the actual cost to the District of engaging an outside professional service to produce a copy of the record or records should the District need to engage an outside entity in order to comply with the FOIL request. The District may not enter into or renew contracts with outside entities for the creation or maintenance of records that impair the public's right to inspect or copy District records.

**Situations Constituting Denial**

A failure to comply with the time limitations described herein shall constitute a denial of a request that may be appealed. Such failure shall include situations in which the District:

- 1) Fails to grant access to the records sought, deny access in writing or acknowledge the receipt of a request within five (5) business days of the receipt of a request;
- 2) Acknowledges the receipt of a request within five (5) business days but fails to furnish an approximate date when it will grant or deny a request in whole or in part;
- 3) Furnishes an acknowledgment of the receipt of a request within five (5) business days with an approximate date for granting or denying access in whole or in part that is unreasonable under the circumstances of the request;
- 4) Fails to respond to a request within a reasonable time after the approximate date given or within twenty (20) days after the date of its acknowledgment of the receipt of a request;
- 5) Determines to grant a request in whole or in part within twenty (20) business days of its acknowledgment of the receipt of a request, but fails to do so, unless the District provides the reason for its inability to do so in writing and a date certain within which the request will be granted in whole or in part;
- 6) Does not grant a request in whole or in part within twenty (20) business days of its acknowledgment of the receipt of a request and fails to provide the reason in writing explaining its inability to do so and a date certain by which the request will be granted in whole or in part; or

(Continued)

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

- 7) Responds to a request, stating that more than twenty (20) business days is needed to grant or deny the request in whole or in part and provides a date certain within which it will do so, but such date is unreasonable under the circumstances of the request.

**Appeals**

- 1) Any person denied access to records may appeal within thirty (30) days of a denial.
- 2) Denial of access shall be in writing stating the reason for denial and advising the person denied access of his/her right to appeal to the person or body designated to determine appeals. Such person or body shall be identified by name, title, business address and business phone number. The District Records Access Officer shall not be the appeals officer.
- 3) The Superintendent shall hear appeals or shall designate a person or body to hear appeals regarding denial of access to records under the Freedom of Information Law.
- 4) The time for deciding an appeal by the individual or body designated to hear appeals shall commence upon receipt of written appeal identifying:
  - a. The date and location of the request for records;
  - b. The records that were denied; and
  - c. The name and return address of the appellant.
- 5) A failure to determine an appeal within ten (10) business days of its receipt by granting access to the records sought or fully explaining the reasons for further denial in writing shall constitute denial of the appeal.
- 6) The District shall transmit to the Committee on Open Government copies of all appeals upon receipt. Such copies shall be addressed to:

Committee on Open Government  
Department of State  
162 Washington Avenue  
Albany, New York 12231
- 7) The person or body designated to hear appeals shall inform the appellant and the Committee on Open Government of its determination in writing within ten (10) business days of receipt of an appeal.

(Continued)



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

- 8) Further denial of access by the Superintendent/Appeals Officer to a requested record shall be subject to court review in accordance with Civil Practice Law and Rules Article 78.

**Fees**

- 1) There shall be no fee charged for the following:
  - a. Inspection of records;
  - b. Search for records;
  - c. Certification of documents;
  - d. Copies of documents which have been printed or reproduced for distribution to the public.
- 2) The District may charge a fee for copies of records provided that the fee for copies of records shall not exceed twenty-five cents (25¢) per photocopy not exceeding 9 by 14 inches except when a different fee is otherwise prescribed by statute.
- 3) The fee for copies of records not covered by subparagraph 2) of this section shall not exceed the actual reproduction cost. When determining the actual reproduction cost the District may include only the following factors:
  - a. An amount equal to the hourly salary of the lowest paid employee with the skills necessary to prepare a copy of the requested record multiplied by the number of employee hours required for the preparation of such copy;
  - b. The actual cost of the storage device or media provided to the person making the FOIL request in complying with such request; and
  - c. The actual cost to the District of hiring an outside professional service to prepare a copy of a record, but only when the District's technology equipment is inadequate to prepare the copy if such service is used to prepare the copy.

Excluded from determining the actual reproduction cost is search time or administrative costs and no fee shall be charged unless at least two (2) hours of District employee time is needed to prepare a copy of the requested record. A person requesting a record shall be informed of the estimated cost of preparing a copy of the record if more than two (2) hours of a District employee's time is needed, or if an outside professional service will be retained to prepare a copy of the record.

(Continued)

APPLICATION FOR PUBLIC ACCESS TO RECORDS

TO: Records Access Officer
Auburn Enlarged City School District
78 Thornton Avenue
Auburn, NY 13021
(315) 255-8850

In accordance with Chapters 578, 579 and 58 of the Laws of 1974, and the policy of the Auburn Enlarged City School District, I would like to inspect and/or copy the following records. I understand that this inspection will be in the presence of the Records Access Officer of the Auburn Enlarged City School District or his/her designee. I understand that any copies of records made for me by the Auburn Enlarged City School District will be at the cost of twenty-five cents (\$.25) per copy.

Records desired \_\_\_\_\_

Date of Inspection \_\_\_\_\_ Time of Inspection \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone number \_\_\_\_\_ Signature \_\_\_\_\_

FOR DISTRICT USE ONLY

\*\*\*\*\*

- [ ] Approved Inspection
[ ] Denied (for the reason(s) checked below)

- [ ] Confidential Disclosure
[ ] Part of Investigatory Files
[ ] Unwarranted Invasion of Personal Privacy
[ ] Record of which this agency is legal custodian cannot be found
[ ] Record is not maintained by this agency
[ ] Exempted by statute other than the Freedom of Information Act
[ ] Other (Specify) \_\_\_\_\_

Received by Signature, Records Access Officer

Date

NOTICE: You have a right to appeal a denial of this application to the Superintendent of Schools, who shall fully explain reasons for such denial in writing within ten (10) business days of receipt of an appeal.

Jeffrey Evener, Assistant Superintendent for Personnel
78 Thornton Ave., Auburn, NY 13021

I hereby appeal:

Signature

Date

## 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 – 90 et seq.

Adopted: 11/26/2002  
Amended: 2/27/2007

## Community Relations

**\*Required Policy****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 and/or vendors. 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 in another 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) Provisions prohibiting discrimination and harassment against any student, by employees or students on school property or at a school function, that creates a hostile environment by conduct, with or without physical contact and/or verbal threats, intimidation or abuse, of such a severe nature that:
  1. Has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional and/or physical well-being; or
  2. Reasonably causes or would reasonably be expected to cause a student to fear for his/her physical safety.

Such conduct shall include, but is not limited to, threats, intimidation, or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender as defined in Education Law Section 11(6), or sex; provided that nothing in this subdivision shall be construed to prohibit a denial of admission into, or exclusion from, a course of instruction based on a

(Continued)

## Community Relations

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

person's gender that would be permissible under Education Law Sections 3201-a or 2854(2) (a) and Title IX of the Education Amendments of 1972 (20 USC Section 1681, et seq.), or to prohibit, as discrimination based on disability, actions that would be permissible under 504 of the Rehabilitation Act of 1973;

- c) Standards and procedures to assure security and safety of students and school personnel;
- d) Provisions for the removal from the classroom and from school property, including a school function, of students and other persons who violate the Code;
- e) 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;
- f) Disciplinary measures to be taken for incidents on school property or at school functions involving the use of tobacco, 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;
- g) Provisions for responding to acts of discrimination and harassment against students by employees or students on school property or at a school function pursuant to clause (b) of this subparagraph;
- h) 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;
- i) Procedures by which violations are reported and determined, and the disciplinary measures imposed and carried out;
- j) Provisions ensuring the Code of Conduct and its enforcement are in compliance with state and federal laws relating to students with disabilities;
- k) Provisions setting forth the procedures by which local law enforcement agencies shall be notified of Code violations which constitute a crime;

(Continued)

## Community Relations

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

- l) Provisions setting forth the circumstances under and procedures by which parents/persons in parental relation to the student shall be notified of Code violations;
- m) 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 as defined in Articles 3 and 7 of the Family Court Act will be filed;
- n) Circumstances under and procedures by which referral to appropriate human service agencies shall be made;
- o) 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 (3) or more occasions during a trimester, as applicable;
- p) 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;
- q) A Bill of Rights and Responsibilities of Students which focuses upon positive student behavior and a safe and supportive school climate, which shall be written in plain-language, publicized and explained in an age-appropriate manner to all students on an annual basis; and
- r) 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, including but not limited to, guidelines on promoting a safe and supportive school climate while discouraging, among other things, discrimination or harassment against students by students and/or school employees; and including safe and supportive school climate concepts in the curriculum and classroom management.

(Continued)

## Community Relations

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

The District's Code of Conduct shall be adopted by the Board of Education only after at least one (1) public hearing that provided for the participation of school personnel, parents/persons in parental relation, students, and any other interested parties.

The Code of Conduct shall be reviewed on an annual basis, and updated as necessary in accordance with law. The District may establish a committee pursuant to Education Law Section 2801(5)(a) to facilitate review of its Code of Conduct and the District's response to Code of Conduct violations. 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 any amendments with the commissioner, in a manner prescribed by the Commissioner, no later than thirty (30) days after their respective adoptions.

The Board of Education shall ensure community awareness of its Code of Conduct by:

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

(Continued)

## Community Relations

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

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

Education Law Sections 801-a, 2801 and 3214  
Family Court Act Articles 3 and 7  
Vehicle and Traffic Law Section 142  
8 NYCRR Section 100.2(1)(2)

NOTE: Refer also to *District Code of Conduct on School Property*  
#7310 – School Conduct and Discipline  
#7380 – Bullying: Peer Abuse in the Schools

Adopted: 11/26/2002  
Amended: 1/26/2010  
Amended: 6/12/2012

**Code of Conduct Annual Review – Date of Policy Committee Meeting**

YEAR	DATE	Revision- Y/N
2017	June 13	N
2018	May 8	Y
2019	February 12	N
2020	June 16	N



## Community Relations

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

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

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 265.01-265.06, 265.20

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

Adopted: 11/26/2002  
Amended: 5/13/2014

## 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*.

**\*Required Policy****SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE SCHOOL DISTRICT**

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

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

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

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

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

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

(Continued)

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

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

Complaints and Grievances by Employees (*Moved from Policy #6122*)

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

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

Complaints and Grievances by Students (*Moved from Policy #7550*)

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

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

Investigation of Complaints and Grievances

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

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

(Continued)

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

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

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

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

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

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

**Finding That Harassment Did Not Occur**

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

(Continued)

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

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

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

**Knowingly Makes False Accusations**

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

**Privacy Rights**

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

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

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

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

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

(Continued)

**SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE SCHOOL DISTRICT (Cont'd.)****Development and Dissemination of Administrative Regulations**

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

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

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

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

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

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

Prohibits discrimination on the basis of disability.

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

Prohibits discrimination on the basis of disability.

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

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

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

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

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

Prohibits discrimination on the basis of sex.

(Continued)

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

Civil Rights Law Section 40-c

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

Civil Service Law Section 75-B

Education Law Section 2801(1)

Executive Law Section 290 et seq.

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

Military Law Sections 242 and 243

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

Adopted: 11/26/2002

Amended: 6/26/2012



**Auburn Enlarged City School District**  
**COMPLAINT / RESPONSE PROCEDURE**

Students, Parents, or Community members shall have the opportunity to present their concerns free from interference, coercion, restraint, discrimination, or reprisal. The "Complaint / Response Procedure" exists for the purpose of bringing forward topics or complaints which have been set aside for some reason.

Complaints by citizens regarding any facet of the school operation often can be handled more satisfactorily by the administrator in charge of the building and closest to the source of the complaint. If the complaint and related concerns are not resolved at this level to the satisfaction of the complainant, the complaint may then be carried to the District Clerk who will forward it to the Superintendent and/or one of his/her assistants. If the complaint and related concerns are not resolved at the Superintendent level to the satisfaction of the complainant, the complaint may be then carried to the Board of Education.

For a matter to be considered, all aspects of this report should be completed. The sender can expect acknowledgment of the issue within five (5) school days and a decision within ten (10) school days. If more time is needed, the school will provide a specific date to meet the concern.

Date of Request: \_\_\_\_\_ Name: \_\_\_\_\_

Request Given To: \_\_\_\_\_ Phone #: \_\_\_\_\_  
*District Clerk*

Description of the circumstance, problem, or complaint:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
*Signature*

Response to the circumstance, problem, or complaint:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
*Signature*

Date of Response: \_\_\_\_\_ Matter Resolved: \_\_\_\_\_ Yes

Copy to Supervisor: \_\_\_\_\_ No

Copy to: Parent / Student / Community Member



## Complaint / Response Procedure

The Complaint/Response Procedure is one attempt by the District to ensure a positive school environment which demonstrates respectfulness and ensures safety for all of its children and adults. Individuals who feel that a circumstance exists which detracts from the District's or the building's integrity should follow these steps:

- 1) Fill out the "Complaint / Response" form available at the main office and complete all sections.
- 2) Make a copy of the District Complaint Form (or formal complaint letter in writing) and leave the original with the District Clerk, 78 Thornton Avenue, Auburn, NY 13021. (See the second paragraph on the first page).
- 3) Expect a response of receipt from the District Clerk within five (5) school days, and a response from the Superintendent outlining steps which will be taken regarding the particulars of the complaint within ten (10) school days.

For convenient reference the building administrators are:

Casey Park Elem. School  
Kelly Garback  
255-8764

Genesee Elementary School  
Amanda Simmons  
255-8644

Herman Ave. Elem. School  
Ronald Gorney  
255-8684

Owasco Elementary School  
Abigail Adams-Snell  
255-8724

Seward Elementary School  
Amy Mahunik  
255-8604



Auburn High School  
Brian Morgan  
255-8305

Auburn Junior High School  
David Oliver  
255-8484

Superintendent of Schools  
Jeffrey Pirozzolo  
255-8835

**SUBJECT: TITLE IX AND SEX DISCRIMINATION**

**Overview**

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

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

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

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

Scope and Application of Policy

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

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

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

The dismissal of a formal complaint of sexual harassment under Title IX does not preclude action under the District's Code of Conduct, Handbook, policy No. 3410: Non-Discrimination and Anti-Harassment, policy No. 3420: Dignity for All Students Act, and policy No. 7580: Sexual Harassment.

(continued)

**SUBJECT: TITLE IX AND SEX DISCRIMINATION**

**What Constitutes Sex Discrimination Including Sexual Harassment**

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

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

- a) An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct;
- b) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity;
- c) Sexual assault, meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
- d) Dating violence, meaning violence committed by a person:
  1. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
  2. Where the existence of such a relationship will be determined based on a consideration of the following factors:
    - (a) The length of the relationship;
    - (b) The type of relationship;
    - (c) The frequency of interaction between the persons involved in the relationship;
- e) Domestic violence, meaning felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction; or
- f) Stalking, meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
  1. Fear for his or her safety or the safety of others; or
  2. Suffer substantial emotional distress.

(continued)

**SUBJECT: TITLE IX AND SEX DISCRIMINATION****Title IX Coordinator**

The District has designated and authorized the following District employees to serve as its Title IX Coordinators: Camille Johnson, Assistant Superintendent for Student Services and Jeffrey Evener, Assistant Superintendent for Personnel.

The Title IX Coordinators will coordinate the District's efforts to comply with its responsibilities under Title IX. However, the responsibilities of the Title IX Coordinators may be delegated to a designee of their choosing trained in investigating, responding to, and remedying complaints of sex discrimination, including sexual harassment.

**Reporting Allegations of Sex Discrimination**

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

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

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

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

In addition to complying with this policy, District employees must comply with any other applicable District policy, procedure, collective bargaining agreement, or other document such as the District's *Code of Conduct*. This includes, but is not limited to, policy No.3410: Dignity for All Students Act which requires District employees to make an oral report promptly to the Superintendent or principal, their designee, or the DAC not later than one (1) school day after witnessing or receiving an oral or written report of harassment, bullying, and/or discrimination of a student. Two (2) days after making the oral report, DASA further requires that the District employee file a written report with the Superintendent or principal, their designee, or the DAC.

If the Title IX Coordinators are unavailable, including due to a conflict of interest or other disqualifying reason, the District Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the Title IX Coordinator.

(continued)

**SUBJECT: TITLE IX AND SEX DISCRIMINATION**

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

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

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

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

Definitions

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

(continued)

**SUBJECT: TITLE IX AND SEX DISCRIMINATION**

complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party and must comply with the requirements of law and regulation.

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

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

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

- a) Complainants and respondents are treated equitably. This includes applying any provisions, rules, or practices incorporated into the District's grievance process, other than those required by law or regulation, equally to both parties.
  
- b) All relevant evidence is objectively evaluated, including evidence that both implicates or tends to implicate an individual, and evidence that frees or tends to free an individual from blame or accusation.
  
- c) The Title IX Coordinator, investigator, or decision-maker involved in the grievance process, or any person designated by the District to facilitate any informal resolution process does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
  
- d) Respondents are presumed not to be responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

(continued)

**SUBJECT: TITLE IX AND SEX DISCRIMINATION**

- e) The grievance process, including any appeals or informal resolutions, is concluded within a reasonably prompt time frame and that the process is only temporarily delayed or extended for good cause. Good cause is determined at the sole discretion of the Title IX Coordinator or their designee and may include, but is not limited to, considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. Whenever the time frame is temporarily delayed or extended, written notice will be provided to all complainants and respondents of the delay or extension and the reasons for the action.
- f) The range of possible disciplinary sanctions and remedies that may be implemented by the District following any determination regarding responsibility are described to any known party.
- g) The same standard of evidence is used to determine responsibility in all formal complaints.
- h) The procedures and permissible bases for an appeal are known to all complainants and respondents.
- i) The range of supportive measures available are known to all complainants and respondents.
- j) There is no requirement, allowance of, reliance on, or otherwise use of questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding the privilege has waived the privilege.
- k) The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the District and not on the parties.
- l) The Title IX Coordinator, the investigator, any decision-maker, or any other person participating on behalf of the District does not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the District obtains that party's voluntary, written consent to do so for the grievance process. If the party is not an eligible student, as defined in FERPA as a student who has reached 18 years of age or is attending a post-secondary institution, the District will obtain the voluntary, written consent of a parent.
- m) The parties have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
- n) Credibility determinations are not to be based on a person's status as a complainant, respondent, or witness.
- o) The ability of either party to discuss the allegations under investigation or to gather and present relevant evidence is not restricted.

(continued)



**SUBJECT: TITLE IX AND SEX DISCRIMINATION**

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

After a Report of Sexual Harassment Has Been Made

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

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

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

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

Emergency Removal and Administrative Leave

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

(continued)

**SUBJECT: TITLE IX AND SEX DISCRIMINATION**

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

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

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

**Filing a Formal Complaint**

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

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

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

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

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

**Consolidation of Formal Complaints**

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

(continued)

**SUBJECT: TITLE IX AND SEX DISCRIMINATION**Written Notice of Allegations

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

- a) The District's grievance process, including any informal resolution process; and
- b) The allegations of sexual harassment which will:
  1. Provide sufficient details known at the time and sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known;
  2. State that the respondent is presumed not to be responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
  3. Inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney;
  4. Inform the parties that they may inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint; and
  5. Include notice of any provision in any applicable District policy, procedure, collective bargaining agreement, or other document such as the District's *Code of Conduct*, policy No. 3410: Equal Employment Opportunity, and policy No. 6120: Non-Discrimination and Anti-Harassment in the District, that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

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

Investigation of a Formal Complaint

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

It is anticipated that most investigations will be completed within thirty (30) days after receiving a formal complaint, subject to tolling if engaged in the informal resolution process, or discussions between the party's about how to proceed.

(continued)

**SUBJECT: TITLE IX AND SEX DISCRIMINATION**

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

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

Prior to completion of the investigative report, the District will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. The parties will have at least ten (10) days to submit a written response, which the investigator will consider prior to completion of the investigative report.

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

At least ten (10) days prior to a hearing or other determination regarding responsibility, the investigative report will be sent to each party and the party's advisor, if any, in an electronic format or a hard copy, for their review and written response.

**Dismissal of a Formal Complaint**

The District must dismiss a formal complaint under Title IX if the conduct alleged:

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

(continued)

**SUBJECT: TITLE IX AND SEX DISCRIMINATION**

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

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

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

**Informal Resolutions**

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

It is anticipated that most informal resolutions will be completed within thirty (30) days, subject to the any discussions between the parties during the initiation of this process.

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

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

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

(continued)

Community Relations

**SUBJECT: TITLE IX AND SEX DISCRIMINATION**Hearings and Determination Regarding Responsibility

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

At its sole discretion, the District may provide for a hearing. The determination as to whether a hearing will be provided will be made on a case-by-case basis. If a hearing is provided, the District will make all evidence subject to the parties' inspection and review available to give each party equal opportunity to refer to this evidence during the hearing, including for purposes of cross-examination. If a hearing is provided, the District will allow each party the opportunity to choose a representative of their choosing. If a party cannot find or afford a representative, the District will provide one for them. A party's representative need not be an attorney.

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

- a) Submit written, relevant questions that a party wants asked of any party or witness within ten (10) days after the parties have received the investigative report;
- b) Provide each party with the answers given by any party or witness within ten (10) days of receiving the questions; and
- c) Allow for additional, limited follow-up questions and responses from each party to occur within five (5) days after the parties have received responses to their initial questions.

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

The decision-maker(s) will issue a written determination regarding responsibility to the Title IX Coordinator, the Superintendent, and all parties simultaneously within twenty (20) business days after all follow-up questions have been responded to or after the hearing, if one has been provided.

To reach this determination, the decision-maker(s) will use the clear and convincing evidence standard which is the standard of evidence that will be applied in all formal complaints of sexual harassment concerning allegations arising under Title IX. This standard is understood to mean concluding that a fact is highly probable to be true.

(continued)

Community Relations

**SUBJECT: TITLE IX AND SEX DISCRIMINATION**

The written notice of the determination regarding responsibility will include:

- a) Identification of the allegations potentially constituting sexual harassment;
- b) A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- c) Findings of fact supporting the determination;
- d) Conclusions regarding the application of any applicable District policy, procedure, Code of Conduct, or collective bargaining agreement;
- e) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the District is imposing on the respondent, and whether remedies designed to restore or preserve equal access to the District's education program or activity will be provided by the District to the complainant; and
- f) The District's procedures and permissible bases for the complainant and respondent to appeal.

Finality of Determination Regarding Responsibility

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

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

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

Appeals

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

(continued)

Community Relations

**SUBJECT: TITLE IX AND SEX DISCRIMINATION**

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

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

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

Upon receipt of an appeal, the District will:

- a) Notify the other party in writing that an appeal has been filed and implement appeal procedures equally for both parties;
- b) Ensure that any decision-maker for the appeal:
  - 1. Is not the same person as any decision-maker that reached the initial determination regarding responsibility or dismissal, investigator, or Title IX Coordinator;
  - 2. Does not have any conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent;
- c) Give all parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome. Parties will have to submit these written statements within ten (10) business days after the parties have been notified of the appeal;
- d) Issue a written decision describing the result of the appeal and the rationale for the result; and
- e) Provide the written decision simultaneously to the Title IX Coordinator, the Superintendent, and all parties within twenty (20) days after receiving the parties written statements in support of, or challenging, the outcome.

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

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

(continued)



## Community Relations

**SUBJECT: TITLE IX AND SEX DISCRIMINATION**

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

All complaints alleging retaliation will be handled in a manner consistent with the District's policies and procedures regarding the investigation of discrimination and harassment complaints, including policy No. 3420 Non-Discrimination and Anti-Harassment.

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

**Confidentiality**

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

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

**Training**

The District will ensure that all Title IX Coordinators, investigators, decision-makers, and persons who facilitate an informal resolution process receive training on sexual harassment as defined by Title IX,

how to conduct an investigation pursuant to the grievance process, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interests, bias, issues of relevancy, technology to be used at a hearing, and mandatory reporting obligations.

Materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process will be made publicly available on the District's website.

(continued)

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

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

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

**Recordkeeping**

For a period of at least seven (7) years, the District will retain the following:

- a) Records of each sexual harassment investigation including any:
  1. Determination regarding responsibility;
  2. Audio or audiovisual recording or transcript required under law or regulation;
  3. Disciplinary sanctions imposed on the respondent; and
  4. Remedies provided to the complainant designed to restore or preserve equal access to the District's education program or activity.
- b) Any appeal and its result.
- c) Any informal resolution and its result.
- d) For each response to sexual harassment where the District had actual knowledge of sexual harassment in its education program or activity against a person in the United States, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the District must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the District's education program or activity. If a District does not provide a complainant with supportive measures, then the District must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the District in the future from providing additional explanations or detailing additional measures taken.

(continued)

**SUBJECT: TITLE IX AND SEX DISCRIMINATION**

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

NOTE: Refer also to the following Policies:

District Code of Conduct  
District Handbook  
Policy No. 2420: Non-Discrimination and Anti-Harassment  
Policy No. 5120: Equal Employment Opportunity  
Policy No. 5121: Sexual Harassment  
Policy No. 6550: Dignity for All Students Act

Adoption Date: 3-9-2021

## Community Relations

**SUBJECT: STATEWIDE UNIFORM VIOLENT INCIDENT REPORTING SYSTEM  
(UVIRS)**

In compliance with the Uniform Violent Incident Reporting System, the District will record each violent or disruptive incident that occurs on school property or at a school function. On or before September 30 of each year (commencing 2002), the District will submit an annual report of violent or disruptive incidents to the Commissioner in the manner prescribed.

The District will establish local procedures for the reporting of violent or disruptive incidents by each building and/or program under its jurisdiction. 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.

Beginning with the 2002-2003 school year, 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.

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

Adopted: 11/26/02

## Community Relations

**SUBJECT: EMERGENCY CLOSINGS**

In the event it is necessary to close school for the day due to inclement weather or other emergency reasons, announcement thereof shall be made via local media 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.

**Auburn Enlarged City School District**

**NUMBER**

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## Administration

**SUBJECT: ADMINISTRATIVE PERSONNEL**

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

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

8 New York Code of Rules and Regulations  
(NYCRR) Subparts 80-1, 80-2 and 80-3  
Education Law Section 1709

Adopted: 1/7/03

## 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 authority over subordinates.
- 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 freedom of communication between all levels in the school staff.



## Administration

**SUBJECT: LINE RESPONSIBILITY**

All employees of the District shall be under the general direction of the Superintendent. Teachers shall be immediately responsible to the principal of the building in which they work. Other employees shall be immediately responsible to the administrative or supervisory personnel under whom they work directly.

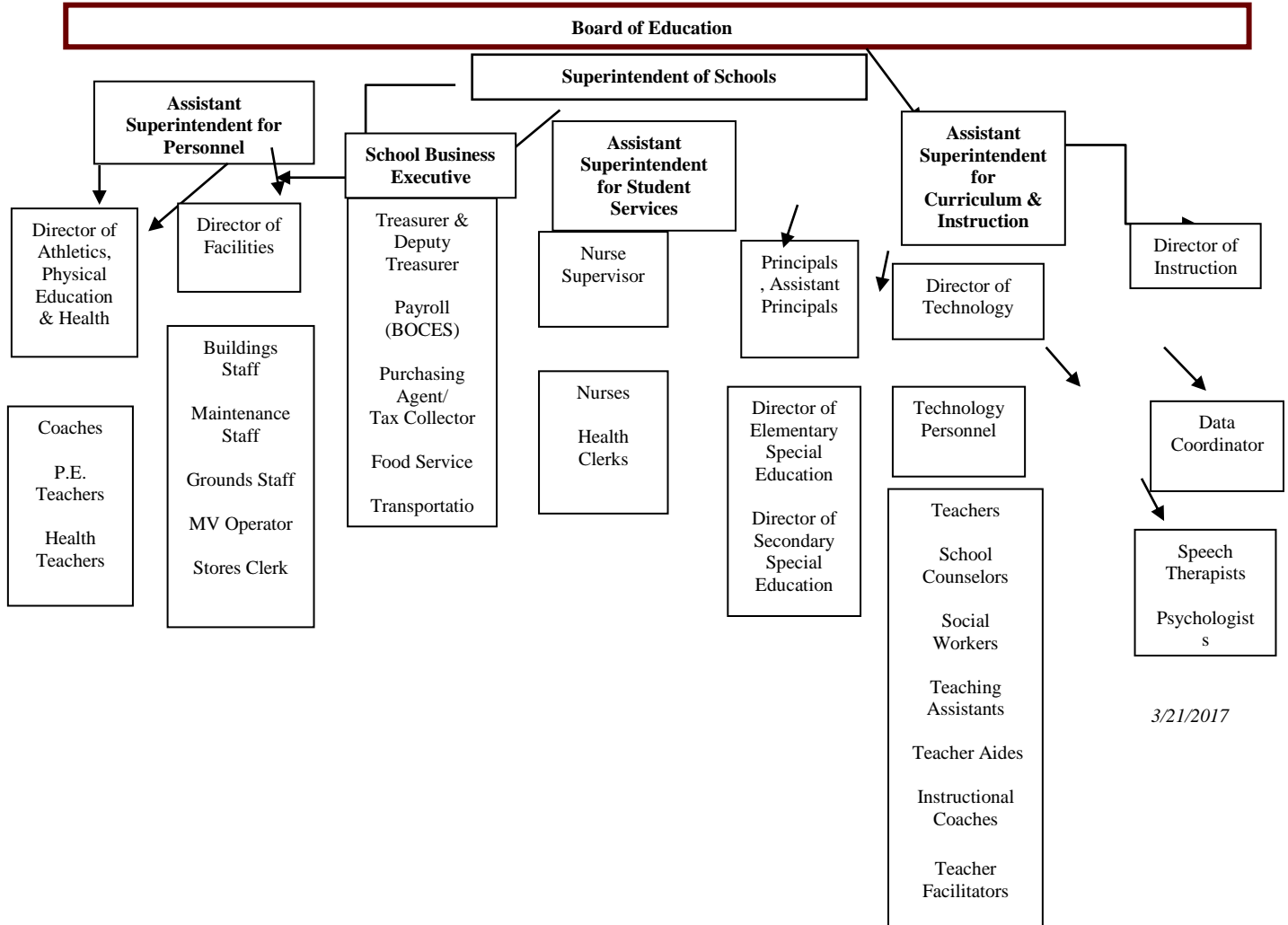
The lines of responsibility/reporting shall be as depicted on the organizational chart.

Administration

**SUBJECT:**

**ORGANIZATIONAL CHART**

**Auburn Enlarged City School District**



3/21/2017

2003

4220

Administration

**SUBJECT: ABOLISHING AN ADMINISTRATIVE POSITION**

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

Education Law Section 3012

Adopted: 1/7/03

## Administration

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

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

Adopted: 1/7/03

## Administration

**SUBJECT: ADMINISTRATIVE LATITUDE IN THE ABSENCE OF BOARD POLICY**

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

Adopted: 1/7/03

## Administration

**SUBJECT: USE OF COMMITTEES**

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

Adopted: 1/7/03

## Administration

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

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

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

**Evaluation of Administrative Staff**

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

The purposes of this evaluation are:

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

8 New York Code of Rules and Regulations  
(NYCRR) Sections 801.1 and 100.2(o)(2)

Adopted: 1/7/03

## 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)



## Administration

**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(m)

## Administration

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

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

- a) With respect to School District goals and objectives, the Board will establish broad guidelines to be observed in the development of further policy and action. The Board reserves the right to issue either restrictive or general policy statements.
- b) Generally, the Superintendent will be empowered to assign and use resources; to 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: 1/7/03

## Administration

**SUBJECT: ADMINISTRATIVE STAFF****School Business Executive**

The School Business Executive 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 or his/her designee.

**Building Principals**

The building principals are the educational executives of the school centers. They have the responsibility for executing Board of Education policies in the schools. They are directly responsible to the Superintendent of Schools or his/her designee.

**Assistant Principals**

Assistant principals shall be employed in the middle schools and high schools. The assistant principal is responsible for all duties assigned to him/her by the building principal and shall report directly to the principal.

**Subject Coordinators**

Coordinators are staff officers who shall have various ranges of responsibilities as indicated by their respective titles and job descriptions.

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.

General Municipal Law Section 77-b

Adopted: 1/7/03

2003

4420

Administration

**SUBJECT: COMPENSATION AND RELATED BENEFITS**

The salaries and related benefits of administrators shall be set annually by the Board of Education or by negotiated agreement upon the recommendation of the Superintendent.

Adopted: 1/7/03

2005 5000

Non-Instructional/Business  
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**Auburn Enlarged City School District**

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**SUBJECT: BUDGET PLANNING AND DEVELOPMENT**

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

The Superintendent has 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 District's educational priorities.

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

In accordance with Commissioner's regulations, the budget will be presented in three components which are to be voted upon as one proposition. The law prescribes the types of items to be included in each component and further prescribes that all relevant costs be included in the component.

- a) A program component which will include, but need not be limited to, all program expenditures of the District, including the salaries and benefits of teachers and any school administrators or supervisors who spend a majority of their time performing teaching duties, and all transportation operating expenses;
- b) A capital component which will 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 District, including facilities lease expenditures, the annual debt service and total debt for all facilities financed by bonds and notes of the District, and the costs of construction, acquisition, reconstruction, rehabilitation or improvement of school buildings, provided that such budget will include a rental,

(Continued)

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

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 will include, but need not be limited to, office and central administrative expenses, traveling expenses and all compensation, including salaries and benefits of all school administration and supervisors, business administrators, superintendents of schools and deputy, assistant, associate or other superintendents under all existing employment contracts or collective bargaining, any and all expenditures associated with the operation of the Office of the Board, the Office of the Superintendent, General Administration, the School Business Office, consulting costs not directly related to direct student services and programs, planning, and all other administrative activities.

Additionally, the Board will append to the proposed budget the following documents:

- a) A detailed statement of the total compensation to be paid to the Superintendent, and any Assistant or Associate Superintendent 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 District, on a school by school basis, and measures of the fiscal performance of the District (see subheading School District Report Card);
- d) A Property Tax Report Card prepared in accordance with law and Commissioner's regulations (see subheading Property Tax Report Card); and
- e) A Tax Exemption Report prepared in accordance with law (see subheading Tax Exemption Report).

The Board will ensure that unexpended surplus funds (i.e., operating funds in excess of the current school year budget, not including funds properly retained under other sections of law) have been applied in determining the amount of the school tax levy. Surplus funds means any operating funds in excess of four percent.

(Continued)

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

The proposed budget for the ensuing school year will be reviewed by the Board 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, these funds will not be utilized to promote either a favorable or negative opinion of the proposed budget.

**School District Report Card**

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

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

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

**Property Tax Report Card**

Each year, the Board will prepare a Property Tax Report Card, pursuant to Commissioner's regulations, and will 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 will 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 District budget for the preceding school year; and

(Continued)

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

- 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; and
- d) The projected amount of the adjusted unrestricted fund balance that will be retained if the proposed budget is adopted; the projected amount of the adjusted restricted fund balance; the projected amount of the assigned appropriated fund balance; the percentage of the proposed budget that the adjusted unrestricted fund balance represents; the actual adjusted unrestricted fund balance retained in the District budget for the preceding school year; the percentage of the District budget for the preceding school year that the actual adjusted unrestricted fund balance represents; a schedule of reserve funds setting forth the name of each reserve fund, a description of its purpose, the balance as of the close of the third quarter of the current fiscal year, and a brief statement explaining any plans for the use of each reserve fund for the ensuing fiscal year; and
- e) The District's school tax levy limit calculation. The District will submit its school tax levy limit calculation to the Office of the State Comptroller, SED, and the Office of Taxation and Finance by March 1 annually. If a voter override of the tax levy limit is necessary, the budget vote must be approved by 60% of the District's qualified voters present and voting.

A copy of the Property Tax Report Card prepared for the Annual District Meeting will be submitted to SED 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, but no later than 24 days prior to the statewide uniform voting day (i.e., the third Tuesday in May).

The SED will compile such data for all school districts whose budgets are subject to a vote of the qualified voters, and will make this compilation available electronically at least ten days prior to the statewide uniform voting day. Links to each school year's Property Tax Report Card can be found on the SED's official website.

**Tax Exemption Report**

A Tax Exemption Report will be annexed to any tentative or preliminary budget and will become part of the final budget. This report will be on the form as prescribed by the State Board of Real Property Services and will show the following:

- a) How much of the total assessed value of the final assessment roll(s) used in the budgetary process is exempt from taxation;

(Continued)

Non- Instructional/Business  
Operations

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

- b) Every type of exemption granted as identified by statutory authority;
- c) The cumulative impact of each type of exemption expressed either as a dollar amount of assessed value or as a percentage of the total assessed value on the roll;
- d) The cumulative amount expected to be received from recipients of each type of exemption as payments in lieu of taxes or other payments for municipal services; however, individual recipients are not to be named; and
- e) The cumulative impact of all exemptions granted.

Notice of this report will be included in any notice of the preparation of the budget required by law and will be posted on any bulletin board maintained by the District for public notices as well as on any website maintained by the District.

Education Law §§ 1608(3)-(7), 1716(3)-(7), 2022(2-a), 2023-a, 2601-a(3), and 2601-a(7)  
General Municipal Law § 36  
Real Property Tax Law §§ 495 and 1318(l)  
8 NYCRR §§ 170.8, 170.9, and 170.11  
State Education Department Handbook No. 3 on Budget

Adopted: 3/11/2003  
Amended: 6/12/2012  
Amended: 3/11/2014  
Amended: 4/11/2017

**SUBJECT: SCHOOL DISTRICT BUDGET HEARING**

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

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

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

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

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

All budget documents for distribution to the public will be written in plain language and organized in a manner which best promotes public comprehension of the contents. New York School District Report Cards and Property Tax Report Cards are also available online from the State Education Department.

**Dissemination of Budget Information**

Copies of the proposed annual operating budget for the succeeding year and all required attachments may be obtained by any District resident. Requests for copies of the proposed budget should be made at least seven (7) days before the budget hearing. Copies shall be prepared and made available at the school district office, public or associate libraries within the district and on the district website, if one exists. Copies will be available to district residents during the fourteen (14) day period immediately preceding the Annual Meeting and Election or Special District Meeting at which the budget vote will occur. Additionally, the Board will include notice of the availability of copies of the budget at least once during the school year in any District-wide mailing.

(Continued)

Non-Instructional/Business  
Operations**SUBJECT: SCHOOL DISTRICT BUDGET HEARING (Cont'd.)****Budget Notice**

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

Beginning with the budget notice for the 2012-2013 proposed budget, the District will also include in the notice:

- a) The school tax levy limit;
- b) The proposed school year tax levy (without permissible exclusions to the school tax levy limit);
- c) The total permissible exclusions; and
- d) The proposed school year tax levy (including permissible exclusions to the school tax levy limit).

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), 2023-a and 2601-a(2)

**Election and Budget Vote:**

Education Law Sections 1804(4), 1906(1), 2002(1), 2017(5), 2017(6), 2022(1), 2023-a and 2601-a(2)

**Budget Development and Attachments:**

Education Law Sections 1608(3), 1608(4), 1608(5), 1608(6), 1608(7), 1716(3), 1716(4), 1716(5), 1716(6), 1716(7), 2022(2-a), 2023-a and 2601-a(3)

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

Adopted: 3/11/2003

Amended: 6/12/2012

Amended: 3/11/2014

Non-Instructional/Business  
Operations**SUBJECT: BUDGET ADOPTION**

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

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

The 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, will not be submitted for a vote of the qualified District voters more than twice.

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

Education Law §§ 1608, 1716, 1804(4), 1906(1), 2002(1), 2003(1), 2004(1), 2007(3)(b), 2022, 2023,  
2023-a, and 2601-a  
8 NYCRR §§ 100.2(bb), 170.8, and 170.9

Adopted: 3/11/2003  
Amended: 6/12/2012  
Amended: 4/11/2017



Non-Instructional/Business  
Operations**SUBJECT: ADMINISTRATION OF THE BUDGET**

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

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

Unless otherwise provided by law, no claim against the District will be paid unless such claims have been audited by the Claims Auditor.

**Budget Transfers**

Within monetary limits as established by the Board, the Superintendent is authorized to transfer funds between and within functional unit appropriations for teachers' salaries and ordinary contingent expenses. Whenever changes are made, they are to be incorporated in the next Board agenda for informational purposes only.

**Statement of the Total Funding Allocation**

When required by law, the District will annually submit to the Commissioner of Education and the Director of the Budget a detailed statement of the total funding allocation for each school in the District for the upcoming school budget year. This statement will be in a form developed by the Director of the Budget, in consultation with the Commissioner of Education. This statement will be made publicly available and posted on the District website.

Education Law 1604(35), 1709(20-a), 1711, 1718, 1724, 1950(4)(k), 2508, 2523-2526, 2554(2-a), and 3614 8 NYCRR 170.12© and 170.2(1)

Adopted: 3/11/03  
Amended: 10/8/2019

**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. 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 must adopt a contingency budget and the tax levy cannot exceed the total tax levy of the prior year (0% levy growth).

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.

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

Adopted: 3/11/2003

Amended: 6/12/2012

**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, and the adoption of the annual 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 5:00 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, 2018-b,  
and 2613

2003

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: 3/11/03

**\*Required Policy**

**SUBJECT: DISTRICT INVESTMENTS**

**Scope**

This investment policy applies to all moneys and other financial resources available for investment by the Auburn Enlarged City School District (the "District") on its own behalf or on behalf of any other entity or individual.

**Objectives**

The primary objectives of the District's investment activities are, in priority order:

- a) To conform with all applicable federal, state and other legal requirements;
- b) To adequately safeguard principal;
- c) To provide sufficient liquidity to meet all operating and cash flow requirements; and
- d) To obtain a reasonable rate of return on moneys invested.

**Delegation of Authority**

The Board of Education's responsibility for administration of the investment program is delegated to the School Business Executive Official who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include adequate internal controls, employee accountability and documentation of transactions.

The Board of Education specifically delegates to the Treasurer or the Deputy Treasurer in consultation with the School Business Executive Official the authority to sign security and/or custodial agreements with the designated banks and to make the day-to-day investment decisions within the guidelines and limitations of this policy.

The above individuals are authorized to utilize the advisory services of municipal consulting firms, with prior approval from the Board of Education, in planning the timing, amount, maturity, bidding, placement, and reporting on any investments made hereunder.

**Prudence**

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the District to govern effectively.

(Continued)

Non-Instructional/Business  
Operations

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

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

**Diversification**

It is the policy of the District to diversify its deposits and investments by financial institution, by investment, instrument, and by maturity scheduling.

**Internal Controls**

The School Business Executive Official is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and that investments are managed in compliance with applicable laws and regulations.

It is the policy of the District for all moneys collected by any officer or employee of the District to transfer those funds to the District's Business Office for deposit within one business day, or within the time period specified in law, whichever is shorter.

**Designation of Depositories**

At the District's annual reorganization meeting and at such other times as may be appropriate, the Board of Education will designate those commercial banks and trust companies (not savings banks or associations) authorized for the deposit of moneys and specify the maximum amount to be kept on deposit with each depository. The Board of Education specifically prohibits using private brokerage or investment firms. See Appendix A for the current year's depository designations.

**Collateralizing of Deposits**

In accordance with legal requirements, all deposits of the District, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured by one of the following:

(Continued)

Non-Instructional/Business  
Operations

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

- a) A pledge of "eligible securities" as specified in Appendix B of this policy having an aggregate market value equal to the aggregate amount of moneys on deposit.
- b) An eligible irrevocable letter of credit issued by a qualified bank other than the bank with the deposits in favor of the District for a term not to exceed 90 days with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest rating categories by at least one-nationally recognized statistical rating organization.
- c) An eligible surety bond payable to the District for an amount at least equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, and whose claims-paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.

**Safekeeping and Collateralization**

Eligible securities used for collateralizing deposits in excess of FDIC insurance limits shall be held by the depository or a third party bank or trust company subject to appropriate security and custodial agreements.

The security agreement shall provide that eligible securities are being pledged to secure local government deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events that will enable the local government to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the school District, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the Auburn Enlarged City School District or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company as agent of and custodian for the District to be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe how the custodian will confirm the receipt, substitution, or release of the securities. The agreement shall provide for the frequency of revaluation of pledged securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

(Continued)



Non- Instructional/Business  
Operations

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

**Deposit Placement Program**

In accordance with an amendment to GML, Sections 10 and 11, the Board authorizes the district's designated depository banks or trust companies to arrange for the "redeposit" of the district's funds for the account of the district, in one or more "banking institutions".

Under this program, an FDIC-insured bank or trust company divides a local government deposits into multiple deposits, all under the \$250,000 FDIC limit, and then deposits in that amount are made into other FDIC-insured banking institutions, thereby increasing the available FDIC coverage.

At the same time, each bank that received a piece of the original deposit then makes a "reciprocal deposit" into the bank or trust company holding the local governments original deposit.

The deposit placement program shall meet the following conditions:

- \* The local district's depository bank or trust company will serve as custodian for the district for the redeposited funds.
- \* The district's funds held in the depository bank or trust company in excess of FDIC coverage, pending redeposit, will be properly secured in accordance with the GML.
- \* The full amount of the redeposited funds, plus any accrued interest, will be covered by the FDIC.
- \* At the same time of the redeposit, the district's depository bank or trust company will received an amount at least equal to the amount of the district's funds redeposited.

(Continued)

Non-Instructional/Business  
Operations

**Permitted Investments**

The Board of Education permits the District to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments authorized under General Municipal Law Section 11:

- a) Interest bearing transaction accounts, including savings, money market and NOW accounts;
- b) Special time deposit accounts;
- c) Certificates of deposit;
- d) Obligations of the United States of America;
- e) Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America; and
- f) Obligations of the State of New York.

All investment obligations shall be payable or redeemable at the option of the District within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the District within two years of the date of purchase.

**Authorized Financial Institutions and Dealers**

The District shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments that can be made with each financial institution or dealer. All financial institutions with which the District conducts business must be credit worthy. Banks shall provide their most recent Consolidated Report of Condition at the request of the District. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The School Business Official is responsible for evaluating the financial position and maintaining a listing of proposed depositories, trading partners and custodians. Such listing shall be evaluated at least annually.

(Continued)

Non-Instructional/Business  
Operations**SUBJECT: DISTRICT INVESTMENTS (Cont'd.)****Purchase of Investments**

The Treasurer or Deputy Treasurer in consultation with the School Business Official is authorized to contract for the purchase of investments:

- a) Directly, including through a repurchase agreement, from an authorized trading partner;
- b) By participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5G of the General Municipal Law where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-46, and the specific program has been authorized by the Board of Education; or
- c) By utilizing an ongoing investment program with an authorized trading partner pursuant to a contract authorized by the Board of Education.

All purchased obligations, unless registered or inscribed in the name of the District, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the District by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement.

The custodial agreement shall provide that securities held by the bank or trust company as agent of and custodian for the District will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall also describe how the custodian will confirm the receipt and release of the securities. The agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

**Repurchase Agreements**

Repurchase agreements are authorized subject to the following restrictions:

- a) All repurchase agreements must be entered into subject to a Master Repurchase Agreement;
- b) Trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers;

(Continued)

Non-Instructional/Business  
Operations

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

- c) Obligations shall be limited to obligations of the United States of America and obligations of agencies of the United States of America where principal and interest are guaranteed by the United States of America;
- d) No substitution of securities will be allowed; and
- e) The custodian shall be a party other than the trading partner.

**Appendix A  
(2008, 2009, 2010 - 2011 Approved Financial Institutions)**

<u>Depository Name</u>	<u>Maximum Amount</u>
Tompkins Trust Company	Total Annual General Fund Budget
M&T Bank	Total Annual General Fund Budget
Lyons National Bank	\$15 million in savings, , money market or CD's
Alliance Bank	\$15 million in savings, money market or CD's
Bank of America	\$15 million in savings, money market or CD's
Citizens Bank	\$15 million in savings, money market or CD's
Five Star Bank	\$15 million in savings, money market or CD's
HSBC Bank	\$15 million in savings, money market or CD's
JP Morgan Chase	\$15 million in savings, money market or CD's
Key Bank	\$15 million in savings, money market or CD's
Chemung Canal Trust Company	\$15 million in savings, money market or CD's

**Authorized Financial Institutions/  
Dealers for Investment Purchases**

<u>Name</u>	<u>Investment Limits</u>
Key Bank	
M&T Bank	Subject to repurchase agreement limitations
Chemung Canal Trust Company	Subject to repurchase agreement limitations
Tompkins Trust Company	Subject to repurchase agreement limitations

(Continued)

Non-Instructional/Business  
Operations**SUBJECT: DISTRICT INVESTMENTS (Cont'd.)****Appendix B****Schedule of Eligible Securities for Collateral**

- a) Obligations issued, or fully insured or guaranteed as to the payment of principal and interest, by the United States of America, an agency thereof or a United States government sponsored corporation.
- b) Obligations issued or fully guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, and the African Development Bank.
- c) Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the Market Value of the obligation that represents the amount of the insurance or guaranty.
- d) Obligations issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation of such State or obligations of any public benefit corporation which under a specific State statute may be accepted as security for deposit of public moneys.
- e) Obligations issued by states (other than the State of New York) of the United States rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- f) Obligations of Puerto Rico rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- g) Obligations of counties, cities and other governmental entities of a state other than the State of New York having the power to levy taxes that are backed by the full faith and credit of such governmental entity and rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- h) Obligations of domestic corporations rated in one of the two highest rating categories by at least one nationally recognized statistical rating organization.
- i) Any mortgage related securities, as defined in the Securities Exchange Act of 1934, as amended, which may be purchased by banks under the limitations established by bank regulatory agencies.
- j) Commercial paper and bankers' acceptances issued by a bank, other than the Bank, rated-in the highest short term category by at least one nationally recognized statistical rating organization and having maturities of not longer than 60 days from the date they are pledged.
- k) Zero coupon obligations of the United States government marketed as "Treasury strips."

Adopted: 3/11/2003

Amended: 3/27/2007

Amended: 8/24/2010

Amended: 8/25/2015

Amended: 6//23/2020

## SCHEDULE FOR ANNUAL REVIEW OF DISTRICT INVESTMENTS

YEAR	DATE OF REVIEW	Revision- Y/N
2019	5/14	Y
2020	6/23	Y

Non-Instructional/Business  
Operations**SUBJECT: ACCEPTANCE OF GIFTS AND BEQUESTS TO THE SCHOOL DISTRICT**

The Board may accept gifts, donations and/or bequests of money, real or personal property, as well as other merchandise which, in the view of the Board, add to the overall welfare of the School District, provided that such acceptance is in accordance with existing laws and regulations. Donations to the school are fully tax deductible so long as the gift is used exclusively for public purposes in accordance with USC Section 170(c). However, the Board is not required to accept any gift 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 or bequest that 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 that will place encumbrances on future Boards, or result in unreasonable additional or hidden costs to the District. The Board may, if it deems it necessary, request that gifts of equipment, facilities or any item that requires upkeep and maintenance include funds to carry out such maintenance for the foreseeable life of the donation.

The Board of Education will not formally consider the acceptance of gifts until and unless it receives the offer in writing from the donor or their attorney/financial advisor. Any such gifts 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 to be a general offer rather than a specific one. Consequently, the Board would suggest that the donor work first with the school administrators in determining the nature of the gift 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 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 of money to the District shall be annually accounted for in the General Fund account in the bank designated by the Board of Education.

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

(Continued)

Non-Instructional/  
Business Operations**SUBJECT: ACCEPTANCE OF GIFTS AND BEQUESTS 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.

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

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

Adopted: 3/11/2003  
Amended: 5/08/2012  
Amended: 10/14/2014  
Amended: 10/10/2017

**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 School Business Executive to the Board of Education. Tax collection shall occur by mail or by direct payment to the place designated by the Board of Education.

**Delinquent Tax Collection**

The Board of Education of the Enlarged City School District of Auburn hereafter and until such action is rescinded by the Board of Education of the Enlarged City School District of Auburn, New York, that delinquent school taxes on property located in the City of Auburn, New York, shall be paid to the City Treasurer of the City of Auburn; and that delinquent school taxes on property located in the towns of Fleming, Owasco, Sennett, and Aurelius within the Auburn Enlarged City School District shall be paid to the county Treasurer of the County of Cayuga.

The provisions of Section 1326, Subdivision 3 of the Real Property Tax Law in relation to the rates of interest payable on School District taxes remaining unpaid on the respective installment dates are hereby suspended so that the rates of interest payable on unpaid city taxes in the City of Auburn, New York, according to law, shall be the rates of interest payable on School District taxes remaining unpaid on the respective installment dates.

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



**SUBJECT: PROPERTY TAX EXEMPTION FOR SENIOR CITIZENS**

Unless specifically exempted by law, real property used exclusively for residential purposes and owned by one or more persons, each of whom is sixty-five years of age or over, or real property owned by husband and wife or by siblings, one of whom is sixty-five years of age or over, 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 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.

Real Property Tax Law Section 467

Non-Instructional/Business  
Operations

**SUBJECT: SALE OR DISPOSAL OF SCHOOL DISTRICT PROPERTY**

**Sale or Disposal of School Property**

No school property (i.e., personal property) with an estimated resale value greater than one-thousand five hundred dollars (\$1,500) shall be disposed of without being surplus through formal resolution of the Board of Education. The Superintendent approves the sale or disposal of such property valued at \$1,500 or less. However the responsibility for such sales may be delegated. The net proceeds from the sale of school property will be deposited in the General Fund.

**Equipment**

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

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

**Textbooks**

Textbooks may lose their value to the educational program because of changes in the-curriculum, or they contain outdated material and/or 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) Made available to students upon recommendation of the building principal; or
- d) Disposal as trash.

**Sale of School Real Property**

No buildings or land of the District may be sold without prior approval of the Board of Education and the voters. The Board shall determine the method of sale.

Education Law Section 2511  
General Municipal Law Section 800 et seq.

Adopted: 3/11/03  
Amended: 6/13/2017

Non-Instructional/Business  
Operations

**SUBJECT: BONDING OF EMPLOYEES AND SCHOOL BOARD MEMBERS**

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

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

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

Adopted: 03/11/2003  
Amended: 11/18/2008

Non-Instructional/Business  
Operations

**SUBJECT: EXPENDITURES OF SCHOOL DISTRICT FUNDS**

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

All claims shall be properly confirmed and verified before payment.

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.

Education Law Section 1720

Adopted: 3/11/03

**SUBJECT: MEAL EXPENSES INCURRED DURING DISTRICT MEETINGS**

In general, the provision of meals at a District meeting will not be considered as an ordinary and necessary expense eligible for reimbursement or payment by the District.

Meals may be considered a proper municipal expense where the School District is faced with business of an immediate nature between two or more people, and the meetings are required to be held at meal times due to staff schedules.

- The topic(s) of the meeting must be of an immediate nature, or there must be a pressing need to complete the business at hand;
- Scheduling prevents the meeting from being held at a different time;
- The meal must be provided during the meeting, not at the beginning or end

Before meal expenses for meetings can be reimbursed or paid, the following information must accompany the invoice or claim form:

- Date of the meeting
- Time of the meeting
- Purpose of the meeting
- Attendees
- Reason that meal had to be served during the meeting

The Board of Education recognizes that on occasion the District will provide meals and/or refreshments at District meetings. Examples of authorized expenditures include refreshments for staff at opening and closing day gatherings, Superintendent's Conference Days, and special events attended by parents and/or students (curriculum night, parent conferences, orientation programs).

**SUBJECT: DISTRICT CELL PHONES****Purpose**

District cell phones are provided to authorized employees for the purpose of conducting District-related work activities in a manner that enhances productivity and safety and improves the cost-effectiveness of District operations.

**Authorization**

Only authorized District employees may use District cell phones and/or District contracted cellular services. Authorization for use and/or assignment of cellular service is required from both an immediate supervisor and the Superintendent or his designee. Typically, cell phones will be assigned to employees who are on-call and/or responsible for multiple sites, safety and security personnel, and building administrators.

**Personal Use/Reimbursement**

District cell phones are to be used only for business related purposes. The Business Office will monitor monthly phone bills for personal and/or excessive usage. Any expenses incurred for personal use must be reimbursed by the user to the District at the cost incurred.

The District may enter into an agreement with an employee to allow them to utilize the district-provided cell phone for personal usage with an agreement to reimburse the District 50% of the cost.

**Safe Use of Cell Phones**

Employees whose job responsibilities include regular or occasional driving are expected to refrain from using their phone while driving. Employees whose job responsibilities include regular driving and accepting of business calls will be provided hands-free equipment to facilitate the provisions of this policy. Regardless of the circumstances, employees are strongly encouraged to pull off to the side of the road and safely stop the vehicle before placing or accepting a call. Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions.

Adopted: 6/28/2005

Amended: 6/26/2012

**SUBJECT: DISTRICT CREDIT CARDS**

The School District may obtain a credit card or cards in its name for the use of its officers and designated employees for authorized, reimbursable, school business related expenses. Only those officers and District personnel designated by the Board of Education shall be authorized for the use of a District credit card.

Credit card purchases will be limited to: pre-approved reimbursable travel expenses, such as hotel accommodations and meals; the purchase of items in an emergency or crisis situation; the purchase of items where it is impractical to issue a purchase order.

Expenses incurred on each credit card shall be paid in such a manner as to avoid interest charges.

The credit card(s) shall be locked in a secure place in the Business Office. Each authorized user will sign a receipt for any card placed in his/her custody and will take necessary precautions to ensure the safeguard of the card.

2003

5330

Non-Instructional/Business  
Operations

**SUBJECT: BUDGET TRANSFERS**

Within monetary limits as established by the Board, the Superintendent is authorized to transfer funds within the budget for ordinary contingent expenses. 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(l)  
Education Law Section 1718

Adopted: 3/11/2003  
Amended: 2/2/7/2007



**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 as excerpted below from Policy #5220 – District Investments.

New York State Local Finance Law Section 20

**Borrowing Policy**Borrowing Purposes and Debt Instruments

- a) The local Finance Law authorized OPERATING BORROWING to cover cash flow shortfalls including Revenue Anticipation Notes, Tax Anticipation Notes, or Budget Notes. These types of borrowings must be authorized by the Board of Education through the adoption of a formal borrowing resolution.
- b) CAPITAL BORROWINGS may include Bond Anticipation Notes, Statutory Installment Bonds, and Serial Bonds. These borrowings are only authorized for items for which a Period of Probable Usefulness has been established by the New York Legislature through Section 11.00 of the Local Finance Law. These borrowings, generally, may only be undertaken after a positive majority vote at the annual or special district meeting. The Board of Education must formalize the authority for the indebtedness by adopting a legally complete form BOND RESOLUTION prior to any borrowing. The text of the Bond Resolution, vote, and legal notices should be prepared by a recognized bond counsel. The Board of Education hereby delegates its authority to set the terms and conditions of any borrowing to the President of the Board of Education as Chief Fiscal Officer of the District.

Borrowing Procedures

The Superintendent, assisted by his staff and the district financial consultant, shall make recommendations to the Board of Education on the timing, bidding, terms and conditions, placement, and reporting of any borrowing. Operating borrowing recommendations shall be supported by a monthly cash flow estimate covering the time thereof and establishing the amount of such borrowing. The Superintendent is authorized to solicit and use the services of a financial consultant and bond counsel in planning and completing any borrowing to optimize the number of potential bids and obtain lower market interest rates.

(Continued)

**SUBJECT: BORROWING OF FUNDS (Cont'd.)**Written Reports

All borrowing shall be documented in written reports outlining the details of each borrowing and the interest rate bids received thereon. The written report shall first be presented to the Superintendent who shall report thereon at the next regularly scheduled board meeting.

Legal Opinion

The use of a recognized bond counsel is hereby approved to draft the legal notices, resolution, borrowing instruments, and render his/her approving legal opinion on the legality and tax status of the debt instrument.

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

Adopted: 3/11/03

**\*Required Policy****SUBJECT: PURCHASING (PROCUREMENT)**

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 (PROCUREMENT) (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, Article 5-A; State Finance Law, Section 162; 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 General Municipal Law Section 104-b;
- c) Set forth when each method of procurement will be utilized;
- d) Require adequate documentation of actions taken with each method of procurement;
- e) Require justification and documentation of any contract awarded to other than the lowest responsible dollar offer, stating the reasons;
- f) Set forth any circumstances when, or the types of procurement for which, the solicitation of alternative proposals or quotations will not be in the best interest of the District; and
- g) Identify the individual or individuals responsible for purchasing and their respective titles. Such information shall be updated biennially.

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

The 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.

**Best Value**

Effective January 27, 2012, General Municipal Law (GML) Section 103 was amended to permit a school district or BOCES to award purchase contracts in excess of twenty thousand dollars (\$20,000) on the basis of "best value", rather than on the basis of the lowest responsible bid. The Board of Education must adopt a resolution at a public meeting authorizing the award of bids based on "best

(Continued)

**SUBJECT: PURCHASING (PROCUREMENT) (Cont'd.)**

value." A Best Value Award is one that optimizes quality, cost and efficiency, typically applies to complex services and technology contracts and is quantifiable whenever possible.

**"Piggybacking" Law - Exception to Competitive Bidding**

On August 1, 2012, General Municipal Law (GML) Section 103 was amended to allow school districts to purchase certain goods and services (apparatus, materials, equipment and supplies) through the use of contracts let by the United States or any agency thereof, any state, and any county, political subdivision or district of any state. The amendment authorizes school districts and BOCES to "piggyback" on contracts let by outside governmental agencies in a manner that constitutes competitive bidding "consistent with state law."

This "piggybacking" is permitted on contracts issued by other governmental entities, provided that the original contract:

- a) Has been let by the United States or any agency thereof, any state (including New York State) or any other political subdivision or district therein;
- b) Was made available for use by other governmental entities and agreeable with the contract holder; and
- c) Was let in a manner that constitutes competitive bidding consistent with New York State law and is not in conflict with other New York State laws.

The "piggybacking" amendment and the "best value" amendment may not be combined to authorize a municipality to "piggyback" onto a cooperative contract which was awarded on the basis of "best value." In other words, while a school district or BOCES may authorize the award of contracts on the basis of "best value", it may not "piggyback" onto a purchasing contract awarded by another agency on the basis of "best value."

**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 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.

As required by federal law and New York State Regulations, the District has adopted the National Instructional Materials Accessibility Standard (NIMAS) to ensure that curriculum materials

(Continued)

**SUBJECT: PURCHASING (PROCUREMENT) (Cont'd.)**

are available in a usable alternative format for students with disabilities. Each school district has the option of participating in the National Instructional Materials Access Center (NIMAC). Whether a district does or does not participate in NIMAC, the district will be responsible to ensure that each student who requires instructional materials in an alternate format will receive it in a timely manner and in a format that meets NIMAS standards. The New York State Education Department (NYSED) recommends that school districts choose to participate in NIMAC, because this national effort to centralize the distribution of instructional materials in alternate formats will help guarantee timely provision of such materials to students.

For school districts, Boards of Cooperative Educational Services (BOCES), State-operated schools, State-supported schools and approved private schools that choose to participate in NIMAC, **contracts with publishers executed on and after December 3, 2006** for textbooks and other printed core materials *must* include a provision that requires the publisher to produce NIMAS files and send them to the NIMAC (this will not add any cost to the contract).

For more information regarding NIMAC including model contract language, Steps for Coordinating with NIMAC and an IDEA Part B Assurances Application, see website: <http://www.vesid.nysed.gov/specialed/publications/persprep/NIMAS.pdf>

**Geographic Preference in Procuring Local Agricultural Products**

Schools participating in Child Nutrition Programs such as the National School Lunch Program, School Breakfast Program and/or Special Milk Program are encouraged to purchase unprocessed locally grown and locally raised agricultural products. A School District may apply an optional geographic preference in the procurement of such products by defining the local area where this option will be applied. The intent of this preference is to supply wholesome unprocessed agricultural products that are fresh and delivered close to the source.

A geographic preference established for a specific area adds additional points or credits to bids received in response to a solicitation, but does not provide a set-aside for bidders located in a specific area, nor does it preclude a bidder from outside a specified geographic area from competing for and possibly being awarded a specific contract.

**Computer Software Purchases**

Software programs designated for use by students in conjunction with computers of the District shall meet the following criteria:

- a) A computer program which a student is required to use as a learning aid in a particular class; and

(Continued)

**SUBJECT: PURCHASING (PROCUREMENT) (Cont'd.)**

- b) Any content-based instructional materials in an electronic format that are aligned with State Standards which are accessed or delivered through the internet and based on a subscription model. Such electronic format materials may include a variety of media assets and learning tools including video, audio, images, teacher guides, and student access capabilities as such terms are defined in 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:

- 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.

(Continued)

Non-Instructional/ Business  
Operations**SUBJECT: PURCHASING (PROCUREMENT) (Cont'd.)**

## 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, Services and Public Works**

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. The actual purchase cost may exceed the amount of the purchase order by no more than 10% without further review or approval.

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.

Per General Municipal Law Section 103(5), upon the adoption of a resolution by a vote of at least three-fifths (3/5) of all Board members stating that for reasons of efficiency or economy there is need for standardization, purchase contracts for a particular type or kind of equipment, materials or supplies of more than twenty thousand (\$20,000) 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. In addition, the Board is required to award all contracts for public works in excess of thirty-five thousand dollars (\$35,000) to the lowest responsible bidder after advertising for public sealed bids.

7 CFR 210.21, 215.14(a) and 220.16

20 USC Section 1474(e)(3)(B)

Education Law Sections 305(14), 409-I, 701, 751(2)(b), 1604, 1709, 1950, 2503, 2554 and 3602

General Municipal Law Articles 5-A, 18 and Section 103

State Finance Law Sections 162 and 163-b

8 NYCRR Sections 155, 170.2, 200.2(b)(10), 200.2(c)(2) and 200.2(i)

NOTE: Refer also to Policy #5660 -- School Food Service Program (Lunch and Breakfast)

(Continued)



Non-Instructional/Business  
Operations**SUBJECT: PROCUREMENT POLICIES (Con't)****Appendix A  
Procurement Decision Matrix**

<b>Type of Purchase</b>	<b>Competitive Bid</b>	<b>Verbal Quotes</b>		<b>Written Quotes</b>		<b>RFP</b>	<b>Other</b>
		<b>0</b>	<b>3</b>	<b>3</b>	<b>&gt;3</b>		
• Purchase Contract Above \$20,000 *	X						
• Public Work Contract Above \$35,000 **	X						
<b>Exempt Procurements</b>							(a)
• Agencies for Blind/ Handicapped							(a)
• Correctional Institutions							(a)
• State Contract							(a)
• County Contract							(a)
<b>Purchase Contract &lt;\$20,000</b>							
• Under \$2,500		X					
• \$2,500-\$4,999			X				
• \$5,000-\$7,499				X			
• \$7,500-\$19,999					X		
<b>Public Work Contract &lt;\$35,000</b>							
• Under \$2,500		X					
• \$2,500-\$4,999			X				
• \$5,000-\$9,999				X			
• \$10,000-\$34,999					X		
Emergencies							(b)
Insurance							(c)
Professional Services >\$10,000						X	(d)
Second-hand Equipment from Other Governments							(e)
Certain Food & Milk Purchases							(f)
Sole Source							(g)

\* Change in NYS Limit effective 6/22/2010

\*\* Change in NYS Limit Effective 11/12/2009

**SUBJECT:    PROCUREMENT POLICIES (Cont'd.)**

**Footnotes to Procurement Matrix:**

- (a) Although these purchases are exempted by law from the requirement of written or verbal quotations or proposals, the Purchasing Agent shall document the use of the exception and verify that the source is in the best interest of the District. Where appropriate, comparisons of prices to catalogs or other market price comparisons will be conducted.
- (b) The emergency situation must arise out of an accident or other unforeseen occurrence or condition and require immediate action that cannot await competitive bidding. At a minimum, documentation will include a telephone log of verbal quotes.
- (c) While insurance coverage is not subject to competitive bidding, the District will pursue written quotations through a bidding process or RFP. Documentation will include copies of written quotations.
- (d) Requests for Proposal (RFP) will be required for the initial selection of professional services and subsequently utilized at the discretion of the Board of Education.
- (e) There is a statutory exception to competitive bidding requirements for purchases of second-hand supplies, materials or equipment from Federal or NYS government entities. Documentation will include market price comparisons (written or verbal quotes) and the name of the government.
- (f) Subject to regulatory requirements, the District may separately purchase certain food and milk products without competitive bidding. Documentation should be consistent with State Education Department Regulations.
- (g) Competitive bidding may not be required if the District determines that a particular item is required in the public interest and it is further determined that such item is available only from one source so that no possibility of competition exists. Documentation will include evidence of the unique benefits of the item as compared to other items available in the market, that no other item provides substantially equivalent or similar benefits, and considering the benefits received the cost of the item is reasonable. In addition, the documentation will evidence that there is no possibility of competition for the procurement.

Adopted 10/09/2001; Re-Adopted 03/11/2003  
 Amended: 03/27/2007  
 Amended: 09/22/2009  
 Amended: 08/24/2010  
 Amended: 09/27/2011  
 Amended: 04/09/2013  
 Amended: 05/13/2014

SCHEDULE FOR ANNUAL REVIEW OF PROCUREMENT POLICIES

YEAR	DATE OF REVIEW	Revision- Y/N
2019	4/24	N
2019	10/8	Y

**\*Required Policy****SUBJECT: PURCHASING (PROCUREMENT)**

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:

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

(Continued)

**SUBJECT: PURCHASING (PROCUREMENT) (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, Article 5-A; State Finance Law, Section 162; 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 General Municipal Law Section 104-b;
- c) Set forth when each method of procurement will be utilized;
- d) Require adequate documentation of actions taken with each method of procurement;
- e) Require justification and documentation of any contract awarded to other than the lowest responsible dollar offer, stating the reasons;
- f) Set forth any circumstances when, or the types of procurement for which, the solicitation of alternative proposals or quotations will not be in the best interest of the District; and
- g) Identify the individual or individuals responsible for purchasing and their respective titles. Such information shall be updated biennially.

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

The 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.

**Best Value**

Effective January 27, 2012, General Municipal Law (GML) Section 103 was amended to permit a school district or BOCES to award purchase contracts in excess of twenty thousand dollars (\$20,000) on the basis of "best value", rather than on the basis of the lowest responsible bid. The Board of Education must adopt a resolution at a public meeting authorizing the award of bids based on "best

(Continued)

**SUBJECT: PURCHASING (PROCUREMENT) (Cont'd.)**

value." A Best Value Award is one that optimizes quality, cost and efficiency, typically applies to complex services and technology contracts and is quantifiable whenever possible.

**"Piggybacking" Law - Exception to Competitive Bidding**

On August 1, 2012, General Municipal Law (GML) Section 103 was amended to allow school districts to purchase certain goods and services (apparatus, materials, equipment and supplies) through the use of contracts let by the United States or any agency thereof, any state, and any county, political subdivision or district of any state. The amendment authorizes school districts and BOCES to "piggyback" on contracts let by outside governmental agencies in a manner that constitutes competitive bidding "consistent with state law."

This "piggybacking" is permitted on contracts issued by other governmental entities, provided that the original contract:

- a) Has been let by the United States or any agency thereof, any state (including New York State) or any other political subdivision or district therein;
- b) Was made available for use by other governmental entities and agreeable with the contract holder; and
- c) Was let in a manner that constitutes competitive bidding consistent with New York State law and is not in conflict with other New York State laws.

The "piggybacking" amendment and the "best value" amendment may not be combined to authorize a municipality to "piggyback" onto a cooperative contract which was awarded on the basis of "best value." In other words, while a school district or BOCES may authorize the award of contracts on the basis of "best value", it may not "piggyback" onto a purchasing contract awarded by another agency on the basis of "best value."

**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 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.

As required by federal law and New York State Regulations, the District has adopted the National Instructional Materials Accessibility Standard (NIMAS) to ensure that curriculum materials

(Continued)

**SUBJECT: PURCHASING (PROCUREMENT) (Cont'd.)**

are available in a usable alternative format for students with disabilities. Each school district has the option of participating in the National Instructional Materials Access Center (NIMAC). Whether a district does or does not participate in NIMAC, the district will be responsible to ensure that each student who requires instructional materials in an alternate format will receive it in a timely manner and in a format that meets NIMAS standards. The New York State Education Department (NYSED) recommends that school districts choose to participate in NIMAC, because this national effort to centralize the distribution of instructional materials in alternate formats will help guarantee timely provision of such materials to students.

For school districts, Boards of Cooperative Educational Services (BOCES), State-operated schools, State-supported schools and approved private schools that choose to participate in NIMAC, **contracts with publishers executed on and after December 3, 2006** for textbooks and other printed core materials *must* include a provision that requires the publisher to produce NIMAS files and send them to the NIMAC (this will not add any cost to the contract).

For more information regarding NIMAC including model contract language, Steps for Coordinating with NIMAC and an IDEA Part B Assurances Application, see website: <http://www.vesid.nysed.gov/specialed/publications/persprep/NIMAS.pdf>

**Geographic Preference in Procuring Local Agricultural Products**

Schools participating in Child Nutrition Programs such as the National School Lunch Program, School Breakfast Program and/or Special Milk Program are encouraged to purchase unprocessed locally grown and locally raised agricultural products. A School District may apply an optional geographic preference in the procurement of such products by defining the local area where this option will be applied. The intent of this preference is to supply wholesome unprocessed agricultural products that are fresh and delivered close to the source.

A geographic preference established for a specific area adds additional points or credits to bids received in response to a solicitation, but does not provide a set-aside for bidders located in a specific area, nor does it preclude a bidder from outside a specified geographic area from competing for and possibly being awarded a specific contract.

**Computer Software Purchases**

Software programs designated for use by students in conjunction with computers of the District shall meet the following criteria:

- a) A computer program which a student is required to use as a learning aid in a particular class; and

(Continued)

**SUBJECT: PURCHASING (PROCUREMENT) (Cont'd.)**

- b) Any content-based instructional materials in an electronic format that are aligned with State Standards which are accessed or delivered through the internet and based on a subscription model. Such electronic format materials may include a variety of media assets and learning tools including video, audio, images, teacher guides, and student access capabilities as such terms are defined in 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:

- 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.

(Continued)

**SUBJECT: PURCHASING (PROCUREMENT) (Cont'd.)****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, Services and Public Works**

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.

Per General Municipal Law Section 103(5), upon the adoption of a resolution by a vote of at least three-fifths (3/5) of all Board members stating that for reasons of efficiency or economy there is need for standardization, purchase contracts for a particular type or kind of equipment, materials or supplies of more than twenty thousand (\$20,000) 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. In addition, the Board is required to award all contracts for public works in excess of thirty-five thousand dollars (\$35,000) to the lowest responsible bidder after advertising for public sealed bids.

7 CFR 210.21, 215.14(a) and 220.16

20 USC Section 1474(e)(3)(B)

Education Law Sections 305(14), 409-I, 701, 751(2)(b), 1604, 1709, 1950, 2503, 2554 and 3602

General Municipal Law Articles 5-A, 18 and Section 103

State Finance Law Sections 162 and 163-b

8 NYCRR Sections 155, 170.2, 200.2(b)(10), 200.2(c)(2) and 200.2(i)

NOTE: Refer also to Policy #5660 -- School Food Service Program (Lunch and Breakfast)

(Continued)



Non-Instructional/Business  
Operations**SUBJECT: PROCUREMENT POLICIES (Con't)****Appendix A  
Procurement Decision Matrix**

Type of Purchase	Competitive Bid	Verbal Quotes		Written Quotes		RFP	Other
		0	3	3	>3		
• Purchase Contract Above \$20,000 *	X						
• Public Work Contract Above \$35,000 **	X						
<b>Exempt Procurements</b>							(a)
• Agencies for Blind/ Handicapped							(a)
• Correctional Institutions							(a)
• State Contract							(a)
• County Contract							(a)
<b>Purchase Contract &lt;\$20,000</b>							
• Under \$2,500		X					
• \$2,500-\$4,999			X				
• \$5,000-\$7,499				X			
• \$7,500-\$19,999					X		
<b>Public Work Contract &lt;\$35,000</b>							
• Under \$2,500		X					
• \$2,500-\$4,999			X				
• \$5,000-\$9,999				X			
• \$10,000-\$34,999					X		
Emergencies							(b)
Insurance							(c)
Professional Services >\$10,000						X	(d)
Second-hand Equipment from Other Governments							(e)
Certain Food & Milk Purchases							(f)
Sole Source							(g)

\* Change in NYS Limit effective 6/22/2010

\*\* Change in NYS Limit Effective 11/12/2009

**SUBJECT: PROCUREMENT POLICIES (Cont'd.)**

**Footnotes to Procurement Matrix:**

- (h) Although these purchases are exempted by law from the requirement of written or verbal quotations or proposals, the Purchasing Agent shall document the use of the exception and verify that the source is in the best interest of the District. Where appropriate, comparisons of prices to catalogs or other market price comparisons will be conducted.
- (i) The emergency situation must arise out of an accident or other unforeseen occurrence or condition and require immediate action that cannot await competitive bidding. At a minimum, documentation will include a telephone log of verbal quotes.
- (j) While insurance coverage is not subject to competitive bidding, the District will pursue written quotations through a bidding process or RFP. Documentation will include copies of written quotations.
- (k) Requests for Proposal (RFP) will be required for the initial selection of professional services and subsequently utilized at the discretion of the Board of Education.
- (l) There is a statutory exception to competitive bidding requirements for purchases of second-hand supplies, materials or equipment from Federal or NYS government entities. Documentation will include market price comparisons (written or verbal quotes) and the name of the government.
- (m) Subject to regulatory requirements, the District may separately purchase certain food and milk products without competitive bidding. Documentation should be consistent with State Education Department Regulations.
- (n) Competitive bidding may not be required if the District determines that a particular item is required in the public interest and it is further determined that such item is available only from one source so that no possibility of competition exists. Documentation will include evidence of the unique benefits of the item as compared to other items available in the market, that no other item provides substantially equivalent or similar benefits, and considering the benefits received the cost of the item is reasonable. In addition, the documentation will evidence that there is no possibility of competition for the procurement.

Adopted 10/09/2001; Re-Adopted 03/11/2003  
 Amended: 03/27/2007  
 Amended: 09/22/2009  
 Amended: 08/24/2010  
 Amended: 09/27/2011  
 Amended: 04/09/2013  
 Amended: 05/13/2014

SCHEDULE FOR ANNUAL REVIEW OF PROCUREMENT POLICIES

YEAR	DATE OF REVIEW	Revision- Y/N
2019	4/24	N

Non-Instructional/Business  
Operations**SUBJECT: PROCUREMENT: UNIFORM GRANT GUIDANCE FOR FEDERAL AWARDS**

The District will follow all applicable requirements in the Uniform Grant Guidance (2 CFR Part 200) whenever it procures goods or services using federal grant funds awarded through formula and/or discretionary grants, including funds awarded by the United States Department of Education as grants or funds awarded to a pass-through entity, such as the New York State Education Department, for subgrants.

**Uniform Grant Guidance Requirements**

Under the Uniform Grant Guidance, the District will, among other things:

- a) Use its own documented procurement procedures which reflect applicable state, local and tribal laws and regulations, provided that the procurements conform to applicable federal law and the standards identified in the Uniform Grant Guidance.
- b) Establish and maintain effective internal controls that provide reasonable assurance that the District is managing the federal award in compliance with federal statutes, regulations, and the terms and conditions of the federal award. Internal controls means a process, implemented by the District, designed to provide reasonable assurance regarding the achievement of objectives in the following categories:
  1. Effectiveness and efficiency of operations;
  2. Reliability of reporting for internal and external use; and
  3. Compliance with applicable laws and regulations.
- c) Comply with federal statutes, regulations, and the terms and conditions of the federal awards.
- d) Evaluate and monitor the District's compliance with statutes, regulations, and the terms and conditions of federal awards.
- e) Take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings.
- f) Take reasonable measures to safeguard protected personally identifiable information and other information the federal awarding agency or pass-through entity designates as sensitive or the District considers sensitive consistent with applicable federal, state, local, and tribal laws regarding privacy and obligations of confidentiality.
- g) Maintain oversight to ensure contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.
- h) Maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of contracts.
- i) Have procurement procedures in place to avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase.

(Continued)

Non-Instructional/Business  
Operations**SUBJECT: PROCUREMENT: UNIFORM GRANT GUIDANCE FOR FEDERAL AWARDS (Cont'd.)**

- j) Award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to matters such as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.
- k) Maintain records that sufficiently detail the history of the procurement including, but not limited to:
  - 1. Rationale for the method of procurement;
  - 2. Selection of contract type;
  - 3. Contractor selection or rejection; and
  - 4. The basis for the contract price.
- l) Use time and material contracts, only after a determination that no other contract is suitable and the contract includes a ceiling price that the contractor exceeds at its own risk.
- m) Conduct all procurement transactions in a manner providing full and open competition consistent with the standards of the Uniform Grant Guidance.
- n) Conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable federal statutes expressly mandate or encourage geographic preference.
- o) Have written procedures for procurement to ensure that all solicitations:
  - 1. Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured; and
  - 2. Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids.
- p) Ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition.
- q) Use one of the following methods of procurement, which include:
  - 1. Micro-purchases;
  - 2. Small purchase procedures;
  - 3. Sealed bids;
  - 4. Competitive proposals; and
  - 5. Noncompetitive proposals.
- r) Have a written method for conducting technical evaluations of the proposals received and for selecting recipients.
- s) Take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

(Continued)

Non-Instructional/Business  
Operations

**SUBJECT: PROCUREMENT: UNIFORM GRANT GUIDANCE FOR FEDERAL AWARDS (Cont'd.)**

- t) Include in all contracts made by the District the applicable provisions contained in Appendix II of the Uniform Grant Guidance -- Contract Provisions for Non-Federal Entity Contracts Under Federal Awards.
- u) Perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold including contract modifications.
- v) Negotiate profit as a separate element of the price for each contract in which there is not price competition and in all cases where an analysis is performed.
- w) Comply with the non-procurement debarment and suspension standards which prohibit awarding contracts to parties listed on the government-wide exclusions in the System for Award Management (SAM).

2 CFR §§ 200.61, 200.303, 200.318, 200.319, 200.320, 200.321, 200.323, and 200.326

2 CFR Part 200, App. II

NOTE: Refer also to Policies #5410 -- Purchasing: Competitive Bidding and Offering  
 #5411 -- Procurement of Goods and Services  
 #5570 -- Financial Accountability  
 #5670 -- Records Management  
 #6110 -- Code of Ethics for Board Members and All District Personnel  
 #6161 -- Conference/Travel Expense Reimbursement

Adoption Date: 2/26/2019

**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.

Financial reports will be provided to the Board in accordance with Commissioner's Regulation 170.2.

**Online Banking**

The Board has entered into a written agreement with designated banks and trust companies for online banking and electronic or wire transfers, which includes the implementation of a security procedure for all transactions. Non-routine online transactions must be authorized by the District's Business Official. The District Treasurer, with a separate established user name and password, will have the authority to process online banking transactions. The Deputy Treasurer, with a separate established user name and password, will be responsible for online banking transactions in the event the District Treasurer is not available, or as a job responsibility delegated to him/her by the District Treasurer. All online banking activity will be reviewed by the Business Official in conjunction with the monthly review of bank statements. Online banking will only take place on secure District computers located inside the Business Office.

**Electronic Transactions and Wire Transfers**

Procedures will be implemented specifying who is authorized to initiate, approve, transmit, record, review and reconcile electronic transactions. At least two individuals will be involved in each transaction. Authorization and transmitting functions will be segregated and, whenever possible, the recording function will be delegated to a third individual.

The District will enter into written wire transfer security agreements for District bank accounts which will include established procedures for authenticating wire transfer orders.

All wire transfers must be authorized by the District Treasurer or his/her designee. Dual approval controls will be established for all wire transfer orders.

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

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

Adopted: 3/11/2003  
Amended: 4/22/2009  
Amended: 8/24/2010  
Amended: 1/25/2011  
Amended 11/13/2012

Non-Instructional/Business  
Operations**SUBJECT: RESERVE FUNDS**

Reserve funds (essentially a legally authorized savings account designated for a specific purpose) are an important component in the District's financial planning for future projects, acquisitions, and other lawful purposes. The District may establish and maintain reserve funds in accordance with New York State laws, Commissioner's regulations, and the rules or opinions issued by the Office of the New York State Comptroller. The District will comply with the reporting requirements of Article 3 of the General Municipal Law of the State of New York and the Governmental Accounting Standards Board (GASB) issued GASB Statement Number 54, *Fund Balance Reporting and Governmental Fund Type Definitions*.

Any and all District reserve funds will be properly established and maintained to promote the goals of creating an open, transparent, and accountable use of public funds. The District will authorize all payments or transfers into a reserve fund by express resolution. The District may engage independent experts and professionals, including, but not limited to, auditors, accountants, and other financial and legal counsel to monitor all reserve fund activity and prepare any and all reports that the Board may require.

**Periodic Review and Annual Report**

The Board will periodically review all reserve funds. The District will also prepare and submit an annual report of all reserve funds to the Board. The annual report will include the following information for each reserve fund:

- a) The type and description of the reserve fund;
- b) The date the reserve fund was established and the amount of each sum paid into the fund;
- c) The interest earned by the reserve fund;
- d) Capital gains or losses resulting from the sale of investments of the reserve fund;
- e) The total amount and date of each withdrawal from the reserve fund;
- f) The total assets of the reserve fund showing cash balance and a schedule of investments; and
- g) An analysis of the projected needs for the reserve fund in the upcoming fiscal year and a recommendation regarding funding those projected needs.

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

Education Law § 3653

Adopted: 6/28/2011

Amended: 4/11/2017

## Non-Instructional Business Operations

**SUBJECT: EXTRA CLASSROOM ACTIVITY FUND**

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

The Board will appoint an ECA Central Treasurer, a Faculty Auditor, and a chief faculty counselor (appointed for each building in the District, typically the building principal). Each ECA will have a faculty advisor appointed by the chief faculty counselor. Additionally, each ECA will have a student activity treasurer elected by the members of the ECA.

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

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

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

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

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

8NYCRR Part 172

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

(continued)



Non-Instructional Business  
Operations

**SUBJECT: EXTRA CLASSROOM ACTIVITY FUND (cont'd.)**

- NOTE: Refer also to Policies
- #1330 – Appointments and Designations by the Board
  - #1334 – Duties of the External (Independent )Auditor
  - #1336 – Duties of the Extraclassroom Activity Fund  
Central Treasurer and Faculty Auditor
  
  - #3280 – Use of School Facilities, Materials, and Equipment
  - #5220 – District Investments
  - #5530 – Petty Cash Funds and Cash in School Buildings
  - #5620 - Fixed Asset Inventories, Accounting, and  
Tracking
  - #7410 – Extracurricular Activities
  - #7450 – Fundraising by Students

Adopted: 3/11/2003  
Amended: 2/27/2007  
Amended: 7/23/2019

Non-Instructional/Business  
Operations

**SUBJECT: PETTY CASH FUNDS AND CASH IN SCHOOL BUILDINGS**

**Petty Cash Funds**

Petty Cash Accounts shall be authorized by Board resolution at their annual meeting.

A petty cash fund of not more than one hundred dollars (\$100) shall be maintained in the District Office and in each school building. The petty cash box should be locked in a secured location in the school building main office with limited access. The Building Principals will be held accountable for this box from the time it is issued to when it is returned. A log shall be maintained in the Business Office of those in possession of such cash. This money shall be maintained throughout the year and must be fully returned (no less than \$100) prior to the end of the school year in June.

The Treasurer will report the amount of the petty cash fund on the monthly reconciliation of cash balances and the periodic Treasurer's report to the Board of Education.

Payments from petty cash funds may be made for materials, supplies or services only when payment is required upon delivery. At the time of reimbursement, an itemized statement of expenditures (claim form), together with substantiating receipts, shall be submitted with proper approval signatures. No reimbursement can or will be made for sales tax. The maximum payout should be for no more than \$25.00. There are no prepayments from petty cash, only reimbursements.

**Cash in School Buildings**

Not more than \$250, whether District or Extra-classroom 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 Extra-classroom funds, shall be deposited prior to close of school each week. Only authorized personnel designated by the building administrator shall be allowed in the main office vault.

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

Adopted: 3/11/2003  
Amended: 2/27/2007

2003

5540

Non-Instructional/Business  
Operations

**SUBJECT: PUBLICATION OF THE DISTRICT'S ANNUAL FINANCIAL STATEMENT**

The Board of Education shall publish a full and detailed account of all monies 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 within three months after the close of the fiscal year.

Education Law Section 2528  
Commissioner's Regulations Section 170.2

Adopted: 3/11/03

**SUBJECT: MAINTENANCE OF FISCAL EFFORT (TITLE I PROGRAMS)**

The District, 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:

- 1) Any expenditures for community services, capital outlay, and debt service;
- 2) 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  
No Child Left Behind Act of 2001  
34 Code of Federal Regulations (C.F.R.) Part 200

**SUBJECT: USE OF DISTRICT FUNDS FOR PARTISAN POLITICAL ACTIVITY**

The Board of Education prohibits the use of federal funds received by the District, the use of other District funds, and the use of other District property for partisan political purposes of any kind.

In addition, no District employee may use his or her official authority or influence for the purpose of interfering with or affecting the result of any election or nomination for office or to directly or indirectly coerce, attempt to coerce, command, or advise another District employee to pay, lend or contribute anything of value to a party, committee, organization, lobbyist, agency or person for partisan political purposes.

**SUBJECT: FINANCIAL ACCOUNTABILITY**

The District has internal controls in place to ensure that:

- a) The goals and objectives of the District are accomplished;
- b) Laws, regulations, policies, and good business practices are complied with;
- c) Audit recommendations are considered and implemented;
- d) Operations are efficient and effective;
- e) Assets are safeguarded; and
- f) Accurate, timely, and reliable data are maintained.

The 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 Certified Public Accountant's (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.

(Continued)

Non-Instructional/Business  
Operations

**SUBJECT: FINANCIAL ACCOUNTABILITY (Cont'd.)**

- f) The District requires attendance at training programs for Board members, business officials, treasurers, claims auditors, and others to ensure they understand their duties and responsibilities and the data provided to them.
- g) The Board has an audit committee to assist in carrying out its fiscal oversight responsibilities.
- h) The District's information systems are economical, efficient, current, and up-to-date.
- i) All computer files are secured with passwords or other controls, backed up on a regular basis, and stored at an off-site or in a secure fireproof location.
- j) The District periodically verifies that its controls are working efficiently.
- k) The District requires all staff to take leave time during which time another staff member performs the duties of the staff on leave. Staff may also schedule transactions and other responsibilities to occur electronically before taking a leave.

**Audit Response**

Periodically, the District receives audit reports from the External (Independent) Auditor and/or the Office of the New York State Comptroller. The Board will review all audit recommendations in consultation with the Audit Committee and respond appropriately. Independent and Comptroller audit reports and the accompanying management letters will be made available for public inspection. The District will also timely post a copy of the annual external audit report or the Comptroller's final audit report on its website for a period of five years. Notice of the availability of independent and Comptroller audit reports will be published in the District's official newspaper or one having general circulation in the District. If there is no newspaper, notice must be placed in ten public places within the District.

Education Law § 2116-a(3-b)  
General Municipal Law § 33(2)(e) and 35(1),(2)  
8 NYCRR § 170.12

Adopted: 5/13/2014  
Amended: 4/11/2017

**SUBJECT: FINANCIAL ACCOUNTABILITY: 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: FINANCIAL ACCOUNTABILITY: ALLEGATIONS OF FRAUD (Cont'd.)**

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

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

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

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

**Knowingly Makes False Accusations**

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

[Civil Service Law Section 75-b](#)  
Education Law Section 3028-a

Adopted: 6/28/2005  
Amended: 8/24/2010  
Amended: 5/13/2014

**SUBJECT: REPORTING AND INVESTIGATIONS OF ALLEGATIONS OF FRAUD**

**Purpose:** To establish reporting procedures chain of command for allegations of fraud.

**Discussion:** In accordance with District Board of Education Policy #5570 “Financial Accountability: Allegations of Fraud,” stating “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.”

**Procedures:**

- The reporting procedures will follow the chain of command as established within 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.
- All allegations of financial improprieties/fraud and/or wrongful conduct will be reported to the Internal Auditor. The Internal Auditor will provide guidance as deemed necessary; and will notify the Audit Committee. Upon direction of the Audit Committee and/or Superintendent, the Internal Auditor will conduct an investigation and report on any findings.
- To the extent possible, within legal constraints, all reports will be treated as confidentially and privately as possible.
- The Audit Committee and/or Superintendent will notify the Board of Education and the Internal Auditor will provide an audit report to the Audit Committee and Board of Education. The District’s Independent (External) Auditor, or the School Attorney, may need to be notified depending on the Internal Auditor’s Audit Report and/or as deemed necessary by the above mentioned parties.
- As stated in the Board Policy #5570: 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.*

**SUBJECT:  
COMPLIANCE PROGRAM POLICY**

**MEDICAID**

The School District shall comply with New York State and federal laws and regulations related to the School District's participation as a provider of care, services or supplies under the Medicaid program.

The School District as a provider receiving or submitting Medicaid claims of at least \$500,000 in any consecutive twelve-month period, has established and implemented a Medicaid Compliance Program designed to detect and prevent fraud, waste and abuse.

As required by the New York State Office of the Medicaid Inspector General (hereinafter referred to as the OMIG), the School District's Medicaid Compliance Program is comprised of the following core elements:

1. Written policies and procedures that describe compliance expectations as embodied in a code of ethics applicable to all School District personnel, including Board members. Such compliance expectations or standards of conduct shall include provisions designed to: implement the operation of the Medicaid Compliance Programs; provide guidance to employees and others on dealing with potential compliance issues; identify how to communicate compliance issues to appropriate personnel; and describe how issues are investigated and resolved;
2. A designated employee who will be responsible for the day-to-day operation of the Medicaid Compliance Program. This employee's job duties may be exclusively related to Medicaid compliance issues or may be combined with other duties, provided that the Medicaid compliance portions of the employee's duties are satisfactorily fulfilled. The designated employee shall report directly to the School District Superintendent or the Superintendent's designee and shall also periodically report directly to the Board of Education on the School District's Medicaid Compliance Program activities;
3. Training and education of all affected School District employees and other persons associated with the School District's Medicaid Compliance Program, including, but not limited to, members of the District's Board of Education. Such training shall occur periodically and shall be made a part of any required training or orientation for new employees, Board members, volunteers and/or others on dealing with the School District's Medicaid Compliance Program;
4. Communication lines and processes directed to the School District's designated employee who will be responsible for the day-to-day operation of the Medicaid Compliance Program. Such communication lines and processes shall be accessible to all School District employees, Board members, volunteers and others associated with the School District's Medicaid Compliance Program. The communication lines and processes are designed to allow employees to report compliance issues, including the anonymous and confidential good faith reporting of any practice or procedure related to Medicaid reimbursement of school or preschool supportive health services, that an employee believes is inappropriate;

(Continued)

**SUBJECT:  
COMPLIANCE PROGRAM POLICY (Cont'd.)**

**MEDICAID**

5. Disciplinary procedures that encourage good faith and fair dealing in the School District's Medicaid Compliance Program by all affected individuals. Such disciplinary procedures shall include procedures that articulate expectations for reporting and assisting with the resolution of compliance issues and also provide sanctions for the failure to report suspected problems and participating (either actively or passively) in non-compliant behavior;
6. A system for the routine identification of Medicaid compliance risk areas in the School District's Medicaid Compliance Program. Self-evaluation of such risk areas may be accomplished by, but not necessarily limited to, internal audits and external audits, as appropriate;
7. A system for responding to, investigating, correcting and reporting compliance issues as they are raised, including the development of procedures and systems to reduce the potential for recurrence, identifying and reporting compliance issues to the OMIG and refunding overpayments; and
8. A policy of non-intimidation and non-retaliation against any person for the good faith participation in any aspect of the administration of the School District's Medicaid Compliance Program including, but not limited to, the reporting of potential issues, assisting as a witness with any investigation, evaluation, audit, remedial actions or reporting to appropriate officials as provided in Sections 740 and 741 of the New York State Labor Law.

Social Services Law Section 363-d  
18 NYCRR Part 521

NOTE: Refer also to Policies # 1350 Audit Committee

# 1351

Internal Audit

# 5570 Financial Accountability

# 6110 Code of Ethics for Board Members and All District  
Personnel

*District Medicaid Compliance Program*

Adopted: 4/6/2010

**SUBJECT: INSURANCE**

The objective of the Board of Education is to obtain the best possible insurance at the lowest possible cost, and to seek advice from an Insurance Appraisal Service to determine that adequate coverage is being provided regarding fire, boiler, general liability, bus and student accident insurance.

The Board shall carry insurance to protect the District's real and personal property against loss or damage. This property shall include school buildings, the contents of such buildings, school grounds and automobiles.

The Board may also purchase liability insurance to pay damages assessed against Board members and District employees acting in the discharge of their respective duties, within the scope of their employment and/or under the direction of the Board.

All insurance policies, along with an inventory of the contents of the building, should be kept in a fireproof depository or with the appropriate insurance agent for safekeeping and referral purposes. The Superintendent shall review the District's insurance program annually and make recommendations to the Board if more suitable coverage is required.

Public Officers Law Section 18  
General Municipal Law Sections 6-n and 52  
Education Law Sections 1709(8) and (26) and  
(34-b), 3023, 3028, and 3811

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: 3/11/03

**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. 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.

All fixed assets carrying a minimum value of \$5,000 (except those in the school lunch fund, which will have a capitalization threshold of \$2,500) that have a useful life of one year or more and physical characteristics which are 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.

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

- a) Date of acquisition;
- b) Description;
- c) Cost or value;
- d) Location;
- e) Funding source;
- f) Responsible official;
- g) Estimated useful life;
- h) Date and method of disposition.

The School Business Official shall arrange for a physical inventory and appraisal of School District property, equipment and material at least once every twenty-four months. Any discrepancies between an inventory and the District's property records on file should be traced and explained.

(Continued)

Non-Instructional/Business  
Operations**SUBJECT: ACCOUNTING OF FIXED ASSETS****Equipment Acquired Under a Federal Government Grant**

The School district shall comply with the U.S. Department of Education regulations governing the use, management requirements and disposition of any and all equipment acquired through a federal government grant. These Federal Education Department General Administrative Regulations (collectively known or referred to as EDGAR) comprise parts 74 through 99 of Title 34 of the Code of Federal Regulations (CFR).

**Equipment Purchases with Extraclassroom Funds**

Title to all equipment with extraclassroom activity funds shall reside with the district and be carried as an insurable asset on its list of insurable values. Such equipment shall be tagged as District property, but is available for exclusive use by the extraclassroom activity club acquiring the item.

**34 Code of Federal Regulations (CFR) 80.32**

Adopted: 3/11/2003  
Amended: 4/22/2009  
Amended: 8/24/2010  
Amended: 8/25/2015  
Amended: 11/13/2018



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

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

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

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

**Construction and Remodeling of School Facilities**

All capital projects and maintenance must assure compliance with the requirements of the New York State Uniform Fire Prevention and Building Code, the Manual of Planning Standards and the Regulations of the Commissioner of Education. All new buildings must be formally submitted no matter the size or cost. The New York State Education Department Office of Facilities Planning has provided an Instruction Guide at website: <http://www.emsc.nysed.gov/facplan/ProjMgmt.htm>

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

Plans and specifications submitted to the Commissioner shall bear the signature and seal of an architect or engineer licensed to practice in the State of New York. The architect or engineer who sealed the plans and specifications shall also certify that the plans and specifications conform to the standards set forth in the State Uniform Fire Prevention and Building Code (19 NYCRR Parts 1220 through 1226) and the State Energy Conservation Construction Code (19 NYCRR Part 1240).

For remodeling or construction projects costing five thousand dollars (\$5,000) or more, the District shall assure compliance with the requirements of the State Uniform Fire Prevention and Building Code (19 NYCRR Parts 1220 through 1226) and Commissioner's Regulations Part 155, and shall retain the services of an architect or engineer licensed to practice in New York State.

For remodeling or construction projects costing less than five thousand dollars (\$5,000), the District shall assure compliance with the requirements of the State Uniform Fire Prevention and Building Code (19 NYCRR Parts 1220 through 1226) and Commissioner's Regulations Part 155.

(Continued)

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

Pursuant to Labor Law, the District must collect and maintain sworn to or affirmed as true payroll records of contractors and subcontractors on district capital projects and preserve such records for a pay period of five (5) years from the completion of the work on the awarded contract. Districts must designate in writing a district employee who will be responsible for receiving, collecting and reviewing payrolls of contractors and subcontractors for validity as well as a designee should that individual be unable to perform such duties for any reason. The names of these individuals and their designation shall be conspicuously posted at the project site.

**Public Works Bidding Requirements**

- a) Pursuant to General Municipal Law, competitive bidding requirements now provide that:
1. An apparent low bidder that submits a bid which is 10% or more lower than the next lowest bid submitted must be presumed to be ineligible to receive the contract award. To rebut this presumption, the District must require, and the apparent low bidder must submit, a signed statement that meets the requirements set forth in law.
  2. When determining whether a prospective contractor may receive an award, the District must consider whether the contractor will comply with the requirements of the Labor Law concerning the payment of prevailing wages and supplements, or any other provision of law, and require its subcontractors to do the same.
  3. Prospective contractors with a prior violation of the Labor Law within the past five years must be presumed to not be able to comply with that law during the performance of the contract. To rebut this presumption, the prospective contractor must submit a signed sworn statement that meets the requirements set forth in law. Those requirements are the same ones applicable to presumptively invalid low bids.
- b) Pursuant to Labor Law which requires, in part, that every contract for a public work project contain a term stating that the filing of payrolls in a manner consistent with statutory requirements is a condition precedent to the payment of any sums due and owing to any person for work done upon the project.

**Inspections**

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

In accordance with law, local building inspectors may not enter District premises at any time they wish. Only the Fire Safety Inspector conducting the Annual Fire Safety Inspection may enter District premises for inspections.

(Continued)

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

In addition, per the requirements of the Asbestos Hazard Emergency Response Act (AHERA), the District will at least once each school year inform all employees and building occupants (or their legal guardians) about all asbestos inspections, response actions, post-response action activities, as well as triennial re-inspection activities and surveillance activities that are either planned or in progress. Written notice will be provided in the District newsletter and will be filed in the District asbestos management plan.

**Comprehensive Public School Building Safety Program (Rescue)**

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

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

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

(Continued)

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

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

(Continued)

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

The School District shall prepare an annual School Facility Report Card for each occupied school building, including a description of the activities of the District's Health and Safety Committee.

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.

## Asbestos Inspection:

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

Bidding Requirements

General Municipal Law Section 103(7)  
Labor Law Sections 220(3-a) and (3)(d)(iv)

## Fire Inspection:

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

## Health and Safety Committee:

8 New York Code of Rules and Regulations (NYCRR) Section 155.6(c)(17)

## Health Inspection:

Education Law Section 906

## Plans and Specifications:

Education Law Sections 408, 408-a and 409  
Labor Law Sections 220(3-a)(a)(iii) and 220(5)  
8 New York Code of Rules and Regulations (NYCRR) Sections 155.1 and 155.2  
19 New York Code of Rules and Regulations (NYCRR) Sections 1220-1240

## Structural Safety Inspections:

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

Adopted: 3/11/2003

Amended: 4/22/2009

**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 and 262  
6 New York Code of Rules and Regulations  
(NYCRR) Part 371

**\*Required Policy****SUBJECT: SMOKING/TOBACCO USE****School Grounds**

Tobacco use will not be permitted and no person will use tobacco on school grounds or within 100 feet of the entrances, exits, or outdoor areas of any public or private elementary or secondary schools. However, this does not apply to smoking in a residence, or within the real property boundary lines of residential real property. For purposes of this policy, "school grounds" means any building, structure, and surrounding outdoor grounds, including entrances or exits, contained within the District's preschool, nursery school, elementary or secondary school's legally defined property boundaries as registered in the County Clerk's Office; as well as all District vehicles, including vehicles used to transport children or school personnel.

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

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

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

**Off-School Grounds**

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

**Posting/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 the New York State Public Health Law, Education Law, the federal Pro-Children Act of 1994, and District policy.

The District will 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:

(Continued)

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

- a) On school grounds;
- b) In school vehicles;
- c) At school sponsored events, including those that take place off school premises and in another 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.

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

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

Safe and Drug-Free Schools and Communities Act, 20 USC § 7101 et seq.

Pro-Children Act of 2001, 20 USC §§ 7181-7184, as amended by the Every Student Succeeds Act (ESSA) of 2015

Education Law §§ 409, 2801(1) and 3020-a

Public Health Law Article 13-E, Article 13-F, §§ 1399-aa(13), 1300-o

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

Adopted: 3/11/2003

Amended: 11/13/2012

Amended: 1/23/2018



Non-Instructional/Business  
Operations

**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.

**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;
- d) A cooperative effort with community recycling programs.

General Municipal Law Section 120-aa

Adopted: 3/11/03

**SUBJECT: MEAL CHARGING AND PROHIBITION AGAINST MEAL SHAMING**

It is the District's goal to provide students with access to nutritious no- or low-cost meals each school day and to ensure that a student whose parent/guardian has unpaid meal charges is not shamed or treated differently than a student whose parent/guardian does not have unpaid meal charges.

Unpaid meal charges place a large financial burden on the District. The purpose of this policy is to ensure compliance with federal requirements for the USDA Child Nutrition Program and to provide oversight and accountability for the collection of outstanding student meal balances to ensure that the student is not stigmatized, distressed, or embarrassed.

The intent of this policy is to establish procedures to address unpaid meal charges throughout the District in a way that does not stigmatize, distress, or embarrass students. The provisions of this policy pertain to regular priced reimbursable school breakfast, lunch and snack meals only. Charging of items outside of the reimbursable meals (a la carte items, adult meals, etc.) is expressly prohibited.

**Access to Meals**

- a) Free meal benefit eligible students will be allowed to receive a free breakfast and lunch meal of their choice each day. A la carte items or other similar items must be paid/prepaid.
- b) Reduced meal benefit eligible students will be allowed to receive a breakfast of their choice for \$0.00 and lunch of their choice for \$0.00 each day. A la carte items or other similar items must be paid/prepaid.
- c) Full pay students will pay for meals at the District's published paid meal rate each day. The charge meals offered to students will be reimbursable meals available to all students, unless the student's parent or guardian has specifically provided written permission to the District to withhold a meal. A la carte items or other similar items must be paid/prepaid.

**Ongoing Staff Training**

- a) Staff will be trained annually and throughout the year as needed on the procedures for managing meal charges using the State Education Department (SED) Webinar or the District's training program.
- b) Staff training will include ongoing eligibility certification for free or reduced-price meals.

(Continued)

**SUBJECT: MEAL CHARGING AND PROHIBITION AGAINST MEAL SHAMING  
(Cont'd.)**

**Parent Notification**

Parents/guardians will be notified that a student's meal card or account balance is exhausted and has accrued unpaid meal charges within two days of the charge and then every two days per week thereafter.

**Parent Outreach**

- a) Staff will communicate with parents/guardians with five or more unpaid meal charges to determine eligibility for free or reduced-price meals.
- b) Staff will make two documented attempts to reach out to parents/guardians to complete a meal application in addition to the application and instructions provided in the school enrollment packet.
- c) Staff will contact the parent/guardian to offer assistance with completion of meal application to determine if there are other issues within the household causing the student to have insufficient funds, offering any other assistance that is appropriate.

**Minimizing Student Distress**

- a) Staff will not publicly identify or stigmatize any student in line for a meal or discuss any outstanding meal debt in the presence of any other students.
- b) Students with unpaid meal charges will not be required to wear a wristband or handstamp, or to do chores or other work to pay for meals.
- c) Staff will not throw away a meal after it has been served because of the student's inability to pay for the meal or because of previous unpaid meal charges.
- d) Staff will not take any action directed at a student to collect unpaid meal charges.
- e) Staff will deal directly with parents/guardians regarding unpaid meal charges.

**Ongoing Eligibility Certification**

- a) Staff will conduct direct certification through the New York Student Identification System (NYSSIS) or using SED Roster Upload to maximize free eligibility. NYSED provides updated direct certification data monthly.

(Continued)

**SUBJECT: MEAL CHARGING AND PROHIBITION AGAINST MEAL SHAMING  
(Cont'd.)**

- b) Staff will provide parents/guardians with free and reduced-price application and instructions at the beginning of each school year in the school enrollment packet.
- c) If the District uses an electronic meal application, it will provide an explanation of the process in the school enrollment packet and instructions on how to request a paper application at no cost.
- d) The District will provide at least two additional free and reduced-price applications throughout the school year to families identified as owing meal charges.
- e) The District will use its administrative prerogative to complete an application on a student's behalf judiciously, and only after using exhaustive efforts to obtain a completed application from the student's parent/guardian. The District will complete the application using only available information on family size and income that falls within approvable guidelines.
- f) The District will coordinate with the foster, homeless, migrant, and runaway coordinators to certify eligible students. School liaisons required for homeless, foster, and migrant students will coordinate with the nutrition department to make sure these students receive free school meals, in accordance with federal law.

**Prepaid Accounts**

Students/Parents/Guardians may pay for meals in advance via [myschoolbucks.com](http://myschoolbucks.com) or with a check payable to Auburn School Lunch Fund. Further details are available on the District's webpage at [www.aecsd.education](http://www.aecsd.education). Funds should be maintained in accounts to minimize the possibility that a student may be without meal money on any given day. Any remaining funds for a particular student will be carried over to the next school year.

To obtain a refund for a withdrawn or graduating student, a written or e-mailed request for a refund of any money remaining in the student's account must be submitted. Students who are graduating at the end of the year will be given the option to transfer any remaining money to a sibling's account through a written request.

Unclaimed funds must be requested within one school year. Unclaimed funds will then become the property of the District Food Service Program.

42 USC § 1758  
7 CFR §§ 210.12 and 245.5  
Education Law § 908  
8 NYCRR § 114.5

Adopted Date: 7/2/2018  
Amend: 10/8/2019

**\* Required Policy**

<b>As Recommend by the District Wellness Committee on June 5, 2017</b>
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**SUBJECT: DISTRICT WELLNESS POLICY**

Given the documented connection between proper nutrition, adequate physical activity and educational success, the Board of Education adopts the following goals and authorizes the following actions to provide district students with a school environment that promotes student health and wellness and reduces childhood obesity.

Definitions

For purposes of this policy:

“school campus” - all areas of district property accessible to students during the school day;

“school day” - the period from the midnight before to 30 minutes after the end of the official school day;

“competitive food” - all food and beverages other than meals reimbursed under federal food programs available for sale to students on the school campus during the school day.

**I. Foods and Beverages Available to Students on School Campus During the School Day**

The Board recognizes that a nutritious, well-balanced, reasonably-portioned diet is essential for student wellness. To help students possess the knowledge and skills necessary to make nutritious food choices for a lifetime, the district shall ensure that all foods and beverages available in school promote good nutrition, balance, and reasonable portion sizes. The district shall ensure that all foods and beverages available for sale to students on the school campus during the school day meet or exceed the program requirements and nutrition standards found in federal regulations.

To accomplish this, the Board directs that the district serve healthy and appealing foods and beverages at district schools, following state and federal nutrition guidelines, as well as safe food preparation methods.

**A. School Meals – the district shall:**

1. Include fresh fruits, vegetables, salads, whole grains, and low fat items at least to the extent required by federal regulations.
2. Encourage students to try new or unfamiliar items.
3. Make efforts to ensure that families are aware of need-based programs for free or reduced-price meals and encourage eligible families to apply.
4. Consider serving produce and food from local farms and suppliers.
5. Make free drinking water available at locations where meals are served.

(Continued)

**SUBJECT: DISTRICT WELLNESS POLICY****B. Meal Scheduling – the district shall:**

1. Provide adequate time to eat.
2. Schedule lunchtime between normal lunch hours (10:30 a.m. – 1:30 p.m.)

**C. Foods and Beverages Sold Individually (e.g., a la carte, vending machines, school stores) – the district shall:**

1. Ensure that all such items meet the nutrition standards set in federal regulations for competitive foods regarding whole grains, fruits, vegetables, calories, fat, saturated fats, trans fats, sugar, sodium, and caffeine.
2. Permit the sale of fresh, frozen or canned fruits and vegetables, if processed pursuant to federal regulations, as exempt from the nutrition standards.
3. Work with existing vendors or locate new vendors that will comply with the nutrition standards.

**D. Fund-Raising Activities (that take place on school campus during the school day – the district shall:**

1. Ensure that all fundraisers selling food or beverages to students on school campus during the school day meet the competitive foods nutrition standards set in federal regulations for whole grains, fruits, vegetables, calories, fat, saturated fats, trans fats, sugar, sodium, and caffeine. For information regarding nutrition standards, see <https://www.fns.usda.gov/sites/default/files/tn/USDASmartSnacks.pdf>
2. Promote non-food items to sell, or activities (physical or otherwise) in which to participate.
3. Student groups conducting fundraisers that take place off the school campus or outside the school day are encouraged to follow this policy.
4. Outside organizations (e.g., Parent groups, booster clubs) conducting fundraisers that take place off the school campus or outside the school day are encouraged to follow this policy.

**E. School and Class parties and Events where food and beverages are provided, but not sold – the district shall:**

1. This section applies to all school and classroom parties, snacks which have been brought in for the class or school, celebrations, food provided to learn about cultures or countries, and other events where food is provided but not sold.
2. Set guidelines for the frequency and content of classroom and school-wide celebrations where food and beverages are provided.
3. Promote the use of food and beverage items which meet the standards for competitive foods and beverages, promote non-food activities, and discourage foods and beverages which do not meet those standards, at celebrations.
4. Model the healthy use of food as a natural part of celebrations.

(Continued)

**SUBJECT: DISTRICT WELLNESS POLICY****F. Marketing of Foods and Beverages**

1. Any food or beverage that is marketed on school grounds during the school day must meet at least the federal nutrition standards for competitive items.
2. This restriction applies to all school buildings (interior and exterior), school grounds, school buses and other vehicles used to transport students, athletic fields, structures, parking lots, school publications, and items such as vending machines, equipment, posters, garbage cans, or cups.
3. Marketing includes all advertising and promotions: verbal, written, or graphic, or promotional items.
4. This restriction does not apply to personal opinions or expression, or items used for educational purposes.
5. This restriction applies to all purchases and contracts made after the effective date of this provision.

**II. Physical Activity**

Physical activity is an important factor in staying healthy and being ready to learn. The Board encourages every student to develop the knowledge and skills necessary to perform a variety of physical activities, to regularly participate in physical activity, and to appreciate and enjoy physical activity as an ongoing part of a healthy lifestyle. In addition, staff, families, and community are encouraged to participate in and model physical activity as a valuable part of daily life. The district's Physical Education program shall adhere to the curricular requirements of the Commissioner of Education and the New York State Learning Standards.

**A. Physical Education**

1. Students shall engage in physical education for at least the minimum number of hours or days per week under State requirements.
2. Physical Education classes shall incorporate the appropriate NYS Learning Standards.
3. Promote, teach and provide opportunities to practice activities that students enjoy and can pursue throughout their lives (e.g., yoga, fitness walking, step aerobics).
4. The performance or withholding of physical activity shall not be used as a form of discipline or punishment.

**B. Physical Activity in the Classroom**

1. Promote the integration of physical activity in the classroom, both as activity breaks and as part of the educational process (e.g. kinesthetic learning).
2. If the district is under severe time or space constraints, consider meeting the state requirements for Physical Education through collaborative and integrative in-classroom activity, under the supervision of a Physical Education teacher.

(Continued)

**SUBJECT: DISTRICT WELLNESS POLICY****C. Extracurricular Opportunities for Physical Activity**

1. Promote clubs and activities that meet the various physical activity needs, interests, and abilities of all students (e.g., walking, hiking and climbing, snowshoeing), including before and after school activities.
2. Promote students walking/biking to school (with proper storage of bicycles), safe routes to school, and “walking” school buses.
3. The setting of extracurricular activity eligibility participation requirements does not constitute withholding opportunities.

**III. Nutrition Promotion and Education**

The Board believes that nutrition promotion and education is a key component in introducing and reinforcing healthy behaviors in students. Nutrition promotion and education that teaches the knowledge, skills, and values needed to adopt healthy eating behaviors shall be integrated into the curriculum. Nutrition promotion and education information shall be offered throughout the school campus including, but not limited to, school dining areas and classrooms. Staff members who provide nutrition promotion and education shall be appropriately certified and trained. The district’s broader Health Education program shall incorporate the appropriate New York State Learning Standards.

The Board’s goals for nutrition promotion and education include that the district will:

1. Include nutrition education as part of not only health education classes, but also classroom instruction in subjects such as math, science, language arts, social sciences and elective subjects.
2. Include enjoyable, developmentally appropriate, culturally relevant, participatory activities, such as contests, promotions, taste testing, farm visits, and school gardens.
3. Promote fruits, vegetables, whole grain products, low fat dairy products, safe and healthy food preparation methods, and health enhancing nutrition practices.
4. Emphasize caloric balance between food intake and energy expenditure.
5. Teach media literacy with an emphasis on food marketing.  
(To enhance educational opportunities, partnerships with outside agencies, such as Cornell Cooperative Extension, are encouraged.)

**IV. Other School-Based Activities**

The district may implement other appropriate programs that help create a school environment that conveys consistent wellness messages and is conducive to healthy eating and physical activity. Such activities may include, but are not limited to, health forums or fairs, health newsletters, parent outreach, employee health and wellness activities, limiting the use of food as a reward, reviewing food marketing and advertising in school and hosting or promoting community-wide events.

(Continued)



**SUBJECT: DISTRICT WELLNESS POLICY**

**V. Implementation**

The Board shall designate the Business Executive as the *District Wellness Coordinator* responsible for ensuring that the provisions of this policy are carried out throughout the district. The Board may also designate one person in each building as School Wellness Coordinator to ensure that the wellness activities and actions are being implemented at the building level.

**VI. Monitoring and Review**

The Business Executive, as *District Wellness Coordinator*, shall report every three years to the Board and the public on the implementation and effectiveness of this policy. Every three years, the *District Wellness Coordinator*, in consultation with appropriate personnel and advisory committees, shall monitor and review the district's wellness activities to determine the extent that district schools are complying with this policy, how this policy compares to model wellness policies and the progress made toward attaining the goals of this policy and whether this policy is having a positive effect on increasing student wellness and decreasing childhood obesity in the district. Based on those results, this policy, and the specific objectives set to meet its goals, may be revised as needed.

Parents, students, food service professionals, physical education teachers, school health professionals, school administrators, the general public, and the school board shall be provided with the opportunity to participate in the development, implementation and periodic review and update of this wellness policy. To do this, the district shall establish an advisory committee, and invite participation via notices in school publications; staff and student announcements, handbooks and memos; the district website; and outreach to school-associated organizations interested persons and those with valuable expertise.

The district shall inform and update the public (including parents, students and others in the community) about the content and implementation of this wellness policy by: posting this policy (and any updates) on the district website and in each school lunch area, referencing the policy and its availability on school publications and notices, and providing information about new and ongoing wellness policy activities to parents, staff and students via established communication channels.

The district shall monitor and review the implementation and effectiveness of this policy by conducting:

1. Periodic informal surveys of building principals, classroom staff, and school health personnel to assess the progress of wellness activities and their effects.
2. Periodic checks of the nutritional content of food offered in the cafeterias for meals and a la carte items, and sales or consumption figures for such foods.

(Continued)

**SUBJECT: DISTRICT WELLNESS POLICY**

3. Periodic checks of the nutritional content of food available in vending machines, and sales or consumption figures for such foods.
4. Periodic checks of the amount of time students spend in Physical Education classes, and the nature of those activities.
5. Periodic checks of extracurricular activities of a physical nature, in the number of offerings and rates of participation by students.
6. Periodic checks of student mastery of the nutrition education curriculum.
7. Periodic completion of relevant portions of the CDC School Health Index.
8. Periodic review of data currently collected by the district, including:
  - a. attendance data, particularly absences due to illness;
  - b. test scores;
  - c. rates of suspension, discipline, and violent incidents;
  - d. physical education scores on flexibility, endurance, and strength (i.e., fitness test results);
  - e. student BMI (Body Mass Index) statistics, as collected in accordance with the State Department of Health efforts; and
  - f. revenues generated from vending machines and a la carte food items.
9. Periodic surveys of student/parent opinions of cafeteria offerings and wellness efforts.
10. Periodic review of professional staff development offered which focuses on student wellness.
11. NYSSBA's Student Wellness Assessment Checklist (every three years) to review the effectiveness of this policy.

**VII. Recordkeeping**

The district shall keep records as required by federal regulations, including documentation of the following: this policy; the district's community involvement activities described above; that the policy is made available to the public; the assessments done every three years; how the public is informed of the assessment results; and when and how the policy is reviewed and updated.

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Ref: P.L. 111-296 (The Healthy, Hunger-Free Kids Act of 2010), §204 amending 42 USC §1758b  
P.L. 108-265 (Child Nutrition and WIC Reauthorization Act of 2004), §204  
42 USC §§1758(f)(1); 1766(a) (Richard B. Russell National School Lunch Act)  
42 USC §1779 (Child Nutrition Act)  
7 CFR §§210.10; 210.11; 210.12; 210.15; 210.18; 210.30 (National School Lunch Program participation requirements – nutrition standards for lunch and competitive foods; community involvement; recordkeeping; state review; local wellness policy)  
7 CFR §§220.8; 220.12 (School Breakfast Program participation requirements – nutrition standards for meals and competitive foods)  
8 NYCRR Part 135 (Health and Physical Education curricular requirements); §114.1 (School Breakfast Program Requirements)  
*Appeal of Phillips*, 37 EDR 204 (1997) (dec. no. 13,843) (physical education requirements)  
*Appeal of Williams*, 32 EDR 621 (1993) (dec. no. 12,934) (physical education requirements)

Adopted: 6/27/2006  
Amended: 6/9/2015  
Amended: 7/25/2017

**SUBJECT: AGREEMENTS FOR COMMERCIAL PURPOSES**

The Board recognizes the benefits that may be obtained by entering into agreements with various private companies for *exclusive* pouring and vending rights. Any agreement entered into by the Board and an outside company should ensure the following:

- a) Any agreement must avoid requirements for exclusivity of services or products in order to promote fairness and variety.
- b) Any agreement entered into by the Board and a private company shall ensure that students and school personnel are not being exploited for commercial purposes.
- c) School personnel and resources shall be focused on education, not on facilitating private gain. Therefore, any agreement entered into with a private company shall also be focused on education and shall be in agreement with the district goals and objectives.

**Solicitation Process**

A single district or a group of districts acting as a consortium may solicit private companies for such proposals. Such group cooperative action is authorized by General Municipal Law Article 5-G Section 119-o.

All competitive bidding provisions must be adhered to if the agreement is expected to incur annual expenditures in excess of the limits set in General Municipal Law Section 103, irrespective of the length of the contract.

A contract whose duration exceeds the one-year term of each Board of Education violates the public policy principal that one board may not bind a successor board in areas relating to governmental matters unless a longer term is expressly provided for in statute. However, a district may enter into a multi-year agreement as long as there are adequate provisions in the agreement which allow for a successor Board to terminate the agreement at will.

**SUBJECT: OTHER FOOD CHOICES AT SCHOOL****Nutritious Food Choices**

Nutritious and appealing foods shall be available whenever and wherever food is sold or otherwise offered at school. Schools shall take efforts to encourage students to make nutritious food choices, coordinated annually by the district's supervisor of the food service program.

Food and beverages sold or served on school grounds or at school-sponsored events shall meet nutritional standards and other guidelines set by New York State. This includes:

- a) A la carte offerings in the food service program;
- b) Food and beverage choices in vending machines, snack bars, school stores and concession stands;
- c) Food and beverages sold as part of school-sponsored fundraising activities.

**Food Sales**

The sale of all foods on school grounds in areas accessible to students shall be under the District's overall management and oversight of the school food service program, except foods sold as part of a fundraising activity. Profits generated from sales of foods or beverages in student accessible vending machines will accrue only to the food service program or a student organization approved by the Building Principal and School Business Official.

Only student organizations and legally constituted, nonsectarian, nonpartisan organizations approved by the Building Principal are permitted to engage in fundraising on school grounds at any time. These organizations are encouraged to raise funds through the sale of items other than food. Foods sold for fundraising purposes shall not be sold while school food service meals are being served.

Elementary school students shall not have access to food or beverages sold in vending machines.

**Commercial Advertising**

Partnerships between schools and businesses are encouraged, and business sponsorship of educational activities and materials shall be duly acknowledged. However, such partnerships shall be designed to meet identified educational needs, not commercial motives, and shall be evaluated for educational effectiveness by the District on an ongoing basis.

(Continued)

**SUBJECT: OTHER FOOD CHOICES AT SCHOOL (Cont'd.)****Annual Reporting**

Reports of vending for the Board of Education shall be provided along with the annual audit of extra-classroom accounts.

**Board of Education Approved/Purview**

The Board of Education through the Superintendent retains sole and final authority as to the selection of a vendor and the placement of machines or similar apparatus on school district property. The District's Business Administrator shall establish appropriate accounting procedures for any vending machines under control of extra-classroom student organizations in accordance with applicable laws and regulations.

**SUBJECT: RECORDS MANAGEMENT**

The Superintendent will designate a Records Management Officer, subject to Board approval, to develop and coordinate the District's orderly and efficient records management program. Among other aspects, this program includes the legal disposition or destruction of obsolete records and the storage and management of inactive records. The Records Management Officer will work with other District officials to develop and maintain this program.

The District may create a Records Advisory Board to assist in establishing and supporting the records management program. Members of this board may include the District's legal counsel, the fiscal officer, and the Superintendent or designee.

**Retention and Disposition of Records**

The Superintendent will retain records for such a period and dispose of them in the manner described in Records Retention and Disposition Schedule ED-1 or as otherwise approved by the Commissioner of Education.

**Replacing Original Records with Microforms or Electronic Images**

The District will follow procedures prescribed by the Commissioner of Education to ensure accessibility and intelligibility for the life of any microform or electronic records that replace paper originals or micrographic copies.

**Retention and Preservation of Electronic Records**

The District will ensure that record-retention requirements are incorporated into any program, plan, or process for design, redesign, or substantial enhancement of an information system that stores electronic records. The District will also ensure that electronic records are not rendered unusable because of changing technology before their retention and preservation requirements expire.

Arts and Cultural Affairs Law § 57.19  
8 NYCRR Part 185

Adopted: 3/11/2003  
Amended: 3/13/2018

**\*Required Policy****SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION**

The School District values the protection of private information of individuals in accordance with applicable laws 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.

**Determining if a Breach Has Occurred**

In determining whether information has been acquired, or is reasonably believed to have been acquired, by an unauthorized person or person without valid authorization, the District may consider the following factors, among others:

- a) Indications that the information is in the physical possession 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; or
- d) System failures.

**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 Technology Services 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;

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**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 (AG), the New York State Department of State, and the State Office of Information Technology Services as to the timing, content and distribution of the notices and approximate number of affected persons. 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

Adopted 2/26/2013  
Amended 4/09/2013  
Amended: 12/9/2014

**\*Required Policy****SUBJECT: EMPLOYEE PERSONAL IDENTIFYING INFORMATION**

In accordance with Section 203-d of the New York State Labor Law, the District shall restrict the use and access to employee personal identifying information. As enumerated in law, "personal identifying information" shall include social security number, home address or telephone number, personal electronic mail address, Internet identification name or password, parent's surname prior to marriage, or driver's license number.

The District shall not unless otherwise required by law:

- a) Publicly post or display an employee's social security number;
- b) Visibly print a social security number on any identification badge or card, including any time card;
- c) Place a social security number in files with unrestricted access; or
- d) Communicate an employee's personal identifying information to the general public.

A social security number shall not be used as an identification number for purposes of any occupational licensing.

District staff shall have access to this policy, informing them of their rights and responsibilities in accordance with Labor Law Section 203-d. District procedures for safeguarding employee "personal identifying information" shall be evaluated; and employees who have access to such information as part of their job responsibilities shall be advised as to the restrictions on release of such information in accordance with law.

Labor Law Section 203-d

Adopted: 2/26/2013

Non-Instructional/Business  
Operations

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA**

The District is committed to maintaining the privacy and security of student data and teacher and principal data and will follow all applicable laws and regulations for the handling and storage of this data in the District and when disclosing or releasing it to others, including, but not limited to, third-party contractors. The District adopts this policy to implement the requirements of Education Law Section

2-d and its implementing regulations, as well as to align the District's data privacy and security practices with the National Institute for Standards and Technology Framework for Improving Critical Infrastructure Cybersecurity (Version 1.1).

**Definitions**

As provided in Education Law Section 2-d and/or its implementing regulations, the following terms, as used in this policy, will mean:

- a) "Breach" means the unauthorized acquisition, access, use, or disclosure of student data and/or teacher or principal data by or to a person not authorized to acquire, access, use, or receive the student data and/or teacher or principal data.
- b) "Building principal" means a building principal subject to annual performance evaluation review under the provisions of Education Law Section 3012-c.
- c) "Classroom teacher" means a teacher subject to annual performance evaluation review under the provisions of Education Law Section 3012-c.
- d) "Commercial or marketing purpose" means the sale of student data; or its use or disclosure for purposes of receiving remuneration, whether directly or indirectly; the use of student data for advertising purposes, or to develop, improve, or market products or services to students.
- e) "Contract or other written agreement" means a binding agreement between an educational agency and a third-party, which includes, but is not limited to, an agreement created in electronic form and signed with an electronic or digital signature or a click-wrap agreement that is used with software licenses, downloaded, and/or online applications and transactions for educational technologies and other technologies in which a user must agree to terms and conditions prior to using the product or service.
- f) "Disclose" or "disclosure" means to permit access to, or the release, transfer, or other communication of personally identifiable information by any means, including oral, written, or electronic, whether intended or unintended.
- g) "Education records" means an education record as defined in the Family Educational Rights and Privacy Act and its implementing regulations, 20 USC Section 1232g and 34 CFR Part 99, respectively.

(Continued)

Non-Instructional/Business  
Operations

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)**

- h) "Educational agency" means a school district, board of cooperative educational services (BOCES), school, or the New York State Education Department (NYSED).
- i) "Eligible student" means a student who is eighteen years or older.
- j) "Encryption" means methods of rendering personally identifiable information unusable, unreadable, or indecipherable to unauthorized persons through the use of a technology or methodology specified or permitted by the Secretary of the United States Department of Health and Human Services in guidance issued under 42 USC Section 17932(h)(2).
- k) "FERPA" means the Family Educational Rights and Privacy Act and its implementing regulations, 20 USC Section 1232g and 34 CFR Part 99, respectively.
- l) "NIST Cybersecurity Framework" means the U.S. Department of Commerce National Institute for Standards and Technology Framework for Improving Critical Infrastructure Cybersecurity (Version 1.1). A copy of the NIST Cybersecurity Framework is available at the Office of Counsel, State Education Department, State Education Building, Room 148, 89 Washington Avenue, Albany, New York 12234.
- m) "Parent" means a parent, legal guardian, or person in parental relation to a student.
- n) "Personally identifiable information (PII)," as applied to student data, means personally identifiable information as defined in 34 CFR Section 99.3 implementing the Family Educational Rights and Privacy Act, 20 USC Section 1232g, and, as applied to teacher or principal data, means personally identifying information as this term is defined in Education Law Section 3012-c(10).
- o) "Release" has the same meaning as disclosure or disclose.
- p) "Student" means any person attending or seeking to enroll in an educational agency.
- q) "Student data" means personally identifiable information from the student records of an educational agency.
- r) "Teacher or principal data" means personally identifiable information from the records of an educational agency relating to the annual professional performance reviews of classroom teachers or principals that is confidential and not subject to release under the provisions of Education Law Sections 3012-c and 3012-d.
- s) "Third-party contractor" means any person or entity, other than an educational agency, that receives student data or teacher or principal data from an educational agency pursuant to a contract or other written agreement for purposes of providing services to the educational

(Continued)

Non-Instructional/Business  
Operations

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)**

agency, including but not limited to data management or storage services, conducting studies for or on behalf of the educational agency, or audit or evaluation of publicly funded programs. This term will include an educational partnership organization that receives student and/or teacher or principal data from a school district to carry out its responsibilities pursuant to Education Law Section 211-e and is not an educational agency, and a not-for-profit corporation or other nonprofit organization, other than an educational agency.

- t) "Unauthorized disclosure" or "unauthorized release" means any disclosure or release not permitted by federal or state statute or regulation, any lawful contract or written agreement, or that does not respond to a lawful order of a court or tribunal or other lawful order.

**Data Collection Transparency and Restrictions**

As part of its commitment to maintaining the privacy and security of student data and teacher and principal data, the District will take steps to minimize its collection, processing, and transmission of PII. Additionally, the District will:

- a) Not sell PII nor use or disclose it for any marketing or commercial purpose or facilitate its use or disclosure by any other party for any marketing or commercial purpose or permit another party to do so.
- b) Ensure that it has provisions in its contracts with third-party contractors or in separate data sharing and confidentiality agreements that require the confidentiality of shared student data or teacher or principal data be maintained in accordance with law, regulation, and District policy.

Except as required by law or in the case of educational enrollment data, the District will not report to NYSED the following student data elements:

- a) Juvenile delinquency records;
- b) Criminal records;
- c) Medical and health records; and
- d) Student biometric information.

Nothing in Education Law Section 2-d or this policy should be construed as limiting the administrative use of student data or teacher or principal data by a person acting exclusively in the person's capacity as an employee of the District.

(Continued)

Non-Instructional/Business  
Operations

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)**

**Chief Privacy Officer**

The Commissioner of Education has appointed a Chief Privacy Officer who will report to the Commissioner on matters affecting privacy and the security of student data and teacher and principal data. Among other functions, the Chief Privacy Officer is authorized to provide assistance to educational agencies within the state on minimum standards and best practices associated with privacy and the security of student data and teacher and principal data.

The District will comply with its obligation to report breaches or unauthorized releases of student data or teacher or principal data to the Chief Privacy Officer in accordance with Education Law Section 2-d, its implementing regulations, and this policy.

The Chief Privacy Officer has the power, among others, to:

- a) Access all records, reports, audits, reviews, documents, papers, recommendations, and other materials maintained by the District that relate to student data or teacher or principal data, which includes, but is not limited to, records related to any technology product or service that will be utilized to store and/or process PII; and
- b) Based upon a review of these records, require the District to act to ensure that PII is protected in accordance with laws and regulations, including but not limited to requiring the District to perform a privacy impact and security risk assessment.

**Data Protection Officer**

The District has designated a District employee to serve as the District's Data Protection Officer.

The Data Protection Officer is responsible for the implementation and oversight of this policy and any related procedures including those required by Education Law Section 2-d and its implementing regulations, as well as serving as the main point of contact for data privacy and security for the District.

The District will ensure that the Data Protection Officer has the appropriate knowledge, training, and experience to administer these functions. The Data Protection Officer may perform these functions in addition to other job responsibilities.

(Continued)

Non-Instructional/Business  
Operations**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)****District Data Privacy and Security Standards**

The District will use the National Institute for Standards and Technology Framework for Improving Critical Infrastructure Cybersecurity (Version 1.1) (Framework) as the standard for its data privacy and security program. The Framework is a risk-based approach to managing cybersecurity risk and is composed of three parts: the Framework Core, the Framework Implementation Tiers, and the Framework Profiles. The Framework provides a common taxonomy and mechanism for organizations to:

- a) Describe their current cybersecurity posture;
- b) Describe their target state for cybersecurity;
- c) Identify and prioritize opportunities for improvement within the context of a continuous and repeatable process;
- d) Assess progress toward the target state; and
- e) Communicate among internal and external stakeholders about cybersecurity risk.

The District will protect the privacy of PII by:

- a) Ensuring that every use and disclosure of PII by the District benefits students and the District by considering, among other criteria, whether the use and/or disclosure will:
  1. Improve academic achievement;
  2. Empower parents and students with information; and/or
  3. Advance efficient and effective school operations.
- b) Not including PII in public reports or other public documents.

The District affords all protections under FERPA and the Individuals with Disabilities Education Act and their implementing regulations to parents or eligible students, where applicable.

(Continued)

Non-Instructional/Business  
Operations

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND  
PRINCIPAL DATA (Cont'd.)**

**Third-Party Contractors**

District Responsibilities

The District will ensure that whenever it enters into a contract or other written agreement with a third-party contractor under which the third-party contractor will receive student data or teacher or principal data from the District, the contract or written agreement will include provisions requiring that confidentiality of shared student data or teacher or principal data be maintained in accordance with law, regulation, and District policy.

In addition, the District will ensure that the contract or written agreement includes the third-party contractor's data privacy and security plan that has been accepted by the District.

The third-party contractor's data privacy and security plan must, at a minimum:

- a) Outline how the third-party contractor will implement all state, federal, and local data privacy and security contract requirements over the life of the contract, consistent with District policy;
- b) Specify the administrative, operational, and technical safeguards and practices the third-party contractor has in place to protect PII that it will receive under the contract;
- c) Demonstrate that the third-party contractor complies with the requirements of 8 NYCRR Section 121.3(c);
- d) Specify how officers or employees of the third-party contractor and its assignees who have access to student data or teacher or principal data receive or will receive training on the laws governing confidentiality of this data prior to receiving access;
- e) Specify if the third-party contractor will utilize subcontractors and how it will manage those relationships and contracts to ensure PII is protected;
- f) Specify how the third-party contractor will manage data privacy and security incidents that implicate PII including specifying any plans to identify breaches and unauthorized disclosures, and to promptly notify the District;
- g) Describe whether, how, and when data will be returned to the District, transitioned to a successor contractor, at the District's option and direction, deleted or destroyed by the third-party contractor when the contract is terminated or expires; and
- h) Include a signed copy of the Parents' Bill of Rights for Data Privacy and Security.

(Continued)



Non-Instructional/Business  
Operations

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND  
PRINCIPAL DATA (Cont'd.)**

Third-Party Contractor Responsibilities

Each third-party contractor, that enters into a contract or other written agreement with the District under which the third-party contractor will receive student data or teacher or principal data from the District, is required to:

- a) Adopt technologies, safeguards, and practices that align with the NIST Cybersecurity Framework;
- b) Comply with District policy and Education Law Section 2-d and its implementing regulations;
- c) Limit internal access to PII to only those employees or subcontractors that have legitimate educational interests (i.e., they need access to provide the contracted services);
- d) Not use the PII for any purpose not explicitly authorized in its contract;
- e) Not disclose any PII to any other party without the prior written consent of the parent or eligible student:
  1. Except for authorized representatives of the third-party contractor such as a subcontractor or assignee to the extent they are carrying out the contract and in compliance with law, regulation, and its contract with the District; or
  2. Unless required by law or court order and the third-party contractor provides a notice of the disclosure to NYSED, the Board, or the institution that provided the information no later than the time the information is disclosed, unless providing notice of the disclosure is expressly prohibited by law or court order;
- f) Maintain reasonable administrative, technical, and physical safeguards to protect the security, confidentiality, and integrity of PII in its custody;
- g) Use encryption to protect PII in its custody while in motion or at rest; and
- h) Not sell PII nor use or disclose it for any marketing or commercial purpose or facilitate its use or disclosure by any other party for any marketing or commercial purpose or permit another party to do so.

Where a third-party contractor engages a subcontractor to perform its contractual obligations, the data protection obligations imposed on the third-party contractor by law and contract apply to the subcontractor.

(Continued)

Non-Instructional/Business  
Operations**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)**Cooperative Educational Services through a BOCES

The District may not be required to enter into a separate contract or data sharing and confidentiality agreement with a third-party contractor that will receive student data or teacher or principal data from the District under all circumstances.

For example, the District will not need its own contract or agreement where:

- a) It has entered into a cooperative educational service agreement (CoSer) with a BOCES that includes use of a third-party contractor's product or service; and
- b) That BOCES has entered into a contract or data sharing and confidentiality agreement with the third-party contractor, pursuant to Education Law Section 2-d and its implementing regulations, that is applicable to the District's use of the product or service under that CoSer.

To meet its obligations whenever student data or teacher or principal data from the District is received by a third-party contractor pursuant to a CoSer, the District will consult with the BOCES to, among other things:

- a) Ensure there is a contract or data sharing and confidentiality agreement pursuant to Education Law Section 2-d and its implementing regulations in place that would specifically govern the District's use of a third-party contractor's product or service under a particular CoSer;
- b) Determine procedures for including supplemental information about any applicable contracts or data sharing and confidentiality agreements that a BOCES has entered into with a third-party contractor in its Parents' Bill of Rights for Data Privacy and Security;
- c) Ensure appropriate notification is provided to affected parents, eligible students, teachers, and/or principals about any breach or unauthorized release of PII that a third-party contractor has received from the District pursuant to a BOCES contract; and
- d) Coordinate reporting to the Chief Privacy Officer to avoid duplication in the event the District receives information directly from a third-party contractor about a breach or unauthorized release of PII that the third-party contractor received from the District pursuant to a BOCES contract.

Click-Wrap Agreements

Periodically, District staff may wish to use software, applications, or other technologies in which the user must "click" a button or box to agree to certain online terms of service prior to using the software, application, or other technology. These are known as "click-wrap agreements" and are considered legally binding "contracts or other written agreements" under Education Law Section 2-d and its implementing regulations.

Continued)

Non-Instructional/Business  
Operations

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)**

District staff are prohibited from using software, applications, or other technologies pursuant to a click-wrap agreement in which the third-party contractor receives student data or teacher or principal data from the District unless they have received prior approval from the District's Data Privacy Officer or designee.

The District will develop and implement procedures requiring prior review and approval for staff use of any software, applications, or other technologies pursuant to click-wrap agreements.

**Parents' Bill of Rights for Data Privacy and Security**

The District will publish its Parents' Bill of Rights for Data Privacy and Security (Bill of Rights) on its website. Additionally, the District will include the Bill of Rights with every contract or other written agreement it enters into with a third-party contractor under which the third-party contractor will receive student data or teacher or principal data from the District.

The District's Bill of Rights will state in clear and plain English terms that:

- a) A student's PII cannot be sold or released for any commercial purposes;
- b) Parents have the right to inspect and review the complete contents of their child's education record;
- c) State and federal laws protect the confidentiality of PII, and safeguards associated with industry standards and best practices, including but not limited to encryption, firewalls, and password protection, must be in place when data is stored or transferred;
- d) A complete list of all student data elements collected by the state is available for public review at the following website <http://www.nysed.gov/student-data-privacy/student-data-inventory> or by writing to the Office of Information and Reporting Services, New York State Education Department, Room 865 EBA, 89 Washington Avenue, Albany, New York 12234; and
- e) Parents have the right to have complaints about possible breaches of student data addressed. Complaints should be directed in writing to Privacy Complaint, Chief Privacy Officer, New York State Education Department, 89 Washington Avenue, Albany, New York 12234. Complaints may also be submitted using the form available at the following website <http://www.nysed.gov/student-data-privacy/form/report-improper-disclosure>.

The Bill of Rights will also include supplemental information for each contract the District enters into with a third-party contractor where the third-party contractor receives student data or teacher or principal data from the District. The supplemental information must be developed by the District and include the following information:

(Continued)

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)**

- a) The exclusive purposes for which the student data or teacher or principal data will be used by the third-party contractor, as defined in the contract;
- b) How the third-party contractor will ensure that the subcontractors, or other authorized persons or entities to whom the third-party contractor will disclose the student data or teacher or principal data, if any, will abide by all applicable data protection and security requirements, including but not limited to those outlined in applicable laws and regulations (e.g., FERPA; Education Law Section 2-d);
- c) The duration of the contract, including the contract's expiration date, and a description of what will happen to the student data or teacher or principal data upon expiration of the contract or other written agreement (e.g., whether, when, and in what format it will be returned to the District, and/or whether, when, and how the data will be destroyed);
- d) If and how a parent, student, eligible student, teacher, or principal may challenge the accuracy of the student data or teacher or principal data that is collected;
- e) Where the student data or teacher or principal data will be stored, described in a manner as to protect data security, and the security protections taken to ensure the data will be protected and data privacy and security risks mitigated; and
- f) Address how the data will be protected using encryption while in motion and at rest.

The District will publish on its website the supplement to the Bill of Rights (i.e., the supplemental information described above) for any contract or other written agreement it has entered into with a third-party contractor that will receive PII from the District. The Bill of Rights and supplemental information may be redacted to the extent necessary to safeguard the privacy and/or security of the District's data and/or technology infrastructure.

**Right of Parents and Eligible Students to Inspect and Review Students' Education Records**

Consistent with the obligations of the District under FERPA, parents and eligible students have the right to inspect and review a student's education record by making a request directly to the District in a manner prescribed by the District.

The District will ensure that only authorized individuals are able to inspect and review student data. To that end, the District will take steps to verify the identity of parents or eligible students who submit requests to inspect and review an education record and verify the individual's authority to do so.

Requests by a parent or eligible student for access to a student's education records must be directed to the District and not to a third-party contractor. The District may require that requests to inspect and review education records be made in writing.

(Continued)

Non-Instructional/Business  
Operations**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)**

The District will notify parents annually of their right to request to inspect and review their child's education record including any student data stored or maintained by the District through its annual FERPA notice. A notice separate from the District's annual FERPA notice is not required.

The District will comply with a request for access to records within a reasonable period, but not more than 45 calendar days after receipt of a request.

The District may provide the records to a parent or eligible student electronically, if the parent consents. The District must transmit the PII in a way that complies with laws and regulations. Safeguards associated with industry standards and best practices, including but not limited to encryption and password protection, must be in place when education records requested by a parent or eligible student are electronically transmitted.

**Complaints of Breach or Unauthorized Release of Student Data and/or Teacher or Principal Data**

The District will inform parents, through its Parents' Bill of Rights for Data Privacy and Security, that they have the right to submit complaints about possible breaches of student data to the Chief Privacy Officer at NYSED. In addition, the District has established the following procedures for parents, eligible students, teachers, principals, and other District staff to file complaints with the District about breaches or unauthorized releases of student data and/or teacher or principal data:

- a) All complaints must be submitted to the District's Data Protection Officer in writing.
- b) Upon receipt of a complaint, the District will promptly acknowledge receipt of the complaint, commence an investigation, and take the necessary precautions to protect PII.
- c) Following the investigation of a submitted complaint, the District will provide the individual who filed the complaint with its findings. This will be completed within a reasonable period of time, but no more than 60 calendar days from the receipt of the complaint by the District.
- d) If the District requires additional time, or where the response may compromise security or impede a law enforcement investigation, the District will provide the individual who filed the complaint with a written explanation that includes the approximate date when the District anticipates that it will respond to the complaint.

These procedures will be disseminated to parents, eligible students, teachers, principals, and other District staff.

The District will maintain a record of all complaints of breaches or unauthorized releases of student data and their disposition in accordance with applicable data retention policies, including the Records Retention and Disposition Schedule ED-1 (1988; rev. 2004).

(Continued)

Non-Instructional/Business  
Operations

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND  
PRINCIPAL DATA (Cont'd.)**

**Reporting a Breach or Unauthorized Release**

The District will report every discovery or report of a breach or unauthorized release of student data or teacher or principal data within the District to the Chief Privacy Officer without unreasonable delay, but no more than ten calendar days after the discovery.

Each third-party contractor that receives student data or teacher or principal data pursuant to a contract or other written agreement entered into with the District will be required to promptly notify the District of any breach of security resulting in an unauthorized release of the data by the third-party contractor or its assignees in violation of applicable laws and regulations, the Parents' Bill of Rights for Student Data Privacy and Security, District policy, and/or binding contractual obligations relating to data privacy and security, in the most expedient way possible and without unreasonable delay, but no more than seven calendar days after the discovery of the breach.

In the event of notification from a third-party contractor, the District will in turn notify the Chief Privacy Officer of the breach or unauthorized release of student data or teacher or principal data no more than ten calendar days after it receives the third-party contractor's notification using a form or format prescribed by NYSED.

**Investigation of Reports of Breach or Unauthorized Release by the Chief Privacy Officer**

The Chief Privacy Officer is required to investigate reports of breaches or unauthorized releases of student data or teacher or principal data by third-party contractors. As part of an investigation, the Chief Privacy Officer may require that the parties submit documentation, provide testimony, and may visit, examine, and/or inspect the third-party contractor's facilities and records.

Upon the belief that a breach or unauthorized release constitutes criminal conduct, the Chief Privacy Officer is required to report the breach and unauthorized release to law enforcement in the most expedient way possible and without unreasonable delay.

Third-party contractors are required to cooperate with the District and law enforcement to protect the integrity of investigations into the breach or unauthorized release of PII.

Upon conclusion of an investigation, if the Chief Privacy Officer determines that a third-party contractor has through its actions or omissions caused student data or teacher or principal data to be breached or released to any person or entity not authorized by law to receive this data in violation of applicable laws and regulations, District policy, and/or any binding contractual obligations, the Chief Privacy Officer is required to notify the third-party contractor of the finding and give the third-party contractor no more than 30 days to submit a written response.

(Continued)

Non-Instructional/Business  
Operations

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)**

If after reviewing the third-party contractor's written response, the Chief Privacy Officer determines the incident to be a violation of Education Law Section 2-d, the Chief Privacy Officer will be authorized to:

- a) Order the third-party contractor be precluded from accessing PII from the affected educational agency for a fixed period of up to five years;
- b) Order that a third-party contractor or assignee who knowingly or recklessly allowed for the breach or unauthorized release of student data or teacher or principal data be precluded from accessing student data or teacher or principal data from any educational agency in the state for a fixed period of up to five years;
- c) Order that a third-party contractor who knowingly or recklessly allowed for the breach or unauthorized release of student data or teacher or principal data will not be deemed a responsible bidder or offeror on any contract with an educational agency that involves the sharing of student data or teacher or principal data, as applicable for purposes of General Municipal Law Section 103 or State Finance Law Section 163(10)(c), as applicable, for a fixed period of up to five years; and/or
- d) Require the third-party contractor to provide additional training governing confidentiality of student data and/or teacher or principal data to all its officers and employees with reasonable access to this data and certify that the training has been performed at the contractor's expense. This additional training is required to be performed immediately and include a review of laws, rules, and regulations, including Education Law Section 2-d and its implementing regulations.

If the Chief Privacy Officer determines that the breach or unauthorized release of student data or teacher or principal data on the part of the third-party contractor or assignee was inadvertent and done without intent, knowledge, recklessness, or gross negligence, the Chief Privacy Officer may make a recommendation to the Commissioner that no penalty be issued to the third-party contractor.

The Commissioner would then make a final determination as to whether the breach or unauthorized release was inadvertent and done without intent, knowledge, recklessness or gross negligence and whether or not a penalty should be issued.

**Notification of a Breach or Unauthorized Release**

The District will notify affected parents, eligible students, teachers, and/or principals in the most expedient way possible and without unreasonable delay, but no more than 60 calendar days after the discovery of a breach or unauthorized release of PII by the District or the receipt of a notification of a breach or unauthorized release of PII from a third-party contractor unless that notification would

(Continued)

Non-Instructional/Business  
Operations**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)**

interfere with an ongoing investigation by law enforcement or cause further disclosure of PII by disclosing an unfixed security vulnerability. Where notification is delayed under these circumstances, the District will notify parents, eligible students, teachers, and/or principals within seven calendar days after the security vulnerability has been remedied or the risk of interference with the law enforcement investigation ends.

Notifications will be clear, concise, use language that is plain and easy to understand, and to the extent available, include:

- a) A brief description of the breach or unauthorized release, the dates of the incident and the date of discovery, if known;
- b) A description of the types of PII affected;
- c) An estimate of the number of records affected;
- d) A brief description of the District's investigation or plan to investigate; and
- e) Contact information for representatives who can assist parents or eligible students that have additional questions.

Notification will be directly provided to the affected parent, eligible student, teacher, or principal by first-class mail to their last known address, by email, or by telephone.

Where a breach or unauthorized release is attributed to a third-party contractor, the third-party contractor is required to pay for or promptly reimburse the District for the full cost of this notification.

**Annual Data Privacy and Security Training**

The District will annually provide data privacy and security awareness training to its officers and staff with access to PII. This training will include, but not be limited to, training on the applicable laws and regulations that protect PII and how staff can comply with these laws and regulations. The District may deliver this training using online training tools. Additionally, this training may be included as part of the training that the District already offers to its workforce.

**Notification of Policy**

The District will publish this policy on its website and provide notice of the policy to all its officers and staff.

Education Law § 2-d  
8 NYCRR Part 121

Adoption Date: 5/26/2020



**SUBJECT: SAFETY AND SECURITY**

The Board of Education of the Auburn Enlarged City 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 insure 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 social security numbers of every employee who handles toxic substances.

Rules and regulations will be developed to insure District implementation of this policy which shall include awareness information, employee training and record keeping.

New York State Labor Law Section 27-a  
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

Adopted: 3/11/03  
Amended 10/11/2016

**SUBJECT: SCHOOL SAFETY PLANS**

The District considers the safety of its students and staff to be of the utmost importance and is keenly aware of the evolving nature of threats to schools. As such, it will address those threats accordingly through appropriate emergency response planning. The District-wide school safety plan and the building-level emergency response plan(s) will be designed to prevent or minimize the effects of violent incidents and emergencies and to facilitate the coordination of schools and the District with local and county resources in the event of these incidents or emergencies. These plans will be reviewed and updated by the appropriate team on at least an annual basis and adopted by the Board by September 1 of each school year.

The Board will make the District-wide school safety plan available for public comment at least 30 days prior to its adoption. The District-wide school safety plan may only be adopted by the Board after at least one public hearing that provides for the participation of school personnel, parents, students, and any other interested parties. The District-wide school safety plan and any amendments must be submitted to the Commissioner, in a manner prescribed by the Commissioner, within 30 days of adoption, but no later than October 1 of each school year.

Building-level emergency response plan(s) and any amendments must be submitted to the appropriate local law enforcement agency and the state police within 30 days of adoption, but no later than October 1 of each school year. Building-level emergency response plan(s) will be kept confidential and are not subject to disclosure under the Freedom of Information Law (FOIL) or any other provision of law.

**District-Wide School Safety Plan**

District-wide school safety plan means a comprehensive, multi-hazard school safety plan that covers all school buildings of the District, addresses crisis intervention, emergency response and management at the District level, and has the contents as prescribed in Education Law and Commissioner's regulations.

The District-wide school safety plan will be developed by the District-wide school safety team appointed by the Board. The District-wide school safety team will include, but not be limited to, representatives of the Board, teacher, administrator, and parent organizations, school safety personnel, and other school personnel including bus drivers and monitors.

The District-wide school safety plan will include, but not be limited to:

- a) Policies and procedures for responding to implied or direct threats of violence by students, teachers, other school personnel including bus drivers and monitors, and visitors to the school, including threats by students against themselves, which includes suicide;

(Continued)

**SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)**

- b) Policies and procedures for responding to acts of violence by students, teachers, other school personnel including bus drivers and monitors, and visitors to the school, including consideration of zero-tolerance policies for school violence;
- c) Appropriate prevention and intervention strategies, such as:
  - 1. Collaborative arrangements with state and local law enforcement officials, designed to ensure that school safety officers and other security personnel are adequately trained, including being trained to de-escalate potentially violent situations, and are effectively and fairly recruited;
  - 2. Nonviolent conflict resolution training programs;
  - 3. Peer mediation programs and youth courts; and
  - 4. Extended day and other school safety programs;
- d) Policies and procedures for contacting appropriate law enforcement officials in the event of a violent incident;
- e) A description of the arrangements for obtaining assistance during emergencies from emergency services organizations and local governmental agencies;
- f) Procedures for obtaining advice and assistance from local government officials, including the county or city officials responsible for implementation of Executive Law Article 2-B, State and Local Natural and Man-Made Disaster Preparedness;
- g) The identification of District resources which may be available for use during an emergency;
- h) A description of procedures to coordinate the use of District resources and manpower during emergencies, including identification of the officials authorized to make decisions and of the staff members assigned to provide assistance during emergencies;
- i) Policies and procedures for contacting parents, guardians, or persons in parental relation to District students in the event of a violent incident or an early dismissal;
- j) Policies and procedures for contacting parents, guardians, or persons in parental relation to an individual District student in the event of an implied or direct threat of violence by the student against themselves, which includes suicide;
- k) Policies and procedures relating to school building security, including, where appropriate: the use of school safety officers, school security officers, and/or school resource officers; and security devices or procedures;

(Continued)

**SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)**

- l) Policies and procedures for the dissemination of informative materials regarding the early detection of potentially violent behaviors, including, but not limited to, the identification of family, community, and environmental factors to teachers, administrators, school personnel including bus drivers and monitors, parents and other persons in parental relation to students of the District or Board, students, and other persons deemed appropriate to receive the information;
- m) Policies and procedures for annual multi-hazard school safety training for staff and students, provided that the District must certify to the Commissioner that all staff have undergone annual training by September 15 on the building-level emergency response plan which must include components on violence prevention and mental health, provided further that new employees hired after the start of the school year will receive training within 30 days of hire or as part of the District's existing new hire training program, whichever is sooner;
- n) Procedures for the review and conduct of drills and other exercises to test components of the emergency response plan, including the use of tabletop exercises, in coordination with local and county emergency responders and preparedness officials;
- o) The identification of appropriate responses to emergencies, including protocols for responding to bomb threats, hostage-takings, intrusions, and kidnappings;
- p) Strategies for improving communication among students and between students and staff and reporting of potentially violent incidents, such as the establishment of youth-run programs, peer mediation, conflict resolution, creating a forum or designating a mentor for students concerned with bullying or violence, and establishing anonymous reporting mechanisms for school violence;
- q) A description of the duties of hall monitors and any other school safety personnel, the training required of all personnel acting in a school security capacity, and the hiring and screening process for all personnel acting in a school security capacity;
- r) A system for informing all educational agencies within the District of a disaster; and
- s) The designation of the Superintendent or designee, as the District Chief Emergency Officer whose duties will include, but not be limited to:
  - 1. Coordinating the communication between school staff, law enforcement, and other first responders;
  - 2. Leading the efforts of the District-wide school safety team in the completion and yearly update of the District-wide school safety plan and the coordination of the District-wide school safety plan with the building-level emergency response plan(s);

(Continued)

Non-Instructional/Business  
Operations

**SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)**

3. Ensuring staff understanding of the District-wide school safety plan;
4. Ensuring the completion and yearly update of building-level emergency response plans for each school building;
5. Assisting in the selection of security related technology and development of procedures for the use of the technology;
6. Coordinating appropriate safety, security, and emergency training for District and school staff, including required training in the emergency response plan;
7. Ensuring the conduct of required evacuation and lock-down drills in all District buildings as required by law; and
8. Ensuring the completion and yearly update of building-level emergency response plan(s) by the dates designated by the Commissioner.

**Building-Level Emergency Response Plan**

Building-level emergency response plan means a building-specific school emergency response plan that addresses crisis intervention, emergency response and management at the building level and has the contents as prescribed in Education Law and Commissioner's regulations. As part of this plan, the District will define the chain of command in a manner consistent with the National Incident Management System (NIMS)/Incident Command System (ICS).

Building-level emergency response plan(s) will be developed by the building-level emergency response team. The building-level emergency response team is a building-specific team appointed by the building principal, in accordance with regulations or guidelines prescribed by the Board. The building-level emergency response team will include, but not be limited to, representatives of teacher, administrator, and parent organizations, school safety personnel and other school personnel including bus drivers and monitors, community members, local law enforcement officials, local ambulance, fire officials, or other emergency response agencies, and any other representatives the Board deems appropriate.

Classroom door vision panels will not be covered except as outlined in the building-level emergency response plan.

Homeland Security Presidential Directives - HSPD-5, HSPD-8  
Homeland Security Act of 2002, 6 USC § 101  
Education Law §§ 807, 2801-a  
Public Officers Law Article 6  
8 NYCRR § 155.17

Adoption Date: 3/11/2003  
Amended: 10/11/2016  
Amended: 7/23/2019  
Amended: 6/23/2020

Non-Instructional/Business  
Operations**SUBJECT: CRISIS RESPONSE (POST INCIDENT RESPONSE)**

When a crisis arises no school system is immune to the negative, physical or mental effect on its students, staff and the local community. Immediate, effective and responsible management and communication can address the crisis and maintain a District's integrity and credibility. Therefore, the District shall develop and maintain a unified position by:

- a) Identifying a crisis response team to develop a plan and maintain a strong, ongoing communications program in each school. This is the foundation for long range success. (See "Safety By Color Plan" developed in 2002.)
- b) Identifying a media spokesperson who will be briefed on all details. This spokesperson shall be the Superintendent or his/her designee. Only this spokesperson shall talk to and maintain a timely flow of information to the media.

The Superintendent/designee shall be responsible for informing staff of the crisis plan that is to be developed by both administration and the crisis response team.

NOTE: Refer also to Policy #5681 – School Safety Plans

Adopted: 3/11/03

**\*Required Policy****SUBJECT: USE OF AUTOMATIC EXTERNAL DEFIBRILLATORS (AEDs)**

The Auburn Enlarged City School District recognizes the need to make Automatic External Defibrillators (AEDs) available in its buildings. Early access defibrillation has been recognized as a significant factor in the survival from incidents of sudden cardiac arrest.

Therefore it is the policy of the Board of Education that the use of AEDs is authorized in the buildings of the Auburn Enlarged City School District in accordance with the Public Access Defibrillation Law. Individuals authorized to use the AED devices shall have current training and certification in CPR and the use of the AED from a recognized training agency. A physician shall be appointed to provide medical oversight for the use of the AEDs. The Regional Emergency Services Counsel and the State Department of Health as well as the local emergency services providers shall be notified of the location and use of the AEDs within the district.



**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.

Occupational Safety and Health Administration (OSHA)  
29 Code of Federal Regulations (CFR) 1910.10:30

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Non-Instructional/Business  
Operations

**SUBJECT: COMMUNICABLE DISEASES**

Regulations and procedures will be developed for dealing with communicable diseases in ways that protect the health of both students and staff while minimizing the disruption of the education process.

Adopted: 3/11/03

**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: TRANSPORTATION PROGRAM**

It is the intent of the Board of Education to comply with the letter and spirit of the New York State Education Law; with the regulations of the Department of Motor Vehicles and of the Department of Transportation and with the Commissioner of Education's regulations and decisions pertinent to student transportation, and these shall govern any questions not covered by specific declaration of policy herein. This policy also applies to contractor owned and operated school buses under contract with the District.

The purposes of the transportation program are to transport students to and from school, to transport them for extracurricular activities, to transport them on field trips, and to transport those requiring special services.

The Board of Education recognizes and assumes the responsibility for all aspects of the transportation of children wherein the health and safety of students are involved, for the Board of Education has a legal obligation to safeguard the welfare of bus-riding children.

Education Law Sections 3602(7) and 3635 et seq.

**SUBJECT: SCHEDULING AND ROUTING**

Bus limits are authorized by the Board of Education and any requests for a change must be submitted to the Superintendent or his/her designee. This policy also applies to contractor owned and operated school buses under contract with the District.

Transportation services shall be provided to meet the needs of the students of the District within specified limits and areas established by the Board of Education.

Education Law Sections 3621 and 3635

**SUBJECT: Scheduling and Routing**

Transportation services shall be provided to meet the needs of the students of the District within specified limits and areas established by the Board of Education.

The Board of Education shall transport children to the public schools as follows:

- a) All children in grades K-6 who live in the District and live one (1) mile or more from the school they attend.
- b) All children in grades 7-8 who live in the District and live one and one-half (1 1/2) miles or more from the school they attend.
- c) All children in grades 9-12 who live in the District and live two (2) miles or more from the high school.
- d) The District issues bus passes to the child's residence or a licensed daycare provider's location. The Daycare Transportation Request form must be completed and approved to receive transportation to the licensed daycare provider's location.
- e) A student can only have a single residence for school purposes even when the student's parents are divorced. The District will consider upon availability of seating issuing two different bus passes for one student when the parents have *joint physical custody* of child. Parents must produce copies of custody papers for review and approval.

The District will also consider the following scenario whereby parents share joint custody and the person who has the physical custody wishes to have the other individual's residence that shares joint custody as the residence for transportation purposes. The parent/guardian with physical custody would need to qualify for bussing. They may elect to have an individual who shares joint custody identified as residence for transportation as long as they reside within the school's attendance zone where the student attends. Parents must provide custody papers for review and approval.

- f) The District may transport students who do not live within the specified limits established in a, b, and c above. Space must be available on the bus and existing route where they reside.
  - *Requests for measuring distances for transportation must be made in the period between the date the District issues bus passes and October 1, of each school year.*

(Continued)

**SUBJECT: Scheduling and Routing****ADMINISTRATIVE PROCEDURE**

- a) Bus passes (or “walk back” passes) will be issued on a space available basis on the route after the start of school.
- b) Children will walk back to the last stop on the regular route.
- c) Bus passes will be issued based on age and distance.

Education Law Sections 3621, 3635

Reviewed: 9/2004  
4/2007  
12/2011

**SUBJECT: TRANSPORTATION OF STUDENTS**

**This policy also applies to contractor owned and operated school buses under contract with the District.**

**Requests For Transportation to and From Non-Public Schools**

The parent or guardian 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 guardian 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.

**Transportation of Non-Resident Students**

The District and the Contractor shall not extend its bus routes outside of the District to pick up non-resident students.

**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 of legal guardian of a student participating in such event has provided the District with a written, consistent with District policy, authorizing an alternative form of return transportation for such student or unless intervening circumstances make such transportation impractical. The request can be submitted on the form associated with the policy for review and approval. 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 of 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.

Education Law Sections 1604, 1709, 1804, 1903, 1950,  
2503, 2554, 2590-e, 3635, 4401(4), 4404, and 4405

Adopted: 3/11/2003  
Amended: 11/13/2012  
Amended: 5/28/2013



***Auburn Enlarged City School District***

**PARENT/GUARDIAN PERMISSION COVERING ALTERNATE  
TRANSPORTATION FOR SCHOOL SPONSORED EVENTS**

I \_\_\_\_\_, give my son/daughter \_\_\_\_\_  
Parent/Guardian Student

Permission to ride home with \_\_\_\_\_ from the \_\_\_\_\_  
Parent/Guardian of Another Student Date

\_\_\_\_\_  
School Sponsored Event (e.g. Athletic Function)

\_\_\_\_\_  
Parent/Guardian

\_\_\_\_\_  
Date

\_\_\_\_\_  
Student

\_\_\_\_\_  
Date

-----  
I will accept responsibility for transporting \_\_\_\_\_ home  
Student  
from the above mentioned function.

\_\_\_\_\_  
Parent/Guardian of Another Student

\_\_\_\_\_  
Date

-----  
\_\_\_\_\_  
School Administrator / Coach

\_\_\_\_\_  
Date

**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. This policy also applies to contractor owned and operated school buses under contract with the District.

To assure the safety and security of students boarding or exiting school buses on school property, it shall be unlawful for a driver of a vehicle to pass a stopped school bus when the red bus signal is in operation.

**Use of Cell Phones and Portable Electronic Devices Prohibited**

Use of portable electronic devices by a school bus driver at times the vehicle is in operation on the roadway poses a potential safety risk. All school bus drivers are prohibited from using portable electronic devices while the bus is in operation and students are on the bus.

Personal cell phones are to be placed in the "off" position when in the possession of the school bus driver while the bus is in operation. Cell phones may be used in case of emergency.

The following terms are defined as:

- a) "Portable electronic device" shall mean any mobile telephone (hand held or "hands free"), personal digital assistant (PDA), portable device with mobile data access, laptop computer, pager, broadband personal communication device, electronic game, or portable computing device.
- b) "Using" shall mean holding a portable electronic device while viewing, taking or transmitting images, playing games, or composing, sending, reading, viewing, accessing, browsing, transmitting, saving or retrieving e-mail, text messages, or other electronic data.
- c) "In operation" shall mean that the bus engine is running, whether in motion or not.

The District 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 and Contractor will have frequent safety inspections, and will be serviced regularly. The Transportation Supervisor will maintain a comprehensive record of all maintenance performed on district owned vehicles. He/she will verify that the contractor maintains comprehensive records on all contractor owned buses.

(Continued)

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Non-Instructional/Business  
Operations

**SUBJECT: SCHOOL BUS SAFETY PROGRAM**

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 to the police and then the District Transportation Supervisor by district drivers and by the vendor(s) contract bus companies.

All buses and other vehicles owned by vendors/contract bus companies with whom the District contracts will have frequent safety inspections and be serviced regularly. The Transportation Supervisor will maintain a comprehensive record of all maintenance performed on each vehicle.

Education Law Section 3623  
Vehicle and Traffic Law Sections 509-a(7), 509-1(1-b), 1174(a) and 1174(b)  
8 New York Code of Rules and Regulations (NYCRR) Section 156.3

NOTE: Refer also to Policies #5751 - Drug and Alcohol Testing for School Bus Drivers and Other Safety-Sensitive Employees

Adopted: 3/11/2003  
Amended: 5/08/2012  
Amended: 5/28/2013

**SUBJECT: QUALIFICATIONS OF BUS DRIVERS**

This policy also applies to contractor owned and operated school buses under contract with the District. Contractor is responsible for maintaining this data. The District will verify that this is maintained.

A person shall be qualified to operate a bus only if such person:

- a) Is at least twenty-one 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 12-month period;
- d) Is not disqualified to drive a motor vehicle under Sections 509-c and 509-cc and any other provisions of Article 19-A of the Vehicle and Traffic Law;
- e) Has on file at least three statements from three different persons who are not related to the driver/applicant pertaining to the moral character and to the reliability of such driver/applicant;
- f) Has completed, or is scheduled to complete, State Education Department safety programs as required by law;
- g) Is in compliance with federal law and regulations, as well as District policy and/or regulations, as it pertains to meeting the standards governing alcohol and controlled substance testing of bus drivers if and when applicable.
- h) Has taken and passed a physical performance test at least once every two (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 years;
- c) Investigate the person's employment record during the preceding three 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  
(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

NOTE: Refer also to Policy #5751 -- Drug and Alcohol Testing for School Bus Drivers and Other Safety-Sensitive Employees

Adopted: 3/11/2003  
Amended: 5/28/2013

\*Required Policy

**SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS**

In order to help prevent accidents and injuries resulting from the misuse of drugs and/or alcohol by school bus drivers, the Board adopts this policy in compliance with federal and state law and regulation.

The District has designated the following individual to answer driver questions about this policy and related materials: Assistant Superintendent for Student Services.

**Drug and Alcohol Testing Program**

School bus drivers are subject to drug and/or alcohol testing in a variety of circumstances. The District will comply with all federal and state law and regulation regarding the implementation of a drug and alcohol testing program for school bus drivers.

The District will ensure that vendors or contract bus companies either establish and manage their own drug and alcohol testing program or by contract have a consortium/third-party administrator manage all, or part of, their drug and alcohol testing program for school bus drivers.

Under federal law and regulation, individuals who operate a Commercial Motor Vehicle (CMV) designed to transport 16 or more occupants (including the driver) and are subject to commercial driver's license (CDL) requirements established by the United States Department of Transportation are safety-sensitive employees and are subject to the following drug and/or alcohol testing:

- a) **Pre-employment drug testing** which will be conducted after a conditional offer to hire has been extended, but before the actual performance of safety-sensitive functions for the first time. This pre-employment testing will also be required when employees transfer to a safety-sensitive position.
- b) **Random drug and/or alcohol testing** which will be conducted on an unannounced basis.
- c) **Reasonable suspicion drug and/or alcohol testing** which will be conducted when reasonable suspicion exists that a driver has engaged in prohibited use of drugs and/or alcohol. The required observation for reasonable suspicion drug and/or alcohol testing must be made by a supervisor or official who has been trained in accordance with federal law and regulation.
- d) **Post-accident drug and/or alcohol testing** which will be conducted as soon as practicable following certain occurrences involving a CMV operating on a public road.
- e) **Return-to-duty drug and/or alcohol testing** which will be conducted on a driver who has engaged in prohibited drug and/or alcohol conduct before the driver returns to perform a safety-sensitive function.

(Continued)

**SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (Cont'd.)**

- f) **Follow-up drug and/or alcohol testing** which will be conducted on a driver who has engaged in prohibited drug and/or alcohol conduct and has returned to performing a safety-sensitive function. This testing will be conducted on an unannounced basis in accordance with a written follow-up testing plan developed by a substance abuse professional (SAP).

All procedures used to test for the presence of drugs and/or alcohol will conform to the requirements outlined in federal law and regulation for protecting the driver, and the integrity of the testing process, safeguarding the validity of the test results, and ensuring that all test results are attributed to the correct driver.

Under New York State law and regulation, all school bus drivers are subject to pre-employment and random drug and alcohol testing in accordance with the provisions and requirements of federal regulations, regardless of CDL endorsement. Every school bus driver will be included in the random testing pool and must submit to testing when selected.

**Prohibitions and Consequences for School Bus Drivers**

Under federal law and regulation, individuals who operate a CMV designed to transport 16 or more occupants (including the driver) and are subject to CDL requirements established by the United States Department of Transportation are prohibited from:

- a) Reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration of 0.04 or greater. If testing shows an alcohol concentration of 0.02 or greater but less than 0.04, the employee must be removed from performing safety-sensitive functions for not less than 24 hours, but no punitive action will be taken by the employer;
- b) Using alcohol while performing safety-sensitive functions;
- c) Performing safety-sensitive functions within four hours after using alcohol;
- d) When required to take a post-accident alcohol test, using alcohol within eight hours following the accident or prior to undergoing a post-accident alcohol test, whichever comes first;
- e) Refusing to submit to a drug or alcohol test required by post-accident, random, reasonable suspicion, return-to-duty, or follow-up testing requirements;
- f) Refusing to submit to a pre-employment drug test;
- g) Reporting for duty or remaining on duty, requiring the performance of safety-sensitive functions, when the driver uses any drugs, as defined by federal law and regulation. This prohibition does not apply when the use is pursuant to the instructions of a licensed medical practitioner who is familiar with the driver's medical history and has advised the driver that the substance will not adversely affect the driver's ability to safely operate a CMV; or

(Continued)

**SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (Cont'd.)**

- h) Reporting for duty, remaining on duty, or performing a safety-sensitive function, if the driver tests positive for drugs.

Additionally, under New York State law, all school bus drivers are prohibited from:

- a) Consuming a drug or intoxicating liquor, regardless of its alcoholic content, or be under the influence of a drug or intoxicating liquor, within six hours before going on duty or operating, or having physical control of a bus;
- b) Consuming a drug or intoxicating liquor, regardless of its alcoholic content while on duty, or operating, or in physical control of a bus; or
- c) Possessing a drug or intoxicating liquor, regardless of its alcoholic content while on duty, operating or in physical control of a bus. However, this paragraph does not apply to the possession of a drug or intoxicating liquor which is transported as part of a shipment or personal effects of a passenger or to alcoholic beverages which are in sealed containers.

It is the employer's responsibility to ensure that no school bus driver:

- a) Violates any of the above listed provisions of New York State law; or
- b) Be on duty or operate a school bus if, by a person's general appearance or by a person's conduct or by other substantiating evidence, a person appears to have consumed a drug or intoxicating liquor within the preceding eight hours.

Any violation of this policy, District procedures, and/or applicable federal and state law and regulation by a school bus driver will be grounds for disciplinary action and penalties including, but not limited to, fines, suspension, and/or discharge in accordance with the District's and/or the vendors' or contract bus companies' policies, collective bargaining agreements, and applicable law.

Drivers who are found to have engaged in prohibited conduct under federal law and regulation will be removed immediately from safety-sensitive functions and will not be allowed to return to perform safety-sensitive functions until they:

- a) Are evaluated by a SAP;
- b) Complete any requirements for rehabilitation as set by the employer and the SAP; and
- c) Pass a return-to-duty test with the result below 0.02 if the conduct involved alcohol, or a drug test with a verified negative result if the conduct involved drug use.

(Continued)



**SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (Cont'd.)****The Drug and Alcohol Clearinghouse**

The Drug and Alcohol Clearinghouse ("Clearinghouse") is a secure online database that provides real-time information about CDL and commercial learner's permit holder's drug and alcohol program violations. The District will comply with all federal law and regulation regarding the Clearinghouse.

In accordance with 49 CFR Part 382, the following personal information will be collected, maintained, and reported to the Clearinghouse:

- a) A verified positive, adulterated, or substituted drug test result;
- b) An alcohol confirmation test with a concentration of 0.04 or higher;
- c) A refusal to submit to any required test;
- d) An employer's report of actual knowledge of:
  - 1. On duty alcohol use;
  - 2. Pre-duty alcohol use;
  - 3. Alcohol use following an accident; and
  - 4. Drug use;
- e) A SAP's report of the successful completion of the return-to-duty process;
- f) A negative return-to-duty test; and
- g) An employer's report of completion of follow-up testing.

**Prohibitions and Consequences for Vendors or Contract Bus Companies**

Any significant violation of this policy or District procedures, and applicable federal and state law and regulation by a vendor or contract bus company and its employees will result in revocation of its contract for the transportation of students.

(Continued)

Non-Instructional/Business  
Operations

**SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (Cont'd.)**

**Vendors or Contract Bus Companies Employee Notification**

The vendors or contract bus companies will secure educational materials that explain the requirements of drug and alcohol testing law and regulation, and any policies, regulations, and/or procedures developed by the District with respect to meeting those requirements. The vendors or contract bus companies will adhere to drug and alcohol testing requirements per their contract with the District.

**Records Management and Retention**

Employee records relating to drug and/or alcohol testing, as well as to substance abuse and/or alcohol prevention programs, will be maintained in accordance with law and regulation. All employee drug and/or alcohol testing will be kept confidential and will only be revealed as required or authorized by law or regulation.

49 USC §§ 31136 and 31306  
49 CFR Parts 40, 382, and 383  
Vehicle and Traffic Law §§ 142, 509-g, 509-l

Adopted: 3/11/2003  
Amended: 5/28/2013  
Amended: 5/8/2018  
Amended: 3/10/2020

Non-Instructional/Business  
Operations**SUBJECT: IDLING SCHOOL BUSES ON SCHOOL GROUNDS**

The Board of Education recognizes the need to promote the health and safety of District students and staff and to protect the environment from harmful emissions found in bus and vehicle exhaust. In accordance with Education Law and Commissioner's Regulations, the District will minimize, to the extent practicable, the idling of all school buses and other vehicles owned or leased by the District while such bus or vehicle is parked or standing on school grounds or in the front of any school. This policy also applies to contractor owned and operated school buses under contract with the District.

The District shall ensure that each driver of a school bus or other vehicle owned, leased or contracted for by the District turn off the engine of the bus or vehicle while waiting for passengers to load or off load on school grounds, or while such vehicle is parked or standing on school grounds or in front of or adjacent to any school. This expectation will be shared with all drivers no later than five (5) days after the first day of school. The district will maintain a copy of the communication to the drivers, and include in the transportation files in the district for a period of six (6) years. This communication shall include content of the policy, the date it was communicated to the drivers, and clear expectations of the driver's anti-idling behaviors.

**Exceptions**

Unless otherwise required by State or local law, the idling of a school bus or vehicle engine may be permitted to the extent necessary to achieve the following purposes:

- a) For mechanical work; or
- b) To maintain an appropriate temperature for passenger comfort; or
- c) In emergency evacuations where necessary to operate wheelchair lifts.

**Private Vendor Transportation Contracts**

All contracts for pupil transportation services between the School District and a private vendor that are entered into on or after August 21, 2008, shall include a provision requiring such vendor's compliance with the provisions of reducing idling in accordance with Commissioner's Regulations Section 156.3(h).

Education Law Section 3637  
Vehicle and Traffic Law Section 142  
8 New York Code of Rules and Regulations (NYCRR) Section 156.3(h)

2005 6000

Personnel

**Auburn Enlarged City School District**

**NUMBER**

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**\*Required Policy****SUBJECT: CODE OF ETHICS FOR BOARD MEMBERS AND ALL DISTRICT PERSONNEL****General Provisions**

Officers and employees of the Auburn Enlarged City School District hold their positions to serve and benefit the public, and not to obtain unwarranted personal or private gain in the exercise of their official powers and duties. The Board of Education recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. This policy establishes those standards.

The provisions of this policy are intended to supplement Article 18 of General Municipal Law Sections and any other law relating to ethical conduct of District officers and employees, and should not be construed to conflict with those authorities.

**Standards of Conduct**

The following rules and standards of conduct apply to all officers, including Board members, and employees of the Auburn Enlarged City School District.

Gifts

No person may directly or indirectly solicit, accept, or receive any gift having a value of \$75 or more under circumstances in which it could reasonably be inferred that the gift was intended or expected to influence the individual in the performance of his/her official duties or was intended as a reward for any official action on the part of the individual. This prohibition applies to any gift, including money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form.

Confidential Information

No person may disclose confidential information acquired by him/her in the course of his/her official duties or use this information to further his or her personal interests.

Conflicts of Interest

Except as permitted by law, no person may have an interest in any contract with the District when he/she, individually, or as a member of the Board, has the power or duty to: negotiate, prepare, authorize, or approve the contract or authorize or approve payment under the contract; audit bills or claims under the contract; or appoint an officer or employee who has any of these powers or duties.

Likewise, unless permitted by law, no chief fiscal officer, treasurer, or his/her deputy or employee, may have an interest in a bank or trust company designated as a depository, paying agent, registration agent, or for investment of funds of the District.

(Continued)

## Personnel

**SUBJECT: CODE OF ETHICS FOR BOARD MEMBERS AND ALL DISTRICT PERSONNEL (Cont'd.)**

"Interest," as used in this policy, means a direct or indirect pecuniary or material benefit accruing to a District officer or employee as the result of a contract with the District. A District officer or employee will be considered to have an interest in the contract of: his/her spouse, minor children and dependents, except a contract of employment with the District; a firm, partnership or association of which he/she is a member or employee; a corporation of which he/she is an officer, director or employee; and a corporation any stock of which is owned or controlled directly or indirectly by him/her.

The provisions of the preceding three paragraphs should not be construed to preclude the payment of lawful compensation and necessary expenses of any District officer or employee in one or more positions of public employment, the holding of which is not prohibited by law.

Representing Others in Matters Before the District

No person may receive, or enter into any agreement, express or implied, for compensation for services rendered in relation to any matter before the District. Likewise, no one may receive, or enter into any agreement, express or implied, for compensation for services rendered in relation to any matter before the District, where the individual's compensation is contingent upon any action by the District with respect to the matter.

Disclosure of Interest in Contracts and Resolutions

Any District officer or employee who has, will have, or later acquires an interest in or whose spouse has, will have or later acquires an interest in any actual or proposed contract, purchase agreement, lease agreement, or other agreement, including oral agreements, with the District must publicly disclose the nature and extent of that interest in writing on the Auburn Enlarged City School District Disclosure of Interest Form associated with this policy. The disclosure must be made when the officer or employee first acquires knowledge of the actual or prospective interest, and must be filed with the person's immediate supervisor and the Board of Education. Disclosure will require any District Officer or employee to recuse themselves from discussion and voting on the contract or matter for which they have an interest. Any written disclosure will be made part of and included in the official minutes of the relevant Board meeting.

Investments in Conflict with Official Duties

No person may invest or hold any investment directly or indirectly in any financial, business, commercial, or other private transaction, that creates a conflict with his/her official duties, or that would otherwise impair his/her independence of judgment in the exercise or performance of his/her official powers or duties.

(continued)



**SUBJECT: CODE OF ETHICS FOR BOARD MEMBERS AND ALL DISTRICT  
PERSONNEL (Cont'd.)**

Private Employment

No person may engage in, solicit, negotiate for, or promise to accept private employment or render services for private interests when that employment or service creates a conflict with or impairs the proper discharge of his/her official duties.

Future Employment

No person may, after the termination of service or employment with the District, appear before the 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 or her active consideration.

Notice of Code of Ethics and General Municipal Law Sections 800-809

The Superintendent will ensure that a copy of this code of ethics is distributed to every District officer and employee, and that a copy of General Municipal Law Sections 800-809 is posted conspicuously in each District building. The failure to distribute this code of ethics or to post General Municipal Law Sections 800-809 will have no effect on either the duty of District officers and employees to comply with their provisions, or the ability of the District or other relevant authorities to enforce them.

Education Law § 410  
General Municipal Law Article 18 and §§ 800-809

Adopted 5/13/2003  
Amended 2/9/16

**AUBURN ENLARGED CITY SCHOOL DISTRICT  
DISCLOSURE OF INTEREST**

TO: Board President and \_\_\_\_\_

RE: Disclosure of Interest

As [a Board member/an officer/an employee] of the Auburn Enlarged City School District, I have received a copy of the District's Code of Ethics. Consistent with that Code, I am disclosing my interest in an actual or proseed contract to which the District is party. Specifically:

[Check all that apply]

I, my spouse, minor children, or dependents benefit or would materially benefit from a contract with [insert the name of the vendor, contractor, or other entity with whom the District does or may do business]. \_

\_\_\_\_\_  
 I am or my spouse is a member or employee of [insert the name of the firm, partnership, or association with whom the District does or may do business].

\_\_\_\_\_  
 I am or my spouse is an officer or employee of [insert the name of the firm, partnership, or association with whom the District does or may do business].

\_\_\_\_\_  
 I or my spouse own or control stock in [insert the name of the corporation].

Other  
(Specify: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Additional information regarding the nature and extent of my interest is provided below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I understand that additional information regarding this matter may be necessary, and will supplement this letter at the request of the Board.

\_\_\_\_\_  
Name (Printed or Typed)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## Personnel

**\*Required Policy****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, predisposing genetic characteristics, use of a recognized guide dog, hearing dog or service dog, or domestic violence victim status.

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

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.

The Board believes it to be in the interest of both students and the public to have a staff which is highly qualified and effective in performing the duties assigned to them, and which contains a healthy diversity of personal backgrounds.

The Superintendent of Schools shall ensure that applicants for open positions in the administrative, instructional or support staff of the district are actively sought from members of any minority group, which is under-represented in that staff.

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.

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

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

**Posting Requirement of Correction Law Article 23-A**

The District shall post, in a place accessible to employees and in a visually conspicuous manner, a copy of Article 23-A of the Correction Law and any regulations promulgated under that statute. Article 23-A addresses the licensure and employment of persons previously convicted of one or more criminal offences.

(Continued)

**SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY (Cont'd.)**

## Civil Penalties in Employment Discrimination Matters

New York State Human Rights Law imposes civil fines and penalties, payable to the State, of up to \$50,000 for unlawful acts of employment discrimination, and up to \$100,000 for willful, wanton, or malicious discrimination. In accordance with law, these penalties may be assessed in all cases of employment discrimination (e.g., whether such a claim is pursued in a more formal court action or through an administrative proceeding before the New York State Division of Human Rights). Under the legislation, an employer with fewer than fifty (50) employees may be allowed to pay the civil fines and penalties in installments.

The new civil fines do not replace or limit other relief under New York State Human Rights Law that may be awarded to a prevailing complainant in an administrative proceeding which includes, but is not limited to, affirmative relief from the employer (e.g., an order that the individual be hired, promoted or reinstated by the employer), back pay and other compensatory damages (e.g., emotional distress damages). The New York State *Division of Human Rights* cannot award punitive damages or attorney's fees to a prevailing complainant in an administrative proceeding. However, a *New York State Court* may award a prevailing plaintiff in a court action various relief, including, but not limited to, punitive damages and attorney's fees. (An administrative proceeding before the New York State *Division of Human Rights* and an action commenced in a *New York State Court* represent two different ways to seek redress for acts of alleged employment discrimination.)

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.

Genetic Information Nondiscrimination Act of 2008 (GINA) Public Law 110-233

Prohibits discrimination in the workplace based upon genetic information.

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

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

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

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

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

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

Prohibits discrimination on the basis of sex.

Civil Rights Law Section 40-c

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

Civil Service Law Section 75-B

Executive Law Section 290 et seq.

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

Labor Law Section 201-f

Military Law Sections 242 and 243

Adopted: 5/13/2003

Amended: 5/8/2012

**\*Required Policy****SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE**

The District is committed to maintaining a discrimination-free work environment. Sexual harassment is one form of workplace discrimination. This policy addresses sexual harassment in the workplace and is one component of the District's commitment to a discrimination-free work environment.

Sexual harassment is a form of employee misconduct, a violation of District policy, and unlawful. Employees of every level who engage in sexual harassment, including supervisory personnel who engage in sexual harassment, who knowingly allow such behavior to continue, or fail to report suspected sexual harassment will be subject to remedial and/or disciplinary action by the District. Sexual harassment may also subject the District to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability.

This policy applies to all instances of sexual harassment perpetrated against a "covered person," regardless of immigration status, by anyone in the workplace, including a co-worker, supervisor, or third-party such as a non-employee, paid or unpaid intern, vendor, building security, visitor, volunteer, parent, or student. For purposes of this policy, a "covered person" includes:

- a) Employees;
- b) Applicants for employment;
- c) Paid or unpaid interns; and
- d) Non-employees, which include anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or other person providing services pursuant to a contract in the workplace.

Sexual harassment in the workplace can occur between any individuals, regardless of their sex or gender. Unlawful sexual harassment is not limited to the physical workplace itself. Sexual harassment can occur on school grounds, school buses or District vehicles, and at school-sponsored events, programs, or activities, including those that take place at locations off school premises. It can also occur while employees are traveling for District business. Calls, texts, emails, and social media usage can constitute unlawful workplace harassment, even if they occur away from school grounds, on personal devices, or during non-work hours.

**What Constitutes Sexual Harassment**

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender.

(Continued)

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

Under New York State Human Rights Law, sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment. Harassment need not be severe or pervasive to be unlawful, and can be any harassing conduct that consists of more than petty slights or trivial inconveniences.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- a) 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, even if the reporting individual is not the intended target of the sexual harassment;
- b) Such conduct is made either explicitly or implicitly a term or condition of employment; or
- c) Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

Any covered person who feels harassed should report the conduct so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

**Examples of Sexual Harassment**

The following describes some actions that may constitute unlawful sexual harassment and that are strictly prohibited:

- a) Physical acts of a sexual nature, such as:
  1. Touching, pinching, patting, kissing, hugging, grabbing, brushing against another person's body or poking another person's body; and
  2. Rape, sexual battery, molestation or attempts to commit these assaults.

(Continued)

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

- b) Unwanted sexual advances or propositions, such as:
  - 1. Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments; and
  - 2. Subtle or obvious pressure for unwelcome sexual activities.
- c) Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- d) Sex stereotyping, which occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- e) Sexual or discriminatory displays or publications anywhere in the workplace, such as pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- f) Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, and the status of being transgender, such as:
  - 1. Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
  - 2. Sabotaging an individual's work; and
  - 3. Bullying, yelling, or name-calling.

**Prohibition of Retaliatory Behavior (Whistle-Blower Protection)**

Unlawful retaliation can be any action that could discourage a covered person from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

The District prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of a complaint of sexual harassment. Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in "protected activity." Protected activity occurs when a person has:

(Continued)

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

- a) Made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- b) Testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- c) Opposed sexual harassment by making a verbal or informal complaint of harassment to a supervisor, building principal, other administrator, or the Civil Rights Compliance Officer (CRCO);
- d) Reported that another employee has been sexually harassed; or
- e) Encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

**Reporting Sexual Harassment**

Preventing sexual harassment is everyone's responsibility. The District cannot prevent or remedy sexual harassment unless it knows about it. Any covered person who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, building principal, other administrator, or the CRCO. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is posted on the District website, and all covered persons are encouraged to use this complaint form. Persons who are reporting sexual harassment on behalf of another person should use the complaint form and note that it is being submitted on another person's behalf.

Any person who believes they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

**Supervisory Responsibilities**

All supervisors, building principals, and other administrators who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, are required to report such suspected sexual harassment to the CRCO. In the event the CRCO is the alleged harasser, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity.

(Continued)



**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors, building principals, and other administrators will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors, building principals, and other administrators will also be subject to discipline for engaging in any retaliation.

**Investigating Complaints**

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. Disclosure may, however, be necessary to complete a thorough investigation of the charges and/or notify law enforcement officials. All persons involved, including complainants, witnesses, and alleged harassers will be accorded due process, as outlined below, and in accordance with any applicable collective bargaining agreements to protect their rights to a fair and impartial investigation.

The District will not tolerate retaliation against anyone who files complaints, supports another's complaint, or participates in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- a) Upon receipt of a complaint, the CRCO will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. In the event that the CRCO is the alleged harasser, the complaint will be directed to another CRCO or District designee for investigation.
- b) If a complaint is verbal, encourage the individual to complete the complaint form, which is available on the District website, in writing. If he or she refuses, prepare a complaint form based on the verbal reporting.
- c) If documents, emails, or phone records are relevant to the investigation, take steps to obtain and preserve them.
- d) Request and review all relevant documents, including all electronic communications.

(Continued)

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

- e) Interview all parties involved, including any relevant witnesses. If a student is involved, the District will follow all applicable District policies and procedures regarding questioning students.
- f) Create written documentation of the investigation (such as a letter, memo or email), which contains the following:
  - 1. A list of all documents reviewed, along with a detailed summary of relevant documents;
  - 2. A list of names of those interviewed, along with a detailed summary of their statements;
  - 3. A timeline of events;
  - 4. A summary of prior relevant incidents, reported or unreported; and
  - 5. The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- g) Keep the written documentation and associated documents in a secure and confidential location.
- h) Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- i) Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

If an investigation reveals that discrimination or harassment has occurred, the District will take immediate corrective action as warranted. This action will be taken in accordance with applicable laws and regulations, as well as any and all relevant codes of conduct, District policies and administrative regulations, collective bargaining agreements, and/or third-party contracts.

**Annual Training**

The District will provide a sexual harassment prevention training program to all employees on an annual basis. The training will be interactive and will include:

- a) An explanation of sexual harassment consistent with guidance issued by the Department of Labor in consultation with the Division of Human Rights;
- b) Examples of conduct that would constitute unlawful sexual harassment;

(Continued)

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

- c) Information concerning the federal and state statutory provisions concerning sexual harassment and remedies available to victims of sexual harassment;
- d) Information concerning employees' rights of redress and all available forums for adjudicating complaints; and
- e) Information addressing conduct by supervisors and any additional responsibilities for such supervisors.

**Notice**

The District will provide this policy to all employees in writing. The District will post this policy prominently throughout the District to the extent practicable.

At the time of hiring and at every annual sexual harassment prevention training program, the District will provide each employee a notice containing this policy and the information presented at the District's sexual harassment prevention training program.

This notice will be provided in English and in the language identified by the employee as his or her primary language, provided that the New York State Department of Labor Commissioner has published a template of the model materials in that language.

The notice will be delivered in writing, either in print or digitally. The notice will either link to or include, as an attachment or printed copy, the policy and training materials.

**Legal Protections and External Remedies**

Sexual harassment is not only prohibited by the District but is also prohibited by state, federal, and, where applicable, local law.

Aside from the District's internal process, individuals may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, an individual may seek the legal advice of an attorney.

In addition to those outlined below, individuals may have additional legal protections.

**State Human Rights Law (HRL)**

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects covered persons, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

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**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

Complaints with DHR may be filed any time within one year (three years beginning August 12, 2020) of the harassment. If an individual did not file with DHR, they can sue directly in state court under the HRL, within three years of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the District does not extend your time to file with DHR or in court. The one year or three years is counted from the date of the most recent incident of harassment.

Individuals do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. Individuals may call (718) 741-8400 or visit: [www.dhr.ny.gov](http://www.dhr.ny.gov).

Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

**Civil Rights Act of 1964**

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 USC § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

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**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

An individual alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov).

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Title IX

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in any federally funded education program or activity. The U.S. Department of Education's Office for Civil Rights (OCR) enforces Title IX of the Education Amendments of 1972.

For more information about how to file a complaint, contact OCR at 800-421-3481 (TDD 800-877-8339) or visit: <https://www2.ed.gov/about/offices/list/ocr/docs/howto.html>. The website contains information about filing the complaint online, by mail, or by email.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists.

Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

Title VII of the Civil Rights Act of 1964, 42 USC § 2000e et seq.  
Title IX of the Education Amendments of 1972, 20 USC § 1681 et seq.  
29 CFR § 1604.11(a)  
34 CFR Subtitle B, Chapter I  
Civil Service Law § 75-B  
Executive Law Article 15  
Labor Law § 201-g

NOTE: Refer also to Policies #3420 -- Non-Discrimination and Anti-Harassment in the District  
#6122 -- Employee Grievances  
#7551 -- Sexual Harassment of Students

Adoption Date: 5/13/2003  
Amended: 10/14/2014  
Amended: 11/13/2018  
Amended: 3/10/2020

**SUBJECT: SEXUAL HARASSMENT**

The Auburn Enlarged City School District is committed to creating and maintaining a working and learning environment which is free of discrimination and intimidation. Based upon the principle that every employee and student is entitled to be treated with dignity and respect, and a recognition that sexual harassment is a violation of law and District policy, the District strictly prohibits conduct which constitutes sexual harassment in any form. Since sexual violence is a form of sexual harassment, the term "sexual harassment" in this regulation will implicitly include sexual violence even if it is not explicitly stated.

Anyone who is in violation of District policy and/or regulation will be subject to sanctions and/or disciplinary action 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, and the applicable collective bargaining agreement(s). Third parties (such as school volunteers, vendors, etc.) who are found to have violated District policy and/or accompanying regulations will be subject to appropriate sanctions as warranted and in compliance with law.

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

Retaliation against any individual for filing a sexual harassment charge or making a sexual harassment complaint is illegal and prohibited. Similarly, retaliation against any person who participates in an investigation or proceeding and/or hearing of a sexual harassment complaint is also prohibited. Any employee or student who retaliates against another shall be subject to disciplinary action, as warranted, in accordance with legal guidelines and applicable contractual mandates.

The District strictly prohibits all forms of sexual harassment on school grounds and at all school-sponsored programs, activities and events including those which take place off school premises and in another state.

**Definitions/Examples of Prohibited Conduct**

Sexual harassment consists of *unwanted and unwelcome* sexual or gender-based behavior which has the purpose or effect of:

- 1) Substantially or unreasonably interfering with a student's academic performance or participation in an educational or extracurricular activity;
- 2) Creating an intimidating, hostile or offensive learning environment;

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## Personnel

**SUBJECT: SEXUAL HARASSMENT (Cont'd.)**

- 3) Effectively barring the student's access to an educational opportunity or benefit; and/or
- 4) Substantially or unreasonably interfering with an employee's ability to work, professional performance, productivity, physical security, career opportunities, services or other benefits of employment.

Sexual harassment includes, but is not limited to, overt or implicit bribes, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature or that is based on sexual/gender stereotypes. Sexual harassment does not depend on the "voluntary" nature of the behavior or activity, but instead focuses on whether the alleged advances or behavior were unwelcome. Sexual violence, a form of sexual harassment, as defined by New York Penal Law constitutes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. This definition includes but is not limited to acts such as rape, sexual assault, sexual battery and sexual coercion. A person may be unable to give consent to a sexual act due to his/her age, use of drugs or alcohol or due to intellectual or other disability.

Sexual harassment can originate from a person of either sex against a person of the opposite or same sex, and from students, supervisors, co-workers or third parties such as visitors and school volunteers. Sexual harassment may occur from student-to-student, from staff-to-student, from student-to-staff, as well as staff-to-staff. Prohibited conduct can be verbal, non-verbal, or physical (the latter may qualify as criminal sexual assault). Examples of such conduct include, but are not limited to, the following:

- 1) Verbal abuse or ridicule, including innuendoes, stories and jokes, which are of a sexual nature and/or gender-related. This might include inappropriate sex-oriented comments on appearance, including dress or physical features.
- 2) Direct or indirect threats or bribes for unwanted sexual activity.
- 3) Asking or commenting about a person's sexual activities.
- 4) Unwelcome and unwanted physical contact of a sexual nature including, but not limited to, physical acts such as assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement.
- 5) Displaying or distributing pornographic or other sexually explicit materials such as magazines, pictures, internet material, cartoons, etc.
- 6) The use of profanity and/or other obscenities that are sexually suggestive or degrading in nature.

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## Personnel

**SUBJECT: SEXUAL HARASSMENT (Cont'd.)**

- 7) Demanding sexual favors of a student, insinuating that refusal to acquiesce in such favors will adversely affect a student's grades, references, academic/scholastic placement, and/or participation in extracurricular activities.
- 8) Unwelcome staring, leering, or gesturing which is sexually suggestive in nature.
- 9) Unwelcome and/or offensive public displays of sexual/physical affection.
- 10) Clothing that reflects sexually obscene and/or sexually explicit messages, slogans, or pictures.
- 11) Any other unwelcome and unwanted sexually oriented and/or gender-based behavior which is sexually demeaning, belittling, intimidating, or perpetrates sexual stereotypes and attitudes.

Behavior shall be considered unwelcome and unwanted if the student or employee did not initiate, request or invite such conduct or communication and/or regarded such conduct or communication as undesirable or offensive.

**Authority and Responsibility**

It is the responsibility of all School District employees and students to ensure that their behavior and environment are maintained free of sexual harassment. Furthermore, each administrator and supervisor has the responsibility to maintain a non-threatening environment which includes discussing the District's policy and regulation pertaining to sexual harassment with all employees and students, and assuring students and staff that they are not required to endure insulting, degrading or exploitative sexual treatment.

All complaints of sexual harassment, whether written or verbal, formal or informal, will be thoroughly investigated to determine whether the totality of the alleged behavior and circumstances may constitute sexual harassment. It is recommended that any employee and/or student who believes he/she has been subjected to sexual harassment, or has reason to know of and/or witnesses any incident of sexual harassment, submit a *written* complaint; however, complaints may be filed verbally and the absence of a written complaint does not negate the District's responsibility to investigate such allegations as thoroughly as possible. School officials are required to provide a written report of investigation findings and any action taken to resolve the complaint within time frames as established by the District.

Any student or employee who believes he/she has been subjected to sexual harassment in the school environment, as well as any other person who is aware of and/or who has knowledge of or

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**SUBJECT: SEXUAL HARASSMENT (Cont'd.)**

witnesses any possible occurrence of sexual harassment, shall promptly report such occurrence. The report is to be directed to or forwarded to the District's designated Compliance Officers or as otherwise indicated in this regulation. The District will designate, at a minimum, two (2) Compliance Officers, one of each gender. If the individual is in doubt as to the "seriousness" of the incident and/or whether such behavior constitutes sexual harassment, he/she is still encouraged to immediately report such conduct for resolution. If the Compliance Officer is the alleged offender, the report shall be directed to the next level of supervisory authority as indicated below. Allegations of sexual harassment may be reported through informal and/or formal complaint procedures. Utilization of the District's grievance guidelines does not preclude a student or employee from pursuing other avenues of legal recourse including the right to register complaints with the U.S. Department of Education's Office for Civil Rights, the federal Equal Employment Opportunity Commission or the New York State Department of Human Rights. These regulations are further not to be construed as to limit the right of any individual to file a lawsuit in either federal or state court.

If there is some reason why a student or employee cannot make a report to the designated Complaint Officer, he/she may report the matter to the next level of supervisory authority or building administrator as appropriate. If a **student** reports such occurrence to any other school employee, the student shall be informed of the employee's obligation to report the complaint to administration. The administrator or supervisor who is made aware of the occurrence of possible sexual harassment, whether or not a complaint has been filed, is required to promptly report the incident(s) to the Superintendent and/or designated Compliance Officer.

Complaints of sexual harassment will be investigated thoroughly, promptly and equitably and impartially in accordance with applicable law and regulations as well as any applicable collective bargaining agreement(s). Acts of sexual harassment, particularly acts involving sexual violence may also need to be referred to appropriate law enforcement agencies as potential criminal conduct. A law enforcement investigation, however, does not relieve the District of its independent obligation to investigate the conduct stated in the complaint.

The Superintendent is to be informed as soon as possible regarding all complaints and/or reports regarding sexual harassment, and the status of any investigations.

**Reporting of Complaints: General Guidelines**

Any student or employee who believes that he/she has been subjected to sexual harassment or who is made aware of and/or witnesses any possible occurrence of sexual harassment shall report such complaint as soon as possible after the alleged incident occurs in order to help the District effectively and promptly investigate and resolve the complaint. In order to assist in the investigation, victims and/or witnesses should document the harassment as soon as it occurs, providing as much detail as possible including, but not limited to, the following:

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**SUBJECT: SEXUAL HARASSMENT (Cont'd.)**

- 1) The name, address and telephone number of the complainant.
- 2) The name and/or description of the alleged offender or offenders.
- 3) The specific nature of the alleged harassment including the complainant's explanation of why he/she believes it to be harassment.
- 4) A thorough and detailed account of the actions and/or dialogue which occurred between the alleged harasser and the complainant. This account should include the frequency of the conduct, the date, time, location of the incident, and the complainant's actions and responses during the incident(s).
- 5) The names of witnesses or of persons who have knowledge of the incident, including the names of persons with whom the complainant discussed the incident, and the time and date of this discussion.
- 6) Written material, documents, or other evidence related to the incident.

**Investigation of Complaints**

In investigating the complaint, the designated Compliance Officer will meet separately with the complainant and the alleged harasser, and will follow applicable law and regulations as well as any applicable collective bargaining agreement(s). Both parties will have the opportunity to separately present relevant witnesses and other relevant evidence to the Compliance Officer.

All parties will be assured that complaints and discussions will remain as confidential as possible, and will be disclosed only on a "need to know" basis in order to effectively investigate the complaint and/or as mandated by law or court order. However, a written record of the investigation and any action taken will be established. The complainant, the alleged harasser/offender and any witnesses will be directed to refrain from talking about the investigation while it is pending.

Parents of students subjected to possible sexual harassment and/or students filing a sexual harassment complaint, as well as parents of accused students, may be notified by the appropriate administrator of such occurrence and/or allegations as warranted and in accordance with legal guidelines. If the accused student has been identified as having a disability (or is suspected of having a disability) pursuant to Section 504/Individuals with Disabilities Education Act, a student referral shall be made to the Section 504 Team/Committee on Special Education for evaluation/assessment and/or a manifestation determination, as may be applicable in accordance with state and federal law and regulations, to determine whether the student's conduct is caused or affected by his/her disability.

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## Personnel

**SUBJECT: SEXUAL HARASSMENT (Cont'd.)**

The designated Compliance Officer will begin investigating the allegations of sexual harassment no later than three (3) working days following receipt of the complaint; and will report the findings of the investigation to the Superintendent no later than twenty (20) working days following receipt of the complaint. If necessary, the Compliance Officer is authorized to enlist the aid of additional investigators. In the case of extenuating circumstances, the Compliance Officer will file a status report with the Superintendent/designee if it becomes necessary to extend the timeline for completion of the investigation.

During the course of the investigation and thereafter, the Compliance Officer will instruct the alleged harasser/offender to have no contact or communication regarding the complaint with the victim and/or any witnesses; and that retaliation, whether direct or indirect, against the victim and/or witnesses is prohibited and may be subject to disciplinary action. Similarly, the Compliance Officer will instruct the victim and/or witnesses to refrain from contacting or communicating with the alleged harasser/offender regarding the complaint. The Compliance Officer will ask the victim what specific action the victim wants taken by the District in order to satisfactorily resolve the complaint.

If the complainant attempts to withdraw a complaint, the Compliance Officer will determine that the withdrawal is not caused by retaliation and then document the complainant's reasons and ask the complainant to sign the documentation. A copy of all written material pertaining to the case/investigation will be retained in a separate confidential file. Such records will be maintained for the period of time required by law.

**Standard of Proof**

The standard of proof to be utilized for sexual harassment complaints is a preponderance of the evidence standard (i.e., it is more likely than not that sexual harassment occurred). Therefore, while police investigative reports may be useful for fact gathering, they are not determinative of whether sexual harassment occurred and do not relieve a school from its responsibility to respond to a complaint.

**Step 1 – Informal Complaints**

A complainant who believes that he/she has been subjected to sexual harassment or anyone who is aware of or who has knowledge of or witnesses an occurrence of sexual harassment may file an informal complaint, whether verbal or written. They may request a meeting between himself/herself and the Compliance Officer (or by reporting such occurrence as otherwise indicated in this regulation) in order to discuss the allegations and further appropriate actions, if any. The Compliance Officer will next discuss the complaint with the alleged harasser/offender. If the alleged harasser/offender is a District employee, the investigation will be in accordance with any applicable collective bargaining

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## Personnel

**SUBJECT: SEXUAL HARASSMENT (Cont'd.)**

agreement. All complaints, whether formal or informal, concerning allegations of sexual harassment are to be reported immediately to the Building Principal\* and Superintendent for his/her information; and the Compliance Officer will keep the Building Principal and Superintendent informed throughout all stages of the investigation. The Principal and Superintendent will be kept informed of the complainant's and/or accused's response and recommended course of action, if any.

If the initial investigation results in a finding that sexual harassment did occur, the Compliance Officer will notify the Building Principal and Superintendent of his/her recommendations. If the Superintendent concurs with the report of the Compliance Officer, the Superintendent will then take prompt disciplinary action in accordance with the terms of District policy and regulations, federal and state law and regulations, and/or the applicable collective bargaining agreement. The Compliance Officer will notify the complainant and the accused, in person and in writing, as to the finding and/or course of action within twenty (20) working days following receipt of the complaint.

If the complainant is satisfied with the report of the Compliance Officer, the complainant will so indicate in writing. If not satisfied with the Compliance Officer's report, the complainant and/or the accused may proceed to file a formal complaint.

Informal complaint procedures will generally take place at the building level and involve resolution steps short of a comprehensive investigation and/or formal hearing. For example, in attempting to resolve a complaint informally, the Compliance Officer may interview the alleged harasser, inform the alleged harasser of the complaint, question the harasser about the alleged incidents, and review the District's policy and regulations regarding sexual harassment. The Compliance Officer will inform the alleged harasser that he/she must immediately stop any offensive conduct or face appropriate disciplinary action. The Compliance Officer will follow the provisions of any applicable collective bargaining agreement(s) throughout the course of such investigation(s).

Some types of informal actions which may be instituted if agreeable to the victim include the following:

- 1) Conducting a workshop on the recognition and prevention of sexual harassment for the building or department.
- 2) Speaking to the alleged offender.

\*If the Building Principal is the alleged offender, then the Compliance Officer shall designate another school official who will take the place of the Building Principal in all applicable phases of the complaint process.

(Continued)

Personnel

**SUBJECT: SEXUAL HARASSMENT (Cont'd.)**

- 3) Separating the parties, if possible and appropriate.

**Mediation**

Where appropriate, the designated Compliance Officer may suggest mediation as an alternative means of resolving the complaint. The use of mediation is not intended to replace but, rather, is a supplement to utilization of the District's informal/formal complaint procedures. If mediation is requested and agreed to by the victim and the accused, the District will use qualified mediators as provided by an outside agency to help resolve the complaint.

For complaints involving cases of sexual violence, mediation is not appropriate, even if on a voluntary basis, and will not be used to resolve these complaints.

**Step 2 – Formal Complaint**

A complainant may file a formal complaint of sexual harassment as an initial step or as a result of an unsatisfactory resolution of an informal complaint. The formal complaint should include all applicable information as indicated in this regulation as well as any other pertinent information which may be helpful in the course of the investigation.

As noted above, the complainant, the alleged harasser and any witnesses will be directed to refrain from talking about the investigation while it is pending. Disclosure of information will be on a "need to know" basis.

The formal complaint will be filed with the designated Compliance Officer who will submit a copy of the complaint to the Building Principal and Superintendent of Schools. The Compliance Officer will, in accordance with federal or state laws and regulations and any applicable collective bargaining agreement(s), conduct a prompt, equitable, and thorough investigation no later than three (3) working days following receipt of the complaint.

If the formal investigation results in a finding that sexual harassment did occur, the Compliance Officer will notify the Building Principal and Superintendent of his/her recommendations. If the Superintendent concurs with the report of the Compliance Officer, the Superintendent will then take prompt disciplinary action in accordance with the terms of District policy and regulations, federal and state law and regulations, and/or the applicable collective bargaining agreement. The Compliance Officer will notify the complainant and the accused, in person and in writing, as to the finding and/or course of action within twenty (20) working days following receipt of the formal complaint.

If the complainant is satisfied with the report of the Compliance Officer, the complainant will so indicate in writing. If not satisfied with the Compliance Officer's report, the complainant and/or the

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## Personnel

**SUBJECT: SEXUAL HARASSMENT (Cont'd.)**

harasser/offender may appeal the determination to the Superintendent of Schools. The appeal should be in writing and submitted no later than ten (10) working days following receipt of the Complaint Officer's decision.

**Step 3 – Appeal to the Superintendent of Schools**

All formal complaints, if not satisfactorily resolved at the initial stage of investigation, may be appealed by any party to the Superintendent of Schools.

If the Superintendent of Schools issues a finding that no sexual harassment has occurred, the complainant, if not satisfied with this resolution, may appeal the decision to the Board of Education within ten (10) working days following receipt of the report. If the complainant is satisfied with the Superintendent's finding, the complainant will so indicate in writing.

Should the Superintendent determine that corrective action is necessary, the Superintendent will follow all applicable law and regulations, District policy and guidelines, and appropriate collective bargaining agreements in the resolution of the complaint. If the accused is not satisfied with this resolution; he/she may appeal the decision to the Board of Education within ten (10) working days following receipt of the report.

The complainant and the harasser/offender will receive a copy of any and all reports issued by the Superintendent pertaining to the investigation/outcome of the formal complaint within thirty (30) working days following receipt of the complaint. If additional time is necessary to either complete the investigation or institute disciplinary/remedial action, the Superintendent will provide all parties and the Board of Education with a written status report requesting additional time to complete the investigation.

**Step 4 – Appeal to the Board of Education**

In the event that a complainant and/or harasser/offender files an appeal with the Board of Education following an investigation by the Superintendent of Schools, such appeal must be submitted in writing within ten (10) working days of receipt of the Superintendent's report. The Board of Education will conduct a hearing and issue a written response to the complainant and the harasser/offender following completion of the hearing within thirty (30) days of receipt of the complaint. If additional time is needed, a written status report shall be submitted to all parties, indicating the need for additional time.

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Personnel

**SUBJECT: SEXUAL HARASSMENT (Cont'd.)****Prohibition of Retaliation**

Regardless of the stage of the investigation, the victim will be instructed by the Compliance Officer to report immediately if the offensive behavior occurs again and/or if the alleged harasser/offender retaliates against him/her. Any witnesses who cooperated in the investigation of the complaint will be similarly instructed to report to the Compliance Officer immediately as to any retaliatory action(s). Additionally, the designated Compliance Officer will make follow-up inquiries to ensure that harassment has not resumed and 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.

**Discipline/Penalties for Non-District Employees**

Vendors/contractors and other individuals who do business with the District, who have been found to violate the terms of the sexual harassment policy and/or regulation by engaging in prohibited conduct, will be subject to appropriate sanctions up to and including loss of District business. School volunteers who are found to have violated District policy and regulation may face loss of volunteer status. The application of such disciplinary measures by the District does not preclude the appropriate filing of civil and/or criminal charges as may be warranted.

**Finding That Sexual Harassment Did Not Occur**

At any level/stage of investigation of alleged sexual harassment, if a determination is made that sexual harassment did not occur, the Compliance Officer will so notify the complainant, the alleged harasser/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 sexual 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 sexual 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 sexual harassment did not occur.

(Continued)

## Personnel

**SUBJECT: SEXUAL HARASSMENT (Cont'd.)****Knowingly Makes False Accusations**

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

**Privacy Rights**

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

**District Responsibility/Training**

Regardless of whether a complaint has been filed, if the District knows of the occurrence or the possible occurrence of any sexual harassment, the District will require a prompt and thorough investigation by appropriate personnel. Even if an anonymous complaint has been filed, the District will respond to the greatest extent possible.

Principals in each school building and/or program supervisors will be responsible for informing students and staff on a yearly basis of District policy and regulations regarding the prohibition of sexual harassment, including the procedures established for the investigation and resolution of sexual harassment complaints, the general legal issues pertaining to sexual harassment, and the rights and responsibilities of employees and students.

Those administrators and/or supervisors who have specific responsibilities for the investigation and resolution of sexual harassment complaints will receive specialized training on conducting such investigations and application to applicable laws and collective bargaining agreements.

The District also has a responsibility to remedy any lingering effects the misconduct may have had on a student, including providing information about available support services.

**Dissemination of District Policy/Regulation and Evaluation**

A copy of District policy and regulations pertaining to prohibition of sexual harassment will be available upon request. A copy of District policy and regulations may be posted in various locations throughout each school building. Additionally, the District's policy and regulations will be published in appropriate school publications such as teacher/employee handbooks, student handbooks, and/or school calendars. The language that is disseminated should be appropriate to the age of the school's students and should be easily understood.

(Continued)



Personnel

**SUBJECT: SEXUAL HARASSMENT (Cont'd.)**

The Superintendent of Schools, or his/her designee(s), has a responsibility to review District policy and regulations to ensure continued effectiveness and compliance with applicable law. The Superintendent will recommend revisions as may be warranted to the Board of Education.

NOTE: Refer also to Regulations

#3420R -- Non-Discrimination and Anti-Harassment in the School District  
#7314R – Student Use of Computerized Information Resources

**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 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, veteran 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.

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.

(Continued)

## Personnel

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

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 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

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

## Personnel

**SUBJECT: EMPLOYEE DISCRIMINATION GRIEVANCE GUIDELINES****General Statement**

The Auburn Enlarged City School District does not discriminate on the basis of sex, sexual orientation, age, military status, veteran status, marital status, political affiliation, race, creed or religion color, national origin, or disability in the employment and educational opportunities it offers, including vocational educational opportunities as required by Title IX of the 1972 Educational Amendments, Section 504 of the Rehabilitation Act of 1973 and Section 291 of the Executive Law of New York State.

**Guidelines**

Employees of the Auburn Enlarged City School District are protected from discrimination in the following areas:

- 1) Access to employment, including:
  - \* recruitment policies and practices
  - \* advertising
  - \* application procedures
  - \* testing and intervening practices
- 2) Hiring and promotion, including:
  - \* selection practices
  - \* application of nepotism policies
  - \* demotion, lay off, termination
  - \* tenure
- 3) Compensation, including:
  - \* wages and salaries
  - \* extra compensations
- 4) Job assignments, including:
  - \* classification and position descriptions
  - \* lines of progression
  - \* seniority lists
  - \* assignment and placement
- 5) Leaves of absence, including:
  - \* leaves for temporary disability
  - \* childbearing leave and related medical conditions
  - \* childrearing leave

(Continued)

**SUBJECT: EMPLOYEE DISCRIMINATION GRIEVANCE GUIDELINES**

- 6) Fringe Benefits, including:
  - \* insurance plans

## Personnel

**SUBJECT: EVALUATION OF PERSONNEL**

The administration shall undertake a continuous program of supervision and evaluation of all personnel in the School District 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.

District Plan

The Superintendent's Designee, in collaboration with teachers, pupil personnel professionals, administrators, and parents, shall develop a professional performance review plan for the District. The plan can be annual or multi-year. The Board will approve the plan and make it available on the website for review by September 10 of each school year or within ten (10) days after its approval by the Commissioner, whichever is later. Parent organizations and representatives from teacher's bargaining units will be given an opportunity to comment on the plan before adoption.

APPR Ratings

The Annual Professional Performance Review (APPR) will result in a single composite effectiveness score and a rating of "highly effective," "effective," "developing," or "ineffective." The composite score will be determined as follows:

- a) 20% - student growth on state assessments or a comparable measure of student achievement growth (increases to 25% upon implementation of a value-added growth model);
- b) 20% - locally selected measures of student achievement that are determined to be rigorous and comparable across classrooms (decreases to 15% upon implementation of a value-added growth model); and
- c) 60% - other measures of teacher/principal effectiveness.

The ratings scale based on composite scores has been established by the State Education Department (SED):

- a) Highly Effective = composite effectiveness score of 91-100

(Continued)

## Personnel

**SUBJECT: EVALUATION OF PERSONNEL (Cont'd.)**

- b) Effective = composite effectiveness score of 75-90
- c) Developing = composite effectiveness score of 65-74
- d) Ineffective = composite effectiveness score of 0-64.

If a teacher or Principal is rated "developing" or "ineffective," the School District will develop and implement a teacher or Principal improvement plan. Tenured teachers and Principals with a pattern of ineffective teaching or performance, defined as two consecutive annual "ineffective" ratings, may be charged with incompetence and considered for termination through an expedited hearing process.

The School District will ensure that all evaluators are appropriately trained and that an appeals procedure is established.

8 NYCRR Sections 80-1.1 and 100.2(o)(2)  
Education Law 3012-c

Adopted: 5/13/2013  
Amended: 8/27/2013

## Personnel

**SUBJECT: DISCLOSURE OF ANNUAL PROFESSIONAL PERFORMANCE REVIEW (APPR) DATA**

Consistent with Chapter 68 of the Laws of 2012, which amends Education Law Section 3012-c, New York State Education Department (NYSED) is required to release professional performance review data for teachers and Principals in aggregate form. NYSED is required to ensure that public release of Annual Professional Performance Review (APPR) data does not include any personally identifiable information for any teacher or Principal.

Upon request, parents/legal guardians have the right to review and receive the final quality ratings and composite effectiveness scores of individual teachers and Principals of their children. The District will provide conspicuous notice to parents/legal guardians of their right to obtain the final quality rating and composite effectiveness score for each of the teachers and the Principal for the child's assigned school building and the methods by which such data can be obtained. Such notice may be provided on the District's website and/or with other annual notifications.

**Disclosure of Data to Parents/Guardians**

Upon request, the District shall release to parents/legal guardians the final quality ratings and composite effectiveness scores for teachers and Principals to which their child is currently assigned. Parents/legal guardians may contact the Assistant Superintendent for Personnel to set up an appointment to receive, in person or by phone, the final quality ratings and composite effectiveness scores for their child's designated teacher(s) and Principal.

In accordance with the law, prior to the release of any data, school officials shall make reasonable efforts to verify that any request to receive such data is a bona fide request by a parent/guardian entitled to review the data. If requesting the information in person, parents/legal guardians may be asked to produce photo identification to verify their relationship to the student. If requesting the information by phone, parents/legal guardians may be asked to relay personally identifiable information from their student's file that is not commonly known, in order to verify their relationship.

With the disclosure of scores, parents/legal guardians may also request an oral or written explanation of the composite effectiveness scoring ranges for final quality ratings, and be offered opportunities to understand such scores in the context of teacher evaluation and student performance. The District may distribute a written summary that explains the composite scores and designates the ranges for Highly Effective, Effective, Developing and Ineffective ratings. The District may also refer parents to the APPR plan, located on the District's website.

Annual performance reviews of individual teachers and Principals shall not be subject to disclosure under the Freedom of Information Law (FOIL).



**SUBJECT: EVALUATION OF SUPPORT STAFF**

The Board of Education recognizes the importance of a program of evaluation of all support staff members, including supervisors, for the purpose of determining how each employee's capabilities may best be used, as well as targeting areas of improvement. Supervisors shall make every effort to assist employees in the redemption of deficiencies disclosed by evaluations. It is the expectation of the Board that an evaluation program will be developed and implemented. The Superintendent shall delegate the responsibility for implementing this program to the Assistant Superintendent for Personnel.

The purpose of support staff evaluations are:

- a) To provide an objective basis for employee improvement;
- b) To maintain salaries commensurate with job requirements and responsibilities; and
- c) To recognize qualified employees.

In accordance with the rules of the Civil Service Commission of the City of Auburn, all persons appointed for a probationary period shall be evaluated within two weeks prior to the end of the probationary term. To meet this rule, the Board requires the following evaluation procedure be employed with regard to permanent appointments from an open-competitive lists:

<u>Weeks Following Start</u>	<u>Administrative Action Required</u>
4 weeks	Informal evaluation by supervisor;
8 weeks	Formal written evaluation by supervisor, shared with probationer; copy to Assistant Superintendent for Business;
12 weeks	Informal evaluation by supervisor;
16 weeks	Formal written evaluation by supervisor, shared with probationer; copy to Assistant Superintendent for Business;
20 weeks	Formal written evaluation by supervisor, shared with probationer; copy to Assistant Superintendent for Business. Recommendation by Assistant Superintendent for Business for appointment or termination of probationer;
22 weeks	Recommendation by Assistant Superintendent for Business to Superintendent and Board of Education for appointment or termination of probationer;
23-24 weeks	Written notice to probationer if he/she is to be terminated. Exit interview with Board or representative before termination; and
24-26 weeks	Action by Board on recommendation to terminate probationer.

(Continued)

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Personnel

**SUBJECT: EVALUATION OF SUPPORT STAFF (Cont'd.)**

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. For those support staff members who are members of a collective bargaining unit, permanent appointments will be made as per negotiated agreement(s).

Adopted: 5/13/2003

## Personnel

**SUBJECT: HEALTH EXAMINATIONS**

All teachers initially appointed to probationary positions shall obtain a physical examination. When such examination is made by the school physician, 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 whether the employee can perform the essential functions of the position with or without reasonable accommodation.

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.

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 twelve (12) month period.

Annual or more frequent examinations of any employee may be required, when, in the judgment of the school physician *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.

Education Law Section 913

Bus Drivers: 8 New York Code of Rules and Regulations (NYCRR) Section 156.3(2)  
Rules and Regulations of the Commissioner of Motor Vehicles Section 5.09-b  
Cafeteria Workers: State Sanitary Code

**SUBJECT: ALCOHOL, TOBACCO, DRUGS, AND OTHER SUBSTANCES (STAFF)****Prohibited Conduct**

The Board, recognizing that students are often influenced by teachers and other members of a school's staff, impresses upon staff the importance of maintaining a high level of professionalism appropriate to their position, which, in turn, will set a positive example for students.

The Board, therefore, prohibits staff from consuming, sharing, selling, using, and/or possessing illegal drugs, counterfeit and designer drugs, drug paraphernalia, or alcohol in the workplace or when the effects of these actions may impair job performance. Additionally, the Board prohibits the misuse and/or unprescribed use of prescription and over-the-counter drugs in the workplace or when the effects of these actions may impair job performance.

In accordance with law, regulation, and District policy, smoking and vaping are prohibited on school grounds; within 100 feet of the entrances, exits, or outdoor areas of any of the District's schools; and/or at any school-sponsored event or activity that occurs off school grounds.

**Disciplinary Measures**

Staff will be informed of the range of penalties or consequences, up to and including, termination of employment that may be imposed for engaging in prohibited conduct in accordance with any applicable law, District policy, collective bargaining agreement, and/or other similar document.

**Information on Substance Use Related Services**

The Superintendent has designated one or more individuals to provide information regarding where and how to find available substance use related services to students, parents, and staff.

The designated individual for the District is the Nurse Supervisor

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Any information provided by a student, parent, or staff member to the designated individual(s) will not be used in any school disciplinary proceeding and will, in addition to any other applicable privilege, be considered confidential in accordance with law.

20 USC §§ 6083(a), 7118, and 7973(a)  
41 USC § 8101 et seq.  
Civil Service Law § 75  
Education Law §§ 409, 2801, 3020-a, and 3038  
Public Health Law § 1399-o

(Continued)

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Personnel

**SUBJECT: ALCOHOL, TOBACCO, DRUGS, AND OTHER SUBSTANCES (STAFF)  
(Cont'd.)**

NOTE: Refer also to Policies #3410 -- Code of Conduct  
#5640 -- Smoking/Tobacco Use  
#7320 -- Alcohol, Tobacco, Drugs, and Other Substances (Students)  
District *Code of Conduct*

Adopted: 9/9/2003  
Amended: 1/27/2015  
Amended: 1/23/2018  
Amended: 1/28/2020

## Personnel

**\*Required Policy****SUBJECT: DRUG-FREE WORKPLACE**

It shall be the general policy of the Board of Education to affirm that all programs in the District that receive Federal funds shall guarantee that their workplaces are free of controlled substances. "Controlled substance" means a controlled substance in schedules I through V of Section 202 of the Controlled Substances Act (21 USC 812) and as further defined in regulation at 21 Code of Federal Regulations (CFR) 1308.11-1308.15. An acknowledgment form shall be signed by the Superintendent indicating that the District is in full compliance with the Drug-Free Workplace Act. This policy shall guarantee that not only Federally funded programs, but the entire District is free of controlled substances.

"Workplace" is defined as a school building or other school premises; any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities; off school property during any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the School District.

The Board of Education directs the administration to develop regulations to comply with this policy, and further supports such actions and activities of the administration as shall be required to maintain a drug-free workplace.

Drug-Free Workplace Act  
(Public Law 100-690)  
34 Code of Federal Regulations (CFR) Part 85

Adopted: 5/13/03

## 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.

(Continued)

## Personnel

**SUBJECT: PROFESSIONAL GROWTH/STAFF DEVELOPMENT PROGRAMS (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 Sections 77-b and 77-c



## Personnel

**\*Required Policy****SUBJECT: SAFETY OF STUDENTS (FINGERPRINTING CLEARANCE OF NEW HIRES)**

Unless otherwise authorized, the District will not employ or utilize a prospective school employee unless the prospective school employee has been granted "full" clearance for employment by the State Education Department (SED). The District will require a prospective school employee who is not in the SED criminal history file database to undergo a fingerprint supported criminal history record background check. "Criminal history record" means a record of all criminal convictions and any pending criminal charges maintained on an individual by the Division of Criminal Justice Services (DCJS) and the Federal Bureau of Investigation (FBI). The District will obtain the applicant's consent to the criminal history records search.

The SED joined the Statewide Vendor Management System (SVMS) operated by MorphoTrust in conjunction with DCJS for the capture and transmission of the fingerprint application, fee, and digital fingerprint images. The District will use the SVMS as directed by SED. The District will still request clearance for employment, view information regarding an applicant's status, and enter hire/termination dates through SED's Web-based application known as TEACH.

**Safety of Students**

The District will develop internal building and/or program procedures to help ensure the safety of students who have contact with an employee holding conditional appointment or emergency conditional appointment. These procedures will address the safety of students in the classroom, students attending off-campus activities under the supervision of the District, and students participating in extracurricular and/or co-curricular activities (including sports and athletic activities).

Safety procedures to be addressed include, but are not limited to supervision of the employee holding conditional appointment/emergency conditional appointment as determined appropriate by the applicable building/program administrator and periodic visitations by the building/program administrator to the classroom, program, and/or activity assigned to the employee holding conditional appointment/emergency conditional appointment.

Correction Law Article 23-A

Education Law §§ 305(30), 305(33), 1604, 1709, 1804, 1950, 2503, 2554, 2590-h, 2854, 3004-b, 3004-c and 3035

Executive Law § 296(16)

Social Services Law Article 5, Title 9-B

8 NYCRR § 80-1.11 and Part 87

Adopted: 5/13/2003

Amended: 6/12/2012

Amended: 3/8/2016

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Personnel

**SUBJECT: CERTIFIED PERSONNEL**

The Board of Education shall, upon the recommendation of the Superintendent, create, abolish, maintain and/or consolidate positions involving certified persons as necessary for the proper and efficient achievement of its goals.

All assignments and transfers shall be made in accordance with the provisions of law, Board of Education policies, and the employee's negotiated agreement.

8 New York Code of Rules and Regulations  
(NYCRR) Part 30  
Education Law Sections 2510 and 3013

Adopted: 5/13/03

## Personnel

**SUBJECT: RECRUITMENT**

The District will attempt to employ the best qualified personnel for any position.

Professional personnel shall be recruited and selected by, or at the direction of, the Superintendent of Schools, who shall recommend appointment to the Board of Education.

The District shall provide equal opportunity in employment for all qualified persons in accordance with Federal and State legislation.

Education Law Section 3012

Adopted: 5/13/03

## Personnel

**SUBJECT: CERTIFICATION AND QUALIFICATIONS**

The following provisions will govern certification and qualifications of District personnel:

- a) In accordance with applicable statutes, Rules of the Board of Regents, and Commissioner's regulations, each employee whose employment requires certification or other licensure must inform the Superintendent immediately of any change in his or her certification or licensure status. The changes may include the granting, revocation, upgrading, expiration, conversion, and/or extension of documents as to their periods of validity or their titles.
- b) Commissioner's regulations extend the expiration dates for various certificate holders engaged in active military service for the period of active service and an additional 12 months from the end of the service. The regulations also reduce the professional development requirements for certification holders called to active duty for the time of active service.
- c) Online verification of an employment applicant's certification status will be used in lieu of printed certificates for current and potential employees. The District will also check the TEACH database to ensure that any Permanent or Professional certificates for new hires remain valid.
- d) It is the responsibility of the employee to ensure that he or she maintains the appropriate certification and/or licensure required for his or her assignment.

**Parent Notification**

The District is required to provide parents, upon request, with specific information about the professional qualifications of their children's classroom teachers. The following will be provided by the District upon request:

- a) If the teacher has met New York State qualifications and licensing criteria for the grade levels and subject areas he or she teaches;
- b) Whether the teacher is teaching under emergency or other provisional status through which the state qualification or licensing criteria have been waived;
- c) The teacher's college major; whether the teacher has any advanced degrees and, if so, the subject of the degrees; and
- d) If the child is provided services by any instructional aides or similar paraprofessionals and, if so, their qualifications.

(Continued)

**SUBJECT: CERTIFICATION AND QUALIFICATIONS (Cont'd.)**

20 USC § 7801(23)

34 CFR §§ 200.55 and 200.56

Education Law §§ 210, 305, 3001, 3001-a, 3004, 3006 and 3008

8 NYCRR Subparts 57-3, 80-1, 80-2, 80-3, 80.4, and 80.5

8 NYCRR §§ 100.2(dd) and 100.2(o)

Adopted: 5/13/03

Amended: 11/13/2018

## Personnel

**SUBJECT: INCIDENTAL TEACHING**

The Superintendent may assign a teacher to teach a subject not covered by such a teacher's certification or license for a period not to exceed five classroom hours a week, when no certified or qualified teacher is available after extensive and documented recruitment, 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 such subject being taught on an incidental basis;
- d) The qualification 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, such 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 the 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 or to obtain renewal of such approval in any subsequent year, the Superintendent shall comply with enumerated requirements per Commissioner's Regulations.

8 New York Code of Rules and Regulations  
(NYCRR) Section 80-5.3

Adopted: 5/13/03

**SUBJECT: PROBATION AND TENURE****Probation**

Generally, teachers, all other members of the teaching staff, principals, administrators, supervisors, and all other members of the supervising staff will be appointed by the Board upon the recommendation of the Superintendent for a probationary period of four years.

Generally, teachers, all other members of the teaching staff, administrators, directors, supervisors, principals, and all other members of the supervising staff (except associate, assistant, and other Superintendents) will be appointed by the Board upon the recommendation of the Superintendent for a probationary period of four years.

Generally, administrative assistants, supervisors, teachers, and all other members of the teaching and supervising staff of the BOCES will be appointed by the Board upon the recommendation of the District Superintendent for a probationary period not to exceed four years.

The probationary period will not exceed three years for teachers previously appointed to tenure in any district or BOCES within the state, provided that the teacher was not dismissed from that district or BOCES as a result of charges brought pursuant to Education Law Section 3020-a or 3020-b and met the required annual professional performance review (APPR) rating in his or her final year of service there.

Additionally, up to two years of service as a regular substitute teacher may be applied toward probationary service. (This is sometimes referred to as Jarema Credit.)

The probationary period will not exceed three years for principals, administrators, supervisors, or other members of the supervising staff appointed on or after June 1, 2020 who were previously appointed to tenure as an administrator within an authorized administrative tenure area in any district or BOCES within the state provided that the individual was not dismissed from that district or BOCES as a result of charges brought pursuant to Education Law Section 3020-a or 3020-b.

During the probationary period, a staff member will be given assistance in adjusting to the new position, but the essential qualifications for acceptable performance will be assumed because the staff member attained the required certification or license.

A staff member's appointment may be discontinued at any time during his or her probationary period upon the recommendation of the Superintendent and by majority vote of the Board.

(Continued)

**SUBJECT: PROBATION AND TENURE (Cont'd.)**

Any staff member not recommended for tenure appointment will be notified in writing by the Superintendent no later than 60 days before his or her probationary period expires.

**Tenure**

The Board will comply with all applicable laws and regulations regarding tenure.

At the expiration of the probationary period or within six months prior, the Superintendent will make a written report to the Board recommending for appointment to tenure those who have been found competent, efficient, and satisfactory and, in the case of teachers and building principals, those who have received APPR ratings of effective or highly effective in at least three of the preceding four years, exclusive of any breaks in service.

If a teacher or building principal receives an APPR rating of ineffective in their final probationary year after receiving APPR ratings of effective or highly effective in the preceding probationary years, they will not be eligible for tenure. However, the Board may extend that teacher's or building principal's probationary time by an additional year. The teacher or building principal may be eligible for immediate tenure if he or she successfully appeals the ineffective rating.

The Board may then—by a majority vote—appoint to tenure any or all of the persons recommended by the Superintendent.

A teacher or building principal will remain on probationary status until the end of the school year in which he or she has received APPR ratings of effective or highly effective for at least three of the four preceding school years, exclusive of any breaks in service. During this time, the Board may grant tenure contingent upon a teacher's or building principal's receipt of a minimum APPR rating in the final year of his or her probationary period. If the contingency is not met after all appeals are exhausted, the grant of tenure will be void and unenforceable and the teacher's or building principal's probationary period may be extended for an additional year in accordance with law.

**Resolutions Making Appointments**

Each Board resolution making a probationary appointment or an appointment on tenure will specify:

- a) The name of the appointee;
- b) The tenure area or areas in which the professional will devote a substantial portion of his or her time;
- c) The date probationary service or service on tenure commences in each area;

(Continued)



**SUBJECT: PROBATION AND TENURE (Cont'd.)**

- d) The expiration date of the appointment, if made on a probationary basis. For appointments of classroom teachers and building principals, the resolution must state that:
  - 1. To receive tenure, the individual must receive composite or overall APPR ratings of effective or highly effective in at least three of the four preceding years; and
  - 2. If the teacher or building principal receives an ineffective composite or overall APPR rating in his or her final year of probation, he or she will not be eligible for tenure at that time; and
- e) The certification status of the appointee in reference to the position to which the individual is appointed.

Education Law §§ 2509, 2573, 3012, 3014, and 3031  
8 NYCRR § 30-1.3

NOTE: Refer also to Policy #6217 -- Professional Staff: Separation

Adopted: 5/13/2003  
Amended: 10/27/2015  
Amended: 7/2/2020

## Personnel

**SUBJECT: DISCIPLINING OF A TENURED TEACHER OR CERTIFIED PERSONNEL**

The District may discipline tenured teachers and certain certified personnel in accordance with applicable law, including, without limitation, Education Law Sections 3012, 3020-a, and 3020-b; Commissioner's regulations; or applicable contract provisions.

**Ineffective Personnel**

The District or Board may bring incompetence charges against a teacher or building principal who receives two or more consecutive ineffective ratings under the APPR; the District or Board must bring incompetence charges against anyone who receives three consecutive ineffective APPR ratings. A single hearing officer from the American Arbitration Association's labor arbitration panel will govern the competency hearing. The hearing may be public or private, at the employee's discretion. The employee will have a reasonable opportunity to defend himself/herself, but will not be required to testify. Each party has the right to be represented by counsel, to subpoena witnesses, to cross-examine witnesses, and to make motions or applications. There will be a full and fair disclosure of witnesses and evidence to be offered by both the District and the employee. A record of the proceeding will be kept.

**Allegations of Abuse**

The Board may suspend, without pay, an employee charged with physically or sexually abusing a student pending an expedited probable-cause hearing. A single hearing officer will conduct the probable-cause hearing.

**Child Witnesses**

A child under 14 may be allowed to testify through live, two-way, closed-circuit television if the hearing officer determines by clear and convincing evidence that the child would suffer serious mental or emotional harm that would substantially impair his/her ability to communicate if required to testify live, and that using closed-circuit television would diminish the likelihood or extent of the child suffering serious mental or emotional harm. In making this decision, the hearing officer will consider applicable factors listed in Criminal Procedure Law Section 65.20, including: whether the offense was particularly heinous, the child's age and vulnerability, the child's susceptibility to psychological harm due to an underlying physical or mental condition, whether the accused occupied a position of authority over the child, if the offense charged was part of an ongoing course of conduct committed by the accused against the child over an extended period of time, use of a dangerous or deadly weapon, whether the child suffered serious physical injury, threats made against the child, the accused's access to the child, and expert testimony that the child would be particularly susceptible to psychological harm if required to testify in open court or to be in the physical presence of the accused.

(Continued)

**SUBJECT: DISCIPLINING OF A TENURED TEACHER OR CERTIFIED PERSONNEL  
(Cont'd.)**

**Automatic Revocation of Teacher and Administrative Certificates by the Commissioner of Education**

The Commissioner will revoke and annul the certificate of a teacher, teaching assistant, pupil personnel services professional, school administrator or supervisor, or superintendent convicted of:

- a) A sex offense for which registration as a sex offender is required under the Sex Offender Registration Act; or
- b) Any other violent felony offense committed against a child when the child was the intended victim of the offense.

These offenses include, but are not limited to, sexual misconduct, sexual abuse, rape, statutory rape, assault, various other criminal sexual acts, and certain kidnapping offenses. Annulment and revocation will be conducted in accordance with Education Law Section 305(7-a).

In addition, the Commissioner will revoke and annul the certificate of a school district administrator, school administrator or supervisor, or school business administrator convicted of fraud under Penal Law Section 195.20 which makes it a Class E felony to obtain government property, services, or other resources in excess of \$1,000:

- a) Through a systemic ongoing course of conduct with the intent to defraud; or
- b) By false or fraudulent pretenses, representations, or promises; or
- c) To make use of the property, services, or other resources for private business or other compensable nongovernment purposes.

Annulment and revocation will be conducted in accordance with Education Law Section 305(7-b).

Criminal Procedure Law §§ 65.00, 65.20, 65.30, and 380.95  
Education Law §§ 305(7-a), 305(7-b), 2573(8), 2590-j(7), 3012 3020-a, and 3020-b  
Penal Law § 195.20  
8 NYCRR Subpart 82-43  
Correction Law Article 6-C

Adopted 5/13/2003  
Amended 10/27/2015

## Personnel

**SUBJECT: PROFESSIONAL STAFF: SEPARATION**

A professional staff member may be dismissed upon provision of at least sixty (60) days notice and pay during the probationary period only upon the recommendation of the Superintendent and majority vote of the Board in accordance with the Education Law.

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 3012, 3019-a, and 3031

Adopted: 5/13/03

## Personnel

**SUBJECT: EMPLOYMENT OF RELATIVES OF BOARD OF EDUCATION MEMBERS**

The appointment of a teacher who is related by bloodline or legal process (including marriage) to any member of the Board of Education shall be subject to the consent of two-thirds 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: 5/13/03

## Personnel

**SUBJECT: TEMPORARY PERSONNEL**

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

**Student Teachers**

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

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

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

**Substitute Teachers**

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

**Eligibility for Service**

There are three categories of substitutes:

- a) Substitutes with valid teaching certificates or certificates of qualification may serve in any capacity for any number of days. If employed on more than an itinerant basis, these substitutes will be employed in their certification area.
- b) Substitutes without a valid certificate, but who are completing collegiate study towards certification at the rate of not less than six semester hours per year may serve in any capacity for any number of days, in any number of school districts. If employed on more than an itinerant basis, these substitutes will be employed in their anticipated certification area
- c) Substitutes without a valid certificate and who are not working toward certification may serve for no more than 40 days per school year. In extreme circumstances—where there is an urgent need for a substitute teacher—however, the District may employ this substitute teacher beyond the 40-day limit, for up to an additional 50 days (90 days total in a school year), if the Superintendent certifies that the District conducted a good-faith recruitment search and there are no certified teachers available who can perform the duties of the position.

(Continued)

## Personnel

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

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

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

Reporting

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

- a) The number of substitute teachers authorized to be employed beyond the 40-day limit.
- b) The number of substitute teachers authorized to be employed beyond the 90-day limit.
- c) The required good-faith recruitment certifications for all teachers employed beyond the 40-day and 90-day limits.

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

Adopted 5/13/2003  
Amended 10/11/2016

2003

6310

Personnel

**SUBJECT: APPOINTMENT - SUPPORT STAFF**

The probationary period for all new civil service employees shall be for the maximum period established by the local Civil Service Commission.

The time, place and conditions of employment shall be assigned by the Superintendent of Schools. The duties for each Civil Service employee shall be clearly defined.

Civil Service Law Section 63

Adopted: 5/13/03



## Personnel

**SUBJECT: EMPLOYMENT OF TEACHER AIDES**

In accordance with Regulations of the Commissioner, the Board of Education may employ aides to assist in the daily operation of the school through non-teaching duties.

The duties and responsibilities to be assumed by aides shall be outlined by the Superintendent of Schools.

Persons employed as aides shall be responsible to the building principal and/or his/her designated representatives.

8 New York Code of Rules and Regulations  
(NYCRR) Section 80-5.6

Adopted: 5/13/03

2003

6410

Personnel

**SUBJECT: MAINTAINING DISCIPLINE AND CONDUCT**

All personnel employed by the District are responsible for maintaining student discipline and appropriate conduct during school hours or at extracurricular events.

Adopted: 5/13/03

## Personnel

**SUBJECT: EMPLOYEE PERSONNEL RECORDS AND RELEASE OF INFORMATION****Personnel Records**

Administrative regulations will be developed to implement the terms of this policy to maintain a personnel file for each teacher, administrator and support staff member employed by the District.

Regulations and procedures will be developed addressing the inspection by District employees of their personnel files.

**Release of Personnel Information**

All steps should be taken to protect the privacy of the employees of the Board of Education. To ensure the individual's privacy, directory or confidential information should not be shared with a third party except in the following situations:

- a) When members of the Board of Education need information from the employee's personnel record to aid them in performing their legal responsibilities in such matters as appointments, assignments, promotions, demotions, remuneration, discipline, dismissal or to aid in the development and implementation of personnel policies.
- b) When the employee grants permission.

Procedures for obtaining consent for release of records to third parties shall be developed by the administration.

**Release of Information Concerning Former Employees**

The District shall not release information concerning the employment records, personnel file or past performance of a former employee, unless such information is required to be disclosed by law. Only the initial and final dates of employment and the position held shall be provided through a written response to a written request. The former employee may authorize the release of any additional information.

8 New York Code of Rules and Regulations  
(NYCRR) Part 84  
Public Officers Law Section 87

Adopted: 5/13/03

**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.

NOTE: Refer also to Policy #5560 -- Use of District Funds for Partisan Political Activity

## Personnel

**SUBJECT: NEGOTIATIONS****Legal Status**

The legal status for negotiations is the Public Employees' Fair Employment Law (Taylor Law), Article 14 of the Civil Service Law.

Organizations recognized for the purposes of collective bargaining include:

- a) Auburn Teachers' Association
- b) Civil Service Employees' Association; Inc., Local 1000  
AFSCME/AFL-CIO, Cayuga County Local 806, Enlarged Auburn City School  
District Non-Instructional Employees
- c) Auburn Administrators' Association
- d) Local 200-B Service Employees' International Union, AFL-CIO
- e) Auburn Educational Secretaries and Paraprofessionals Association
- f) Auburn Per Diem Substitute Teachers/NYSUT, New York State United Teachers, AFT,  
AFL-CIO

2003

6450

Personnel

**SUBJECT: THEFT OF SERVICES OR PROPERTY**

The theft of services or property from the District by an employee will result in immediate disciplinary action that can lead to dismissal or other penalty, and shall not preclude the filing of criminal or civil charges by the District.

Adopted: 5/13/03

## Personnel

**SUBJECT: PERSONAL PROPERTY FOR STUDENT USE**

- a) All staff personal property/equipment valued at \$2,500 or above that is dedicated to student use at any time must be approved by the principal and documented with the district's business office.
- b) Teachers that choose to utilize personal property valued at \$2,500 or more for instruction in and/or outside of the classroom assumes all risk of loss or damage to the loaned property/equipment.
- c) The District may assume responsibility for personal property of employees for loss only if the principal has given his/her approval for the article to be brought to school and it has been documented with the district's business office. A short form shall be filled out describing the article, age of article, and purchase price when new. This form must be signed by the principal and school business executive.

No reimbursement shall be considered if this article is covered by insurance either held by the individual or the School District.

- d) Other individuals may wish to bring personal property onto District premises. The owner of the personal property bears all responsibility and assumes all risk for loss, damage or misuse of said personal property while it is on district property. This provision applies, without limitation, to trespassers, invitees, visitors, and independent contractors.

The limitation of liabilities set forth in the previous paragraphs applies to all personal property, regardless of any benefit the school district receives from its use.

Personnel

**SUBJECT: PERSONAL PROPERTY FOR STUDENT USE (VALUED at \$2,500 or MORE)**

Date \_\_\_\_\_ Department \_\_\_\_\_

Submitted by:

Teacher \_\_\_\_\_

Building \_\_\_\_\_



Personal Property/Equipment	Description	Serial #	Purchase Price when New	Age of Equipment

Reason for loan or use of personal property/equipment for student use:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The personal property is covered by educator's personal insurance? (circle) \_\_\_ Yes \_\_\_ No

Approval: Building Principal: \_\_\_\_\_  
*Signature* *Date*

School Business Executive: \_\_\_\_\_  
*Signature* *Date*



2003

6460

Personnel

**SUBJECT: JURY DUTY**

A District employee called for jury duty shall receive his/her full day's pay from the School District. 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: 5/13/03

## 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.

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.

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.

The School District recognizes the value of teacher and professional staff inquiry, investigation and communication using new technology tools to enhance student learning experiences. The School District also realizes its obligations to teach and ensure responsible and safe use of these new technologies. Social media, including social networking sites, have great potential to connect people around the globe and enhance communication. Therefore, the Board of Education encourages the use of District approved social media tools and the exploration of new and emerging technologies to supplement the range of communication and educational services.

(Continued)

Personnel

**SUBJECT: STAFF USE OF COMPUTERIZED INFORMATION RESOURCES (Cont'd.)**

The Auburn Enlarged City School District (hereby referred to as the “District”) recognizes that employees may engage in “social networking” while off duty. “Social networking” for purposes of sites such as Twitter, Instagram, Facebook or Linked-In; blogs and other online journals and diaries; bulletin boards and chat rooms; micro-blogging, such as Twitter; and the posting of videos on YouTube services, such as parent portals, used in official capacity as part an employee’s employment with the District must be approved, password-protected social media tools that fall within the District’s electronic technology network or which the District has greater authority and ability to protect minors from inappropriate content and can limit public access within these internal forums.

**SOCIAL MEDIA GUIDELINES**

The District takes no position on an employee’s decision to participate in the use of social media or social networking sites (SNS) for personal use on personal time. However, personal use of these media during District time or on District-owned equipment is discouraged. In addition, employees are encouraged to maintain the highest levels of professionalism. They have the responsibility for addressing inappropriate behavior or activity on these networks, including requirements for mandated reporting and compliance with all applicable District Policies and Regulations.

Employees who engage in personal social networking should be mindful that their postings, even if done off premises and while off duty, could have an adverse effect on the District’s image and relationships with parents and students. For example, employees must take care never to post school or student information that is confidential or derogatory comments about parents or students. In addition, if readers are aware that the employee works for the District, those readers may erroneously view the employee as a spokesperson for the school or school district.

- ❖ To reduce the likelihood that your personal social networking will have an adverse impact on the school or school district, the District asks that employees observe the following guidelines when engaged in social networking.
  - Employees may not engage in personal social networking using any of the school’s electronic resources or during work time.
  - Employees should avoid sending or accepting “friend” requests from parents or students on personal social networking sites. If an employee feels that social networking is a good tool for communicating with students or parents, they should request approval from their Principal or Supervisor and to create a separate professional account for such purpose.
  - Employees may not communicate with students or parents through “Snapchat” or other social media that does not create a record of the communication. Employees are encouraged to utilize their professional work email account, as it maintains a record.
  - Supervisors should avoid sending “friend” requests to subordinates, or accepting “friend” requests from subordinates. Any employee may reject a “friend” request from any other employee without repercussion.

(Continued)

**SUBJECT: STAFF USE OF COMPUTERIZED INFORMATION RESOURCES (Cont'd.)**

- All requests for references or recommendations, even those that are received through social networking, should be handled in accordance with the “Personnel File” for responding to such requests.
- ❖ If an employee’s social networking includes any information related to the District or District employees, the employee should follow these guidelines:
  - Make it clear to readers that the views expressed are yours alone and do not reflect the views of the employee’s school or the District.
  - Do not defame or otherwise discredit the District’s students, parents, services, or the products/services of our vendors/competitors.
  - Do not mention or post pictures of families, students, co-workers, or supervisors without prior written approval from the individuals in the pictures.
  - Do not use the District’s logo, trademark, or proprietary graphics, or photographs of the District’s premises or products.
  - Do not disclose information about confidential business matters.
  - Do not disclose information about students, as doing so could be a violation of the Health Insurance Portability and Accountability Act (HIPPA) and/or Family Educational Rights and Privacy Act (FERPA).
  - Do not disclose personal or contact information of co-workers or supervisors without their prior permission.
  - Do not defame or engage in behavior towards other District employees that would be considered a violation of our school’s policies, such as our Non-Harassment Policy.
  - It is recommended that employees not “tag” photos of other individuals without the prior permission of the individuals being tagged.
  - If someone from the media or press contacts you about your social networking activities that relate to the District, speak to your supervisor before responding.
- ❖ You should also consider the following if your social networking includes any information related to the District:
  - Before you engage in any social networking that identifies yourself as an employee of the District, or that identifies the school or the District, please consider whether you are damaging the District’s reputation. If you are uncertain, you should contact your Supervisor before posting.
  - There are appropriate avenues for resolving concerns related to work by speaking directly with your union representatives, co-workers, supervisors, or other senior management than by posting complaints on the Internet and/or through social networking.

(Continued)

**SUBJECT: STAFF USE OF COMPUTERIZED INFORMATION RESOURCES (Cont'd.)**

- ❖ An employee should request permission to develop a professional social media or electronic communication account and the site should include language identifying it as such. Employees are urged to follow these guidelines when developing and maintaining these types of professional accounts:
  - Design and utilize for instruction, education or extra-curricular program matters. If something is inappropriate in the classroom, then it would be inappropriate for the site;
  - Sound judgement, common sense and caution should be exercised at all times;
  - Consider the intended audience and the level of privacy assigned to the site. It is recommended that professional social media sites be private networks to only reach the intended audience, unless there is a need for it to be otherwise;
  - No personal identifiable student information may be posted; and
  - No photos may be posted without prior permission from the individual.

**Privacy Rights**

Staff data files and electronic storage areas shall remain District property, subject to District control and inspection. The Director of Technology may access all such files and communication without prior notice to ensure system integrity and that users are complying with requirements of this policy and accompanying regulations. Staff should **NOT** expect that information stored on the DCS will be private.

Annually, teachers and other staff desiring to communicate with families and communities through social media, will secure approval from their supervisor and will provide access credentials to the Public Relations Specialist.

This policy is not intended to interfere with any employee's right to communicate with others about their terms and conditions of employment, or any other activity that would be considered to be protected concerted activity under the Public Employment Relations Act. The District may request that you temporarily confine your social networking to matters unrelated to the school if the school determines this is necessary or advisable to ensure compliance with confidentiality agreements of other laws.

Communications made in the online medium concerning District Personnel, District Operations and or students shall comply with the Ethical Standards laid out in the Auburn Enlarged City School District Policy 6110, Code of Ethics/Conflict of Interest.

NOTE: Refer also to Policy #8271 -- Children's Internet Protection Act: Internet Content Filtering/Safety Policy

Adopted: 5/13/2003  
Amended: 3/11/2014  
Amended: 11/17/2020

2003

6480

Personnel

**SUBJECT: USE OF PRIVATELY OWNED CARS**

Employees of the Enlarged City School District of Auburn should use school owned vehicles whenever possible when on official school business.

Reimbursement for use of privately owned vehicles must have prior approval of Superintendent or his/her designee and shall be at a rate approved by the Board of Education.

Adopted: 5/13/03

**SUBJECT: HEALTH INSURANCE**

Health insurance for certified and support staffs, both active and retired, shall be in accordance with their respective negotiated agreements.

**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.

Consolidated Omnibus Budget  
Reconciliation Act of 1985

1990

6511

Personnel

**SUBJECT: EXCLUDED PERSONNEL**

Those individuals who have been excluded from a Bargaining Unit shall be compensated to their responsibilities, ability and certification. Other benefits shall be at least equal to those benefits given to members of the unit from which an individual was excluded.

Education Law 2503

Adopted: 1990



## Personnel

**SUBJECT: PRIVACY OF PROTECTED HEALTH INFORMATION**

The Board of Education seeks to safeguard the privacy of protected health information of District employees. The Board of Education directs the Superintendent to develop and implement appropriate guidelines and procedures for safeguarding the privacy of employee health information consistent with federal and state laws and regulations.

Health Insurance Portability and Accountability Act of  
1996 (HIPAA)  
Medical Records Privacy Regulations

Adopted: 7/27/2004

## Personnel

**SUBJECT: WORKERS' COMPENSATION**

Employees injured in the performance of their duties are covered by Workers' Compensation Insurance. Employees shall report work-related injuries immediately to their immediate supervisor. Delay in reporting, if necessary, must be justified to the satisfaction of the Board of Education and/or the insurance agency.

Reimbursement for Workers' Compensation Insurance benefits shall be in accordance with their respective negotiated agreements.

Education Law Sections 1604(31),  
1709(34) and 2503(10)

Adopted: 5/13/03

2003

6530

Personnel

**SUBJECT: PAYROLL DEDUCTIONS**

Payroll deductions may be made when authorized by employees or when required by law or negotiated agreements.

Education Law Section 1709

Adopted : 5/13/03

## Personnel

**SUBJECT: TAX SHELTERED ANNUITIES**

The Board of Education authorizes staff participation in tax sheltered annuities and shall provide for payroll deductions for such participation by any eligible employee.

All companies which sell tax sheltered annuities to employees through the School District must be approved by the Superintendent and/or School Business Official. Any firm soliciting participation in such tax sheltered annuities among the staff of the School District must comply with the provisions of Section 403(b) of the Internal Revenue Code of 1954, as amended. Additionally, such firms must also abide by all other relevant laws and regulations set forth by the State of New York and its relevant agencies, and must be licensed to provide tax sheltered annuities in New York State. A minimum of ten employees is required to begin payroll deductions with a new firm.

The Superintendent and/or the School Business Official are authorized to approve, on behalf of the Board of Education, a salary reduction agreement between an eligible employee and the School District. The amount of such reduction will be remitted by the School District to the company specified by the employee in the agreement for the purpose of purchasing a tax sheltered annuity which qualifies for purposes of Section 403(b). An appropriate salary reduction agreement must be on file and signed by the employee, the agent and the employer.

All tax sheltered annuity agreements, and any changes thereafter, under Section 403(b) of the Internal Revenue Code must be filed using a form that is acceptable to the District.

Failure on the part of any vendor and/or agent to comply with this policy will be sufficient grounds for denying further sales to School District employees.

Section 403(b) of the Internal Revenue Code of 1954,  
as amended  
Education Law 1604(31-a), 1709(34-1), 1709(35),  
and 3109  
General Municipal Law 93-b and 93-c

**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)

**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 for actions and decisions made during employment by the District.

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 : 5/13/03

## Personnel

**SUBJECT: LEAVES OF ABSENCE**

In general, leaves of absence will be administered by the Superintendent. The Board reserves the right to grant leaves of absence for purposes or under conditions not contemplated or considered in the policy statement. Where a leave of absence is falsely requested or improperly used, the Board may undertake appropriate disciplinary action. The purpose or conditions of a leave of absence may not be altered except by permission of the Superintendent, as expressed in writing.

Leaves of absence, contractual, et al.

- a) Employees who are members of a negotiating unit:

Authorization is granted to approve requests for leaves of absence submitted in accordance with provisions of contracts in effect between the District and each bargaining unit.

- b) Employees who are not members of a negotiating unit:

Authorization is granted to approve requests for leaves of absence submitted by these employees where the requests are consistent with provisions of contracts in effect between the District and the bargaining unit most compatible with the employment status of the employee.

- c) Employees who are under contract to the District:

Authorization is granted to implement provisions for leaves of absence contained in each contract.

Leaves of absence, unpaid, not covered above

- a) Subject to limitations enumerated in this policy statement, authorization is granted for the following unpaid leaves of absence:

1. For a period of time not to exceed one school year for approved graduate study, this leave to include any required internship experience.
2. At the expiration of a paid sick leave of absence, this leave may be extended for a period of time not longer than the end of the school year after the school year in which the paid leave of absence began.

- b) Unpaid leaves of absence cannot be used to extend vacation periods, to take vacations, to engage in other occupations, or to provide additional personal leaves, except that the Superintendent will have discretion, where circumstances warrant, to approve leaves of absence for those purposes.

- c) Unpaid leaves of absence will not be granted unless the services of a substitute employee, satisfactory in the discretion of the Superintendent, can be secured.

(Continued)

**SUBJECT: LEAVES OF ABSENCE (Cont'd.)**

- d) Except where it interferes with an employee's legal or contractual rights, the timing of unpaid leaves of absence will be granted at the convenience of the District.

Other leaves of absence

- a) Emergency Service Volunteer Leave

Upon presentation of a written request from the American Red Cross and with the approval of the Superintendent, employees certified by the American Red Cross as disaster volunteers will be granted leave from work with pay for up to 20 days in any calendar year to participate in specialized disaster relief operations. This leave will be provided without loss of seniority, compensation, sick leave, vacation leave, or other overtime compensation to which the volunteer is otherwise entitled.

- b) Screenings for Cancer

Employees will be granted up to four hours of paid leave on an annual basis to undertake a screening for cancer. This leave will be excused leave and will not be charged against any other leave to which the employee is entitled.

- c) Blood Donation

The District must either, at its option:

1. Grant three hours of unpaid leave of absence in any 12-month period to an employee who seeks to donate blood off-premises. The leave may not exceed three hours unless agreed to by the Superintendent or designee; or
2. Allow its employees without use of accumulated leave time to donate blood during work hours at least two times per year at a convenient time and place set by the Superintendent or designee, including allowing an employee to participate in a blood drive at the District.

Leave taken by employees at a District-designated donation alternative (such as a District-sponsored blood drive at the workplace) must be paid leave that is provided without requiring the employee to use accumulated vacation, personal, sick, or other leave time.

The District will not retaliate against an employee for requesting or obtaining a leave of absence under this section. Additional leaves for the purpose of blood donation under any other provision of law will not be prevented.

(Continued)



## Personnel

**SUBJECT: LEAVES OF ABSENCE (Cont'd.)**

## d) Bone Marrow Donation

Employees seeking to undergo a medical procedure to donate bone marrow will be granted leaves to do so, the combined length of the leaves to be determined by the physician, but may not exceed 24 work hours unless agreed to by the Superintendent or designee. The District will require verification for the purpose and length of each leave requested by the employee for this purpose.

## e) Nursing Mothers

The District will provide reasonable unpaid break time or permit the use of paid break time or meal time each day to allow an employee to express breast milk for her nursing child for up to three years following child birth. The District will make reasonable efforts to provide a room or other location in close proximity to the work area where the nursing mother can express milk in privacy. The District will not discriminate against an employee who chooses to express breast milk in the workplace.

Reasonable unpaid break time is generally no less than 20 minutes and no more than 30 minutes dependent upon the proximity of the designated location for expressing breast milk. In most situations, the District is required to provide unpaid break time at least once every three hours if requested by the employee. At the employee's option, the District will allow the employee to work before or after her normal shift to make up the amount of time used during the unpaid break time(s) so long as the additional time requested falls within the District's normal work hours.

The District will provide written notice to employees who are returning to work following the birth of a child of their right to take unpaid leave for the purpose of expressing breast milk. This notice may either be provided individually to affected employees or to all employees generally through publication of the notice in the employee handbook or posting of the notice in a central location.

Any employee wishing to avail herself of this benefit is required to give the District advance notice, preferably prior to her return to work, to allow the District an opportunity to establish a location and schedule leave time to accommodate employees as needed.

## f) Victims of Domestic Abuse

Employers are required to provide employees with an unpaid leave to appear as a witness, consult with the district attorney, or exercise the employee's statutory rights as the victim of, or witness to a crime of domestic violence. A victim of domestic violence may need one or more of these types of leave.

(Continued)

**SUBJECT: LEAVES OF ABSENCE (Cont'd.)**

To use this leave, the employee must provide notice of the need for leave at any time prior to the actual day of leave. Employers are permitted to ask the employee who sought the attendance or testimony of the employee to provide verification of the employee's service. Employees will not be penalized or discharged for absences by reason of a required appearance as a witness in a criminal proceeding, or consultation with the district attorney, or exercising his or her rights as provided under the law.

## g) Military Leave

The District will comply with state and federal laws regarding military leave and re-employment.

## h) Jury Duty

As provided by law, any employee who is summoned to serve as a juror and who notifies the District to that effect prior to his or her term of service will not, on account of absence by reason of jury service, be subject to discharge or penalty. The District will ensure that all absences for this purpose are granted in accordance with law and the terms of any applicable collective bargaining agreement.

Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 USC §§ 4301-4333

Civil Service Law §§ 71-73, 159-b

Education Law §§ 1709(16), 3005, 3005-a and 3005-b

General Municipal Law § 92-c

Judiciary Law §§ 519 and 521

Labor Law §§ 202-a, 202-c, 202-I, 202-j and 206-c

Military Law §§ 242 and 243

Penal Law § 215.14

Adoption Date: 5/13/03

Amended: 11/13/2018

**\*Required Policy**

**SUBJECT: FAMILY AND MEDICAL LEAVE ACT**

The Board of Education, in accordance with the Family and Medical Leave Act of 1993 (as amended) (FMLA), gives "eligible" employees of the District the right to take unpaid leave for a period of up to twelve (12) workweeks in a twelve-month period as determined by the District.

The School District will compute the time frame of the twelve (12) month period for which FMLA leave is being requested on a "rolling" twelve (12) month period measured backward from the date of any FMLA leave usage.

Employees are "eligible" if they have been employed by the District for at least twelve (12) months and for at least 1,250 hours of service during the previous twelve-month period. However, a break in employment for military service (i.e., call to active duty) should not interrupt the twelve (12) month/1,250 hours of employment requirement and should be counted toward fulfilling this prerequisite.

Qualified employees may be granted leave for one (1) or more of the following reasons:

- a) The birth of a child and care for the child;
- b) Adoption of a child and care for the child;
- c) The placement of a child with the employee from foster care;
- d) To care for a spouse, minor child or parent who has a "serious health condition" as defined by the FMLA;
- e) To care for an adult child who is incapable of self-care due to a disability (regardless of date of the onset of disability) and has a "serious health condition" as defined by the FMLA; and/or
- f) A "serious health condition" of the employee, as defined by the FMLA, that prevents the employee from performing his/her job.

A "serious health condition" is defined as an illness, injury, impairment or physical or mental condition that involves inpatient care or continuing treatment by a health care provider that renders the person incapacitated for more than three (3) consecutive calendar days. Furthermore, the first visit to a health care provider for an employee claiming a "serious health condition" under FMLA must occur within seven (7) days of the aforementioned incapacity with the second required visit occurring within thirty (30) days of the incapacitating event. In order for an employee to claim the need for continuous treatment under FMLA for a chronic serious health condition, the condition must require a minimum of two (2) visits per year to a healthcare provider, continue over an extended period of time, and may cause episodic rather than a continuing period of incapacity. A "serious health condition" is also defined as any period of incapacity related to pregnancy or for prenatal care.

(Continued)

**SUBJECT: FAMILY AND MEDICAL LEAVE ACT (cont'd)**

For the serious health conditions of employees, their spouses, parents, or eligible children, FMLA leave may be taken on an intermittent basis rather than all at once, or the employee may work a part-time schedule. For child-rearing purposes following the birth or placement of a child, employees must take the FMLA in a single block of time. The entitlement to leave for the birth or placement of a child expires at the end of the twelve (12) month period beginning on the date of such birth or placement.

**Military Family Leave Entitlements**

**Military Caregiver Leave**

An eligible employee who is the spouse, son, daughter, parent, or next of kin (defined as the nearest blood relative) is entitled to up to twenty-six (26) weeks of leave in a single twelve (12) month period to care for a "military member" who is:

- a) Recovering from a service-connected serious illness or injury sustained while on active duty; or
- b) Recovering from a serious illness or injury that existed prior to the service member's active duty and was aggravated while on active duty; or
- c) A veteran who has a qualifying injury or illness from service within the last five (5) years and aggravates that illness or injury.

This military caregiver leave is available during a single twelve (12) month period during which an eligible employee is entitled to a combined total of twenty-six (26) weeks of all types of FMLA leave. Military Caregiver Leave may be combined with other forms of FMLA-related leave providing a combined total of twenty-six (26) weeks of possible leave for any single twelve (12) month period; however, the other form of FMLA leave when combined cannot exceed twelve (12) of the twenty-six (26) weeks of combined leave. Military Caregiver Leave has a set "clock" for calculating the twelve (12) month period for when FMLA leave begins and tolling starts at the first day of leave taken.

The term "military member" means:

- a) A member of the Regular Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
- b) A veteran (discharged or released under condition other than dishonorable) who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy.

(Continued)

**SUBJECT: FAMILY AND MEDICAL LEAVE ACT (cont'd)**

"Qualifying Exigency" Leave/Call to Active Duty

An "eligible" employee is entitled to FMLA leave because of "a qualifying exigency" arising out of circumstances where the spouse, son, daughter, or parent of the employee is serving in the Regular Armed Forces or either the National Guard or the Reserves and is on active duty during a war or national emergency called for by the President of the United States or Congress, or has been notified of an impending call to active duty status, in support of a contingency operation. There is no "qualifying exigency" unless the military member is or is about to be deployed to a foreign country.

A "qualifying exigency" related to families of the Army National Guard of the United States, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard of the United States, Air Force Reserve and Coast Guard Reserve personnel on (or called to) active duty to take FMLA protected leave to manage their affairs is defined as any one of the following reasons:

- a) Short-notice deployment;
- b) Military events and related activities;
- c) Childcare and school activities;
- d) Parental care leave;
- e) Financial and legal arrangements;
- f) Counseling;
- g) Rest and recuperation (for up to fifteen [15] calendar days);
- h) Post-deployment activities; and
- i) Any additional activities where the employer and employee agree to the leave.

In any case in which the necessity for leave due to a qualifying exigency is foreseeable, the employee shall provide such notice to the employer as is reasonable and practicable. This military-related leave is for up to twelve (12) weeks during a single twelve (12) month period. Leave may be taken intermittently or on a reduced leave schedule.

(Continued)

**SUBJECT: FAMILY AND MEDICAL LEAVE ACT (cont'd)**

**Implementation/Benefits/Medical Certification**

Employees will be required to substitute any available paid leave for any otherwise unpaid FMLA leave.

An employee on FMLA leave is also entitled to have health benefits maintained while on leave. If an employee was paying all or part of the premium payments prior to leave, the employee will continue to pay his/her share during the leave period. Failure to do so can result in the employee losing coverage during that leave period.

In most instances, an employee has a right to return to the same position or an equivalent position with equivalent pay, benefits and working conditions at the conclusion of the leave.

The District has a right to thirty (30) days advance notice of the need for FMLA leave from the employee where practicable. In addition, the Board may require an employee to submit certification from a health care provider or other certifications permitted by law to substantiate that the leave is due to the "serious health condition" of the employee, the employee's immediate family member or other qualifying reason. Under no circumstance should the employee's direct supervisor contact any health care provider regarding the employee's condition; all contact in this manner must be made by a health care provider (employed by the employer), a human resource professional, a leave administrator or a management official. If the medical certification requested by the employer is found to be deficient, the employer must indicate where the errors are, in writing, and give the employee seven (7) calendar days to provide corrected materials to cure any deficiency prior to any action being taken.

**Special Provisions for School District Employees**

An instructional employee is an employee whose principal function is to teach and instruct students in a class, a small group, or an individual setting (e.g., teachers, coaches, driving instructors, special education assistants, etc.). Teaching assistants and aides who do not have instruction as the principal function of their job are not considered an "instructional employee."

**Intermittent Leave Taken By Instructional Employees**

FMLA leave that is taken at the end of the school year and resumes at the beginning of the next school year is not regarded as intermittent leave but rather continuous leave. The period in the interim (i.e., summer vacation) is not counted against an employee and the employee must continue to receive any benefits that are customarily given over the summer break.

Intermittent leave may be taken but must meet certain criteria. If the instructional employee requesting intermittent leave will be on that leave for more than twenty percent (20%) of the number of working days during the period for which the leave would extend, the following criteria may be required by the employer:

(Continued)

**SUBJECT: FAMILY AND MEDICAL LEAVE ACT (cont'd)**

- a) Take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
- b) Transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits and which better accommodates recurring periods of leave than does the employee's regular position.

Appropriate notice for foreseeable FMLA leave still applies and all employees must be returned to an equivalent position within the School District. Additional work-related certifications, requirements and/or training may not be required of the employee as a contingent of their return to work.

**Leave Taken by Instructional Employees Near the End of the Instructional Year**

There are also special requirements for instructional employees taking leave and the leave's relation to the end of the term. If the instructional employee is taking leave more than five (5) weeks prior to the end of the term, the District may require that the employee take the leave until the end of the term if the leave lasts more than three (3) weeks and the employee was scheduled to return prior to three (3) weeks before the end of the term.

If the instructional employee is taking leave less than five (5) weeks prior to the end of the term for any of the following FMLA-related reasons except qualifying exigency, the District may require that the employee remain out for the rest of the term if the leave lasts more than two (2) weeks and the employee would return to work during that two (2) week period at the end of the instructional term.

If the instructional employee begins taking leave during the three (3) weeks prior to the end of the term for any reason except qualifying exigency, the District may require that the employee continue leave until the end of the term if the leave is scheduled to last more than five (5) working days.

Any additional time that is required by the employer due to the timing of the end of the school year, will not be charged against the employee as FMLA leave because it was the employer who requested that the leave extend until the end of the term.

**FMLA Notice**

A notice which explains the FMLA's provisions and provides information concerning the procedures for filing complaints of violations of the FMLA shall be posted in each school building and a notice of an employee's FMLA rights and responsibilities shall be either placed in the employee handbook of the employer or furnished to each new employee upon hire.

Administration is directed to develop regulations to implement this policy, informing employees of their rights and responsibilities under the FMLA.

(Continued)

**SUBJECT: FAMILY AND MEDICAL LEAVE ACT (cont'd)**

Family and Medical Leave Act of 1993 (as amended), Public Law 103-3  
National Defense Authorization Act of 2008, Public Law 110-181  
10 USC 101(a) (13)  
29 USC 1630.1 and 2611-2654  
29 CFR Part 825 and Part 1630  
42 USC 12102  
Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191  
45 CFR Parts 160 and 164

Adopted: 5/13/2003  
Amended: 6/26/2012  
Amended: 8/27/2013  
Amended: 7/19/2016



**SUBJECT: DETERMINATION OF EMPLOYMENT STATUS: EMPLOYEE OR INDEPENDENT CONTRACTOR**

Regulations recently promulgated by the Office of the State Comptroller provide guidance to school districts to help them determine whether an individual is an employee, and therefore eligible for membership in the New York State and Local Retirement System (NYSLRS) and for service credit, or an independent contractor who is not eligible for membership.

A certification of the determination that an individual is an employee will now be required when the School District initially reports to the NYSLRS certain covered professionals -- those persons providing services as an attorney, physician, engineer, architect, accountant or auditor.

Employee shall mean an individual performing services for the School District for which the District has the right to control the means and methods of what work will be done and how the work will be done. Independent contractor shall mean a consultant or other individual engaged to achieve a certain result who is not subject to the direction of the employer as to the means and methods of accomplishing the result.

**Employees to be Reported to NYSLRS**

Only persons who are active members of NYSLRS and who have been assigned a registration number shall be included in the reporting requirements. In the case of employees who are in the process of being registered to membership, all service, salary and deductions data and mandatory contributions shall be accumulated by the District and such accumulation shall be included with the first monthly report which is due after the employee's registration number has been assigned.

An individual serving the District as an independent contractor or consultant is not an employee and should not be reported to the retirement system.

The District has the primary responsibility for determining whether an individual is rendering services as an employee or as an independent contractor. When making such a determination the District must consider the factors enumerated in State Regulations.

The District shall also complete, as necessary, a Certification Form for Individuals Engaged in Certain Professions (Form RS2414) as promulgated by the Office of the New York State Comptroller. As noted on the Certification Form instructions, when making a determination as to an individual's status as an employee or independent contractor, no single factor should be considered to be conclusive of the issue. All factors should be considered in making an assessment of an individual's status when engaged to perform services.

(Continued)

2008

6560  
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Personnel

**SUBJECT: DETERMINATION OF EMPLOYMENT STATUS: EMPLOYEE OR  
INDEPENDENT CONTRACTOR (Cont'd.)**

**Written Explanation by District: Certain Professions**

In the case of an individual whose service has been engaged by the School District in the capacity of attorney, physician, engineer, architect, accountant or auditor and the District has determined that the individual is rendering service as an employee and, therefore, may be eligible for credit with a retirement system, the District shall submit to the retirement system, in a form prescribed by the Comptroller and certified by the Chief Fiscal Officer of the District, an explanation of the factors that led to the conclusion that the individual is an employee and not an independent contractor or consultant.

Retirement and Social Security Law Sections 11, 34, 311, and 334  
2 New York Code of Rules and Regulations (NYCRR) Sections 315.2 and 315.3

Adopted: 7/22/2008

2005 7000

Students

**Auburn Enlarged City School District**

**NUMBER**

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Students

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Students

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## Students

**SUBJECT: RELEASED TIME OF STUDENTS**

Written requests from the parent/guardian for the release of students generally will be honored. The appropriate time and reason for absence shall be recorded on the attendance record, using the procedures mandated by the state.

The building principal shall assume this responsibility or shall designate an individual to decide whether to approve such requests.

8 New York Code of Rules and Regulations  
(NYCRR) Section 109.2



**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 1st 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 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: SCREENING OF NEW SCHOOL ENTRANTS**

The Board of Education shall provide for the screening of every new entrant to school to determine which students may have disabilities, may be gifted, or may be of limited English proficiency. 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) Prior to the school year, if possible, but no later than December 1st 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 1st of the school year;
- d) Within 30 days of the availability of test scores for students who score below the state reference point on New York State assessment tests.

Such screening shall include, but not be limited to the following:

- a) A physical examination by a physician 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;
- b) An assessment of motor development, of receptive and expressive language development, articulation skills, and cognitive ability in the student's native language, if the language of the home is not English.

If such screening indicates a possible disability, a referral shall be made to the Committee on Special Education (CSE) no later than 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 15 calendar days after completion of such screening.

If such screening indicates a child identified as possibly being of limited English proficiency, such child shall be provided appropriate transitional bilingual or free-standing ESL programs.

(Continued)

**SUBJECT: SCREENING OF NEW SCHOOL ENTRANTS (Cont'd.)****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, Public Law 93-380, shall apply to all information collected about a child through the screening program. In accordance with the policy and regulations, parents shall be informed of their right to privacy, their right to access to the records and their right to challenge those records should they be inaccurate, misleading or otherwise inappropriate.

Education Law Section 3208(5)  
8 New York Code of Rules and Regulations  
(NYCRR) Part 117 and 154

**SUBJECT: ENTITLEMENT TO ATTEND -- AGE AND RESIDENCY****Entitlement to Attend**

All persons residing within the District who are between the ages of five (5) years and twenty-one (21) years and who have not obtained a high school diploma are entitled to enroll in the District.

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. Each 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.

Evidence of a prospective student's age and residency must be presented in such form as is permitted by state and federal law and regulation.

**Determination of Student Residency**

"Residence," for purposes of this policy, is established by a child's physical presence as an inhabitant within the District and his/her intent to reside in the District.

A child's residence is presumed to be that of his/her parents or legal guardians. Where a child's parents live apart, the child can have only one legal residence. In cases where parents have joint custody, the child's time is essentially divided between two (2) households, and both parents assume responsibility for the child, the decision regarding the child's residency lies ultimately with the family. Where parents claim joint custody, but do not produce proof of the child's time being divided between both households, residency will be determined on the basis of the child's physical presence and intent to remain within the District.

The presumption that a child resides with his/her parents or legal guardians may be rebutted upon demonstration that custody of such child has been totally and permanently transferred to another individual. The District will not acknowledge living arrangements with persons other than a child's parents or legal guardians which are made for the sole purpose of taking advantage of the District's schools.

The presumption that a child resides with his/her parents or legal guardians may also be rebutted upon demonstration that such child is an emancipated minor. 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 or persons in parental relation.

(Continued)

**SUBJECT: ENTITLEMENT TO ATTEND -- AGE AND RESIDENCY (Cont'd.)**

Notwithstanding the foregoing, all determinations of student residency will be made consistent with applicable state and federal laws and regulations.

**Undocumented Children**

The District is mindful that undocumented children are entitled to attend the District's schools, provided they meet the age and residency requirements established by state law. Consequently, the District will not request or require on any enrollment or registration form, in any meeting, or in any other form of communication, any documentation and/or information regarding or tending to reveal the immigration status of a child, a child's parent(s) or the person(s) in parental relation. In the event the District is required to collect such information, the District will do so after the child has been enrolled. In no instance will such information be required as a condition of enrollment or continued attendance.

**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 relation, 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.

**Homeless Children**

Determinations regarding whether a child is entitled to attend the District's schools as a homeless child or youth will be made in accordance with Section 100.2(x) of the Commissioner's Regulations, as well as applicable District policy and regulation.

Education Law Sections 3202, 3205 and 3218  
Family Court Act Section 657  
8 NYCRR Sections 100.2(x) and (y)

NOTE: Refer also to Policies #7133 -- Education of Homeless Children and Youth  
#7132 -- Non-Resident Students

Adopted: 6/06/2004  
Amended: 7/14/2009  
Amended: 3/10/2015

## Students

**SUBJECT: ATTENDANCE AREAS**

According to Education Law, a student who becomes six years of age on or before the first 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 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 Laws 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 years of age. In all city school districts, union free and central school district 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) and twenty-one (21) years and who have not received a high school diploma shall be entitled to enroll in the District.

In cases where a student's parents are residents of the School District, the student's parents are divorced and the student's time is essentially divided between the two separate households of the student's parents (evidenced by Joint Physical Custody outlined in the Custody Order), and the student's parents both assume the day to day responsibility for the student, the student shall be able to attend the elementary school located within the respective elementary attendance area in which either of his/her parents resident, and shall be able to attend the Junior High School located within the respective Junior High School area in which either his/her parents resides.

In cases when a family moves out of a student's school of origin to another school within the District for their 6<sup>th</sup> grade school year and their attendance in the original school has been uninterrupted for at least the previous three (3) years, parent(s) / guardian(s) will have school choice. Therefore, they can choose to have their child attend the school of origin or the school within the new attendance area within the District. If the school of origin is chosen, this will be approved based on the condition that the family transports their child to and from school. This exception does not apply to other siblings.

(Continued)

Students

**SUBJECT: ATTENDANCE AREAS**

## 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/legal guardian of the procedures for obtaining review of the decision within the District.

The Board of Education directs the Superintendent to develop regulations to implement this policy.

Revised: 01/11/93; 02/08/93; 11/29/93; 01/12/99; 09/25/01  
Re-adopted: 04/06/2004  
Amended: 3/27/2007  
Amended: 10/8/2013

## STUDENTS

**SUBJECT: ATTENDANCE AREAS**

Policy 7131 describes eligibility factors for children to attend Auburn's public schools. The factors include a child's age and residence.

**AGE**

- 1) Children are entitled to a free and appropriate public school education upon reaching **six** years on or before December 1 and through the conclusion of the school year in which the child becomes sixteen.
- 2) The District shall follow the Commissioner's Regulations (3202(1) governing attendance by children through to the end of their twenty-first birthday.
- 3) Principals must receive confirmed documentation of a child's birth date and that information becomes part of each student's permanent record.

**RESIDENCE**

- 1) Principals must receive verified and legal documentation that each child lives within the five attendance zones for the elementary schools, the one attendance zone for the junior high school or the sole attendance zone for the high school.
- 2) The District assumes that the resident parent/guardian provides care, custody, and control, for the school aged child.
- 3) Children must attend the school of their attendance zone.
- 4) Exceptions to a child's enrolment in the school of his/her residence may be made as a result of:
  - a) Joint physical custody where a child lives for equivalent periods of time with either parent or guardian. In this instance, the child and parent(s) / guardian(s) must select one specific school.
  - b) Enrollment in a special education program or class hosted in a building in a different attendance zone or BOCES or district.
  - c) Designation as a homeless child.
  - d) Transfers within the District after the first day of school. In this instance, parent's guardian's children may choose to finish the school year in the school of attendance for the remainder of the school year. This is with the understanding that the parent/guardian will provide transportation to and from school.



## STUDENTS

**SUBJECT: ATTENDANCE AREAS (con't)**

- e) Transfers at the beginning of a school year when moving into a new residence is imminent and confirmed by copies of official transactions.
- f) Family moves into another attendance zone within the District during a student's sixth grade year and their attendance in the original school has been uninterrupted for at least the previous three (3) school years. This is based on the condition that the family transport and does not apply to other siblings.

**OTHER**

- 1) Questions pertaining to eligibility and residency will be referred to the Assistant Superintendent for Student Services.
- 2) Requests to attend a school outside of an attendance zone may be made to the Assistant Superintendent for Students Services. Such request shall be for compelling reasons which include a child's safety, well-being, or custody.
- 3) The Assistant Superintendent for Student Services will gather and consider information and documentation relevant to a child's admission to a school.
- 4) The Assistant Superintendent for Student Services will make a decision in writing to be shared within ten (10) school days with the parent/guardian and the building principal(s).
- 5) Any parent/guardian who wishes to appeal a decision by the Assistant Superintendent for Student Services should notify the superintendent who will consider the matter and make a decision within ten (10) days of the notice.

## Students

**SUBJECT: NON-RESIDENT STUDENTS**

Non-residents of the District may be admitted into the school or schools of the district upon the consent of the Superintendent or Designee. Annual tuition rates shall be determined by the Board of Education.

Non-resident students applying for admission shall pay in accordance with procedures developed by the Superintendent. Tuition charges, if any, will be in compliance with Section 3202 of the Education Law.

Non-resident children will be placed within the District's schools in keeping with these criteria:

- a) Children will be placed in the school closest their legal residence; and
- b) The receiving school must have a class size low enough to accommodate the additional student and program which meets the student's educational needs.

The Commissioner of Education has determined that it is permissible for a Board of Education to waive tuition for a non-resident student in his/her senior year of high school if said student has attended the high school previously as a District resident and attendance at the same high school is necessary in order to ensure the successful completion of required course work for graduation.

Therefore, the Board of Education of the Auburn Enlarged City School District shall waive the non-resident tuition fee to students in like circumstances.

Education Law Sections 2045 and 3202

## Students

**\*Required Policy****SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING**

The Board recognizes the unique challenges that face students in temporary housing (i.e., homeless children and youth) and will provide these students with access to the same free and appropriate public education, including public preschool education, as other students, as well as access to educational and other services necessary to be successful in school. The District will ensure that these students are not separated from the mainstream school environment. The Board is also committed to eliminating barriers to the identification, enrollment, attendance, and success of students in temporary housing.

**Identification of Students in Temporary Housing**

All districts are obligated to affirmatively identify all students in temporary housing. Therefore, the District will determine whether there are students in temporary housing within the District by using a housing questionnaire to determine the nighttime residence of all newly enrolled students and all students whose address changes during the school year. Not all students in temporary housing can be identified through social service agencies or shelters, as children may be sharing the housing of other persons, such as family or friends, due to loss of housing, economic hardship, or other similar reason. For this reason, the District uses a housing questionnaire that asks for a description of the current living arrangements of the child or youth to determine whether the child or youth meets the definition of a homeless child.

In addition to using the housing questionnaire, the District will also contact the local department of social services (LDSS) (i.e., the social services district) to identify students in temporary housing, as well as the local runaway and homeless youth shelter, and any other shelters located within District boundaries to ensure all students in temporary housing are properly identified and served.

**Definitions**

- a) Feeder school means:
  - 1. A preschool whose students are entitled to attend a specified elementary school or group of elementary schools upon completion of that preschool;
  - 2. A school whose students are entitled to attend a specified elementary, middle, intermediate, or high school or group of specified elementary, middle, intermediate, or high schools upon completion of the terminal grade of such school; or
  - 3. A school that sends its students to a receiving school in a neighboring school district.
- b) Homeless child means:
  - 1. A child or youth who lacks a fixed, regular, and adequate nighttime residence, including a child or youth who is:

(Continued)

## Students

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

- (a) Sharing the housing of other persons due to a loss of housing, economic hardship, or a similar reason (sometimes referred to as "doubled-up");
  - (b) Living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;
  - (c) Abandoned in hospitals;
  - (d) A migratory child who qualifies as homeless under (a), (b), or (c) of this subparagraph or item 2) below; or
  - (e) An unaccompanied youth; or
2. A child or youth who has a primary nighttime location that is:
- (a) A supervised, publicly, or privately operated shelter designed to provide temporary living accommodations, including, but not limited to, shelters operated or approved by the state or LDSS, and residential programs for runaway and homeless youth established in accordance with applicable law; or
  - (b) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings, including a child or youth who is living in a car, park, public space, abandoned building, substandard housing, bus or train station, or similar setting.
- c) Migratory child means a child or youth who made a qualifying move in the preceding 36 months:
- 1. As a migratory agricultural worker or a migratory fisher; or
  - 2. With, or to join, a parent or spouse who is a migratory agricultural worker or a migratory fisher
- d) Preschool means a publicly funded prekindergarten program or a Head Start program administered by the District and/or services under the Individuals with Disabilities Act administered by the District.
- e) Receiving school means:
- 1. A school that enrolls students from a specified or group of preschools, elementary schools, middle schools, intermediate schools, or high schools; or

(Continued)

## Students

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

2. A school that enrolls students from a feeder school in a neighboring local educational agency.
- f) Regional placement plan means a comprehensive regional approach to the provision of educational placements for homeless children that has been approved by the Commissioner of Education.
- g) School district of current location means the public school district within New York State in which the hotel, motel, shelter or other temporary housing arrangement of a homeless child, or the residential program for runaway and homeless youth, is located, which is different from the school district of origin.
- h) School district of origin means the school district within New York State in which:
1. The homeless child was attending a public school or preschool on a tuition-free basis or was entitled to attend when circumstances arose that caused the child to become homeless, which is different from the school district of current location;
  2. The child was residing when circumstances arose that caused the child to become homeless if the child was eligible to apply, register, or enroll in public preschool or kindergarten at the time the child became homeless; or
  3. The homeless child has a sibling who attends a school in the school district in which the child was residing when circumstances arose that caused the child to become homeless.
- i) School of origin means:
1. The public school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled, including a preschool or a charter school;
  2. The designated receiving school at the next grade level for all feeder schools for a student in temporary housing who completes the final grade level served by the school of origin; and
  3. The public school or preschool in which the child would have been entitled or eligible to attend based on the child's last residence before the circumstances arose which caused the child to become homeless if the child becomes homeless after the child is eligible to apply, register, or enroll in the public preschool or kindergarten or if the child is living with a school-age sibling who attends school in the school district of origin.

(Continued)

Students

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

- j) Unaccompanied youth means a homeless child or youth who is not in the physical custody of a parent or legal guardian.

**The McKinney-Vento Liaison for Students in Temporary Housing**

The District will designate an appropriate staff person, who may also be a coordinator for other federal programs, as the District liaison for students in temporary housing (otherwise referred to as the McKinney-Vento liaison). The District's McKinney-Vento liaison serves as one of the primary contacts between families experiencing homelessness and school staff, district personnel, shelter workers, and other service providers. The McKinney-Vento liaison coordinates services to ensure that homeless children and youth enroll in school and have the opportunity to succeed.

The District's McKinney-Vento liaison must ensure that:

- a) Students in temporary housing are identified by school personnel and through coordination activities with other entities and agencies;
- b) Students in temporary housing enroll in, and have full and equal opportunity to succeed in, the District's schools;
- c) Students in temporary housing and their families receive educational services for which they are eligible, including Head Start programs administered by a local educational agency, Early Head Start, early intervention services under part C of the Individuals with Disabilities Education Act, and other preschool programs administered by the District.
- d) Students and parents in temporary housing receive referrals to health care services, dental services, mental health and substance abuse services, housing services and other appropriate services;
- e) Parents or guardians of students in temporary housing are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;
- f) Parents and guardians of students in temporary housing, and unaccompanied youth, are fully informed of all transportation services, including transportation to and from the school district of origin and are assisted in accessing transportation services;
- g) Disputes regarding eligibility, school selection, enrollment and/or transportation are mediated in accordance with applicable laws and regulations;

(Continued)

## Students

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

- h) Assistance in commencing an appeal, in accordance with applicable law, of a final determination regarding eligibility, enrollment, school selection, and/or transportation is provided to the student in temporary housing's parent or guardian or the unaccompanied youth;
- i) A record is maintained of all appeals of enrollment, school selection, and transportation;
- j) Public notice of the educational rights of students in temporary housing is posted in locations where these students receive services, such as schools, shelters, public libraries, and soup kitchens, in a manner and form understandable to the parents and guardians of students in temporary housing, and unaccompanied youth;
- k) School personnel providing services to students in temporary housing receive professional development and other support;
- l) Unaccompanied youths:
  - 1. Are enrolled in school;
  - 2. Have opportunities to meet the same challenging State academic standards as the State establishes for other children and youth, including receiving credit for full or partial coursework earned in a prior school pursuant to Commissioner's regulations; and
  - 3. Are informed of their status as independent students under section 480 of the Higher Education Act of 1965 and that the youths may obtain assistance from the McKinney-Vento liaison to receive verification of this status for purposes of the Free Application for Federal Student Aid (FAFSA);
- m) School personnel, service providers, advocates working with students in temporary housing, parents and guardians of students in temporary housing, and students in temporary housing are informed of the duties of the McKinney-Vento liaison; and
- n) Assistance with obtaining any necessary immunizations or screenings, or immunization or other required health records is provided to the parents or guardians of the students in temporary housing.

**School District and School Designations**

A designator will make the initial decision about which school district and school a student in temporary housing will attend. A designator is:

- a) The parent or person in parental relation (guardian) to a student in temporary housing;

(Continued)

## Students

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

- b) The student in temporary housing, together with the McKinney-Vento liaison, in the case of an unaccompanied youth; or
- c) The director of a residential program for runaway and homeless youth, in consultation with the student in temporary housing, where the student is living in that program.

The District will ask the designator to designate one of the following as the school district of attendance for the student in temporary housing:

- a) The school district of current location;
- b) The school district of origin; or
- c) A school district participating in a regional placement plan.

The District will also ask the designator to designate one of the following as the school where a student in temporary housing seeks to attend:

- a) The school of origin; or
- b) Any school that permanent housed children and youth who live in the attendance area in which the child or youth is actually living are eligible to attend, including a preschool.

A student in temporary housing is entitled to attend the schools of the school district of origin without the payment of tuition for the duration of his or her homelessness and through the remainder of the school year in which the student becomes permanently housed and for one additional year if that year constitutes the student's terminal year in that school building, subject to a best interest determination.

**Designation/STAC 202 Form**

The District will identify all students in temporary housing, and a designation form will be completed by the designator for all these students and any other student who claims homelessness. Designations must be made on the STAC 202 form provided by the Commissioner.

The appropriate designator must complete the designation form. The District makes designation forms available to a student in temporary housing who seeks admission to school or to the parent or person in parental relation who seeks to enroll the child in school.

The District will provide completed designation forms to the McKinney-Vento liaison immediately, but no later than two business days from the earlier date on which the child or youth either:

- a) Sought enrollment in school; or

(Continued)



## Students

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

- b) Was placed in a temporary housing facility or residential facility for runaway and homeless youth.

Where a parent or person in parental relation or a child who is neither placed in a temporary housing facility by the LDSS nor housed in a residential program for runaway homeless youth, designates the District as the school district of current location, the District will forward to the State Education Department a completed designation form and a statement of the basis for its determination that the child is a homeless child entitled to attend the District's schools.

**Immediate Enrollment and Best Interest Determinations**

Upon identification of a child who is in temporary housing and/or receipt of a completed designation/STAC 202 form, the District will:

- a) Immediately review the designation form to ensure that it has been completed and admit the student in temporary housing even if the child or youth is unable to produce records normally required for enrollment, such as previous academic records, medical records, immunization records, proof of residency or other documentation and even if the child or youth has missed application deadlines;
- b) Determine whether the designation made by the designator is consistent with the best interests of the student in temporary housing. In making best interests decisions the District will:
  - 1. Presume that keeping the child in the school of origin is in the child's best interest, except when doing so is contrary to the wishes of the parent or guardian (or youth in the case of an unaccompanied youth); and
  - 2. Consider student-centered factors such as the effect of mobility on student achievement, education, health, and safety of the child, giving priority to the wishes of the child's parent or guardian (or the youth, if a homeless unaccompanied youth). If the District determines that it is in the best interest of the student in temporary housing to attend a school other than the school of origin or the designated school, the District will provide the parent or guardian (or youth, if an unaccompanied youth) with a written explanation of its determination, including information about the right to appeal.
- c) Provide the child with access to all of the District's programs, activities and services to the same extent as they are provided to resident students;
- d) Immediately contact the school district where the child's records are located in order to obtain a copy of these records and coordinate the transmittal of records for students with disabilities pursuant to applicable laws and regulations;

(Continued)

Students

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

- e) Immediately refer the parent or guardian of the student in temporary housing to the McKinney-Vento liaison who must assist in obtaining necessary immunizations or immunization or medical records if the child or youth needs to obtain immunizations or immunization or medical records;
- f) Forward the STAC 202 form to the Commissioner and the school district of origin, where applicable. In all cases, the District will give a copy of the completed STAC 202 form to the designator and keep a copy of the STAC 202 form for the District's records;
- g) Arrange for transportation in accordance with applicable laws and regulations; and
- h) Arrange for the child to receive free school meals if they are in grade 7-12 as all of our elementary students receive free breakfast/lunch.

**Request for Records**

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

**Tuition Reimbursement**

The District is eligible to request reimbursement from the State Education Department for the direct costs of educational services to students in temporary housing that are not otherwise reimbursed under special federal programs, when:

- a) The District is either the school district of current location or a school district participating in a regional placement plan (Auburn is not part of a regional placement plan);
- b) The District is designated as the school district of attendance; and
- c) The school district of origin for the student in temporary housing is within New York State.

All claims for reimbursement will be made on the STAC 202 form prescribed by the Commissioner of the State Education Department.

(Continued)

## Students

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

In addition, the District is eligible for reimbursement for the direct costs of educational services, including transportation costs for students who continue enrollment in the District schools after finding permanent housing midyear in a different school district within New York State. In these cases, the District will directly bill the new district where the student permanently resides for all direct costs of educational services, including transportation, that are not otherwise reimbursed under special federal programs.

**Transportation Responsibilities**

The LDSS is responsible for providing transportation to students in temporary housing, including preschool students and students with disabilities who are eligible for benefits under Social Services Law §350-j and placed in temporary housing arrangements outside their designated districts. Where the LDSS requests that the District provide or arrange for transportation for a student in temporary housing in the circumstances above, the District will provide or arrange for the transportation and directly bill the LDSS so that the district will be fully and promptly reimbursed for the cost of the transportation.

If the District is the designated school district of attendance, the District will provide for the transportation of each student in temporary housing who is living in a residential program for runaway and homeless youth, including if the temporary housing is located outside the school district. The costs for transportation for each student in temporary housing who lives in a residential program for runaway youth and homeless youth located outside of the designated school district will be reimbursed by the State Education Department, to the extent funds are provided for the purpose, with the submission of a Runaway and Homeless Youth Act Transportation Program Form. Where the District provides transportation for a student living in a Runaway and Homeless Youth facility, the District will promptly request reimbursement using the Runaway and Homeless Youth Act Transportation Form.

The District will transport any student in temporary housing to their school of origin, including preschools and charter schools, where it is the designated district of attendance and the student in temporary housing is not entitled to receive transportation from the Department of Social Services.

When the District is designated as the school district of current location for a student in temporary housing and the student does not attend the school of origin, the District will provide transportation on the same basis as it is provided to resident students, unless the local transportation policy represents a barrier to the student's attendance in school.

If the student in temporary housing designates the District as the school district of attendance, transportation will not exceed 50 miles each way, unless the Commissioner determines that it is in the best interest of the child.

Where the District is designated as the school district of attendance and it has recommended the student in temporary housing attend a summer educational program, the district of attendance will provide transportation services to students in temporary housing for summer educational programs if the lack of transportation poses a barrier to the student's participation in the program.

(Continued)

## Students

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

Where the District is designated as the school district of attendance, it will provide transportation services to students in temporary housing for extracurricular or academic activities when:

- a) The student participates in or would like to participate in an extracurricular or academic activity, including an after-school activity, at the school;
- b) The student meets the eligibility criteria for the activity; and
- c) The lack of transportation poses a barrier to the student's participation in the activity.

Where the District is designated as the school district of attendance, it will provide transportation as described above for the duration of homelessness, unless the LDSS is responsible for providing transportation. After the student becomes permanently housed, the District will provide transportation to the school of origin until the end of the school year and for one additional year if that year constitutes the child's terminal year in the school building.

**Dispute Resolution Process**

The District has established the following procedures for the prompt resolution of disputes regarding school selection or enrollment of a homeless child or youth:

- a) The District will provide a written explanation, including a statement regarding the right to appeal, to the parent or guardian of a student in temporary housing, or to an unaccompanied youth, if the District determines that the District is not required to either enroll and/or transport the child or youth to the school of origin or a school requested by the parent or guardian or unaccompanied youth, or if there is a disagreement about a child's or youth's status as a homeless child or unaccompanied youth. The written explanation will be in a manner and form understandable to the parent, guardian, or unaccompanied youth and will include a statement regarding the McKinney-Vento liaison's availability to help the parent, guardian, or unaccompanied youth with any appeal and the contact information for the liaison.
- b) The District will immediately enroll the student in the school in which enrollment is sought by the parent or guardian or unaccompanied youth, provide transportation to the school, and will delay for 30 days the implementation of a final determination to decline to either enroll in and/or transport the student in temporary housing to the school of origin or a school requested by the parent or guardian or unaccompanied youth.
- c) If the parent or guardian of a student in temporary housing or unaccompanied youth commences an appeal to the Commissioner within 30 days of such final determination, the student will be permitted to continue to attend the school he or she is enrolled in at the time of the appeal and/or receive transportation to that school pending the resolution of all available appeals.

(Continued)

## Students

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)****The McKinney-Vento Liaison's Dispute Resolution Responsibilities**

The District's McKinney-Vento liaison must assist the student in temporary housing's parent or guardian or unaccompanied youth in bringing an appeal to the Commissioner of a final school district decision regarding enrollment, school selection and/or transportation. In the event of a dispute regarding eligibility, enrollment, school selection, and/or transportation, the District's McKinney-Vento liaison will:

- a) Provide the parent or guardian or unaccompanied youth with a copy of the form petition;
- b) Assist the parent or guardian or unaccompanied youth in completing the form petition;
- c) Arrange for the copying of the form petition and supporting documents for the parent or guardian or unaccompanied youth, without cost to the parent or guardian or unaccompanied youth;
- d) Accept service of the form petition and supporting papers on behalf of any District employee or officer named as a party, or the District if it is named as a party, or arrange for service by mail by mailing the form petition and supporting documents to any District employee or officer named as a party, and, if the District is named as a party, to a person in the office of the Superintendent who has been designated by the Board to accept service on behalf of the District;
- e) Provide the parent or guardian or unaccompanied youth with a signed and dated acknowledgment verifying that he or she has received the form petition and supporting documents, and will either accept service of these documents on behalf of the District employee

or officer or District, or effect service by mail by mailing the form petition and supporting documents to any District employee or officer named as a party, and, if the District is named as a party, to a person in the office of the Superintendent who has been designated by the Board to accept service on behalf of the District;

- f) Transmit on behalf of the parent or guardian or unaccompanied youth, within five days after the service of, the form petition or any pleading or paper to the Office of Counsel, New York State Education Department, State Education Building, Albany, New York 12234;

(Continued)

Students

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

- g) Provide the parent or guardian or unaccompanied youth with a signed and dated acknowledgement verifying that he or she has received the form petition and supporting documents and will transmit these documents on behalf of the parent, guardian or unaccompanied youth to the Office of Counsel, New York State Education Department, State Education Building, Albany, New York 12234;
- h) Accept service of any subsequent pleadings or papers, including any correspondence related to the appeal, if the parent or guardian or unaccompanied youth so elects. He or she will also make this correspondence available to the parent or guardian or unaccompanied youth; and
- i) Maintain a record of all appeals of enrollment, school selection, and transportation determinations.

**Coordination**

The District will coordinate the provision of services described in this policy with local social services agencies, housing providers and other agencies or programs providing services to students in temporary housing and their families, including services and programs funded under the Runaway and Homeless Youth Act.

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

The District will coordinate implementation of the above provision of services with the requirements of the Individuals with Disabilities Education Act (IDEA) for students with disabilities.

**Coordination with Title I**

The District acknowledges that students in temporary housing are eligible for services under Title I, Part A, whether or not they live in a Title I school attendance area or meet the academic requirements required of other children. The District will ensure that:

- a) Title I, Part A funds are set aside as are necessary to provide students in temporary housing, who may have unique needs that differ from their permanently housed peers, with educationally related support services;
- b) Its local plan includes a description of how the plan is coordinated with McKinney-Vento;
- c) Its local plan describes the services provided to students in temporary housing;
- d) Its local plan describes the efforts it made to identify students in temporary housing, including unaccompanied youth, if the District reports that there are no students in temporary housing enrolled in the District. These efforts will include contacting the LDSS or Office of Children

(Continued)

## Students

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

and Family Services (OCFS) to verify that there are no students in temporary housing in the District; and

- e) Its housing questionnaire asks about the living arrangements of the child or unaccompanied youth, including asking if he or she is living in a shelter; with relatives or others due to loss of housing or economic hardship; in an abandoned apartment/building; in a motel/hotel, camping ground, car, train/bus station or other similar situation due to the lack of alternative, adequate housing. Documentation of the District's efforts to identify students in temporary housing will be maintained on file and a copy of the housing questionnaire will also be kept on file.

**Reporting Requirements**

The District will collect and transmit to the Commissioner of Education, at the time and in the manner as the Commissioner may require, a report containing information as the Commissioner determines is necessary, including the numbers of homeless students, their grade, and their nighttime residence.

**Access to Free Meals**

The District will provide free meals to all children identified as homeless. They do not have to complete a free or reduced-price meal application. When the McKinney-Vento liaison or a shelter director provides a child's name to the District's school food service office, free school meals will commence immediately.

**Removal of Barriers**

The District will review and revise its policies that may act as barriers to the identification of students in temporary housing and their enrollment and retention in school, including barriers to enrollment and retention due to outstanding fees or fines, or absences.

**Comparable Services**

The District will provide services to students in temporary housing comparable to those offered to other students in the District, including: transportation services; educational services for which the child or youth meets the relevant criteria, such as services provided under Title I or similar State or local programs; educational programs for students with disabilities; educational programs for English learners; programs in career and technical education; programs for gifted and talented students; and school nutrition programs.

**Student Privacy**

Information about a student in temporary housing's living situation will be treated as a student education record and will not be deemed to be directory information under the Family Educational Rights

(Continued)

## Students

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

and Privacy Act (FERPA). A parent or guardian or unaccompanied youth may consent to the release of a student's address information in the same way they would for other student education records under FERPA.

**Training**

All school enrollment staff, secretaries, school counselors, school social workers, and principals will be trained on the requirements for enrollment of students in temporary housing. Other staff members including school nutrition staff, school registered professional nurses, teachers, and bus drivers will receive training on homelessness that is specific to their field.

McKinney-Vento Homeless Assistance Act, as amended by the Every Student Succeeds Act (ESSA) of 2015,  
42 USC § 11431, et seq.  
Education Law §§ 902(b) and 3209  
Executive Law Article 19-H  
8 NYCRR § 100.2(x)

Adopted Date: 1/27/2009  
Amended : 10/14/2014  
Amended: 2/14/2017  
Amended: 11/13/2018



**SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH****Definitions**Homeless Child

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:

- 1) Sharing the housing of other persons due to a loss of housing, economic hardship or a similar reason;
- 2) Living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations;
- 3) Abandoned in hospitals;
- 4) Awaiting foster care placement; or
- 5) 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 thirty-six (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.
- 6) A child or youth who has a primary nighttime location that is:
  - a. A supervised, publicly or privately operated shelter designed to provide temporary living accommodations including, but not limited to, shelters operated or approved by the state or local department of social services, and residential programs for runaway and homeless youth established pursuant to Article 19-H of the Executive Law; or
  - b. A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; including a child or youth who is living in a car, park, public space, abandoned building, substandard housing, bus or train station or similar setting.

(Continued)

**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 Sections 3202(4), (5), (6), (6a) or (7) or pursuant to Articles 81, 85, 87 or 88. For example, a child in a family home at board, a school for the intellectually disabled, 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."

Designator means:

- 1) The parent or person in parental relation to a homeless child; or
- 2) The homeless child, together with the homeless liaison designated by the School District in the case of an unaccompanied youth; or
- 3) 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.

School district of origin means the school district within New York State in which the homeless child was attending a public school on a tuition-free basis or was entitled to attend when circumstances arose which caused such child to become homeless, which is different from the school district of current location.

School district of current location means the public school district within New York State in which the hotel, motel, shelter or other temporary housing arrangement of a homeless child, or the residential program for runaway and homeless youth, is located, which is different from the school district of origin.

Regional placement plan means a comprehensive regional approach to the provision of educational placements for homeless children which has been approved by the Commissioner of Education.

Unaccompanied youth means a homeless child for whom no parent or person in parental relation is available.

Local educational agency liaison is the staff person designated by the School District, who may also be a coordinator for other federal programs, as the person responsible for carrying out the duties assigned to the liaison pursuant to the McKinney-Vento Act as well as state law and regulations, and applicable guidance issued by the U.S. and New York State Education Departments.

(Continued)

Students

**SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)****Choice of District**

The designator shall have the right to designate one of the following as the school district within which a homeless child shall be entitled to attend upon instruction:

- 1) The school district of current location;
- 2) The school district of origin; or
- 3) A school district participating in a regional placement plan.

Depending on which designated category is applicable to the School District, attendance areas/school building, duration of attendance, and transportation requirements shall be in accordance with law and/or regulation.

**Transportation**

If the local social service district or the Office of Children and Family Services is not required to provide transportation, the designated district is responsible for the provision and the cost of the student's transportation. Where a homeless student designates the school district of current location as the district the student will attend, that district shall provide transportation to the student on the same basis as a resident student. Where the homeless student designates the school district of origin or a school district participating in a regional placement plan, then that district must provide transportation to and from the homeless child's temporary housing and school.

Transportation responsibilities apply to all school districts regardless of whether or not they receive McKinney-Vento funds. Transportation must be provided during the pendency of enrollment disputes. If the designated district provides transportation for non-homeless preschool children, it must also provide comparable transportation services for homeless preschool children.

**Reimbursement**

If the School District is designated the district of attendance and the District is either the school district of current location or a school district participating in a regional placement plan, and the homeless child's school district of origin is within New York State, the District is eligible for reimbursement by the State Education Department for the direct cost of educational services. Pursuant to Commissioner's Regulations, the school district of origin (if not designated the district of attendance) shall reimburse the State Education Department in accordance with law.

(Continued)

**SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)****Designation Form**

A designation form provided by the Commissioner of Education shall be completed by the appropriate designator as defined above. Upon receipt of a designation form, the School District (if designated the district of attendance) shall immediately:

- 1) Review the designation form to assure that it has been completed;
- 2) Admit the homeless child even if the child or youth is unable to produce records normally required for enrollment such as previous academic records, medical records, proof of residency, or other documentation;
- 3) Provide the child with access to all of its programs, activities and services to the same extent as they are provided to resident students;
- 4) Immediately contact the school district where the child's records are located for a copy of such records and coordinate the transmittal of records for students with disabilities;
- 5) If the child or youth needs to obtain immunizations or immunization or medical records, the school admitting such child or youth shall immediately refer the parent or guardian of the homeless child or youth to the District liaison who shall assist in obtaining necessary immunizations or immunization or medical records.

The designation form shall be forwarded to the Commissioner of Education and, where applicable, the school district of origin.

Within five (5) days of the receipt of a request for school records, the school district receiving such request shall forward a complete copy of the homeless child's records including, but not limited to, proof of age, academic records, evaluations, immunization or medical records, and guardianship papers, if applicable.

**School District Responsibilities****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:

- 1) Transportation;
- 2) Immunization requirements;

(Continued)

Students

**SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)**

- 3) Residency requirements;
- 4) Birth certificates, medical records, individualized education programs (IEPs), school records and other documentation;
- 5) Guardianship issues;
- 6) Comprehensive assessment and advocacy referral processes;
- 7) Resolution of disputes regarding school selection;
- 8) Proof of social security numbers;
- 9) Attendance requirements;
- 10) Sports participation rules;
- 11) Inability to pay fees associated with extracurricular activities such as club dues and sports uniforms; or
- 12) Other enrollment issues.

The School District shall:

- 1) 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;
- 2) To the extent feasible and consistent with the applicable requirements in 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 or youth's parent or guardian; and
- 3) 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 public education including services comparable to those described in the previous individualized education program (IEP).

To facilitate immediate enrollment, the School District may consider, but is not limited to, the following practices:

- 1) Training all school enrollment staff such as secretaries, guidance counselors, school social workers, and Principals on the legal requirements regarding immediate enrollment;
- 2) Reviewing all District policies and regulations to ensure that they comply with federal and state requirements pertaining to the education of homeless children and youth;
- 3) Collaborating with community-based or public agencies to provide uniformity within and among neighboring districts;
- 4) Contacting the previous school for records and assistance with placement decisions; and

(Continued)

Students

**SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)**

- 5) Expeditiously following up on any special education referrals or services and language assistance services.

**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.

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.

**Dispute Resolution**

The School District shall establish procedures, in accordance with the McKinney-Vento Act, for the prompt resolution of disputes regarding school selection or enrollment of the homeless child or youth. The District shall provide a written explanation, including a statement regarding the right to appeal as enumerated in the McKinney-Vento Act, to the homeless child or youth's parent or guardian if the School District sends such child or youth to a school other than the school of origin or school requested by the parent or guardian.

Pursuant to the McKinney-Vento Act, if a dispute arises over school selection or enrollment in a school:

- 1) The child or youth shall be immediately admitted to the school in which enrollment is sought, pending the resolution of the dispute;
- 2) The parent or guardian of the child or youth shall be provided with a written explanation of the school's decision regarding school selection or enrollment, including the rights of the parent, guardian, or youth to appeal the decision;

(Continued)

Students

**SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)**

- 3) 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;
- 4) The child, youth, parent, or guardian shall be referred to the District liaison who shall carry out the dispute resolution process as expeditiously as possible after receiving notice of the dispute; and
- 5) In the case of an unaccompanied youth, the District liaison shall ensure that the youth is immediately enrolled in the school pending resolution of the dispute.

**Duties of the District Liaison**

The District liaison for homeless children and youth shall ensure that:

- 1) Homeless children and youths are identified by school personnel and through coordination activities with other entities and agencies;
- 2) Homeless children and youths enroll in, and have full and equal opportunity to succeed in schools in the District;
- 3) Homeless families, children, and youths receive educational services for which they are eligible, including Head Start and Even Start programs and preschool programs administered by the District; and referrals to health care services, dental services, mental health services, and other appropriate services;
- 4) The parents or guardian of homeless children and youths are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;
- 5) Public notice of the educational rights of homeless children and youths is disseminated where such children and youths receive services pursuant to the McKinney-Vento Act, such as in schools, family shelters, and soup kitchens;
- 6) Enrollment disputes are mediated in accordance with the requirements of the McKinney-Vento Act, as well as other applicable laws and regulations;

(Continued)

Students

**SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)**

- 7) The parent or guardian of a homeless child or youth, and any unaccompanied youth, is fully informed of all transportation services, including transportation to the school of origin, pursuant to law and/or regulation; and is assisted in accessing transportation to the school that is selected;
- 8) In the case of an unaccompanied youth, assistance is provided in placement or enrollment decisions including coordination with the Committee on Special Education. The views of the unaccompanied youth will be considered and he/she will be provided notice of the right to appeal pursuant to law and regulation.

The School District shall inform school personnel, service providers and advocates working with homeless families of the duties of the District liaison.

**Coordination**

The School District shall coordinate:

- 1) The provision of services as enumerated in the McKinney-Vento Homeless Education Assistance Act with local social services agencies and other agencies or programs providing services to homeless children and youths and their families, including services and programs funded under the Runaway and Homeless Youth Act;
- 2) With other school districts on interdistrict issues, such as transportation or transfer of school records; and
- 3) Implementation with the requirements of the IDEA.

**Reporting**

The School 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.



## Students

**SUBJECT: EDUCATION OF STUDENTS IN FOSTER CARE**

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

**Definitions**

- a) **Child or youth in foster care** ("student in foster care") means a child who is in the care and custody or custody and guardianship of a local Commissioner of Social Services or the Commissioner of the Office of Children and Family Services.
- b) **Feeder school** means:
  - 1. A preschool whose students are entitled to attend a specified elementary school or group of elementary schools upon completion of that preschool;
  - 2. A school whose students are entitled to attend a specified elementary, middle, intermediate, or high school or group of specified elementary, middle, intermediate, or high schools upon completion of the terminal grade of such school; or
  - 3. A school that sends its students to a receiving school in a neighboring school district pursuant to applicable laws and regulations.
- c) **Foster care** means 24-hour substitute care for children placed away from their parents or guardians and for whom the state or tribal child welfare agency has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes. A child is in foster care regardless of whether the foster care facility is licensed and payments are made by the state, tribal or local agency for the care of the child, whether adoption subsidy payments are being made prior to the finalization of an adoption, or whether there is federal matching of any payments that are made.
- d) **Preschool** means a publicly funded prekindergarten program administered by SED or a local educational agency or a Head Start program administered by a local educational agency and/or services under the Individuals with Disabilities Education Act (IDEA) administered by a local educational agency.
- e) **Receiving school** means:
  - 1. A school that enrolls students from a specified or group of preschools, elementary schools, middle schools, intermediate schools, or high schools; or

(Continued)

## Students

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

2. A school that enrolls students from a feeder school in a neighboring local educational agency pursuant to applicable laws and regulations.
- f) **School district of origin** means the school district within New York State in which the child or youth in foster care was attending a public school or preschool on a tuition-free basis or was entitled to attend at the time of placement into foster care when the Social Services District or the Office of Children and Family Services assumed care and custody or custody and guardianship of such child or youth, which is different from the school district of residence.
- g) **School district of residence** means the public school district within New York State in which the foster care placement is located, which is different from the school district of origin.
- h) **School of origin** means a public school that a child or youth attended at the time of placement into foster care, or the school in which the child or youth was last enrolled, including a preschool or a charter school. For a child or youth in foster care who completes the final grade level served by the school of origin, the term school of origin will include the designated receiving school at the next grade level for all feeder schools. Where the child is eligible to attend school in the school district of origin because the child was placed in foster care after such child is eligible to apply, register, or enroll in the public preschool or kindergarten or the child is living with a school-age sibling who attends school in the school district of origin, the school of origin will include any public school or preschool in which such child would have been entitled or eligible to attend based on such child's last residence before the circumstances arose which caused such child to be placed in foster care.

**District Foster Care Liaison**

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

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

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

- a) Submitted to SED;
- b) Provided, in writing, to the point of contact for any LDSS known by the District to have students in its custody; and
- c) Posted on the District website.

(Continued)

## Students

**SUBJECT: EDUCATION OF STUDENTS IN FOSTER CARE (Cont'd.)****Designation of School District and School**

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

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

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

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

**Responsibilities When Designated as the School District of Attendance**

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

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

(Continued)

## Students

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

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

**Request for Records**

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

**Tuition Reimbursement**

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

**Transportation Responsibilities**

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

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

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

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

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

(Continued)

## Students

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

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

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

**Where the School of Origin is a Charter School**

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

**Dispute Resolution Process**

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

**Coordination with Other Agencies**

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

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

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

**Comparable Services**

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

(Continued)

## Students

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

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

45 USC § 6312

45 CFR § 1355.20(a)

US DOE, Non-Regulatory Guidance: Ensuring Stability for Children in Foster Care (June 23, 2016)

Education Law §§ 3202 and 3244

Memorandum from NY St. Educ. Department on Educational Stability and Transportation Provisions for Students in Foster Care Memo (December 2, 2016)

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

Adoption Date: 11/13/2018

2003

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Students

**SUBJECT: INVOLUNTARY TRANSFER OF STUDENTS**

Involuntary transfer of a student from regular classroom instruction to an appropriate educational setting in another school shall be in accordance with Education Law.

Education Law Sections 1709(3) and 3214(5)

Adopted: 09/09/2003

## Students

**SUBJECT: EDUCATIONAL SERVICES FOR MARRIED/PREGNANT STUDENTS****Married Students**

The Board of Education will comply with state law in reference to married students attending school.

**Pregnant Students**

According to New York State Education Law, a student who becomes six 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 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 years of age. The Education Law further provides that resident students over five (5) and under twenty-one (21) who have not received a high school diploma are entitled to attend school in the district in which they reside. The law further requires that a school district provide for this instruction and also to provide for home instruction for those students of legal age who are unable to profit from instruction in school.

In view of the above, administrative regulations will be developed to implement the terms of this policy to provide instruction as required by the New York State Education Law for students who become pregnant. The Superintendent, or his/her designee, is directed to consult with the school physician and the student's personal physician in determining the form of instruction.

The form of instruction may be any of the following or a combination of the following:

- a) Remain in school with provisions for special instruction, scheduling, and counseling where needed.
- b) Receive home instruction.
- c) Attend BOCES programs.

Education Law Sections 1604(20), 3202-1,  
3205-1, 4401-1, and 4402-2

Adopted: 04/06/04



**SUBJECT: SCHOOL CENSUS**

In small city school Districts, the Board of Education shall constitute a permanent census board in each city. The Board shall, under its regulations, cause a census of the children in its city to be taken and to be amended from day to day, as changes of residence shall occur among children within the prescribed census age ranges and as other children come within such prescribed age ranges. The census will also account for other children within the prescribed age ranges as they become residents of the city, so that there shall always be on file with the Board of Education a complete census giving the facts and information required pursuant to law.

The census must indicate the names of all children between birth and 18 years of age, and of children with disabilities between birth and 21 years of age; their respective residences by street and number; the day of the month and the year of their birth; the names of the persons in parental relation to them; such information relating to physical or mental disabilities, to illiteracy, to employment and to the enforcement of the law relating to child labor and compulsory education as the State Education Department and the Board of Education shall require; and also such further information as the Board shall require.

On written request and in such form as prescribed by the Commissioner of Education, the Board shall provide to the Commissioner a report containing the names, ages and addresses of those children who are blind or deaf, and those children having serious physical or mental disabilities. Additionally, such report shall further indicate whether such children are being educated within the public schools of the District or, if they are not, where such education is being furnished to them.

Persons in parental relation to those children within the prescribed census age ranges are to make such reports as the Board of Education shall require, including, but not limited to, the name of the child; the child's residence; the name of the person or persons in parental relation to the child; the name and location of the school where the child will enroll; and such other information as required by law or as the Board may require. This information must be provided two weeks before the child reaches compulsory school age in order to ensure timely and appropriate placement.

A parent, guardian or other person having under his/her control or charge a child between birth and 18 years of age who withholds or refuses to give information in his/her possession relating to such census data as required by law pertaining to the child; or, in the alternative, gives false information in relation to such census data, shall be liable to and punished by a fine or imprisonment as established by law. Census data shall be reported as required by law.

(Continued)

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

**Count of Immigrant Children and Youth**

All local educational agencies (LEAs) are required to count the number of "immigrant children and youth" enrolled in the public and nonpublic schools in the geographic area under the jurisdiction of, or served by, the LEA. The results of this count have important implications for the receipt of supplemental federal funds to eligible LEAs in New York State for services to recently arrived immigrant children and youth.

For purposes of this count, the term "immigrant children and youth" will include those individuals who:

- a) Are ages three through 21;
- b) Were not born in any state or from the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the U.S. Virgin Islands, the Northern Mariana Islands, or the Trust Territory of the Pacific Islands; and
- c) Have not been attending schools in any one or more States for more than three full academic years.

Each nonpublic school will report its data to the public school district in which it is located. It is the responsibility of each public school district to report its immigrant count as well as the counts for all nonpublic schools within its jurisdiction.

In accordance with law, the District will conduct its survey and submit the information electronically to the SED by the specified deadline date. LEAs must also maintain on file a list of the immigrant students counted, their countries of origin, dates of arrival, and the public or nonpublic school in which they are registered as well as copies of the letter to each of the nonpublic schools in its jurisdiction regarding the count.

Census data shall be reported as required by law.

Education Law Sections 3240-3243 and 4402(1)(a)  
8 New York Code of Rules and Regulations  
(NYCRR) Section 200.2(a)

Adopted: 10/14/03

Amended: 6/13/2017

**\*Required Policy****SUBJECT: ATTENDANCE POLICY**

Education Law in the State of New York requires all children between the ages of 6 and 16 to be in attendance whenever school is in session.

**Philosophy and Objectives**

The Auburn Enlarged City School District's philosophy of attendance is based on the principle that students who are in school every day perform at a higher academic level. The goal of the Auburn Enlarged City School District's attendance policy is to enable parents/guardians, school staff, and community to work together to encourage daily attendance and punctuality to maximize student achievement, potential, and safety.

All students are expected to strive for 100% daily attendance.

The Objectives of the Attendance Policy are as follows:

1. To verify that individual students are complying with compulsory education laws concerning school attendance.
2. To track students' whereabouts during school hours for safety and school management reasons.
3. To identify and address attendance patterns.
4. To use attendance data to aid in developing interventions to help close the gap in student performance.
5. To accurately determine the district's average daily attendance for State Aid purposes.

**Strategies to Meet Objectives**

The School District will:

- a) Track and maintain the attendance, absence, tardiness and early departure of every student.
- b) Develop early intervention strategies to improve school attendance.
- c) Develop incentives for daily attendance at the building level.
- d) Inform and educate district staff and families about the Attendance Policy through the faculty orientation, student handbook, the district website, the newsletter, appropriate meeting venues, and plan periodic updates as needed.
- e) Review the district's attendance records and attendance policy on an annual basis, prior to the start of the new school year, and report recommendations to the School Board.

6. Carry out Disciplinary Interventions prior to attendance falling below an acceptable level.

(Continued)

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Students

**SUBJECT: ATTENDANCE POLICY (con't)**

**Definitions and Coding**

An absence is recorded for each occasion that a student is not present for a scheduled class. Not included are cases such as a school assembly, music lesson, or other building administrator-approved absence. Students serving in-school suspension are not to be counted absent for the purpose of this policy.

The only excused absences or reasons for tardiness are:

1. Illness of student
2. Illness or death in family
3. Severe weather conditions
4. Religious observance
5. Required court appearance
6. Health care visit to clinic or physician
7. Approved college visit
8. Military obligation
9. Building-administrator approved absences

**Unexcused absences**

All reasons other than the ones noted above are considered unexcused and must be so noted on the student's attendance record.

**Tardiness**

A student is tardy if he/she is late for school or for class.

**Early dismissal**

An early dismissal occurs when a student is excused from school with parental permission before the end of the regular school day.

(Continued)

**SUBJECT: ATTENDANCE POLICY (con't)****Coding System**

The following symbols are used for the recording of school and classroom attendance:

**a) School Attendance**

1. Unexcused = U
2. Excused = A
3. Tardy = T
4. Unexcused Tardy = V
5. Early Dismissal = D

**b) Classroom Attendance**

1. Present = P (Present for at least 2/3 of class period)
2. Tardy = T
3. Absent = U

**Attendance and Course Credit**

A student's grade is based on classroom participation as well as performance on homework, tests, papers, projects (written and oral), group work, and similar exercises. Students' performance will be fully communicated to parents/guardians. Students are expected to attend all scheduled classes. When a student's daily attendance rate falls below 85%, or approximately 4 absences per marking period, interventions will occur.

- a) To receive credit for a course in grades 9-12, a student must have a passing final average and take a final exam, where required.
- b) Students must attend a minimum of 85% of the scheduled class/program times. For full year classes, a student may be denied course credit if the absences number twenty-eight (28) or more days.
- c) For classes meeting for one-half year, or every other day for a full year, a student may be denied course credit if the absences number fourteen (14) or more days.
- d) This will not be applied to students engaged in alternative education programs.

(Continued)

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Students

**SUBJECT: ATTENDANCE POLICY (con't)**

- d) The following communication to parents/guardians will occur for school absences at all levels and for classroom absences at the secondary level:
- 1 – First notification - 7 days absent
  - 2 – Second notification - 14 days absent
  - 3 – Third notification - 21 days absent
  - 4 – Fourth notification - 28 days absent

**Intervention Strategy Process**

Schools within the district will create incentives to encourage high attendance, and develop a positive school building culture with strong adult role models, and value placed on respectful and nurturing interactions between adults and students. Each school will foster a climate that will encourage increased attendance.

- a) When there is an identified pattern of unexcused absences, tardiness, or early departures, the following actions will occur:
- b) A meeting of the principal, counselor, teacher, parent/guardian, and others as deemed necessary, will occur.
- c) The principal, or his/her designee, is responsible for administering appropriate sanctions for excessive absences, tardiness, or early dismissals.
- d) Any parent/guardian wishing to appeal denial of course credit should contact the building principal.

**Disciplinary Consequences**

Unexcused absences, tardiness or early departures will result in disciplinary action consistent with the student's attendance record. Parent conferences or principal hearings, in-school suspension/detention, denied participation in school activities, loss of parking and other student privileges, loss of course credit, and possible legal actions as appropriate may result.

In order to participate in after-school activities a student must be present in school for at least one half of that school day and attend all classes during that time. Students who provide an excused absence, as listed in Definitions, will be allowed to participate.

(Continued)

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Students

**SUBJECT: ATTENDANCE POLICY (con't)**

**Teacher Responsibilities**

- a) The records of the teacher for the class will be the official attendance record.
- b) Students will be given the opportunity to make up classroom absences. Such opportunity will be determined by the teacher on an individual basis. It is expected that teachers will provide opportunities for class make-ups. All class make-ups will be decided by the teacher who may consult with the principal in appropriate circumstances. Students must arrange to make up a missed class within one (1) week of the absence. Failure to do so may make it impossible for the student to get attendance credit for the missed class.

**Parent/Guardian Communication**

Parent/teacher communication is a high priority.

- a) For safety reasons, parents/guardians should call the school when they know their children will be absent, using the designated phone number and voice mail. Voice mail access is available 24 hours a day.
- b) A written, verbal (face-to-face), phone call, e-mail, or text message excuse from a parent/guardian should be received on the date of the child's return to school; must be received no later than five days of return to school. If no excuse is provided as required, the absence(s) will be coded as unexcused on the school record.
- c) Parents/guardians are required to provide the school with current addresses, telephone numbers, and emergency contacts at the beginning of each year. If this information changes, parents/guardians should contact the school immediately.

BOE Adopted: 3/07/2006  
First Reading 8/12/2008  
BOE Adopted: 8/26/2008  
Amended: 4/22/2009  
Amended: 8/25/2009  
Amended: 2/10/2015

## Students

**SUBJECT: ATTENDANCE - High School****Daily Attendance**

All students are required to be in their Homerooms when the bell rings at 7:55 A.M. Students not present in homeroom will be considered tardy to school. A student who is tardy to school 3 times will be assigned to Assistant Principal Detention. A student who is tardy to school 4 or more times will be assigned an Extended Detention for each tardy to school. This consequence will be in addition to any teacher assigned consequence for being late to class. Any student arriving to school between 7:55 - 9:00 must report to the check-in table at the Front Door, Library Resource Center entrance. Any student arriving to school after 9:00 am must sign in at the 2nd Floor Attendance Office (B201).

**Parent Communication**

For reasons of safety and good communication, parents should call the attendance office when they know their children will be absent. Parents should use the designated phone number and voice mailbox, which is available 24 hours per day. Each school building will inform parents about how they can contact the attendance office about absences and permissions.

A written excuse from a parent/guardian is required on the day of the student's return. If no written note is provided, the absence(s) will be coded as unexcused in the school attendance record.

Parents are also required for emergencies and routine communication to provide the school with current addresses, telephone numbers, and emergency contacts at the beginning of the school year. If this information changes, parents should contact the school immediately.

Students who leave school for any reason without permission from the nurse or administrator will be considered illegally absent from school. This absence cannot be "cleared" later by a parent call note.

**Daily Attendance Consequences**

Make up opportunities for excused absences must be completed by a date that conforms to the timeline in the student handbook. Unexcused absences will result in disciplinary action and loss of privileges as outlined in the code of conduct. A progression of consequences may include, for example, detention or in-school suspension. Students may also be denied the privilege of participating in or attending extracurricular/co-curricular events.

The assistant principal's offices will generate a letter when a student has missed 14 days and 21 days. When the student has reached 21 absences, a principal's hearing will be scheduled.

If a student reaches 21 unexcused absences for daily attendance the student may be denied participation in social events and in co – and extra-curricular activities (for example: dances, clubs, early dismissal, class offices, etc.)



**SUBJECT: Attendance**

**Attendance Team**

An attendance team consisting of assistant principals, school counselors, school nurse, school social worker, School Resource Officer (SRO), and attendance clerk will meet every marking period to discuss strategies to help students that are not in attendance 85% of the time. Some of the interventions that may be used are referral to Child Study Team (CST), community agencies, Parents in Need of Supervision (PINS), Mobile Outreach Services Team (MOST) Counseling, Child Protective Services (CPS), or conducting a principal's hearing.

**Driver Attendance Procedures**

Unexcused tardiness to school or cutting individual classes will result in appropriate discipline action plus suspension of the student's parking privileges per marking period as follows:

1<sup>st</sup> and 2<sup>nd</sup> tardy: homeroom teachers will handle as appropriate.

3<sup>rd</sup> tardy: a conference will be held with the assistant principal, student and the parent will be notified. The student will be told that any subsequent tardy to school [and/or first period class] after the date of the conference in the current marking period will result in the student losing his/her driving privileges.

4<sup>th</sup> tardy: suspension of driving privileges for 5 school days.

5<sup>th</sup> tardy: suspension of driving privileges for 10 school days.

6<sup>th</sup> tardy: suspension of driving privileges for 15 school days.

7<sup>th</sup> tardy: Principal's Hearing and possible loss of driving privileges for semester/year. A student who drives/parks on school property during a period of parking privilege suspension will be subject to a Principal's Hearing and revocation of parking privileges for the school year.

Consequences for attendance related infractions other than tardiness such as unexcused absences, not signing out at the attendance office, or leaving without permission will result in appropriate discipline action plus suspension of the student's parking privileges as follows:

1<sup>st</sup> a conference will be held with the assistant principal, student and the parent will be notified. The student will be told that any subsequent unexcused absences to school after the date of the conference in the current marking period will result in the student losing his/her driving privileges.

2<sup>nd</sup> attendance related infraction: suspension of driving privileges for 5 school days.

3<sup>rd</sup> attendance related infraction: suspension of driving privileges for 10 school days.

4<sup>th</sup> attendance related infraction: suspension of driving privileges for 15 school days.

Students

**SUBJECT: Attendance****Driver Attendance Procedures (con't)**

5<sup>th</sup> attendance related infraction: Principal's Hearing and possible loss of driving privileges for semester/year. A student who drives/parks on school property during a period of parking privilege suspension will be subject to a Principal's Hearing and possible revocation of parking privileges for the school year.

Administrators may use their discretion when deciding consequences for subsequent attendance related infractions.

**Attendance Incentives**

An attendance honor roll shall be maintained and published yearly identifying those students with perfect attendance.

At the building level, the homeroom at each grade level with the highest rate of attendance for the marking period will be rewarded.

The percentage of daily attendance will be listed on the college transcript.

Students

**SUBJECT: STUDENT EVALUATION, PROMOTION AND PLACEMENT****Grade Promotion and Placement**

Grade promotion and the placement of students within the District's instructional system, shall be at the discretion of the school administration and shall be subject to review at any time. In making such decisions, the administrator or Building Principal will be guided by performance in class; past records, including various measures of student growth; parent and teacher recommendations; and any other appropriate sources of information. With regard to student placement decisions, parents may submit written requests for teacher attributes that would best serve their child's learning needs; however, requests for specific teachers will not be honored. With the exception of pre-kindergarten which is used to benefit all children, performance in pre-kindergarten will not hold a student out of kindergarten.

**Testing Program**

The Auburn Enlarged City School District utilizes various ability, achievement, diagnostic, readiness, interest and guidance tests for the purpose of complying with state and federal law and/or aiding the implementation of quality educational services. The District will not make any student promotion or placement decisions based solely or primarily on student performance on the state administered English language arts and mathematics assessments for grades three through eight. The District may, however, consider student performance on such state assessments in making student promotion and placement decisions provided that multiple measures be used in addition to such assessments and that such assessments do not constitute the major factor in such determinations.

**Alternative Testing Procedures**

The use of alternative testing procedures shall be limited to:

- a) Students identified by the Committee on Special Education and/or Section 504 Team as having a disability. Alternative testing procedures shall be specified in a student's Individualized Education Program or Section 504 Accommodation Plan; and
- b) Students whose native language is other than English (i.e., English language learners) in accordance with State Education Department Guidelines.

(Continued)

**SUBJECT: STUDENT EVALUATION, PROMOTION AND PLACEMENT (Cont'd.)**

The alternative testing procedures employed shall be based upon a student's individual needs and the type of test administered.

The District shall report the use of alternative testing procedures to the State Education Department on a form and at a time prescribed by the Commissioner.

**Reporting to Parents and Persons in Parental Relation to Students**

Parents, guardians, and/or persons in parental relation to District students shall receive an appropriate report of student progress at regular intervals.

The District will not place or include on a student's official transcript or maintain in a student's permanent record any individual student score on a state administered standardized English language arts or mathematics assessment for grades 3 through 8. However, the District will comply with state and federal requirements regarding the maintenance and transfer of student test scores. Any test results on a state administered standardized English language arts or mathematics assessment for grades 3 through 8 sent to parents or persons in parental relation to a student shall include a clear and conspicuous notice that such results will not be included on the student's official transcript or in the student's permanent record and are being provided to the student and parents for diagnostic purposes.

When necessary, attempts will be made to provide interpreters for non-English speaking parents, guardians, and/or persons in parental relation to District students.

Section 504 of the Rehabilitation Act of 1973, 29 USC Section 794 et seq.

Education Law Sections 305(45) - (47), 1709(3)

8 NYCRR Sections 100.2(g), 100.2(l), 100.3(b)(2)(iv), 100.4(b)(2)(v), 100.4(e)(6)

8 NYCRR Parts 117 and 154

Adopted: 04/06/2004

Amended: 08/27/2013

Amended: 12/09/2014

Amended: 5/9/2017

Students

**SUBJECT: PROMOTION AND RETENTION (GRADES 6, 7, AND 8)**

<u>Responsibility</u>	<u>Action</u>
School Counselor	1). a. Advises students who are failing two (2) or more subjects at all report card times. b. Notifies principal of those students who may be retained. c. Confers with parents/guardians of students who may be retained.
Principal/Counselor	2). a. Sends warning letter to parents/guardians of those students. b. Meet with the Principal's Committee 35 <sup>th</sup> week to review each case.
Principal's Committee/ Building Retention Committee	3). Makes recommendation to promote or retain for each student.
Principal	4). Notifies parents with rationale and notifies Superintendent or designee of decision.

Amended 6/1998  
 Amended 2/2005  
 Amended 1/2013

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Students

**SUBJECT: PROMOTION AND RETENTION (HIGH SCHOOL)**

Responsibility

Action

- |                                 |  |
|---------------------------------|--|
| Counselor/Teacher/Administrator | 1). a. Advises parents/guardian and students that he/she has not met standards for promotion to next grade level.<br><br>b. Suggests to parents/guardian and student the following steps which can be followed to erase deficiency:<br><br>(1) Remediation in summer school, if available;<br>(2) Repetition of a course(s); including credit recovery if available.<br>(3) Retention<br>(4) Alternative program of study. |
| Counselor/Administrator         | 2). Counselor informs the parent of students possible retention at the end of the school year.   |

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Students

**SUBJECT: STUDENT PLACEMENT**

Principals are responsible for student placement in classes and courses for the subsequent school year. Class assignments are based on a variety of factors, including class size, student learning needs, and demographics. Teacher and parent input are vital to ensuring well-balanced classes that meet the needs of all learners. While the District does not honor parent requests for specific teachers, parents may provide the Principal with information on teacher attributes that best support the learning needs of their children. For example, Principals may take into account information on student interests and activities, academic factors, learning styles, social skills, classroom environment, and academic goals. If desired, parents can submit such requests, in writing, to the Building Principal addressing the learning needs of their children. Such requests must be submitted by May 15 of each year for the next school year. If such letters include requests for specific teachers, the letter will be returned to the parents with instructions to revise the letter with a focus on the child's learning needs.

Once student schedules have been finalized and released, requests for changes in student placement will not be honored unless there are extenuating circumstances. Moving students at any time during the school year is disruptive and not conducive to student academic progress. The final decision regarding student placement lies with the Principal.

Amended 2/2005

Amended 1/2013

## Students

**\*Required Policy****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, note takers, etc; and
- b) Technology, such as: a decoder or telecommunication device for the deaf, assistive listening devices, and closed or open captioning.

Education Law Section 3230  
8 New York Code of Rules and Regulations  
(NYCRR) Section 100.2(aa)

Adopted: 04/06/04



Students

**\*Required Policy****SUBJECT: RESPONSE TO INTERVENTION (RtI) PROCESS**

Response to Intervention (RtI) is a multi-tiered early prevention and intervention system designed to improve outcomes for all students. In accordance with Commissioner's Regulations, the School District has established administrative practices and procedures for implementing District-wide initiatives that address a Response to Intervention (RtI) process applicable to all students. For students suspected of having a potential learning disability, the District will provide appropriate RtI services pursuant to Commissioner's Regulations prior to a referral to the Committee on Special Education (CSE) for evaluation.

The New York State Education Department (SED) has released a guidance document to assist school districts in designing and implementing an effective RtI process. This document includes, but is not limited to, information regarding regulatory requirements, quality indicators, staff development, tools to assist districts in selecting a specific model and procedures for the use of RtI data in determining if a student has a learning disability. This guidance document is available at:

<http://www.p12.nysed.gov/specialed/RTI/guidance/cover.htm>.

**Minimum Requirements of District's RtI Program**

The District's RtI process shall include the following minimum requirements:

- a) Scientific, research-based instruction in reading and mathematics provided to all students in the general education class by qualified personnel. Instruction in reading, per Commissioner's Regulations, shall mean scientific, research-based reading programs that include explicit and systematic instruction in phonemic awareness, phonics, vocabulary development, reading fluency (including oral reading skills) and reading comprehension strategies;
- c) Screenings shall be provided to all students in the class to identify those students who are not making academic progress at expected rates;

Grade	Screening Tools (Including but not limited to those listed below)
K	DIBELS, alpha-letter sound, rhyming task, blending task, segmenting task, handwriting task, writing prompt, K word list, spelling inventory, running record
1	DIBELS, blending task, segmenting task, spelling inventory, Gr.1 word list, writing prompt, handwriting task, running record
2	DIBELS, Gr.2 word list, spelling inventory, running record, writing prompt
3	DIBELS, Gr.3 word list, spelling inventory, running record, writing prompt
4	DIBELS, Gr.4 word list, spelling inventory, running record, writing prompt
5-6	DIBELS, Gr.5 and 6 word lists, spelling inventory, running record (5 <sup>th</sup> ), reading assessments (6 <sup>th</sup> ), writing prompts

- c) Scientific, research-based instruction matched to student need with increasingly intensive levels of targeted interventions for those students who do not make satisfactory progress in their levels of performance and/or in their rate of learning to meet age or grade level standards;

(continued)

Students

**SUBJECT: RESPONSE TO INTERVENTION (RtI) PROCESS (Cont'd.)**

- d) Repeated assessments of student achievement that should include curriculum based measures to determine if interventions are resulting in student progress toward age or grade level standards;
- e) The application of information about the student's response to intervention to make educational decisions about changes in goals [i.e., goals for all students, not just Individualized Education Program (IEP) goals], instruction and/or services and the decision to make a referral for special education programs and/or services; and Child Study/RtI Teams for reviewing such student information and applying same to make decisions concerning student academic progress and further intervention strategies.
- f) Written notification to the parents when the student requires an intervention beyond that provided to all students in the general education classroom that provides information about:
  - 1. The amount and nature of student performance data that will be collected and the general education services that will be provided as enumerated in Commissioner's Regulations;
  - 2. Strategies for increasing the student's rate of learning; and
  - 3. The parents' right to request an evaluation for special education programs and/or services.

**Structure of Response to Intervention Program**

The District's RtI program will consist of multiple tiers of instruction/assessments to address increasingly intensive levels of targeted intervention to promote early identification of student performance needs and/or rate of learning, and to help raise achievement levels for all students.

Child Study/RtI teams, whose members may include, but are not limited to, regular education teachers, special education personnel, the school psychologist, the school social worker, reading and math AIS teachers, designated administrators, and other individuals deemed appropriate by the District, will be available for each building/grade level classification to address the implementation of the District's RtI process.

(Continued)

Students

**SUBJECT: RESPONSE TO INTERVENTION (RtI) PROCESS (Cont'd.)**

The Child Study/RtI Team responsibilities shall include, but are not limited to, the following:

- a) Determining the level and suggesting specific interventions based on student performance criteria appropriate for each tier of the RtI model;
- b) Analyzing information/assessments concerning a student's response to intervention and making educational decisions about changes in goals, instruction and/or services;
- c) Developing a follow-up plan to monitor student's progress
- d) Determining whether to make a referral for special education programs and/or services.

**Criteria for Determining the Levels of Intervention to be provided to Students**

Students will be referred to the next tier of instruction if they fail to respond to the initial instruction /intervention. Quantitative data used will be the designations of STRATEGIC or INTENSIVE on the DIBELS and lack of adequate progress on fall and winter administrations of universal screening tools. Qualitative data will be teacher referrals.

**Levels of Interventions**

The District will provide multiple tiers of increasingly intensive levels of targeted intervention and instruction for those students who do not make satisfactory progress in their levels of performance and/or in their rate of learning to meet age or grade level standards.

It is expected that use of the tiered levels of instruction will be specific to each student's needs and will be an ongoing process, with students entering and exiting tiers of intervention according to the analysis of student performance data and progress monitoring.

**Tier I**

Tier I instruction is provided to all students in the general education setting. The use of scientific, research based instruction in the area of reading will be delivered by general education teachers and will emphasize proactive, preventative core instructional strategies in the classroom setting. Group and/or individualized instruction, assessment and reinforcement activities will be provided as deemed appropriate by the classroom teacher.

(Continued)

**SUBJECT: RESPONSE TO INTERVENTION (RtI) PROCESS (Cont'd.)**

The analysis of Tier I student performance data will be used to identify those students who need additional intervention at the Tier II Level of instruction.

**Tier II**

In general, Tier II instruction will consist of small group, targeted interventions for those students identified as being "at risk" who fail to make adequate progress in the general education classroom. Tier II instruction will include programs and intervention strategies designed to supplement Tier I interventions provided to all students in the general education setting.

Tier II instruction may be provided by the classroom teacher or specialized staff such as reading and math teachers, tutors, speech therapists, school psychologists and/or school counselors as determined by the classroom and AIS teachers or the Child Study/RtI Team.

At the conclusion of Tier II instruction, the Child Study/RtI Team will review the student's progress and make a determination as to whether Tier II interventions should be maintained; the student continue with TIER I classroom instruction if satisfactory progress is shown; or referred for Tier III instruction.

**Tier III**

Tier III instruction is the provision of more intensive instructional interventions, tailored to the needs of the individual student; and is provided to those students who do not achieve adequate progress after receiving interventions at the Tier II level. Tier III instruction may include longer periods of intervention program and services than those provided in the first two tiers based upon the significant needs of the student.

Tier III instruction will be provided by those specialists, as determined by the Child Study/RtI Team, best qualified to address the individual student's targeted area(s) of need. If deemed appropriate by the team, and in accordance with applicable law and regulation, a referral of the student may be made to the Committee on Special Education.

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

**Amount and Nature of Student Performance Data to be Collected**

The Child Study/RtI Team will determine the amount and nature of student performance data that will be collected to assess, on an ongoing basis, student performance and address ongoing academic needs as warranted. Such data collection will reflect the tier level of intervention provided

(Continued)

Students

**SUBJECT: RESPONSE TO INTERVENTION (RtI) PROCESS (Cont'd.)**

to the student. Student performance data will also be used to review the District's RtI program and make modifications to the program as deemed necessary.

**Manner and Frequency for Progress Monitoring**

The Child Study/RtI Team shall monitor the progress of those students receiving intervention services beyond that provided to all students in the general education classroom. The Team shall meet with the student's teacher(s) and will determine if further adjustments need to be made to the student's current instructional program and/or a change made to the Tier Level of intervention provided. Monitoring of student progress shall be an ongoing part of the RtI program from the initial screening to completion of the RtI process as applicable. Parents may also request that the Child Study/RtI Team review the progress of their child.

Fidelity measures will also be completed by teachers to assess whether the intervention was implemented as intended and uniformly applied. Clear benchmarks will be established for student performance and performance charts will be plotted at the completion of the instructional period/intervention process.

**Staff Development**

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

**Parent Notification**

Written notification shall be provided to parents when their child requires an intervention beyond that provided to all students in the general education classroom. Such written notice shall include the following information:

- a) The amount and nature of student performance data that will be collected and the general education services that will be provided as part of the RtI process;
- b) Strategies for increasing the child's rate of learning; and
- c) The parents' right to request an evaluation for special education programs and/or services.

(Continued)

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Students

**SUBJECT: RESPONSE TO INTERVENTION (RtI) PROCESS (Cont'd.)**

34 Code of Federal Regulations (CFR) Sections 300.309 and 300.311

Education Law Sections 3208, 4002, 4401, 4401-a, 4402, 4402, and 4410

8 New York Code of Rules and Regulations (NYCRR) Sections 100.2(ii), 200.2(b)(7), 200.4(a), 200.4(j)(3)(i),  
and 200.4(j)(5)(i)(g)

Adopted: 2/26/2008

Amended: 6/14/2011

Students

**SUBJECT: GRADUATION REQUIREMENTS/EARLY GRADUATION/ACCELERATED PROGRAMS**

In order to graduate from the Auburn Enlarged City School District, a student must complete or may exceed the requirements set forth in Part 100 of the Commissioner's Regulations. The Board of Education reserves the right to establish requirements for graduation which exceed the minimum standards as defined by the New York State Regents. All students must be in compliance with Commissioner's Regulations for graduation in achieving a minimum of a Regents diploma unless otherwise indicated.

Regents Diploma with Honors

The District may award a Regents diploma with honors to students who receive an average of ninety percent (90%) on all Regents examinations required for the honors diploma. These exams include mathematics, science, US History and Government, Global History and Geography and languages other than English (LOTE). This "honors" diploma may also be given to a student who has substituted no more than two (2) alternative assessments for a Regents examination as approved by Commissioner's Regulations Section 100.2(f). However, the student's actual score on the substituted alternative assessment will not be factored into the ninety percent (90%) calculation.

Regents Diplomas with Advanced Designation with Honors

The District may award a Regents diploma with advanced designation with honors. A student needs to have an average score of ninety percent (90%) on all Regents examinations required for the advanced diploma. These Regents examinations are: ELA, two (or three) mathematics, two sciences (one in physical science/the other in life science), US History and Government, Global History and Geography and languages other than English (LOTE).

Appeal of Regents Examination Score Option

School Districts must provide unlimited opportunities for all students (students with and without disabilities) to retake required Regents examinations to improve their scores so that the student may graduate with a Regents diploma. A student with or without a disability who fails, after at least two (2) attempts, to attain a score of 65 or above on a required Regents examination for graduation must be given an opportunity to appeal such score in accordance with the provisions of Section 100.5(d)(7)(i) of the Regulations of the Commissioner of Education. No student may appeal his/her score on more than two (2) of the five (5) required Regents examinations. A student whose appeal is accepted for one (1) required Regents examination, and who has attained a passing score of 65 or above on each of the four (4) remaining required Regents examinations, and who has attained a passing score of 65 or above on each of the three (3) remaining required Regents examinations, earns a local diploma.

(Continued)

Students

**SUBJECT: GRADUATION REQUIREMENTS/EARLY GRADUATION/ACCELERATED PROGRAMS (Cont'd.)**Early Graduation

Upon request from the student's parent/guardian, a student shall be eligible for early graduation in fewer than eight (8) semesters upon completion of all requirements for graduation, excluding physical education, as mandated by Commissioner's Regulations. A student shall not be required to continue enrollment for the sole purpose of completing physical education requirements.

Accelerated ProgramsEighth Grade Acceleration for Diploma Credits

Individual eighth grade students only may be afforded the opportunity to take high school courses in mathematics and in at least one of the following areas: English, social studies, languages other than English, art, music, career and technical education subjects, or science courses. The Superintendent or his/her designee is responsible for determining that an eighth grade student is eligible to take high school courses. The District shall utilize a set of criteria to determine each student's readiness for acceleration. Students who are accelerated for diploma credit must have been provided instruction designed to facilitate their attainment of, by the end of Grade 7, the State intermediate learning standards in each subject area in which they are accelerated.

Advanced Placement

Advanced Placement (AP) examinations are administered by the College Board with strict guidelines as to their implementation. A national, standardized, arduous examination is administered by the College Board in May of each year for a great variety of courses in various subject areas. In addition to entering a universe of knowledge that might otherwise remain unexplored in high school, Advance Placement examinations afford students the opportunity to earn credit or advanced standing in most of the nation's colleges and universities. The District shall utilize a set of criteria to determine a student's readiness for enrollment in the Advanced Placement classes as well as other college credit bearing classes..

Online Coursework

Section 100.5(d) of NYCRR amends the Commissioner's Regulations to allow school districts and BOCES to offer students the ability to complete general education and diploma requirements for a specific subject through online instruction or blended coursework that combines online and classroom-based instruction.

To receive credit students shall successfully complete an online or blended course and demonstrate mastery of the learning outcomes for the subject by passing the Regents exam and/or other assessment in the subject area.

8 New York Code of Rules and Regulations (NYCRR) Sections 100.1(i), 100.2(f), 100.4(d) and 100.5  
NOTE: Refer also to Policy #7222 – Diplomas and/or Credential Options for Students with  
Disabilities

Adopted: 9/09/2003  
Amended: 5/08/2012



**SUBJECT: PARTICIPATION IN GRADUATION CEREMONIES AND ACTIVITIES**

Any student who has satisfactorily completed all graduation requirements will be permitted to participate in the graduation ceremony and all related graduation activities.

The District permits any student to participate in the graduation ceremony and all related graduation activities of his or her high school graduating class, if the student has been awarded a Skills and Achievement Commencement Credential or a Career Development and Occupational Studies (CDOS) Commencement Credential, but has not otherwise qualified to receive a Regents or local diploma. While permitted to participate, these students are not required to participate in the graduation ceremony or related graduation activities of his or her high school graduating class. For purposes of this policy, a student's high school graduating class is the twelfth grade class with which he or she entered into ninth grade.

The District will provide annual written notice of this policy and any related procedures to all students and their parents or guardians.

Education Law § 3204(4-b)

Adoption Date: 11/13/2018

\*Required Policy

Students

**SUBJECT: DIPLOMA OR CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES**

The District will provide students with disabilities appropriate opportunities to earn a diploma or other exiting commencement credential in accordance with Commissioner's regulations. During the student's annual review, the District will evaluate graduation opportunities and identify the means to achieve them. As part of this process, the District:

- a) Will coordinate activities with guidance personnel and BOCES staff to ensure that students meet credit and sequence requirements and to consider them for vocational opportunities.
- b) May modify instructional techniques and materials. Any modifications will be included on a student's Individual Education Plan (IEP) so that they can be implemented consistently throughout the student's program.
- c) Will review special education instructional programs to ensure equivalency with the same courses taught in the general education program.
- d) Will coordinate communication between special and general education staff so that all staff members understand required skills and competencies, and to establish equivalency of instruction in special education classes.

Graduation and transition plans will take into account the various pathways available to these students. For students with IEPs, the District will plan transition services for post-secondary life as early as possible, but no later than the school year in which the student turns age 15. The transition activities will be focused on improving both the student's academic and functional achievement. The plan will explore post-secondary opportunities and employment options and, if applicable, connection with adult service agencies that may provide the student with services after exiting school.

The District may award these diplomas or credentials, or both:

- a) Local diploma: available to students with an IEP or a Section 504 accommodation plan that specifies a local diploma. Students must comply with credit requirements. The available assessments to earn a local diploma include:
  1. Low-pass safety net option: students must achieve a score of 55 or higher on five required Regents exams.
  2. Low-pass safety net and appeal: available to students who score 52-54 on a Regents exam, successfully appeal that score, and meet all appeal conditions.
  3. Regents Competency Test (RCT) safety net option: a student who enters grade 9 before September 2011 must pass a corresponding RCT if he or she does not attain a score of 55 or higher on the Regents examination.

(Continued)

## Students

**SUBJECT: DIPLOMA OR CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES (Cont'd.)**

4. Compensatory safety net option: except for scores on ELA and math exams, students may use one Regents exam score of 65 or above to compensate for a Regents exam score of 45-54. Students must score at least 55 (or successfully appeal a score of 52-54) on both the ELA and a math exam.
  5. Superintendent's determination: students who are unable to demonstrate their proficiency on standard state assessments because of one or more disabilities may be able to graduate upon the Superintendent's review and written certification of their eligibility. The Superintendent will make a determination after receiving a written request from an eligible student's parent or guardian. (Students with a Section 504 accommodation plan may not use this option)
- b) Career Development and Occupational Studies commencement credential (CDOS): any student who is not assessed using the New York State Alternate Assessment (NYSAA) may earn the CDOS commencement credential as a supplement to a Regents or local diploma or as his or her only exiting credential if the student attended school for at least 12 years, excluding kindergarten. The student must meet criteria specified by the State Education Department (SED) confirming that he or she has attained the standards-based knowledge, skills, and abilities necessary for entry-level employment.
- c) Skills and Achievement commencement credential: students with severe disabilities who are assessed using the NYSAA may earn the SA commencement credential. They must attend school for at least 12 years, excluding kindergarten. The District must document the student's skills, strengths, and levels of independence in academic, career development, and foundation skills needed for post-secondary life.

Education Law §§ 3202 and 4402  
8 NYCRR §§ 100.1, 100.2, 100.5, 100.6, 200.4, and 200.5

NOTE: Refer also to Policy #7220 -- Graduation Options/Early Graduation/Accelerated Programs

Adopted: 4/6/2004  
Amended: 5/8/2012  
Amended: 4/28/2015  
Amended: 1/10/2017  
Amended: 11/13/2018

Students

**SUBJECT: GRADUATION CEREMONY**

The Board of Education of the Enlarged City School District of Auburn shall hold an annual graduation exercise in June at the conclusion of the school year.

The President of the Board, the Superintendent of Schools and the High School Principal are expected to take part in the ceremonies along with the President of the Senior Class, the valedictorian and salutatorian. Diplomas shall be distributed to graduates by the High School Principal and the Board President.

The Board of Education shall certify the recommended list of students recommended by the High School Principal and the Superintendent of Schools.

Adopted: 09/09/03

## Students

**SUBJECT: SELECTION OF VALEDICTORIAN AND SALUTATORIAN**

Criteria listed below will be used to determine the valedictorian and salutatorian of the senior high school (s) of the Auburn Enlarged City School District.

- 1) An eligible student must attend the Auburn Enlarged City School District for a minimum of three (3) full academic years, prior to graduation, from grades 9 through 12.
- 2) Student must be enrolled as a full-time student at the time of graduation.
- 3) Calculation of valedictorian and salutatorian status is determined by any Carnegie credit earned in the eighth grade and through the August preceding the start of a student's senior year. If such final candidates are enrolled in Advanced Placement and/or approved college-level courses, the additional points granted for such courses will be included in the calculation of the class rank provided the student(s) remains enrolled in such class or classes for the entire school year. (Course credits earned in other high schools, in summer schools other than those conducted by the Auburn Enlarged City School District, and post high school college credits must be pre-approved by the building principal, in determining the final selection of a valedictorian and salutatorian).
- 4) Eligibility will not be restricted in any way by virtue of the type of courses undertaken by the students.
- 5) The valedictorian and salutatorian will be afforded the opportunity to speak at commencement. This does not eliminate other students as determined by the school administration from speaking at commencement, i.e., senior class president, president of student association, etc.
- 6) Students eligible for graduation at the end of their junior year can qualify under the above criteria. In addition to being eligible as valedictorian and salutatorian, the student graduating at the end of his/her junior year will be permitted to participate in all other senior activities, i.e., prom, inclusion in the yearbook, social functions, etc. It is important to note that the student who opts for graduation at the end of the junior year must fulfill all other requirements of the Board of Education policy dealing with early graduation including the determination of the student's status in the year preceding the junior year.

Adopted: 2/27/2007

## Students

**SUBJECT: DUAL CREDIT FOR COLLEGE COURSES**

All students who have successfully fulfilled the requirements to enter into their sophomore, junior or senior year and 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. 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

**\*Required Policy****SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE**

The District will comply with the provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA). Under its provisions, parents or guardians and noncustodial parent(s) whose rights are not limited by court order or formal agreement, of a student under 18, or a student who is 18 years of age or older, or who is attending an institution of post-secondary education, have a right to inspect and review any and all education records maintained by the District.

**Education Records**

The term "education records" is defined as all records, files, documents, and other materials containing information directly related to a student; and maintained by the education agency or institution, or by a person acting for that agency or institution. This includes all records regardless of medium, including, but not limited to, handwriting, videotape or audiotape, electronic or computer files, film, print, microfilm, and microfiche.

In addition, for students who attend a public school district, all records pertaining to services provided under the Individuals with Disabilities Education Act (IDEA) are considered "education records" under FERPA and they are subject to the confidentiality provisions of both Acts.

However, personal notes made by teachers or other staff are not considered education records if they are:

- a) Kept in the sole possession of the maker;
- b) Not accessible or revealed to any other person except a temporary substitute; and
- c) Used only as a memory aid.

Additionally, FERPA does not prohibit a school official from disclosing information about a student if the information is obtained through the school official's personal knowledge or observation and not from the student's education records.

Records created and maintained by a law enforcement unit for law enforcement purposes are also excluded.

**Access to Student Records**

Administrative regulations and procedures will be developed to comply with the provisions of federal law relating to the availability of student records. The purpose of these regulations and procedures is to make available to the parents or guardians of students and noncustodial parent(s) whose rights are not limited by court order or formal agreement, or students who are 18 years of age or older, or who are attending an institution of post-secondary education, student records, and files on students, and to ensure the confidentiality of these records with respect to third parties.

(Continued)

Students

**SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)**

Under FERPA, unless otherwise exempted in accordance with law and regulation, the District may release personally identifiable information (PII) contained in student education records only if it has received a "signed and dated written consent" from a parent or eligible student. Signed and dated written consent may include a record and signature in electronic form provided that the signature:

- a) Identifies and authenticates a particular person as the source of the electronic consent; and
- b) Indicates the person's approval of the information contained in the electronic consent.

**Exceptions**

Without the consent of a parent or eligible student, the District may release a student's information or records when it is:

- a) Directory Information and Limited Directory Information

"Directory information" is information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. "Limited Directory Information Disclosure" means that the District may limit disclosure of its designated directory information to specific parties, for specific purposes, or both. The intent is to allow schools the option to implement policies that allow for the disclosure of student information for uses such as yearbooks, honor roll lists, graduation programs, and playbills, but restrict disclosure for more potentially dangerous purposes. The District will limit disclosure of its designated directory information as otherwise specified in its public notice to parents of students in attendance and eligible students in attendance.

- b) To School Officials who have a Legitimate Educational Interest

To other school officials, including teachers, within the educational agency or institution whom the school has determined to have legitimate educational interests. An educational interest includes the behavior of a student and disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of the student, other students, or other members of the school community. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

- c) To Another Educational Institution

The District may disclose any and all educational records, including disciplinary records and records that were created as a result of a student receiving special education services under Part B of IDEA, to another school or post-secondary institution at which the student seeks or intends to enroll, or after the student has enrolled or transferred, so long as the disclosure

(Continued)



## Students

**SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)**

is for purposes related to the student's enrollment or transfer. Parental consent is not required for transferring education records if the school's annual FERPA notification indicates that these disclosures may be made. In the absence of information about disclosures in the annual FERPA notification, school officials must make a reasonable attempt to notify the parent about the disclosure, unless the parent initiated the disclosure. Additionally, upon request, the District will provide a copy of the information disclosed and an opportunity for a hearing.

d) For Health and Safety Emergency Reasons

The District must balance the need to protect students' PII with the need to address issues of school safety and emergency preparedness. Under FERPA, if an educational agency or institution determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records, without consent, to any person whose knowledge of the information is necessary to protect the health and safety of the student or other individuals during the period of the health or safety emergency. The District may release information from records to appropriate parties including, but not limited to, parents, law enforcement officials, and medical personnel. The District's determination that there is an articulable and significant threat to the health or safety of a student or other individuals will be based upon a totality of the circumstances, including the information available, at the time the determination is made. The District must record the articulable and significant threat that formed the basis for the disclosure and maintain this record for as long as the student's education records are maintained.

e) To Juvenile Justice Systems

Information may be disclosed to state and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a state statute that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released. In these cases, the official or authority must certify in writing that the information will not be disclosed to any other party except as provided under law without prior written consent.

f) To Foster Care Agencies

The District may release records to an agency caseworker or other representative of a state or local child welfare agency, who has the right to access a student's case plan, when the agency or organization is legally responsible, for the care and protection of the student. This does not give a child welfare agency the right to look into any non-foster care student's records, without parental consent, when there has been a mere allegation of abuse or maltreatment, absent an order or subpoena.

(Continued)

Students

**SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)**g) Pursuant to a Subpoena or Court Order

When the District receives a subpoena or court order for the release of records, it will make a reasonable effort to notify the parent or guardian or eligible student of the order or subpoena in advance of compliance. This allows the parent or guardian or eligible student to seek protective action against the subpoena or order before the release of the records.

The District may disclose a student's records without first notifying parents or guardians or eligible students if the disclosure is:

1. Based on a subpoena in which the court orders, for good cause shown, not to reveal to any person the existence or contents of the subpoena or any information furnished pursuant to the subpoena;
2. In accordance with a judicial order in cases where the parents are a party to a court proceeding involving child abuse or maltreatment or dependency matters, and the order is issued in the context of that proceeding; or
3. Made to a court (with or without an order or subpoena) when the District is involved in a legal action against a parent or student and the records are relevant to the matter.

h) For Financial Aid Purposes

Pertinent information may be released in connection with the determination of eligibility, amount, conditions, and enforcement of terms of a student's financial aid.

i) To Accrediting Organizations

Disclosure of a student's records may be made to an organization in which that student seeks accreditation, in order to carry out their accrediting function.

j) To Parents of a Dependent Student

Even when a student turns 18 years of age or older the District may disclose education records to that student's parents, without the student's consent, if the student is claimed as a dependent for federal income tax purposes by either parent.

k) For Audit/Evaluation Purposes

The audit or evaluation exception allows for the disclosure of PII from education records without consent to authorized representatives of the Comptroller General of the U.S., the Attorney General, the Secretary of Education, federal, state, or local educational authorities.

(Continued)

Students

**SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)**

Under this exception, PII from education records must be used to audit or evaluate a federal or state supported education program, or to enforce or comply with federal legal requirements that relate to those education programs.

The District may occasionally disclose PII from education records without consent to authorized representatives of the entities listed above. The District may also designate its own authorized representative who may access PII without consent in connection with an audit or evaluation of an education program within the District. As an example, the District might designate a university as its authorized representative in order to disclose, without consent, PII from education records on its former students to the university. The university could then disclose, without consent, transcript data on those former students attending the university to allow the District to evaluate how effectively the District prepared its students for success in post-secondary education.

l) For Conducting Studies

This exception allows for the disclosure of PII from education records without consent to organizations conducting studies for, or on behalf of, schools, school districts, or post-secondary institutions. Studies can be for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction.

The District may disclose PII from education records without consent to these organizations conducting studies for the District, in accordance with its obligations under FERPA.

In addition, other entities outside of the District may occasionally disclose PII from education records that the District has previously shared with that entity, to organizations conducting studies on behalf of the District. For example, a State Education Agency (SEA) may disclose PII from education records provided by the District without consent to an organization for the purpose of conducting a study that compares program outcomes across school districts to further assess the effectiveness of these programs with the goal of providing the best instruction.

**Required Agreements for the Studies or Audit/Evaluation Exceptions (see items k and l)**

To the extent required by law, the District will enter into a written agreement with organizations conducting studies for the District, or, with its designated authorized representatives in connection with audits or evaluations of education programs within the District. In the event that the District discloses PII from education records to its own designated authorized representative in connection with an audit or evaluation of an educational program within the District, it will use reasonable methods to ensure to the greatest extent practicable that its designated authorized representative complies with FERPA and its regulations.

(Continued)

Students

**SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)**

**Challenge to Student Records**

Parents or guardians of a student under the age of 18, or a student who is 18 years of age or older or who is attending an institution of post-secondary education, will have an opportunity for a hearing to challenge the content of the school records and to ensure that the records are not inaccurate, misleading, or otherwise in violation of the privacy of students, and to provide an opportunity for the correction or deletion of any inaccurate, misleading, or otherwise inappropriate data.

**Release of Information to the Noncustodial Parent**

The District may presume that the noncustodial parent has the authority to request information concerning his or her child and release this information upon request. If the custodial parent wishes to limit the noncustodial parent's access to the records, it is his or her responsibility to obtain and present to the school a legally binding instrument that prevents the release of information related to the child.

Family Educational Rights and Privacy Act of 1974, 20 USC § 1232g  
34 CFR Part 99  
Education Law § 2-d

NOTE: Refer also to Policies #5676 -- Privacy and Security for Student Data and Teacher and Principal Data  
#7241 -- Student Directory Information  
#7242 -- Military Recruiters and Institutions of Higher Education  
#7643 -- Transfer Students with Disabilities

Adopted: 9/9/2003  
Amended: 4/9/2013  
Amended: 10/6/2020

## 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

## Students

**STUDENT DIRECTORY INFORMATION**

The District shall publish an annual public notice informing parents or eligible students (i.e., a student eighteen (18) years of age or older or who is attending an institution of post-secondary education) of the District's definition of directory information, the parent/eligible student's right to refuse the release of student directory information and indication of the time period for their response. (Directory information is information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed.) Following such public notice and a reasonable response period, the District may release such information to an outside group without individual consent.

The Family Educational Rights and Privacy Act (FERPA) defines student directory information as any of the following: name; address; telephone listing; date and place of birth; 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 Auburn Enlarged City School District will release only the following defined directory information: name; major field of study; grade level; participation in officially recognized activities and sports; weight and height (if members of athletic teams); honors; degrees and awards received; and photograph unless notified by the parent(s)/guardian(s) that they do not want the information released.

Directory information **does not** include:

- a) A student's social security number; or
- b) A student's identification (ID) number, except as provided below.

Directory information includes a student ID number, user ID, or other unique personal identifier used by the student for purposes of accessing or communicating in electronic systems, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a personal identification number (PIN), password, or other factor known or possessed only by the authorized user.

The release of student directory information is not to be confused with the release of names, addresses and telephone listings of eligible students (i.e., a student seventeen (17) years of age or older or in the eleventh grade (or its equivalent) or higher) to Military Recruiters. In compliance with the Elementary and Secondary Education Act (ESEA) of 1965, as amended by the No Child Left Behind Act of 2001 (NCLB), and the National Defense Authorization Act, the School District shall notify parents that by law it routinely releases this information to Military Recruiters upon request subject to a parents'/eligible students' request not to disclose such information with written parental verification of such request.

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: 9/09/2003  
Amended: 7/14/2009

Students

**\*Required Policy**

**SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS**

**U.S. Department of Education-Funded Surveys**

In compliance with the Protection of Pupil Rights Amendment (PPRA), the School District is committed to protecting the rights and privacy interests of parents/guardians and students with regard to surveys funded in whole or part by any program administered by the U.S. Department of Education (DOE).

The District shall make instructional materials available for inspection by parents/guardians if those materials will be used in connection with a DOE-funded survey, analysis, or evaluation in which their children participate. In addition, the School District **shall obtain prior written parental/guardian consent** before minor students are required to participate in any DOE-funded survey, analysis, or evaluation that reveals information concerning:

- 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).

**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/guardian 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

(Continued)

## Students

**SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS (Cont'd.)**

submitted to, in writing, to the building principal at least 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 following items (including the right of the parent/guardian of the student to inspect, upon request, any survey containing one or more of such items):
1. Political affiliations or beliefs of student toward the student's parent/guardian;
  2. Mental or psychological problems of the student or the student's family;
  3. Sex behavior or attitudes;
  4. Illegal, anti-social, self-incriminating or demeaning behavior;
  5. Critical appraisals of other individuals with whom respondents have close family relationships;
  6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
  7. Religious practices, affiliations, or beliefs of the student or the student's parent/guardian;
  8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

Parents/guardians have the right to inspect, upon request, any survey containing one or more of such items. 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

(Continued)



Students

**SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS (Cont'd.)**

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.*

- 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.

(Continued)

Students

**SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS (Cont'd.)**

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;
- 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 others 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.

*\*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.*

*[Please note that our sample policy prohibits such collection, disclosure or use except to the extent permitted by law; however, Boards of Education should consult with their school attorneys to reflect District practice. Further, if the School District does permit such 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, a subsection "f" should be included indicating that parents/guardians have the right to inspect, upon request, any instrument used in the collection of personal information before the instrument is administered or distributed to student. Applicable procedures must be established for granting a request by a parent/guardian for reasonable access to such instrument within a reasonable period of time after the request is received. In the event of such collection, disclosure or use of personal information gathered from students, arrangements shall be made by the District to protect student privacy in accordance with the requirements of the Family and Educational Rights Privacy Act (FERPA).]*

(Continued)

Students

**SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS (Cont'd.)**

This law is not intended to preempt applicable provisions of State law that require parental/guardian notification.

**Notification of Policies/"Opt Out" Provisions**

The School District shall provide for reasonable notice of the adoption or continued use of this policy directly to the parents/guardians of students enrolled in the District. At a minimum, the District shall provide such notice at least annually, at the beginning of the school year, and within a reasonable period of time after any substantive change in this policy.

Further, in the notification, the District shall offer an opportunity for parents/guardians to opt their child out of participation in the following activities:

- a) 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).
- b) The administration of **any survey** containing one or more of the eight items of information listed above in the subheadings referencing DOE-funded surveys as well as non-DOE-funded surveys.
- 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*.

(Continued)

**SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS (Cont'd.)**

Notification of Specific Events

In the notification, the School District shall directly notify parents/guardians, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when the above activities are scheduled or expected to be scheduled.

**General Provisions**

The requirements of PPPRA 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.

20 United States Code (U.S.C.)  
Section 1232h(b) and (c), as amended by the No Child  
Left Behind Act of 2001  
34 Code of Federal Regulations (C.F.R.) Part 98

Students

**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. The Board shall further provide for the enforcement of such Code of Conduct. The District Code of Conduct 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;
- 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; and

(Continued)

Students

**SUBJECT: SCHOOL CONDUCT AND DISCIPLINE (Cont'd.)**

- g) Guidelines and programs for in-service education for all District staff to ensure effective implementation of school policy on school conduct and discipline.

Education Law Sections 2801 and 3214  
8 New York Code of Rules and Regulations  
(NYCRR) Section 100.2(2)

NOTE: Refer also to Policy #3410 -- Code of Conduct on School Property

Adopted: 09/09/03

## Students

**SUBJECT: LOSS OR DESTRUCTION OF DISTRICT PROPERTY OR RESOURCES**

The District is authorized to seek restitution, through civil action when necessary, from the parent or guardian of an unemancipated student over the age of ten (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 \$5,000. Under certain circumstances, prior to the entering of a judgment in the sum total of \$500 or more, a court may consider the parent's or guardian's financial inability to pay any portion or all of the amount of damages which are in excess of \$500, and enter a judgment in an amount within the financial capacity of the parent or guardian. However, no such judgment shall be entered for an amount which is less than \$500.

**False Reporting of an Incident and/or Placing a False Bomb**

A School District is also authorized to seek restitution, as described in law, from a parent or guardian of an unemancipated student over the age of ten (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: 10/14/03

## Students

**SUBJECT: STUDENT DRESS CODE**

The responsibility for the dress and appearance of students shall rest with individual students and parents, and must also still meet reasonable or defined standards of health, safety, and welfare of District students, visitors, 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 (eg. sneakers, socks, shorts, tee shirts), administrators or faculty may not prescribe a specific brand which students must wear. For special events or ceremonies such as inductions, dances, graduation, or concerts, the administration may recommend or require appropriate attire to match the occasion.

Students may attend school and its related functions without restraint or discrimination as long as their attire and appearance meet the requirements described above.



\*Required Policy

**SUBJECT: SUSPENSION OF STUDENTS**

The Superintendent or the principal may suspend the following students from required attendance upon instruction:

- a) A student who is insubordinate or disorderly; or
- b) A student who is violent or disruptive; or
- c) A student whose conduct otherwise endangers the safety, morals, health, or welfare of others.

**Suspension**

Five School Days or Less

The Superintendent or the principal of the school where the student attends has the power to suspend a student for a period not to exceed five school days. In the absence of the principal, the designated acting principal may then suspend a student for a period of five school days or less.

When the Superintendent or the principal (the "suspending authority") proposes to suspend a student for five school days or less, the suspending authority must provide the student with notice of the charged misconduct. If the student denies the misconduct, the suspending authority will provide an explanation of the basis for the suspension.

When suspension of a student for a period of five school days or less is proposed, the Superintendent or principal will also immediately notify the parent or person in parental relation in writing that the student may be suspended from school.

Written notice will be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address or addresses of the parents or persons in parental relation. Where possible, notification will also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents or persons in parental relation.

The notice will provide a description of the incident(s) for which suspension is proposed and will inform the student and the parent or person in parental relation of their right to request an immediate informal conference with the principal in accordance with the provisions of Education Law Section 3214(3)(b). Both the notice and the informal conference will be in the dominant language or mode of communication used by the parents or persons in parental relation. At the informal conference, the student or parent or person in parental relation will have the opportunity to present the student's version of the event(s) and to ask questions of the complaining witnesses.

(Continued)

## Students

**SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)**

The notice and opportunity for informal conference will 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 will take place as soon after the suspension as is reasonably practical.

Teachers will 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 school days may be warranted, the student and parent or person in parental relation, upon reasonable notice, will have an opportunity for a fair hearing. At the hearing, the student has protected due-process rights such as the right to be represented by counsel, the right to question witnesses against him or her, and the right to present witnesses and other evidence on his or 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 will not be barred from considering the admissibility of the weapon, instrument, or appliance as evidence, notwithstanding a determination by a court in a criminal or juvenile delinquency proceeding that the recovery of the weapon, instrument, or appliance was the result of an unlawful search or seizure.

Minimum Periods of Suspension

In accordance with law, Commissioner's regulations, and the District's *Code of Conduct*, minimum periods of suspension will 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 firearm to school or possessed a firearm on school premises will be suspended for a period of not less than one calendar year. However, the Superintendent has the authority to modify this suspension requirement on a case-by-case basis.
- b) A minimum suspension period for students who repeatedly are substantially disruptive of the educational process or substantially interfere with the teacher's authority over the classroom, provided that the suspending authority may reduce the 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" is set forth in Commissioner's regulations.

(Continued)

## Students

**SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)**

- c) A minimum suspension period for acts that would qualify the student to be defined as a violent student in accordance with Education Law Section 3214(2-a)(a), provided that the suspending authority may reduce the period on a case-by-case basis to be consistent with any other state and federal law.

**Suspension of Students with Disabilities**

Generally, disciplinary action against a student with a disability or presumed to have a disability will 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 school days in a school year that do not constitute a disciplinary change in placement, students with disabilities must be provided with alternative instruction or services on the same basis as non-disabled students of the same age.

If suspension or removal from the current educational placement constitutes a disciplinary change in placement because it is for more than ten consecutive school days or is a pattern of removals which constitutes a change of placement, a manifestation determination must be made. The District determines on a case-by-case basis whether a pattern of removals constitutes a change of placement. This determination is subject to review through due process and judicial proceedings.

**Manifestation Determinations**

A review of the relationship between the student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the disability must be made by a manifestation team immediately, if possible, but in no case later than ten school days after a decision is made:

- a) By the Superintendent to change the placement to an interim alternative educational setting (IAES);
- b) By an Impartial Hearing Officer (IHO) to place the student in an IAES; or
- c) By the Board, District Superintendent, Superintendent, or building principal to impose a suspension that constitutes a disciplinary change of placement.

The manifestation team will include a representative of the District knowledgeable about the student and the interpretation of information about child behavior, the parent, and relevant members of the CSE as determined by the parent and the District. The parent must receive written notice prior to the meeting to ensure that the parent has an opportunity to attend. This notice must include the purpose of the meeting, the names of those expected to attend and notice of the parent's right to have relevant members of the CSE participate at the parent's request.

(Continued)

Students

**SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)**

The manifestation team will review all relevant information in the student's file including the student's individualized education program (IEP), any teacher observations, and any relevant information provided by the parents to determine if: the conduct in question was caused by or had a direct and substantial relationship to the student's disability; or the conduct in question was the direct result of the District's failure to implement the IEP. If the team determines the conduct in question was the direct result of failure to implement the IEP, the District must take immediate steps to remedy those deficiencies.

Finding of Manifestation

If it is determined, as a result of this review, that the student's behavior is a manifestation of his or her disability, the CSE will conduct a functional behavioral assessment (FBA), if one has not yet been conducted, and implement or modify a behavioral intervention plan (BIP).

An FBA is the process of determining why the student engages in behaviors that impede learning and how the student's behavior relates to the environment. An FBA must be developed consistent with the requirements of Commissioner's regulations Section 200.22(a) and will include, but not be limited to, the identification of the problem behavior, the definition of the behavior in concrete terms, the identification of the contextual factors that contribute to the behavior (including cognitive and affective factors), and the formulation of a hypothesis regarding the general conditions under which a behavior usually occurs and probable consequences that serve to maintain it.

BIP is a plan that is based on the results of an FBA and, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs, and intervention strategies that include positive behavioral supports and services to address the behavior.

Unless the change in placement was due to behavior involving serious bodily injury, weapons, illegal drugs or controlled substances, the student must be returned to the placement from which the student was removed unless the parent and the District agree to a change of placement as part of the modification of the BIP.

No Finding of Manifestation

If it is determined that the student's behavior is not a manifestation of his or 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 or 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 the student.

(Continued)

**SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)****Provision of Services Regardless of the Manifestation Determination**

Regardless of the manifestation determination, students with a disability will be provided the services necessary for them to continue to participate in the general education curriculum and progress toward meeting the goals set out in their IEP as delineated below:

- a) During suspensions or removals for periods of up to ten school days in a school year that do not constitute a disciplinary change in placement, students with disabilities of compulsory attendance age will be provided with alternative instruction on the same basis as nondisabled students. Students with disabilities who are not of compulsory attendance age will be entitled to receive services during suspensions only to the extent that services are provided to nondisabled students of the same age who have been similarly suspended.
- b) During subsequent suspensions or removals for periods of ten consecutive school days or less that in the aggregate total more than ten school days in a school year but do not constitute a disciplinary change in placement, students with disabilities will be provided with services necessary to enable the student to continue to participate in the general education curriculum and to progress toward meeting the goals set out in the student's IEP and to receive, as appropriate, an FBA, behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur. School personnel, in consultation with at least one of the student's teachers, will determine the extent to which services are needed, so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress in meeting the goals set out in the student's IEP.
- c) During suspensions or other disciplinary removals, for periods in excess of ten school days in a school year which constitute a disciplinary change in placement, students with disabilities will be provided with services necessary to enable the student to continue to participate in the general education curriculum, to progress toward meeting the goals set out in the student's IEP, and to receive, as appropriate, an FBA, behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur. The IAES and services will be determined by the CSE.

**Interim Alternative Educational Setting (IAES)**

Students with disabilities who have been suspended or removed from their current placement for more than ten school days may be placed in an IAES which is a temporary educational setting other than the student's current placement at the time the behavior precipitating the IAES placement occurred.

(Continued)

## Students

**SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)**

Additionally, an Impartial Hearing Officer in an expedited due process hearing may order a change in placement of a student with a disability to an appropriate IAES for up to 45 school days if the Hearing Officer determines that maintaining the current placement is substantially likely to result in injury to the students or others.

There are three specific instances when a student with a disability may be placed in an IAES for up to 45 school days without regard to a manifestation determination:

- a) Where the student carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of the District; or
- b) Where a student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of the District; or
- c) Where a student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the District. Serious bodily harm has been defined in law to refer to one of the following:
  1. Substantial risk of death;
  2. Extreme physical pain; or
  3. Protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

School function means a school sponsored or school-authorized extracurricular event or activity regardless of where the event or activity takes place, including any event or activity that may take place in another state.

School premises means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school.

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 will:

(Continued)

Students

**SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)**

- 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, an FBA 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 District students from BOCES classes for a period not to exceed five school days when student behavior warrants that action.

**In-School Suspension**

In-school suspension will be used as a lesser discipline to avoid an out-of-school suspension. The student will be considered present for attendance purposes. The program is used to keep each student current with his or 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 will be considered as an act within the 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 designee.

**Exhaustion of Administrative Remedies**

If a parent or person in parental relation wishes to appeal the decision of the building principal or Superintendent to suspend a student from school, regardless of the length of the student's suspension, the parent or person in parental relation must appeal to the Board before commencing an appeal to the Commissioner of Education. Any appeal to the Board must be commenced within 30 days from the date of the Superintendent's decision. To be timely, the appeal must be received by the District Clerk within this 30-day period.

(Continued)

**SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)****Procedure After Suspension**

When a student has been suspended and is of compulsory attendance age, immediate steps will be taken to provide alternative instruction which is of an equivalent nature to that provided in the student's regularly scheduled classes.

When a student has been suspended, the suspension may be revoked by the Board whenever it appears to be for the best interest of the school and the student to do so. The Board may also condition a student's early return to school and suspension revocation on the student's voluntary participation in counseling or specialized classes, including anger management or dispute resolution, where applicable.

18 USC § 921

Individuals with Disabilities Education Act (IDEA), 20 USC § 1400 et seq.

Gun Free Schools Act, 20 USC § 7151, as amended by the Every Student Succeeds Act (ESSA) of 2015

34 CFR Part 300

Education Law §§ 310, 2801(1), 3214, and 4402

Penal Law § 265.01

8 NYCRR §§ 100.2(1)(2), 200.4(d)(3)(i), 200.22, 275.16, and Part 201

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

Adopted: 3/11/2003

Amended: 5/28/2013

Amended: 5/8/2018



## Students

**SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES**

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. The District respects the right of each family to decide whether or not to apply for independent computer access.

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 Student Discipline 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.

(Continued)

Students

**SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES  
(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 insure 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.

Regulations will be established as necessary to implement the terms of this policy.

NOTE: Refer also to Policy #8271 – Internet Content Filtering

Adopted: 9/9/03

Students

**SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES  
(ACCEPTABLE USE GUIDELINES)**

**Program Implementation**

The Auburn Enlarged City School District recognizes that effective use of technology is important to our students and will be essential to them as adults. Consequently, the School System 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, "on-line services," "WiFi" and the "Internet." The District shall provide personnel support for such usage.

The DCS is for educational and/or research use only and must be consistent with the goals and purposes of the Auburn Enlarged City School District. The standards of acceptable use as well as prohibited conduct by students accessing the DCS, as outlined in District policy and regulation, are not intended to be all-inclusive. Students are held to the same standards of good behavior whether they are using school computer networks or any other electronic media or communications, including a student's own personal technology or electronic device while on school grounds or at school events. In addition to the specific standards of student conduct delineated in this regulation, the general requirements of acceptable student behavior expected under the District's school conduct and discipline policy and the Code of Conduct also apply to student access to the DCS. Communications on the network are often public in nature. General school rules for behavior and communications apply.

Legal and ethical implications of software use will be taught to students of all levels where there is such software use. In addition, the Building Principal or his/her designee and/or classroom teacher will be responsible for informing District students of rules and regulations governing student access to the DCS.

In order to match electronic resources as closely as possible to the approved District curriculum, District personnel will review and evaluate resources in order to offer "home pages" and menus of materials which comply with Board guidelines governing the selection of instructional materials. In this manner, staff will provide developmentally appropriate guides to students as they make use of telecommunications and electronic information resources to conduct research and other studies related to the District curriculum. As much as possible, access to the District's computerized information resources will be designed in ways which point students to those which have been reviewed and evaluated prior to use. While students may be able to move beyond those resources to others which have not been evaluated by staff, students shall be provided with guidelines and lists of resources particularly suited to the learning objectives.

(Continued)

Students

**SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES  
(ACCEPTABLE USE GUIDELINES) (Cont'd.)****Standards of Conduct Governing Student Access to the District Computer System**

Inappropriate use of the DCS may result in disciplinary action, including suspension or cancellation of access. Prior to suspension or revocation of access to the DCS, students will be afforded applicable due process rights. Each student who is granted access will be responsible for that usage. The DCS is provided for students in support of their educational program and to conduct research and communicate with others. Student access to external computer networks not controlled by the District is provided to students who act in a considerate and responsible manner. Likewise, students are expected to observe the same standards of behavior when using their own personal technology or electronic devices on school grounds or at school events. Individual users of the District's computerized information resources are responsible for their behavior and communications over the District computer network. It is presumed that users will comply with District standards and will honor the agreements they have signed.

Student data files and other electronic storage areas will be treated like school lockers. This means that such areas shall be considered to be Auburn Enlarged City School District property and subject to control and inspection. The computer coordinator may access all such files and communications without prior notice to ensure system integrity and that users are complying with the requirements of District policy and regulations regarding student access to the DCS. Students should **NOT** expect that information stored on the DCS will be private.

During school, teachers will guide students toward appropriate materials. Outside of school, parents/guardians bear responsibility for such guidance as they do with information sources such as television, telephones, movies, radio and other potentially offensive/controversial media.

Use of the DCS which violates any aspect of Auburn Enlarged City School District policy; the Code of Conduct; and federal, state or local laws or regulations is strictly prohibited and may result in disciplinary action in compliance with applicable District guidelines and/or federal, state and local law including, but not limited to, suspension and/or revocation of access to the DCS. In addition to the District's general requirements governing student behavior, specific activities shall be prohibited by student users of the DCS including, but not limited to, the following:

- 1) Using the DCS to obtain, view, download, send, print, display or otherwise gain access to or to transmit materials that are unlawful, obscene, pornographic or abusive.
- 2) Use of obscene or vulgar language.
- 3) Harassing, insulting, bullying, threatening or attacking others.

(Continued)

Students

**SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES  
(ACCEPTABLE USE GUIDELINES) (Cont'd.)**

- 4) Damaging, disabling or otherwise interfering with the operation of computers, computer systems, software or related equipment through physical action or by electronic means.
- 5) Using unauthorized software on the DCS.
- 6) Changing, copying, renaming, deleting, reading or otherwise accessing files or software not created by the student without express permission from the computer coordinator.
- 7) Violating copyright law, including the illegal file sharing of music, videos and software.
- 8) Employing the DCS for non-educational, commercial purposes, product advertisement or political lobbying.
- 9) Disclosing an individual password to others or using others' passwords.
- 10) Transmitting material, information or software in violation of any District policy or regulation, the District Code of Conduct, and/or federal, state and local law or regulation.
- 11) Revealing personal information about oneself or of other students including, but not limited to, disclosure of home address and/or telephone number.
- 12) Creating or using a website or blog which may cause a substantial disruption in the school environment or interfere with the rights of others.
- 13) Using DCS to facilitate cheating, plagiarism, etc.

Network accounts are to be used only by the authorized owner of the account. Any user of the DCS that accesses another network or computer resources shall be subject to that networks acceptable use policy.

If a student or a student's parent/guardian has a District network account, a non-district network account, or any other account or program which will enable direct or indirect access to a District computer, any access to the DCS in violation of District policy and/or regulation may result in student discipline. Indirect access to a District computer shall mean using a non-district computer in a manner

(Continued)

Students

**SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES  
(ACCEPTABLE USE GUIDELINES) (Cont'd.)**

which results in the user gaining access to a District computer, including access to any and all information, records or other material contained or stored in a District computer.

**Sanctions**

- 1) Violations may result in suspension and/or revocation of student access to the DCS as determined in accordance with appropriate due process procedures.
- 2) Additional disciplinary action may be determined at the building level in accordance with existing practices and procedures regarding inappropriate language or behavior, as well as federal, state and local law.
- 3) When applicable, law enforcement agencies may be involved.

**Security**

Security on any computer system is a high priority, especially when the system involves many users. Users of the DCS identifying a security problem on the District's system must notify the teacher in charge. A student is not to demonstrate the problem to other users. Attempts to log on to the DCS as a computer coordinator may result in restriction or suspension of user privileges. Any user identified as a security risk or having a history of problems with other computer systems may be denied access to the DCS. Further, any violations regarding the use and application of the DCS shall be reported by the student to the teacher in charge.

**Notification**

The District's Acceptable Use Policy and Regulations will be disseminated to parents and students in order to provide notice of the school's requirements, expectations, and students' obligations when accessing the DCS.

**AUBURN ENLARGED CITY SCHOOL DISTRICT  
STUDENT AGREEMENT FOR USE OF DISTRICT  
COMPUTERIZED INFORMATION RESOURCES**

In consideration for the use of the Auburn Enlarged City School District's Computer System (DCS), I agree that I have been provided with a copy of the District's policy on student use of computerized information resources and the regulations established in connection with that policy. I agree to adhere to the policy and the regulations and to any changes or additions later adopted by the District. I also agree to adhere to related policies published in the Student Handbook.

I understand that failure to comply with these policies and regulations may result in the loss of my access to the DCS. Prior to suspension or revocation of access to the DCS, students will be afforded applicable due process rights. Such violation of District policy and regulations may also result in the imposition of discipline under the District's school conduct and discipline policy and the Code of Conduct. I further understand that the District reserves the right to pursue legal action against me if I willfully, maliciously or unlawfully damage or destroy property of the District. Further, the District may bring suit in civil court pursuant to General Obligations Law Section 3-112 against my parents or guardians if I willfully, maliciously or unlawfully damage or destroy District property.

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Student Signature

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School Building

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Date

**AUBURN ENLARGED CITY SCHOOL DISTRICT  
PARENTAL/GUARDIAN NOTIFICATION FOR STUDENT USE OF DISTRICT  
COMPUTERIZED INFORMATION RESOURCES**

I am the parent/guardian of \_\_\_\_\_,  
the minor student who has signed the District's agreement for student use of computerized information resources. I have been provided with a copy and I have read the District's policy and regulations concerning use of the DCS.

I also acknowledge receiving notice that, unlike most traditional instructional or library media materials, the DCS will potentially allow my son/daughter student access to external computer networks not controlled by the Auburn Enlarged City School District. I understand that some of the materials available through these external computer networks may be inappropriate and objectionable; however, I acknowledge that it is impossible for the District to screen or review all of the available materials. I accept responsibility to set and convey standards for appropriate and acceptable use of technology to my son/daughter when he/she is using the DCS or any other electronic media or communications, including my son/daughter's own personal technology or electronic device on school grounds or at school events.

I agree to release the Auburn Enlarged City School District, the Board of Education, its agents and employees from any and all claims of any nature arising from my son/daughter's use of the DCS in any manner whatsoever.

I agree that my son/daughter will have access to the DCS and I agree that this may include remote access from our home.

Parent/Guardian Signature: \_\_\_\_\_

Student's Name: \_\_\_\_\_

Date: \_\_\_\_\_



**SUBJECT: ALCOHOL, TOBACCO, DRUGS, AND OTHER SUBSTANCES (STUDENTS)****Prohibited Conduct**

The Board recognizes that the misuse of alcohol, tobacco, electronic cigarettes (e-cigarettes), drugs, counterfeit and designer drugs, over-the-counter drugs, prescription drugs, vitamins, supplements, herbs, and other similar substances is a serious problem with legal, physical, emotional, and social implications for our students, as well as the entire community. Therefore, the consumption, sharing, selling, use, and/or possession of these and similar substances, as well as tobacco products and drug paraphernalia are prohibited in accordance with law and regulation, District policy, the District *Code of Conduct*, and/or other similar documents.

Students are not permitted to be under the influence of alcohol, drugs, or other prohibited substances on school grounds or at school-sponsored events.

**Disciplinary Measures**

Students will be disciplined in accordance with District policy, the District *Code of Conduct*, and/or other similar documents for the consumption, sharing, selling, use, and/or possession of alcohol, tobacco, e-cigarettes, drugs, counterfeit and designer drugs, over-the-counter drugs, prescription drugs, vitamins, supplements, herbs, and other similar substances, as well as tobacco products and drug paraphernalia.

**Information on Substance Use Related Services**

The Superintendent has designated one or more individuals to provide information regarding where and how to find available substance use related services to students, parents, and staff.

The designated individual for the District is: Nurse Supervisor

Any information provided by a student, parent, or staff member to the designated individual(s) will not be used in any school disciplinary proceeding and will, in addition to any other applicable privilege, be considered confidential in accordance with law.

20 USC §§ 6083(a), 7118, and 7973(a)  
Education Law §§ 409, 2801, and 3038  
Public Health Law § 1399-o

(Continued)

Students

**SUBJECT: ALCOHOL, TOBACCO, DRUGS, AND OTHER SUBSTANCES (STUDENTS)  
(Cont'd.)**

NOTE: Refer also to Policies #3280 -- Use of School Facilities, Materials, and Equipment  
#3410 -- Code of Conduct  
#5640 -- Smoking/Tobacco Use  
#6150 -- Alcohol, Tobacco, Drugs, and Other Substances (Staff)  
#8210 -- Safety Conditions and Prevention Instruction  
District *Code of Conduct*

*Adopted: 9/9/2003*  
*Amended: 1/27/2015*  
*Amended: 1/23/2018*  
*Amended: 1/28/2020*

## Students

**SUBJECT: SEARCHES AND INTERROGATIONS OF STUDENTS**

A student may be searched and prohibited items seized on school grounds or in a school building by an authorized District official only when he or she has reasonable suspicion to believe the student has engaged in or is engaging in activity which is in violation of the law and/or the rules of the school (i.e., the District *Code of Conduct*). The reasonableness of any search involves a twofold inquiry: 1) School officials must first determine whether the action was justified at its inception, and 2) determine whether the search, as actually conducted, was reasonably related in scope to the circumstances which justified the interference in the first place.

Factors to be considered in determining whether reasonable suspicion exists to search a student include:

- a) The age of the student;
- b) The student's school record and past history;
- c) The predominance and seriousness of the problem in the school where the search is directed;
- d) The probative value and reliability of the information used as a justification for the search;
- e) The school official's prior knowledge of and experience with the student; and
- f) The urgency to conduct the search without delay.

If reasonable suspicion exists to believe that a student has violated or is violating the law and/or school rules, it is permissible for an authorized school official to search that student's outer clothing, pockets, or property. The search may include, but is not limited to, the student's outer clothing such as a jacket or coat, pockets, backpack, and/or purse. Whenever possible, searches will be conducted by a staff member of the same sex as the student and another staff member will be present as a witness.

Scope of Search

School officials are authorized to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will produce evidence that the student has violated or is violating the law and/or the *Code of Conduct*.

School officials, whenever possible, will seek the least intrusive means to conduct a search to safeguard the privacy interests of students in their person and property.

(Continued)

**SUBJECT: SEARCHES AND INTERROGATIONS OF STUDENTS (Cont'd.)****Searches and Seizure of School Property**

Student desks, lockers, textbooks, computers, and other materials, supplies or storage spaces loaned by the school to students remain the property of the school, and may be opened and inspected by school employees at any time without prior notice and without their consent. The purpose of these searches, when they occur, is to ensure the safety of students, faculty, and staff, enhance school security and prevent disruptions of the learning environment. Students have no reasonable expectation of privacy with respect to school property; and school officials retain complete control over such property. However, a student's personal belongings contained within a locker, desk, etc. are subject to the reasonable suspicion standard for searches by an authorized school official.

**Parent Notification**

The student's parent or guardian will be notified if any illegal, prohibited, or dangerous articles or materials are found in the student's locker, vehicle, or other property or possessions, or on the student's person, as a result of a search conducted in accordance with this policy.

**Documentation of Searches**

The designated school official conducting the search will be responsible for the custody, control and disposition of any illegal, prohibited or dangerous items taken from the student. The school official or his or her designee must clearly label each item taken from the student and retain control of the item(s) until the item(s) is turned over to the police or secured by alternate means.

This school official will also be responsible for promptly documenting information about the search including, but not limited to, the reasons for the search, the purpose of the search, the type and scope of the search, and the results of the search.

**Questioning of Students by School Officials**

School officials have the right to question students regarding any violations of school rules and/or illegal activity. In general, administration may conduct investigations concerning reports of misconduct which may include, but are not limited to, questioning students, staff, parents/guardians, or other individuals as may be appropriate and, when necessary, determining disciplinary action in accordance with applicable due process rights.

Should the questioning of students by school officials focus on the actions of one particular student, the student will be questioned, if possible, in private outside the presence of other students, by the appropriate school administrator(s). The student's parent or guardian may be contacted; the degree, if any, of parental or guardian involvement will vary depending upon the nature and the reason for questioning, and the necessity for further action which may occur as a result.

(Continued)

## Students

**SUBJECT: SEARCHES AND INTERROGATIONS OF STUDENTS (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 or responsibility of school officials to contact appropriate law enforcement agencies, as may be necessary, with regard to statements given by students to school officials.

School officials acting alone and on their own authority, without the involvement of or on behalf of law enforcement officials are not required to give the so-called "Miranda warnings" (i.e., advising a person, prior to any custodial interrogations as defined in law, of the right to remain silent; that any statement made by the individual may be used as evidence against him or her; and that the individual has the right to the presence of an attorney, either retained or appointed) prior to the questioning of students.

**Law Enforcement Officials**

A cooperative effort will be maintained between the school administration and law enforcement agencies. Law enforcement officials may be summoned in order to conduct an investigation of alleged criminal conduct on school premises or during a school sponsored activity, or to maintain the educational environment. They may also be summoned for the purpose of maintaining or restoring order when the presence of officers is necessary to prevent injury to persons or property.

Administrators have the responsibility and the authority to determine when the assistance of law enforcement officers is necessary within their respective jurisdictions.

**School Resource Officers**

Districts may utilize School Resource Officers (SROs), law enforcement officers who work within the school building. There are different types of SROs: those employed by the District and those employed by local law enforcement. SROs, acting in their capacity as law enforcement, are held to a different search standard than District staff. Searches by law enforcement SROs must be justified by probable cause, not the District's standard of reasonable suspicion. District staff need to clearly establish who is initiating and conducting a search, the District or law enforcement, and that the appropriate standard for the search has been met.

**Dissemination of Information**

Copies of this Regulation will be distributed to students when they enroll in school, and will be included in the District *Code of Conduct* available to students and parents at the beginning of each school year.

**Interrogation of Students by Law Enforcement Officials**

Generally, police authorities may only interview students on school premises without the permission of the parent or guardian in situations where a warrant has been issued for the student's arrest (or removal). Police authorities may also question students for general investigations or general questions regarding crimes committed on school property. In all other situations, unless an immediate health or safety risk exists, if the police wish to speak to a student without a warrant they should take the matter up directly with the student's parent or guardian.

## Students

**SUBJECT: SEARCHES AND INTERROGATIONS OF STUDENTS (Cont'd.)**

Whenever police wish to question a student on school premises, administration will attempt to notify the student's parent or guardian.

If possible, questioning of a student by police should take place in a private area outside the presence of other students but in the presence of the building principal or designee.

**Child Protective Services' Investigations**

Occasionally, Child Protective Services (CPS) may desire to conduct interviews of students on school property. These interviews generally pertain to allegations of suspected child abuse or neglect. The Board encourages cooperation with CPS with respect to access to records and access to any child named as a victim, any of the victim's siblings, or any other child residing in the same home as the named victim, in accordance with applicable law.

Education Law §§ 1604(9), 1604(30), 1709(2), 1709(33), and 2801  
Family Court Act § 1024  
Social Services Law §§ 411-428  
8 NYCRR § 100.2(l)

Action Date: 10/13/2003  
Adopted: 10/14/03  
Amended: 10/11/2016

## Students

**SUBJECT: BUS RULES AND REGULATIONS**

The Auburn Enlarged City 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.

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. In these cases, the parents/guardians of the children involved become responsible for seeing that their children get to and from school safely.

Bus drivers shall be held responsible for reasonable and acceptable behavior of students while riding the school bus.

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.

8 New York Code of Rules and Regulations  
(NYCRR) Section 156  
20 United States Code (USC) Sections 1400-1485  
Individuals With Disabilities Education Act (IDEA)

Adopted: 9/9/03

## 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 Building Principal with a copy 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 Auburn Enlarged City School authorities during the reporting period, the results of each investigation, and the action, if any, taken by the school authorities in each case.

Rules of the Board of Regents Section 19.5  
8 New York Code of Rules and Regulations  
(NYCRR) Section 100.2(1)(3)



## Students

**\*Required Policy****SUBJECT: WEAPONS IN SCHOOL AND THE GUN-FREE SCHOOLS ACT**

With the exception of those students who receive prior written permission from the Superintendent or its designee, no student may bring in or possess any "firearm" or "weapon" on school property, on a school bus or District vehicle, in school buildings, or at school sponsored activities or settings under the control or supervision of the District regardless of location. Any student who has been found guilty of bringing in or possessing a firearm or weapon in violation of this policy will be disciplined in a manner consistent with State and Federal law and the District's Code of Conduct. Such discipline may include a mandatory suspension for a period of not less than one (1) calendar year for a student who is determined to have violated the Federal Gun-Free Schools Act and its implementing provisions in the New York State Education Law, provided that the Superintendent may modify the suspension requirement on a case-by-case basis.

Students who have brought a "weapon" or "firearm" to school will be referred by the Superintendent to either a presentment agency (the agency or authority responsible for presenting a juvenile delinquency proceeding) or to appropriate law enforcement officials. Such referrals will be made as follows: a student who is under the age of sixteen (16) and who is not a fourteen (14) or fifteen (15) year-old who qualifies for juvenile offender status under the Criminal Procedure Law will be referred to a presentment agency for juvenile delinquency proceedings; a student who is sixteen (16) years old or older, or who is fourteen (14) or fifteen (15) and qualifies for juvenile offender status, will be referred to the appropriate law enforcement authorities.

For the purposes of this policy, the term "weapon" will be as defined in 18 USC 930(g)(2).

For the purposes of this policy, the term "firearm" will be as defined in 18 USC 921(a).

Students with disabilities continue to be entitled to all rights enumerated in the Individuals with Disabilities Act and Education Law Article 89. This policy shall not be deemed to authorize suspension of students with disabilities in violation of those authorities.

This policy does not diminish the authority of the Board of Education to offer courses in instruction in the safe use of firearms pursuant to Education Law Section 809-a.

Gun-Free Schools Act as reauthorized by the No Child Left Behind Act of 2001

18 USC Sections 921(a) and 930

Criminal Procedure Law Section 1.20(42)

Education Law Sections 809-a and 3214

NOTE: Refer also to Policies #3411 - Prohibition of Weapons on School Grounds  
#7313 - Suspension of Students  
#3410 - District Code of Conduct  
# 7361 - Gun Free Schools

Adopted: 9/09/2003

Amended: 5/13/2014

## Students

**SUBJECT: WEAPONS IN SCHOOL AND THE GUN-FREE SCHOOLS ACT**

With the exception of those students who receive prior written permission from the Superintendent or its designee, no student may bring in or possess any "firearm" or "weapon" on school property, on a school bus or District vehicle, in school buildings, or at school sponsored activities or settings under the control or supervision of the District regardless of location.

For the purposes of this regulation and District policy adopted in conformance with the Gun-Free Schools Act the following definitions will apply:

- 1) The term "firearm" means:
  - a. 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;
  - b. The frame or receiver of any such weapon;
  - c. Any firearm muffler or firearm silencer; or
  - d. Any destructive device, including
    - (1) Any explosive, incendiary, or poison gas--
      - a) Bomb;
      - b) Grenade;
      - c) Rocket having a propellant charge of more than four (4) ounces;
      - d) Missile having an explosive or incendiary charge of more than one-quarter (1/4) ounce;
      - e) Mine; or
      - f) Device similar to any of the devices described in the preceding clauses.
    - (2) Any type of weapon which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and
    - (3) Any combination of parts either designed or intended for use in converting any device into any destructive device described in subparagraph (1) or (2) and from which a destructive device may be readily assembled.
- 2) The term "weapon" means any device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than two and one-half (2 1/2) inches in length.

In the event the definitions in this regulation are inconsistent with Sections 921(a) and/or 930(g)(2) of Title 18 of the United States Code, those provisions of Federal law will be controlling.

This regulation shall not be construed so as to prohibit the District from disciplining students for violations of the District Code of Conduct or other policies and regulations adopted to safeguard District students, staff, visitors, and/or property.

Students

**SUBJECT: GUN-FREE SCHOOLS**

No student shall bring onto school premises any "firearm" as defined in federal law. 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; fireworks, 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).

In accordance with the Gun-Free Schools Act of 1994 and Section 3214(3)(d) of the Education Law, any student who brings a firearm, as defined in federal law, onto 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 except for a student fourteen or fifteen 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 years of age or older or when the student is fourteen or fifteen 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 onto 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 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 a District school or other premises used by the School District to provide such programs shall be suspended for a period of not less than one 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 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 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 Decisional Law. 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.

A student with a disability who is determined to have brought a firearm to school may be placed in an interim alternative educational setting, in accordance with federal and state law, for not more than 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.

(Continued)

**SUBJECT: GUN-FREE SCHOOLS (Cont'd.)**

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 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 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.

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.

Goals 2000: Educate America Act,  
P. L. 103-227 (Gun-Free Schools Act of 1994)  
18 United States Code (USC) Section 921  
Education Law Sections 310, 809-a, 3214,  
and Article 89

(Continued)

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Students

**SUBJECT: GUN-FREE SCHOOLS (Cont'd.)**

8 New York Code of Rules and Regulations  
(NYCRR) Section 100.2 and Part 200  
20 United States Code (USC) Sections 1400-1485  
Individuals With Disabilities Education Act (IDEA)  
Family Court Act Article 3  
Criminal Procedure Law Section 1.20(42)

NOTE: Refer also to Policies #3411 -- Unlawful Possession of a Weapon Upon School Grounds  
#7360 -- Weapons in School

Adopted: 10/14/03

## Students

**SUBJECT: HAZING OF STUDENTS**

The Board of Education is committed to providing a safe, productive and positive learning environment within its schools. Hazing activities are demeaning, abusive and/or illegal behaviors that harm victims, and are inconsistent with the educational goals of the District by negatively impacting the school environment. Hazing of a student by another student or group of students is strictly prohibited on school property; in school buildings; on school buses; by school sponsored groups, clubs or teams; and at school sponsored events and/or activities whether occurring on or off-campus. Hazing of a student refers to soliciting, encouraging, aiding, or engaging in "hazing" behavior as defined pursuant to District policy, regulation and/or law. The Board of Education shall require the prohibition of hazing - along with the range of possible intervention activities and/or sanctions for such misconduct - to be included in the *District Code of Conduct* for all grade levels.

For purposes of this policy, the term "*hazing among students is defined as any humiliating or dangerous activity expected of a student to join a group, regardless of their willingness to participate.*" The District realizes that a single negative act may constitute bullying if the impact of the instant act is evaluated as being detrimental to the safety and welfare of the student. Hazing behaviors include, but are not limited to, the following general categories:

- a) Humiliation: socially offensive, isolating or uncooperative behaviors.
- b) Substance abuse: abuse of tobacco, alcohol or illegal drugs.
- c) Dangerous hazing: hurtful, aggressive, destructive, and disruptive behaviors.

Incorporated within this definition are various forms of physical, emotional and/or sexual abuse which may range in severity from teasing/embarrassing activities to life threatening actions.

Even if the hazing victim participated "willingly" in the activity, or there was no "intent" by the hazer to harm or injure another individual, hazing is still hazing and against District policy, the *District Code of Conduct* and may be in violation of New York State Law. However, hazing of students does not need to rise to the level of criminal activity for such conduct to be in violation of District rules and subject to appropriate disciplinary sanctions. Any hazing activity, whether by an individual or a group, shall be presumed a forced activity and in violation of Board policy, regardless of the "willingness" of the student to participate.

Any student who believes that he/she is being subjected to hazing behavior, as well as students, school employees or third parties who have knowledge of or witness any possible occurrence of hazing, shall report the incident to any staff member or the Building Principal. Anonymous student complaints of hazing behavior will also be investigated by the District. The staff member/Building Principal to whom the report is made (or the staff member/Building Principal who witnesses hazing behavior) shall investigate the complaint/incident and take appropriate action to include, as necessary, referral to the next level of supervisory authority and/or other official designated by the District to investigate allegations of hazing. Investigations of allegations of hazing shall follow the procedures

(Continued)

Students

**SUBJECT: HAZING OF STUDENTS (Cont'd.)**

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

The Board of Education prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of hazing. Follow-up inquiries and/or appropriate monitoring of the alleged hazer(s) and victim(s) shall be made to ensure that hazing behavior has not resumed and that all those involved in the investigation of allegations of hazing have not suffered retaliation. Any act of retaliation is subject to appropriate disciplinary action by the District.

**Knowingly Makes False Accusations**

Students who *knowingly* make false accusations against another individual as to allegations of hazing may also face appropriate disciplinary action.

**District Responsibility/Training**

Personnel at all levels are responsible for taking corrective action to prevent hazing behavior of which they have been made aware at School District sites; by school sponsored groups, clubs or teams; and at school sponsored events and/or activities whether occurring on or off-campus. Further, as may be applicable, personnel are to report such hazing behavior to their immediate supervisor. Staff training shall be provided to raise awareness of the problem of hazing within the schools and to facilitate staff identification of, and response to, such hazing behavior among students.

Prevention and intervention techniques within the District to help prevent hazing behavior and to support and protect victims shall include building-level and classroom-level strategies and activities as determined by administration. Individual intervention will be provided by appropriate staff members to hazers, victims and their parents to help ensure that the hazing stops.

Rules against hazing shall be publicized District-wide and shall be disseminated as appropriate to staff, students and parents. Disciplinary sanctions for violation of this policy shall be outlined in the *District Code of Conduct* and may also be incorporated in staff and student handbooks. In addition, allegations of hazing behavior may result in referral to law enforcement officials as necessary.

Civil Service Law Section 75-B  
Education Law Sections 1709-a, 2503-a, 2554-a and 2801  
Penal Law Sections 120.16 and 120.17  
8 NYCRR Section 100.2(1)(2)

(Continued)

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Students

**SUBJECT: HAZING OF STUDENTS (Cont'd.)**

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property  
#3420 -- Non-Discrimination and Anti-Harassment in the School  
District  
#7551 -- Sexual Harassment of Students  
#7552 -- Bullying in the Schools  
*District Code of Conduct*

Adopted: 4/6/2004  
Amended: 6/26/2012



Students

**SUBJECT: BULLYING 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." The District realizes that a single negative act may constitute bullying if the impact of the instant act is evaluated as being detrimental to the safety and welfare of the student. Bullying can take three forms:

- a) Physical (including, but not limited to, hitting, kicking, spitting, pushing, taking personal belongings);
- b) Verbal (including, but not limited to, taunting, malicious teasing, name calling, making threats); and
- c) Psychological (including, but not limited to, spreading rumors; manipulating social relationships; or engaging in social exclusion, extortion, or intimidation).

Although this Policy focuses on the bullying of a student by another student, it should be noted that bullying against any individual is strictly prohibited. This includes bullying of staff members against students, students against staff members, staff members against other staff members, and bullying by or against any parents, persons in parental relation, volunteers, visitors or vendors who may be on school property or at school sponsored events as defined above.

**Engages in Cyberbullying Behavior**

As with other forms of bullying, cyberbullying is an attempt to display power and control over someone perceived as weaker. Cyberbullying involving District students may occur both on campus and off school grounds and may involve student use of the District Internet system or student use of personal digital devices while at school, such as cell phones, digital cameras, and personal computers to engage in bullying.

Cyberbullying includes, but is not limited to, the following misuses of technology: harassing, teasing, intimidating, threatening, or terrorizing another student or staff member by way of any technological tool, such as sending or posting inappropriate or derogatory email messages, instant messages, text messages, digital pictures or images, or website postings (including blogs).

**Cyberbullying has the effect of:**

- a) Physically, emotionally or mentally harming a student;

(Continued)

Students

**SUBJECT: BULLYING IN THE SCHOOLS (Cont'd.)**

- b) Placing a student in reasonable fear of physical, emotional or mental harm;
- c) Placing a student in reasonable fear of damage to or loss of personal property; and
- d) Creating an intimidating or hostile environment that substantially interferes with a student's educational opportunities.

Also, cyberbullying that occurs off-campus, that causes or threatens to cause a material or substantial disruption in the school, could allow school officials to apply the "*Tinker* standard" where a student's off-campus "speech" may be subject to formal discipline by school officials when it is determined that the off-campus speech did cause a substantial disruption or threat thereof within the school setting [*Tinker v. Des Moines Indep. Sch. Dist.* 393 U.S. 503 (1969)]. Such conduct could also be subject to appropriate disciplinary action in accordance with the *District Code of Conduct* and possible referral to local law enforcement authorities.

**Reports of Allegations of Bullying/Cyberbullying Behavior**

Any student who believes that he/she is being subjected to bullying/cyberbullying behavior, as well as any other person who has knowledge of or witnesses any possible occurrence of bullying, shall report the bullying to any staff member or the Building Principal. The staff member/Building Principal to whom the report is made (or the staff member/Building Principal who witnesses bullying behavior) shall promptly, thoroughly and equitably investigate the complaint and take appropriate action to include, as necessary, referral to the next level of supervisory authority and/or other official designated by the District to investigate allegations of bullying. Investigation of allegations of bullying shall follow the procedures utilized for complaints of harassment within the School District. Allegations of bullying shall be promptly and equitably investigated and will be treated as confidential and private to the extent possible within legal constraints.

**Prevention and Intervention**

Personnel at all levels are responsible for taking corrective action to prevent bullying behavior of which they have been made aware at School District sites or activities and/or reporting such behavior to their immediate supervisor. Further, staff training shall be provided to raise awareness of the problem of bullying within the schools and to facilitate staff identification of and response to such bullying behavior among students.

Prevention and intervention techniques within the District to prevent against bullying behavior and to support and protect victims shall include building-level and classroom-level strategies and activities as determined by administration. Individual intervention will be provided by appropriate staff members to bullies, victims and their parents to help ensure that the bullying stops.

(Continued)

Students

**SUBJECT: BULLYING IN THE SCHOOLS (Cont'd.)**

Rules against bullying shall be publicized District-wide and shall be disseminated as appropriate to staff, students and parents.

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

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of bullying. Follow-up inquiries and/or appropriate monitoring of the alleged bully and victim shall be made to ensure that bullying behavior has not resumed and that all those involved in the investigation of allegations of bullying have not suffered retaliation.

Civil Service Law Section 75-B

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property  
#3420 -- Non-Discrimination and Anti-Harassment in the School District  
#7551 -- Sexual Harassment of Students  
#7370 -- Hazing of Students  
*District Code of Conduct*

Adopted: 4/6/2004

Reviewed: 1/19/2010 - Policy Committee  
1/21/2010 - Auburn Leadership Team

Adopted: 2/23/2010 - Board of Education

Amended: 7/5/2012 – Board of Education

**SUBJECT: CO-CURRICULAR ACTIVITIES**

The Board of Education considers co-curricular activities to be a valuable part of the program of the school and shall support these activities within the financial means of the District. Co-curricular activities include clubs and organizations which help support learning or citizenship in the schools.

**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 meeting, or practice session, party, school dance, or other school affair scheduled after regular school hours are not eligible for participation or attendance at such events.

(Continued)

**SUBJECT: CO-CURRICULAR ACTIVITIES (Cont'd.)**

- b) In order for students to attend a school-sponsored function, students must attend classes for at least half of the school day on the day of the activity, unless otherwise excused by the building administrator. Four consecutive periods of attendance defines 1/2 a school day at the secondary level.

8 New York Code of Rules and Regulations (NYCRR)  
Sections 172.1 and 172.2  
Education Law Sections 1709, 1709-a,  
2503-a, and 2554-a  
Equal Access Act, 20 United States Code (USC)  
Sections 4071-4074

2003

7411

Students

**SUBJECT: CENSORSHIP OF SCHOOL SPONSORED STUDENT PUBLICATIONS AND ACTIVITIES**

The publications of student newspapers, yearbook and other journalistic endeavors that are part of the educational program, shall be under the sponsorship of a professional staff member. It shall be the responsibility of the professional staff to develop, with involved students, acceptable guidelines for such publications.

The District may exercise editorial control over the style and content of student speech in school sponsored publications and activities that are part of the educational curriculum.

Adopted : 9/9/03

2003

7412

Students

**SUBJECT: SECRET SOCIETIES, FRATERNITIES AND SORORITIES**

The existence of secret societies is determined not to be in the best interest of students and the school program. The Board will not permit the organization or operation of such groups as are deemed to be contrary to the educational process.

Education Law Sections 1709, 2503a, and 2554a

Adopted: 10/14/03

**SUBJECT: SENIOR CLASS STUDENT FUNDS**

At the end of the school year, it shall be the duty of the Treasurer to assemble the quarterly reports and prepare a composite report listing the financial condition of each activity for the full school year for the guidance of the Chief School Officer and the Board of Education. At this time a review is done to close any inactive extra classroom activity accounts with an unused balance for a period of time of one year. If a graduating class has an unused balance at the time of graduation, the class may wish to donate the money to other accounts; otherwise the remaining unused balance will be transferred to the general student organization. An entry is made to close the account and transfer any unused balance to the general student organization.

This is in accordance with Regulations of the Commissioner of Education Section 172

Adopted: 9/9/2003

Amended: 2/9/2010



Students

**SUBJECT: EXTRA CURRICULAR ATHLETICS**

Athletics are an integral part of a well balanced educational program. Therefore, the Board supports within its resources a broad sports program with equal access for both males and females, with an emphasis on maximum participation, through interscholastic and intramural activity. The District will comply with recommendations from the U.S. Department of Education's Office for Civil Rights (OCR) regarding Title IX equal opportunity for males and females in the District's total athletic program regarding any of the following factors which may be applicable:

- a) The nature and extent of the sports program to be offered (including the levels of competition, such as varsity, club, etc.);
- b) The provision of equipment and supplies;
- c) The scheduling of games and practice time;
- d) The provision of travel and per diem allowances;
- e) The nature and extent of the opportunity to receive coaching and academic tutoring;
- f) The assignment and compensation of coaches and tutors;
- g) The provision of locker rooms, practice and competitive facilities;
- h) The provision of medical and training facilities and services;
- i) The provision of housing and dining facilities and services; and
- j) The nature and extent of support, publicity and promotion including cheerleading, bands, published programs distributed at games, and booster club activities.

The interscholastic athletic program shall conform to the Regulations of the Commissioner of Education as well as the established rules of the New York State Public High Schools Athletic Association and the State Education Department.

Eligibility for interscholastic athletic competition requires that the students:

- a) Provide written parental/guardian consent. A consent form for a student's participation in interscholastic sports must contain information regarding mild traumatic brain injuries (concussions) as specified in Commissioner's Regulations;
- b) Pass satisfactorily the medical examination administered by the school physician/nurse practitioner or the student's personal physician. The school physician/nurse practitioner retains final approval on all physicals performed by the student's personal physician; and

(Continued)

## Students

**SUBJECT: EXTRA CURRICULAR ATHLETICS (Cont'd.)**

- 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.

**Booster Clubs**

The School District has a responsibility under Title IX to ensure that boys' and girls' programs are provided with equivalent benefits, treatment, services and opportunities regardless of their source. When determining equivalency, benefits, services and opportunities attained through the use of private funds (e.g., "booster clubs"), such funds are considered in combination with all benefits, services and opportunities.

Private fundraising, including student-initiated fundraising, is permissible under Title IX. Further, compliance with Title IX does not mean that teams must "share" proceeds from fundraising activities. It does, however, place a responsibility on the District to ensure that benefits, services, treatment and opportunities overall, regardless of funding sources, are equivalent for male and female athletes.

In accordance with OCR, in order for the District to be in continuing compliance with Title IX requirements, the District must assure that services, benefits and opportunities in its athletic programs are provided on an equivalent basis to both boys and girls, including those services, benefits and opportunities that are provided through the use of outside financial assistance such as donations, fundraising by coaches, and booster clubs.

**Selection/Classification Process**

The Board approves the use of the Athletic Placement Process (APP) for all secondary school interscholastic team members. The District will follow all APP guidelines as provided by the NYS Education Department 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)

## Students

**SUBJECT: EXTRA CURRICULAR ATHLETICS (Cont'd.)****Concussions**

A student who has sustained or is believed to have sustained a mild traumatic brain injury (concussion) must be immediately removed from athletic activities. If there is any doubt, it shall be presumed that the student is so injured until proven otherwise. Before being permitted to return to athletic activity, a student must be symptom free for not less than twenty-four (24) hours and have been evaluated by and received written and signed authorization from a licensed physician. Additionally, for extra class athletic activities, a student must have received clearance from the School District Medical Director to participate in such activity.

**Athletic Program - Safety**

The District will take reasonable steps to see that physical risks to students participating in the interscholastic athletic program shall be kept at a minimum by:

- a) Requiring medical examinations of participants;
- b) Obtaining appropriately certified and/or licensed staff to coach all varsity, junior varsity, and modified games, along with certified and/or licensed officials to referee all such competitions;
- c) Ensuring that equipment is both safe and operative within approved guidelines; and
- d) Providing required training opportunities for all coaching staff regarding mild traumatic brain injury.

Title IX of the Education Amendments of 1972, 20 USC Section 1681 et seq.  
45 Code of Federal Regulations Part 86  
8 NYCRR Section 135 and 136

**NOTE:** Refer also to Policy #7522 -- Concussion Management

Adopted: 10/14/03  
Amended: 3/1/2005  
Amended: 1/8/2013  
Amended: 12/15/2015

**AUBURN SCHOOL DISTRICT**  
**PARTICIPANT GUIDELINES FOR CO-CURRICULAR AND EXTRA-CLASSROOM**  
**ACTIVITIES**

**Section I: Academic Eligibility Statement**

The number one priority of the Auburn Enlarged City School District is to educate the whole child, first by stimulating the child intellectually and then by providing a number of common experiences designed to develop the social, emotional, physical and ethical values necessary to be a productive member of society. Co-curricular programs help to provide such experiences and are, therefore, considered an integral part of the total educational program. Involvement in co-curricular activities can have a positive influence on the academic achievement of students. However, academics must always come first to accomplish this objective an eligibility standard has been established. The guidelines are as follows:

- A. On report card distribution dates, at the high school and Jr. High levels, and at a 5-week report distribution dates at the Jr. High level, students will be determined to be eligible if they earn a 70% or higher overall average and have no grade of "Incomplete".
- B. Each time a student does not meet this standard, he or she will be put on academic probation until the next report card distribution date. Students may participate in co-curricular activities while they are on probation. It is the student's responsibility to meet with his or her teacher(s) to raise his/her overall average at least to the acceptable level of 70% and to make up the work needed to change an "Incomplete" to a grade.
- C. At the end of the six week probationary period, the student who continues to maintain an average below 70% will be declared ineligible until the marking period in which they achieve an average of 70% or better. Students declared ineligible may not participate in, or try-out for, any co-curricular activity.  
EXAMPLE: A student on probation for the first marking period who does not raise his/her overall average to a 70% or above by the end of the second marking period, will be ineligible for the third marking period. If the student raises their overall average to a 70% or above by the end of the third marking period, the student would be eligible for the fourth marking period. If the student's overall average at the end of the fourth marking period falls below a 70%, the student would return to probation for the fifth marking period.
- D. A student's probation and eligibility status as of the 6<sup>th</sup> marking period will be carried over to the first marking period. The Summer School marking period average, not including the final exam grade, will be used to recalculate the 6<sup>th</sup> marking period average for the purposes of determining first marking period eligibility in the fall.
- E. This regulation will include all students, whether they are in the manager or player role in athletics.
- F. This regulation will include all sports and co-curricular activities.
- G. An 8<sup>th</sup> grade student with an eligibility status of ineligible, or on probation, as of the 6<sup>th</sup> marking period at AJHS will enter 9<sup>th</sup> grade at AHS with an amended eligibility status of probationary in an effort to get them involved in AHS activities

**Section II: Behavioral Eligibility Statement**

**A. Attendance:**

- 1. Students who serve an out-of-school suspension, on the day of a co-curricular activity or other school affair (ie: dance) scheduled after regular school hours, are not eligible for participation or attendance at such events. If a student is suspended Friday, or the day before a break, s/he may not participate in any school activities until the conclusion of their Suspension, on the next day school is in regular session.
- 2. Students who serve a full day of in school suspension may not participate in co-curricular events after school. However, a coach or activity supervisor, at his or her discretion, may require a student to attend, but not to participate.
- 3. In order for students to attend a school-sponsored function, it is necessary that students attend classes for a minimum of four bells.

Students

**AUBURN SCHOOL DISTRICT**  
**PARTICIPANT GUIDELINES FOR CO-CURRICULAR AND EXTRA-CLASSROOM**  
**ACTIVITIES**

**Section II: Behavioral Eligibility Statement**

**B. Trips during vacation and school-sponsored trips:**

Trips during vacation and school-sponsored trips are deemed to be legal absences for the purpose of co-curricular eligibility only. Therefore, a student who goes on a trip during vacation or on a school-sponsored trip will not be dropped from a team or activity. However, team or activity membership rules may determine the extent of participation when the student returns.

**C. Equipment Loss**

Any loss of, or damage to, equipment or materials must be paid for by the end of the season of activity. Failure to pay by the end of that season will result in the student not participating in any future activity until payment is made.

**D. Vandalism and Stealing**

Any co-curricular participant who is found guilty of stealing or vandalizing the property of another while attending or participating in a co-curricular activity or event shall be ineligible to participate in the activity and/or shall be dropped from the activity.

**E. Code-of-Conduct Rules:**

1. Every participant is expected to fully uphold all school discipline rules including the District policy on *School Conduct and Discipline*.
2. No participant in any school-sponsored activity will be allowed to smoke, use, possess, sell, give or receive a cigarette, cigar or pipe, use chewing or smokeless tobacco or be in possession of any product including e-cigarettes, vaping devices and/or products used for vaping and any other related items.
3. No participant in any school-sponsored activity will be allowed to drink alcoholic beverages, be under the influence of alcohol, or in possession of an alcoholic beverage.
4. No member of any school-sponsored activity will use, possess, sell, give or receive any drug or controlled substance, including marijuana, or any instruments for the use of such drugs, controlled substances or marijuana such as a pipe, syringe or other paraphernalia. Excepted is any drug taken in accordance with a current prescription signed by a physician that is to be taken by that particular student at the time in question.
5. The District will hold participants accountable for their social media posts. This will be subject to investigation. After investigation, violations of this co-curricular and extra-classroom Code of Conduct and/or the district's Code of Conduct may result in removal from sports and co-curricular activities.
6. The above code-of-conduct rules also extend to student conduct off school grounds, including student attendance at parties where alcohol and/or illegal drugs are present, for example.
7. Co-curricular participants who are found guilty of violating #2 through #5 of the above code of conduct rules will be suspended, at a minimum, from the athletic team for the remainder of the season in which the violation occurred. For activities that last the duration of a school year a student violating #2-#5 may be suspended for up to twelve weeks from that activity. Additional consequences will be considered for repeat offenders.
8. This regulation will include all students, whether they are in the manager or player role in athletics.
9. This regulation will include all sports and co-curricular activities.

Students

**AUBURN SCHOOL DISTRICT****PARTICIPANT GUIDELINES FOR CO-CURRICULAR AND CO-CURRICULAR ACTIVITIES**

(Continued)

**Section IV: Athletic Section:****A. Physicals:**

Each athlete must have a physical examination by physician prior to participation in any sport. An exam will be completed by the school physician at no charge or may be completed by a participant's physician at his or her own expense. A completed **Health Information Sheet (75-D) Form must be signed by a Parent/Guardian prior to a physical.** No equipment will be given or practice permitted unless the student has had a physical. Any athlete who sees a physician for injury or illness must have a signed release in order to participate.

**B. Unsportsmanlike Conduct:**

Athletes who have been disqualified by a game official from an athletic contest due to unsportsmanlike conduct will not be permitted to participate in the next league contest. This is a Section III Rule.

**C. Changing Sports:**

An athlete may change sports during a season with the consent of both coaches involved and the Athletic Director.

**D. Rules: All Auburn School district rules and team, membership rules are subject to NEW YORK STATE PUBLIC HIGH SCHOOL ATHLETIC ASSOCIATION SECTION III rules and all ONONDAGA HIGH SCHOOL LEAGUE rules.**

**The following is a statement which must be signed by all students who participate in athletics and/or co-curricular activities, as well as their parent/guardian. This statement shall have attached to it The Participant Guidelines for Co-curricular Activities.**

**Section V: Medical Insurance/Risk of Injury Section:****A. Medical Insurance:**

The Auburn Enlarged City School District carries limited insurance to pay for medical expenses of students who are injured while participating in the School District's authorized and supervised interscholastic sports program. It is limited in the sense that it pays for medical expenses for only certain injuries and only in limited amounts and for certain injuries. Students and parents should also be aware that the School District's insurance is not only limited in coverage and amount, but that it is secondary to other insurances which may cover such medical expenses, including (without limitation) a family's personal medical or hospital insurances. In other words and by way of example, a family's personal insurance must first be used to its allowable limits before the School District's limited insurance would be available to pay any portion or all of the unpaid medical expenses. For further information regarding the School District's insurances, you are advised to contact the personnel office of the School District.



## Students

**SUBJECT: CONTESTS FOR STUDENTS, STUDENT AWARDS AND SCHOLARSHIPS****Contests for Students**

Distribution of educational material, essay contests, and poster contests must be approved in advance by the building principals if the sponsoring organization wishes to involve students in the project on school time. Samples of informational material should accompany the request. Upon the judgment of the principal, the request may be forwarded to the Superintendent and the Board of Education for approval.

**Student Awards and Scholarships**

The School District may obtain and award to its students awards and scholarships. The Board of Education, having been entrusted by law, will hold in trust gifts, grants, bequests and legacies given or bequeathed to the Auburn Enlarged City 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.

Awards and/or scholarships that are to be continued annually and are awards or scholarships of \$50 or more, may, at the request of the donating person or organization, be deposited in the School's Trust and Agency Fund. Prior to the establishment of such an account, it will be necessary for the donating person or organization to define the criteria for the selection of the recipient.

Education Law Section 1709(12-a)

Adopted: 9/9/03



2003

7431

Students

**SUBJECT: PUBLIC PERFORMANCE AND EXHIBITIONS**

The Board of Education of the Enlarged City School District of Auburn encourages the participation in public performances and exhibitions of members of school band, orchestra, choral group, dramatics, debaters, United Nations organization and other clubs which are consistent with curricular objectives of the regular school program.

Adopted: 10/14/03

## Students

**SUBJECT: MUSICAL INSTRUMENTS**

- a) All instrumental music students shall be expected to own or rent their instrument--particularly the common and less expensive instruments (flute, clarinet, trumpet, saxophone etc.).
- b) All students are required to rent or obtain flute, clarinet, alto saxophone, trumpet, trombone, and snare drum kits. Students will not be required to own or rent the less common and more expensive instruments. The instruments in this category for the 4th and 5th grades band are the French horn and the baritone horn. Other school-owned instruments in the school inventory will be disbursed based on factors including need, aptitude, and availability.
- c) If teachers wish to provide their personal instruments for student use, they must document the utilization of the personal instrument. Additionally, proof of ownership of the teacher's personal instrument must be documented with the district business office. Teacher's that choose to loan personal instruments to students assume risk of loss or damage to the loaned instrument.
- d) Students and parents/guardians will assume responsibility for proper care of school-owned instruments and will pay for damages to same.
- e) The District will only transport in its vehicles those instruments meeting certain safety standards as indicated in the New York State Department of Transportation Regulations.

New York State Department of Transportation  
Regulations Section 720.22

Adopted: 10/14/2003  
Amended: 8/4/2015

**SUBJECT: STUDENT VOTER REGISTRATION AND PRE-REGISTRATION**

The District recognizes the importance of voting and civic engagement. As such, the District seeks to encourage student voter registration and pre-registration. A person who is at least sixteen years of age and who is otherwise qualified to register to vote may pre-register to vote, and will then be automatically registered to vote upon reaching the age of eligibility as provided by law.

The District promotes student voter registration and pre-registration through the following means:

- Twice per year (fall and spring) The History Club chooses a week to make school-wide announcements informing students of voter pre-registration.
- Students may participate in a meeting where they are shown registration paperwork / online resources and how to complete them.
- History teachers provide classroom instruction on the need to register in NYS in order to vote.
- History teachers provide classroom instruction on political parties and the need to register for a party.
- Auburn High School Administration will ensure to provide equal opportunities for students with disabilities, including those who receive out of district services.

The completion and submission of voter registration or pre-registration forms will not be a course requirement or graded assignment for District students.

Election Law § 5-507

Adopted: 1/28/2020

## Students

**SUBJECT: FUND RAISING BY STUDENTS**

Fund raising projects in which students sell merchandise, provide services, or in other ways solicit money for school activities may be sponsored by school organizations with the specific approval of the building principal. Any such plan shall have a clearly defined purpose and, in general, shall contribute to the educational experience of students and shall not conflict with instructional programs or state mandates. Profits shall be used to enhance school programs by providing money for expenditures not normally funded by the District.

All participation shall be voluntary.

Also, refer to Policy #3271 -- Solicitation of Charitable Donations From School Children

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

## Students

**SUBJECT: SUPERVISION OF STUDENTS**

Students working on any activity and participating in school sponsored events must be supervised by the teacher or appointed individual in charge of the activity. This applies to all activities; and permission to host practices, meetings, or trips must not be granted unless a teacher or appointed individual is definitely in charge of supervision.

- a) Teachers, coaches, and advisors in the School District will be fully responsible for the supervision of all students in either their class or their after school activities. Students shall be supervised at all times. These personnel will maintain supervision over the dressing rooms, practice areas and other occupied spaces.
- b) 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. The principal will distribute the responsibility so that the playground situation will be properly controlled.
- d) Students are not to be sent on any type of errand away from the building without the consent of the principal.
- e) For school sponsored trips, chaperones will intersperse themselves among students for all activities and exercise due diligence for supervision.

**Chaperones**

The Board of Education recognizes that the use of chaperones for school sponsored events or activities can provide important support for the District. Chaperones may be volunteer adults whose responsibility it is to assist the advisor of the event in supervising students during the event.

Guidelines shall be established by the Superintendent of Schools for the selection of chaperones and made available for review. Building administrators will ensure that trip chaperones understand and fulfill the responsibilities for planning and supervision.

NOTE: Refer also to Policy #7420 -- Extra Curricular Athletics

Adopted: 10/14/03  
Revised: 4/21/04

## Students

**SUBJECT: IMMUNIZATION OF STUDENTS**

Every child entering or attending a District school must present proof of immunization or proof of immunity by serology (blood test) if applicable unless a New York State licensed physician certifies that the immunization may be detrimental to the child's health. The requirement for that immunization is waived until the immunization is no longer detrimental to the child's health. Medical exemptions must be reissued annually.

Except for a valid medical exemption, the District will not permit a child lacking acceptable evidence of required immunizations to remain in school for more than 14 days or more than 30 days for an out-of-state or out-of-country transferee who can show a good faith effort to get the necessary certification or other evidence of immunization.

Whenever a child has been refused admission to or continued attendance at a District school for lack of acceptable evidence of immunization, immunity, or exemption, the Nursing Supervisor will:

- a) Notify the person in parental relation to the child of his or her responsibility to have the child immunized and of the public resources available for doing so;
- b) Notify the local health authority of the name and address of the excluded child and of the immunization or immunizations which the child lacks; and
- c) Provide, with the cooperation of the local health authority, for a time and place at which the required immunization or immunizations may be administered.

For homeless children, the enrolling school must immediately refer the person in parental relation to the child to the District's homeless liaison, who must assist them in obtaining the necessary immunizations or medical records.

The District will provide an annual summary of compliance with immunization requirements to the Commissioner of Health.

All schools will also post educational information on influenza and the benefits of influenza immunization which will be in plain view and available to persons in parental relation.

Education Law §§ 310 and 914  
Public Health Law §§ 613 and 2164  
8 NYCRR §§ 100.2 and 136.3  
10 NYCRR Subpart 66-1

NOTE: Refer also to Policy #7131 -- Education of Students in Temporary Housing

Adopted: 9/9/2003  
Amended: 10/14/2014  
Amended: 10/8/2019  
Amended: 10/6/2020

Students

**SUBJECT: STUDENT PHYSICALS****Health Examination**

Each student enrolled in District schools must have a satisfactory health examination conducted by the student's physician, physician assistant or nurse practitioner within twelve (12) months prior to the commencement of the school year of:

- a) The student's entrance in a District school at any grade level;
- b) Entrance to pre-kindergarten or kindergarten;
- c) Entry into the 2nd, 4th, 7th and 10th grades.

The District may also require an examination and health history of a student when it is determined by the District that it would promote the educational interests of the student.

In addition, the District requires a certificate of physical fitness for:

- a) All athletes prior to their first sport of the school year, then only those who were injured or ill during their first sport before participating in a second sport during the school year;
- b) All students who need work permits; and
- c) All students either suspected of or sustaining a mild traumatic brain injury (concussion) must receive a written and signed authorization from a licensed physician before returning to athletic activities in school.

**Health Certificate**

Each student must submit a health certificate attesting to the health examination within thirty (30) days after his or her entrance into school and within thirty (30) days after his or her entry into the 2nd, 4th, 7th and 10th grades. The health certificate shall be filed in the student's cumulative record. The health certificate must:

- a) Describe the condition of the student when the examination was given;
- b) State the results of any test conducted on the student for sickle cell anemia;
- c) State whether the student is in a fit condition of health to permit his/her attendance at public school and, where applicable, whether the student has defective sight or hearing, or any other physical disability which may tend to prevent the student from receiving the full benefit of school work or from receiving the best educational results, or which may require a modification of such work to prevent injury to the student;

(Continued)

Students

**SUBJECT: STUDENT PHYSICALS (Cont'd.)**

- d) Include a calculation of the student's body mass index (BMI) and weight status category. BMI is computed as the weight in kilograms divided by the square of height in meters or the weight in pounds divided by the square of height in inches multiplied by a conversion factor of 703. Weight status categories for children and adolescents shall be defined by the Commissioner of Health. BMI collection is mandatory, effective September 2008. Reporting is random, with districts chosen by the NYS Department of Health. Selected districts must report BMI results on-line using DOH's Health Provider Network (HPN), a secure website;
- e) Be signed by a duly licensed physician, physician assistant, or nurse practitioner, who is authorized by law to practice in New York State consistent with any applicable written practice agreement; or authorized to practice in the jurisdiction in which the examination was given, provided that the Commissioner of Health has determined that such jurisdiction has standards of licensure and practice comparable to those of New York. A certificate signed by a chiropractor is not acceptable except for a scoliosis evaluation.

**Dental Certificate**

The dental certificate law became effective on September 1, 2008. This law applies to new entrants in PreK, K, Grades 2, 4, 7 and 10. In accordance with this law, a notice of request for a dental health certificate shall be distributed at the same time that the parent/person in parental relation is notified of health examination requirements, such certificate to be furnished at the same time the health certificate is required. At this time, students will be permitted to attend school regardless of whether or not they have a dental certificate.

The dental certificate shall be signed by a duly licensed dentist authorized by law to practice in New York State or one who is authorized to practice in the jurisdiction in which the examination was performed, provided that the Commissioner has determined that the jurisdiction has standards of licensure and practice comparable to New York State. The certificate shall describe the dental health condition of the student upon examination, which shall not be more than twelve (12) months prior to the commencement of the school year in which the examination is requested, and shall state whether the student is in fit condition of dental health to permit his/her attendance at the public schools.

Requests are not to be retroactive (i.e., any physical requested prior to September 1, 2008 does not need to have an additional notice sent requesting the dental certificate). Requests are not required when the student or parent/person in parental relation objects on the grounds of conflict with their genuine and sincere religious beliefs. Within thirty (30) days following the student's entrance in the school or grade, the certificate, if obtained, shall be filed in the student's cumulative health record.

(Continued)



## Students

**SUBJECT: STUDENT PHYSICALS (Cont'd.)**

## Examination by Health Appraisal

The Principal or the Principal's designee will send a notice to the parents of, or person in parental relation to, any student who does not present a health certificate, that if the required health certificate is not furnished within thirty (30) days from the date of such notice, an examination by health appraisal will be made of such student by the Director of School Health Services.

The Director of School Health Services shall cause such students to be separately and carefully examined and tested to ascertain whether any such student has defective sight or hearing, or any other physical disability which may tend to prevent the student from receiving the full benefit of school work or from receiving the best educational results, or which may require a modification of such work to prevent injury to the student.

The physician, physician assistant or nurse practitioner administering such examination shall determine whether a one-time test for sickle cell anemia is necessary or desirable and, if so determined, shall conduct such test and include the results in the health certificate.

Unless otherwise prohibited by law, if it is ascertained that any students have defective sight or hearing, or a physical disability or other condition, including sickle cell anemia which may require professional attention with regard to health, the Principal or Principal's designee shall notify, in writing, the student's parents or persons in parental relation as to the existence of such disability. If the parents or persons in parental relation are unable or unwilling to provide the necessary relief and treatment for such students, such fact shall be reported by the Principal or Principal's designee to the Director of School Health Services, who then has the duty to provide relief for such students.

**Health Screenings**

The District will provide:

- a) Scoliosis screening at least once each school year for all students in grades 5 through 9. The positive results of any such screening examinations for the presence of scoliosis shall be provided in writing to the student's parent or person in parental relation within ninety (90) days after such finding;
- b) Vision screening to all students who enroll in school including at a minimum color perception, distance acuity, and near vision within six (6) months of admission to the school. In addition, all students shall be screened for distance acuity in grades Kindergarten, 1, 2, 3, 5, 7 and 10 and at any other time deemed necessary. Abnormal results will be provided in writing to the student's parent(s) and/or guardian(s) and to any teacher of the student. The vision report will be kept in a permanent file of the school for at least as long as the minimum retention period for such records;

(Continued)

Students

**SUBJECT: STUDENT PHYSICALS (Cont'd.)**

- c) Hearing screening to all students within six (6) months of admission to the school and in grades Kindergarten, 1, 3, 5, 7 and 10, as well as at any other time deemed necessary. Screening shall include, but not be limited to, pure tone and threshold air conduction screening. Abnormal results will be provided in writing to the student's parent(s) and/or guardian(s) and to any teacher of the student.

The results of all health screenings (dental, hearing, vision and scoliosis) shall be recorded on appropriate forms signed by the health professional making the examination, include appropriate recommendations, and be kept on file in the school. The health records of individual students will be kept confidential in accordance with the federal Family Educational Rights and Privacy Act (FERPA) and any other applicable federal and State laws.

**Accommodation for Religious Beliefs**

No health examinations, health history, examinations for health appraisal, screening examinations for sickle cell anemia and/or other health screenings shall be required where a student or the parent or person in parental relation to such student objects thereto on the grounds that such examinations, health history and/or screenings conflict with their genuine and sincere religious beliefs. A written and signed statement from the student or the student's parent or person in parental relation that such person holds such beliefs shall be submitted to the Principal or Principal's designee, in which case the Principal or Principal's designee may require supporting documents.

**Homeless Students**

For homeless children, the enrolling school must immediately refer the parent or guardian of the student to the District's homeless liaison, who must assist them in obtaining the necessary medical records.

Family Educational Rights and Privacy Act of 1974 (FERPA)

20 USC Section 1232(g)

Education Law Sections 901-905, 912 and 3217

8 NYCRR Parts 135 and 136

NOTE: Refer also to Policies #5690 -- Exposure Control Program  
#5691 -- Communicable Diseases  
#5692 -- Human Immunodeficiency Virus (HIV) Related Illnesses  
#7121 -- Diagnostic Screening of Students  
#7131 -- Education of Homeless Children and Youth  
#7511 -- Immunization of Students  
#7522 -- Concussion Management

Adopted: 9/09/2003

Amended: 6/14/2011

Amended: 1/08/2013

## Students

**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.

All medication orders (prescription and non-prescription) must be reviewed annually or when there is a change in dosage.

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.

If a medication regimen is changed or discontinued, or there is medication left at the end of the school year, the medication must be returned to the parent or be properly disposed. Parents should be notified of options such as:

- 1) Disposal of medication as per acceptable procedures in the presence of a witness; or
- 2) Parent/responsible designee picking up medication from Health Office.

**Emergency Medication**

The administration of emergency medication (injectable, including "epi-pens," and/or oral) to a student for extreme hypersensitivity may be performed by a school staff member responding to an emergency situation when such use has been prescribed by a licensed prescriber. However, a registered professional nurse/nurse practitioner/physician/physician's assistant *must* have trained the staff member to administer the emergency medication for that particular emergency situation (e.g., "epi-pen") and given him/her approval to assist the student in the event of an emergency anaphylactic reaction. 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,

(Continued)

## Students

**SUBJECT: ADMINISTRATION OF MEDICATION (Cont'd.)**

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 employed by the District. However, the law does not require the District to retain a school nurse solely for the purpose of taking custody of a spare inhaler, or require that a school nurse be available at all times in a school building for such purpose.

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.

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

Adopted: 9/9/2003  
Amended: 8/12/2008  
Adopted: 8/26/2008

2003

7514

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: 9/9/03

## Students

**SUBJECT: ANAPHYLAXIS**

Students come to school with diverse medical conditions; some serious and even life threatening: that can impact their learning and their health. For example, exposure to an allergen can create an emergency situation where the student faces life-threatening anaphylaxis within moments. Allergens include but are not limited to foods, latex, medication and insect stings.

Anaphylaxis can affect almost any part of the body and cause various symptoms. The most dangerous symptoms include breathing difficulties and a drop in blood pressure or shock, which are potentially fatal.

Treatment of anaphylaxis is centered on treating the rapidly progressing effects of the histamine release in the body with epinephrine and or antihistamines.

**Importance of Prevention**

- Protecting a student from exposure to offending allergens is the most important way to prevent life-threatening anaphylaxis
- A comprehensive plan in place as set forth by State Education Department guidelines is essential
- Identification of school teams throughout the district to include:
  - o Administrators
  - o School and clerk
  - o School medical director
  - o Teachers
  - o Food service personnel
  - o Coaches, athletic directors, volunteers
  - o Transportation

**Action steps for Anaphylaxis Management**

- Providing necessary precautions and general training for staff
- Training by licensed medical personnel for all adults in a supervisory role in the recognition and emergency management of a specific medical conditions for specific students
- Creating emergency care plans, Individual Health Care Plans, 504s or IEPs as indicated
- Having standing emergency medical protocols for nursing staff
- Maintaining stock supplies of life saving emergency medications.
- Following specific legal documents daily executed in accordance with the laws of NYS
- Allowing of self directed students to carry life saving medications
- Assuring appropriate reasonable building accommodations are in place within a reasonable degree of medical certainty.

Adopted: 10/14/2008

**SUBJECT: ACCIDENTS AND MEDICAL EMERGENCIES****Student Emergency Treatment**

All staff members of the District are responsible to obtain first aid care for students who are injured or become ill while under school supervision.

In most instances, first aid should be rendered and then the parent should be contacted to come to school and transport the student to the family physician. Beyond first aid, the medical care of the student is the parent's responsibility. However, the student's welfare is always the primary concern, and it is the responsibility of school personnel to exercise good judgment and care under all circumstances.

The Board encourages all staff members to become qualified to give emergency treatment through instruction in first aid, 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. The District will make all reasonable attempts to contact a parent or person in parental relation when determining if emergency treatment is necessary. A staff member that the student is familiar with will accompany the student until a parent is present.

**Insurance**

The Board will approve provisions for all students to be covered by group insurance. These student accident insurance policies will be a co-insurance with family coverage(s) as primary.

Education Law §§ 1604(7-a), 1604(7-b), 1709(8-a) and 1709(8-b)

NOTE: Refer also to Policy #7420 -- Sports and the Athletic Program

Adopted Date: 10/14/2003

Amended : 1/23/2018

Students

**SUBJECT: CONCUSSION MANAGEMENT**

The Board of Education recognizes that concussions and head injuries are the most commonly reported injuries in children and adolescents who participate in sports and recreational activities. The physical and mental well-being of our students is a primary concern. Therefore, the School District adopts the following Policy to support the proper evaluation and management of concussion injuries.

A concussion is a mild traumatic brain injury (MTBI). A concussion occurs when normal brain functioning is disrupted by a blow or jolt to the head or body that causes the head and brain to move rapidly back and forth. Recovery from concussion and its symptoms will vary. Avoiding re-injury and over-exertion until fully recovered are the cornerstones of proper concussion management. Concussions can impact a student's academics as well as their athletic pursuits.

**Concussion Management Team (CMT)**

In accordance with the Concussion Management and Awareness Act, the School District is authorized, at its discretion, to establish a Concussion Management Team (CMT) which may be composed of the certified athletic director, a school nurse, the school physician, a coach of an interscholastic team, a certified athletic trainer or such other appropriate personnel as designated by the School District. The Concussion Management Team shall oversee and implement the School District's concussion policy and regulations, including the requirement that all school coaches, physical education teachers, nurses and certified athletic trainers who work with and/or provide instruction to pupils engaged in school-sponsored athletic activities complete training relating to mild traumatic brain injuries. Furthermore, every concussion management team may establish and implement a program which provides information on mild traumatic brain injuries to parents and persons in parental relation throughout each school year.

**Staff Training/Course of Instruction**

Each school coach, physical education teacher, school nurse and certified athletic trainer who works with and/or provides instruction to students in school-sponsored athletic activities (including physical education class and recess) shall complete a course of instruction every two (2) years relating to recognizing the symptoms of concussions or MTBIs and monitoring and seeking proper medical treatment for students who suffer from a concussion or MTBI.

Components of the training will include:

- a) The definition of MTBI;
- b) Signs and symptoms of MTBI;

(Continued)



## Students

**SUBJECT: CONCUSSION MANAGEMENT (Cont'd.)**

- c) How MTBIs may occur;
- d) Practices regarding prevention; and
- e) Guidelines for the return to school and school activities for a student who has suffered an MTBI, even if the injury occurred outside of school.

The course can be completed by means of instruction approved by SED which include, but are not limited to, courses provided online and by teleconference.

**Information to Parents**

The District shall include the following information on concussion in any permission or consent form or similar document that may be required from a parent/person in parental relation for a student's participation in interscholastic sports. Information will include:

- a) The definition of MTBI;
- b) Signs and symptoms of MTBI;
- c) How MTBIs may occur;
- d) Practices regarding prevention; and
- e) Guidelines for the return to school and school activities for a student who has suffered an MTBI, even if the injury occurred outside of school.

The District will provide a link on its website, if one exists, to the above list of information on the State Education Department's and Department of Health's websites.

**Identification of Concussion and Removal from Athletic Activities**

The District shall require the immediate removal from all athletic activities of any student who has sustained, or is believed to have sustained, a mild traumatic brain injury (MTBI) or concussion. Any student demonstrating signs, symptoms or behaviors consistent with a concussion while participating in a class, extracurricular activity, or interscholastic athletic activity shall be removed from the class, game or activity and must be evaluated as soon as possible by an appropriate health care professional. Such removal must occur based on display of symptoms regardless of whether such injury occurred inside or outside of school. If there is any doubt as to whether the student has

(Continued)

**SUBJECT: CONCUSSION MANAGEMENT (Cont'd.)**

sustained a concussion, it shall be presumed that the student has been injured until proven otherwise. The District shall notify the student's parents or guardians and recommend appropriate evaluation and monitoring.

The School District may choose to allow credentialed District staff to use validated Neurocognitive computerized testing as a concussion assessment tool to obtain baseline and post-concussion performance data. These tools are not a replacement for a medical evaluation to diagnose and treat a concussion.

**Return to School Activities and Athletics**

The student shall not return to physical activity (including athletics, physical education class and recess) until he/she has been symptom-free for not less than twenty-four (24) hours, and has been evaluated and received written authorization from a licensed physician. In accordance with Commissioner's Regulations, the School District's Medical Director will give final clearance on a return to activity for extra-class athletics. All such authorizations shall be kept on file in the student's permanent health record. The standards for return to athletic activity will also apply to injuries that occur outside of school. School staff should be aware that students may exhibit concussion symptoms caused by injuries from outside activities and that these visible symptoms also indicate a removal from play.

The District shall follow any directives issued by the student's treating physician with regard to limitations and restrictions on school and athletic activities for the student. The District's Medical Director may also formulate a standard protocol for treatment of students with concussions during the school day.

In accordance with NYSED guidelines, this Policy shall be reviewed periodically and updated as necessary in accordance with New York State Education Department guidelines. The Superintendent, in consultation with the District's Medical Director and other appropriate staff, may develop regulations and protocols for strategies to prevent concussions, the identification of concussions, and procedures for removal from and return to activities or academics.

Education Law Sections 207; 305(42), and 2854  
8 NYCRR 135.4 and 136.5

*Guidelines for Concussion Management in the School Setting*, SED Guidance Document, June 2012

Adopted: 9/25/2012

Students

**SUBJECT: CHILD ABUSE AND MALTREATMENT****Child Abuse in a Domestic Setting**

The District takes seriously the obligations of its officers and employees to report cases of child abuse or maltreatment. To this end, regulations will be developed, maintained, and disseminated by administration regarding the:

- a) Mandatory reporting of suspected child abuse or maltreatment;
- b) Reporting procedures and obligations of persons required to report;
- c) Provisions for taking a child into protective custody;
- d) Mandatory reporting of deaths;
- e) Immunity from liability and penalties for failure to report;
- f) Obligations for provision of services and procedures necessary to safeguard the life or health of a child; and
- g) Provision of information in recognizing signs of unlawful methamphetamine laboratories for all current and new school officials (i.e., "mandated reporters") who, as part of their usual responsibilities, visit children's homes.

Additionally, an ongoing training program for all current and new school officials will be established and implemented to enable the staff to carry out their reporting responsibilities.

**Reporting Information**

The District will post the child abuse hotline telephone number and directions for accessing the Office of Children and Family Services (OCFS) website in English and Spanish on its website and in clearly and highly visible areas of school buildings. The District will also make this information available from its administrative offices; provide it to parents and persons in parental relation at least once per school year by electronic communication, sending the information home with students, or otherwise; and provide it to each teacher and administrator. The District may post and provide this information in other, common languages used by the school community.

**Persons Required to Report**

Persons required to report cases of child abuse or maltreatment to the State Central Register (SCR) in accordance with Social Services Law Section 413(1) include, but are not limited to, school teachers, school counselors, school psychologists, school social workers, school nurses, school

(Continued)

Students

**SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)**

administrators or other school personnel required to hold a teaching or administrative license or certificate, and full- or part-time compensated school employees required to hold a temporary coaching license or professional coaching certificate.

All mandated reporters must make the report themselves and then immediately notify the building principal or designee. The building principal or designee will be responsible for all subsequent administration necessitated by the report. Any report must include the name, title, and contact information for every staff member who is believed to have direct knowledge of the allegations in the report.

**Prohibition of Retaliatory Personnel Action**

The District will not take any retaliatory personnel action against an employee because the employee believes that he or she has reasonable cause to suspect that a child is an abused or maltreated child and that employee makes a report to SCR. Further, no school official will impose any conditions, including prior approval or prior notification, upon any staff member specifically designated a mandated reporter.

"Retaliatory personnel action" means the discharge, suspension, or demotion of an employee, or other adverse employment action taken against an employee in the terms and conditions of employment.

**Report Form**

The "Report of Suspected Child Abuse or Maltreatment" Form LDSS-2221A may be accessed at the OCFS website.

**Child Abuse in an Educational Setting**

The District is committed to the protection of students in educational settings from abuse and maltreatment by employees or volunteers.

**Definitions**

"Administrator" or "school administrator" means a principal, or the equivalent title, in a school, or other chief school officer.

"Child abuse" means any of the following acts committed in an educational setting by an employee or volunteer against a child (defined as a person under the age of 21 years enrolled in a school):

- a) Intentionally or recklessly inflicting physical injury, serious physical injury, or death;

(Continued)

Students

**SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)**

- b) Intentionally or recklessly engaging in conduct which creates a substantial risk of physical injury, serious physical injury, or death;
- c) Any child sexual abuse, defined as conduct prohibited by Penal Law Articles 130 or 263; or
- d) The commission or attempted commission against a child of the crime of disseminating indecent materials to minors in accordance with Penal Law Article 235.

"Educational setting" means the building(s) and grounds of a school; the vehicles provided directly or by contract by the school for the transportation of students to and from school buildings, field trips, co-curricular and extracurricular activities both on and off school 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.

"School" means a school district, public school, charter school, nonpublic school, Board of Cooperative Educational Services (BOCES), special act school district as defined in Education Law Section 4001, approved preschool special education program pursuant to Education Law Section 4410, approved private residential or non-residential school for the education of students with disabilities including certain private schools, or state-operated or state-supported school in accordance with Education Law Articles 85, 87, or 88.

**Duties Upon Receipt of an Allegation of Child Abuse in an Educational Setting**

In any case where an oral or written allegation is made to a teacher, school nurse, school counselor, school psychologist, school social worker, school administrator, Board member, or other school personnel required to hold a teaching or administrative license or certificate, as well as a licensed and registered physical therapist, licensed and registered occupational therapist, licensed and registered speech-language pathologist, teacher aide, or school resource officer that a child has been subjected to child abuse by an employee or volunteer in an educational setting, that person will upon receipt of the allegation:

- a) Promptly complete a written report of the 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. This written report must be completed on a form prescribed by the Commissioner of Education.
- b) Except where the school administrator is the person receiving the 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.

(Continued)

Students

**SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)**

In any case where an oral or written allegation is made to a school bus driver employed by a school or a person or entity that contracts with a school to provide transportation services to children that a child has been subjected to child abuse by an employee or volunteer in an educational setting, that school bus driver will upon receipt of the allegation, promptly report or cause a report to be made to his or her supervisor employed by the school or the contracting person or entity.

In any case where an oral or written report or allegation is made to a supervisor who is employed by a school or a person or entity that contracts with a school to provide transportation services to children from a person employed by the school or the contracted person or entity that a child has been subjected to child abuse by an employee or volunteer in an educational setting, the supervisor must, upon receipt of an allegation:

- a) Promptly complete a written report of the allegation including the full name of the child alleged to be abused; the name of the child's parent or guardian; 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. This written report must be completed on a form prescribed by the Commissioner.
- b) Ensure that the written report is personally delivered to the Superintendent employed by the school district where the child abuse occurred or, for a school other than a school district or public school, the school administrator employed by the school where the child abuse occurred.

In any case where it is alleged a 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 these allegations will be promptly forwarded to the Superintendent of the school district of the child's attendance and the Superintendent of the school district where the abuse of the child allegedly occurred. If a case involves a school that is not a school district or public school, the appropriate school administrator or administrators, in addition to any appropriate Superintendent, must be notified of the allegations of abuse.

If it is alleged the child was abused by the Superintendent or administrator, the report of the allegations will be made to another designated administrator.

Upon receipt of a written report alleging child abuse in an educational setting, a school administrator or Superintendent must then determine whether there is reasonable suspicion to believe that an act of child abuse has occurred. If it is determined that reasonable suspicion exists, the school administrator or Superintendent must follow the procedures mandated in law and further described in administrative regulations including parental notification. When the school administrator receives a

(Continued)

**SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)**

written report, he or she must promptly provide a copy of the report to the Superintendent. The report must be promptly forwarded to appropriate law enforcement. In no event will reporting to law enforcement be delayed by an inability to contact the Superintendent.

Where the Superintendent or, in a school other than a school district or public school, the school administrator has forwarded a written report of child abuse in an educational setting to law enforcement authorities, he or she will also refer the report to the Commissioner if the employee or volunteer alleged to have committed an act of child abuse holds a certification or license issued by NYSED.

Civil Immunity

Any employee, volunteer, or supervisor who is employed by a person or entity that contracts with a school to provide transportation services to children who reasonably and in good faith makes a report of allegations of child abuse in an educational setting in accordance with the reporting requirements of the law will have immunity from civil liability which might otherwise result by reason of those actions.

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 a report to a person or agency as required by law, will have immunity from civil liability which might otherwise result by reason of those actions.

Confidentiality

Reports and other written material submitted in accordance with law with regard to allegations of child abuse in an educational setting, and photographs taken concerning those reports that are in the possession of any person legally authorized to receive that information, will be confidential and will not be redisclosed except to law enforcement authorities involved in an investigation of child abuse in an educational setting or as expressly authorized by law or in accordance with a court-ordered subpoena. School administrators and the Superintendent will exercise reasonable care in preventing unauthorized disclosure.

Training

The District will implement a training program regarding child abuse in an educational setting for all current and new teachers, school nurses, school counselors, school psychologists, school social workers, school administrators, Board members, other school personnel required to hold a teaching or administrative license or certificate, and any school bus driver or supervisor employed by the District or any person or entity that contracts with the District to provide transportation services to children, as well as licensed and registered physical therapists, licensed and registered occupational therapists, licensed and registered speech-language pathologists, teacher aides, and school resource officers.

(Continued)

Students

**SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)**

Prohibition of "Silent" (Unreported) Resignations

The Superintendent and other school administrators are prohibited from withholding from law enforcement authorities, the Superintendent, or the Commissioner, as appropriate, information concerning allegations of child abuse in an educational setting against an employee or volunteer in exchange for that individual's resignation or voluntary suspension from his or her position.

The Superintendent or other school administrator who reasonably and in good faith reports to law enforcement officials information regarding allegations of child abuse or a resignation as required by law will have immunity from any liability, civil or criminal, which might otherwise result by reason of those actions.

**Notification**

Teachers and all other school officials will be provided an annual explanation concerning the reporting of child abuse and child abuse in an educational setting, including the immunity provisions as set forth in law. The Commissioner will furnish the District with required information, including rules and regulations for training necessary to implement District and staff responsibilities under the law.

**Prohibition on Aiding and Abetting Sexual Abuse**

Unless exempted by law, no District employee, contractor, or agent of the District will assist another District employee, contractor, or agent in obtaining a new job, apart from the routine transmission of administrative and personnel files, if the individual or agency knows or has probable cause to believe, that the individual engaged in sexual misconduct regarding a minor or student in violation of the law.

Education Law Article 23-B and §§ 409-1, 3028-b, and 3209-a  
Family Court Act § 1012  
Labor Law § 740(1)(e)  
Penal Law Articles 130, 235, and 263  
Social Services Law §§ 411-428  
8 NYCRR Part 83, and § 100.2(hh) and (nn)  
20 USC § 7926

Adoption Date: 10/14/2003  
Amended: 1/8/2008  
Amended: 1/27/2015  
Amended: 5/9/2017  
Amended: 3/10/2020



## Students

**SUBJECT: SUICIDE**

According to national statistics, suicide is the third leading cause of death among young people. It is the policy of the Board to enact clear guidelines for prevention, intervention and post-intervention of suicide, reflecting the District's concern for this serious mental health issue.

The Board recognizes the need for suicide prevention and will instruct the Superintendent to establish a District crisis intervention team whose responsibility will be to develop a suicide response plan. This plan will be integrated into the existing school safety plan. The plan will include education and awareness of risk factors for youth suicide, procedures for intervening if a student exhibits risk factors, including referral services, and a post intervention plan to help the school and community cope with the aftermath of such a tragic event should it occur.

Suicide prevention will be incorporated into the curriculum to educate students. This will be done in a manner so as not to sensationalize the matter, but to provide students with information and resources on this important mental health issue. The District will also foster interagency cooperation that will enable staff to identify and access appropriate community resources to aid students in times of crisis.

The administration is responsible for informing staff of regulations and procedures of suicide prevention, intervention and post-intervention that have been developed by the District. The District will actively respond to any situation where a student verbally or behaviorally indicates intent to attempt suicide or to do physical harm to himself/herself. Staff training and professional development on suicide and crisis intervention will be made available.

NOTE: Refer also to Policies: #3410 -- Anti-Harassment in the School District  
#5681 -- School Safety Plans  
#7380 -- Bullying: Peer Abuse in the Schools  
#7370 -- Hazing of Students

Adopted: 10/14/2003  
Amended: 6/26/2012

Students

**SUBJECT: COMPLAINTS AND GRIEVANCES BY STUDENTS**

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

- a) Establishing rules and regulations for the redress of complaints or grievances through proper administration channels, including the use of the Complaint/Response Procedure;
- 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. Where complaints remain unresolved, students may use the Complaint/Response Procedure. (see Regulation #7550R)

**Complaints and Grievances Coordinator**

In addition, students and parents/guardians will receive annual notification of the District's established grievance procedures for resolving complaints of discrimination based on sex, sexual orientation or disability. This notice shall include 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 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.

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.

(Continued)

Students

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

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 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 Section 621.

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

Adopted: 9/9/03

**\*Required Policy****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, including sexual violence. Sexual harassment including sexual violence 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 on a school bus at locations off school premises or those that take place in another state. Since sexual violence is a form of sexual harassment, the term, "sexual harassment" in this policy will implicitly include sexual violence even if it is not explicitly stated.

**Sexual Harassment**

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.

**Sexual Violence**

Sexual violence is defined by New York Penal Law as physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. Sexual violence includes but is not limited to acts such as:

- a) Rape;
- b) Sexual assault;
- c) Sexual battery;
- d) Sexual coercion.

(Continued)

Students

**SUBJECT: SEXUAL HARASSMENT OF STUDENTS (Cont'd.)**

A person may be unable to consent to a sexual act due to his/her age, use of drugs or alcohol or due to intellectual or other disability. In order to encourage victims of sexual violence to come forward, a District must inform students that the District's primary concern is with their safety. The school should assure victims that any broken rules or violations made by them will be addressed separately from the sexual harassment allegation. For example, victims need to know that their use of alcohol or drugs never makes them at fault for sexual violence.

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 offender and the victim; the number of individuals involved; and the type, frequency and duration of the conduct. A single incident of sexual harassment may be sufficiently severe to create a hostile environment in the school and a student may experience the continuing effects from off-campus sexual harassment when in the school setting. 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. The District will designate, at a minimum, two (2) Compliance Officers, one (1) of each gender.

In order for the Board to enforce this policy, and to take corrective measures as may be necessary, it is essential that any student who believes he/she has been a victim of sexual harassment, as well as any other person who is aware of and/or who has knowledge of or witnesses any possible occurrence of sexual harassment, should immediately report such alleged harassment. Such report shall be directed to or forwarded to the District's designated Compliance Officers 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 Compliance Officer is the alleged offender, the report will be directed to the next level of supervisory authority.

Upon receipt of an informal/formal complaint (even an anonymous complaint), the District will conduct a prompt, equitable, and thorough investigation of the charges. However, even in the absence of 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, equitably, 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. The Superintendent will inform the Board of Education of investigations involving findings of harassment.

(Continued)

Students

**SUBJECT: SEXUAL HARASSMENT OF STUDENTS (Cont'd.)**

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.

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

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

**Finding That Sexual Harassment Did Not Occur**

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

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 sexual 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.

(Continued)

## Students

**SUBJECT: SEXUAL HARASSMENT OF STUDENTS (Cont'd.)****Privacy Rights**

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

**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 Compliance Officer(s).

Such regulations will be developed in accordance with federal and state law as well as any applicable collective bargaining agreement(s).

The Superintendent/designee(s) will affirmatively discuss the topic of 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)  
Civil Service Law Section 75-B  
Education Law Section 2801(1)  
Executive Law Sections 296 and 297

Adopted: 12/09/2003  
Amended: 6/26/2012

**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. The District intends 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 wellbeing of its students.

The District will disseminate all information which it receives from local police authorities in conjunction with Megan's Law to designated staff members who might have possible contact with the offender during the course of their school duties. The Superintendent reserves the right to automatically disseminate such information to additional members of the staff, designated supervisors of non-school groups that regularly use District facilities and have children in attendance, parents/guardians of District students, and other community residents who, in the opinion of the Superintendent, have an immediate need to be notified of such data in order to protect the safety of our students.

All staff members shall be informed of the availability of the information received by the District pursuant to Megan's Law upon written request to the applicable building principal/designee or supervisor. The District provides information to community residents through a link on the District's website to New York State's online Sex Offender Registry and promotes the website in the District newsletter.

Staff members inform their immediate supervisor if they observe within the school building, on school grounds, at school activities, or at or near bus routes any individual whose description matches the information which was provided to the District by local law enforcement authorities. Such law enforcement officials will be notified of this information by the District as appropriate.

Information that is disseminated to the School District pursuant to Megan's Law may be disclosed or not disclosed by the District in its discretion.

Any information which the School District receives regarding a sex offender from a source other than the Sex Offender Registry, and which is maintained independent of the requirements of Megan's Law, will be available from the District, upon written request, in accordance with the requirements of the Freedom of Information Law.

(continued)



2003

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Students

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**SUBJECT: NOTIFICATION OF SEX OFFENDERS (cont'd.)**

**Special Circumstances Whereby Sex Offenders May Enter Upon School Grounds**

As a mandatory condition of the sentence for sex offenders placed on probation or conditional discharge whose victim was under the age of 18 or who has been designated a Level 3 sex offender, the court requires that the sentenced offender refrain from knowingly entering into or upon school grounds or any other facility or institution primarily used for the care or treatment of persons under the age of 18 while one or more of these individuals are present. Level 2 sex offenders are also not allowed on school grounds.

However, by exception, a Level 2 or 3 sex offender may enter school grounds or facility with the written authorization of his or her parole officer and the Superintendent or Principal for limited authorized purposes. Entrance upon the premises is subject to the following conditions:

- a) The offender is a registered student, participant, or employee of the facility;
- b) The offender is an employee of an entity contracted by the facility;
- c) The offender has a child of custody of a child enrolled in the facility; or
- d) If the school is the offender's designated polling place and he or she enters solely to vote.

Correction Law Article 6-C  
Executive Law § 259-c(14)  
Penal Law §§ 65.10(4-a) and 140.15  
Public Officers Law § 84 et seq.

Adopted: 12/9/2003  
Amended: 3/27/2007  
Amended: 7/23/2019

## STUDENTS

**SUBJECT: PARENTAL DELEGATION OF AUTHORITY TO CAREGIVER OF MINOR CHILD**

Parents may delegate authority to a caregiver for specified education and health care decisions relating to their minor child. Specifically, this law allows a parent to authorize an adult person in whose care a minor has been entrusted to:

- a) Consent to any health care developmental screening or mental health examination or treatment, including immunization, to be rendered to such minor in accordance with law for which the parent has authority to consent;
- b) Enroll the minor in health plans;
- c) Review school records of the minor child;
- d) Enroll the minor in a school;
- e) Consent to the minor's absence from school; and/or
- f) Consent to the participation of the minor in a school program or school-sponsored activity.

*However, such parental authorization of designated powers to a caregiver 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 such authority; and provided further that, in the case where a court has ordered that both parents must agree on education or health decisions regarding their child, an authorization pursuant to this law shall not be valid unless both parents have given their consent.*

An authorization conferred upon a caregiver pursuant to this law shall not be construed to satisfy requirements governing residence for purposes of enrollment in a school as set forth in Education Law Section 3202, unless such requirements have otherwise been fulfilled.

Authorization for a caregiver's consent shall be in writing and shall include:

- a) The name of the caregiver to whom authorization is given;
- b) The name of each minor with respect to whom such authorization is granted;
- c) The parent's or parents' signature(s) and the date of such signature(s).

(Continued)

## STUDENTS

**SUBJECT: PARENTAL DELEGATION OF AUTHORITY TO CAREGIVER OF MINOR CHILD (Cont'd.)**

The authorization may specify a period of time less than a year for which such authorization shall be valid unless earlier revoked by the parent as enumerated below. However, if no such time period is specified, the authorization shall be valid until the earlier of revocation or one year from the date the authorization was signed by the parent. The authorization may:

- a) Authorize any or all consents set forth above;
- b) Specify the treatment, diagnosis or activities for which consent is authorized; or
- c) Specify any treatment, diagnosis or activity for which consent is not authorized.

However, the decision of a caregiver to consent to or to refuse health care or mental health diagnosis or treatment for a minor shall be superseded by a contravening decision of the custodial parent of the minor.

No provision of this law shall be construed to require formal authorization to a caregiver as provided within the statute where such authorization is not otherwise required by law, rule or regulation.

**Revocation of Authorization**

Revocation by one parent shall be deemed effective and complete revocation of an authorization pursuant to this law. A caregiver who receives notification from a parent of any such revocation shall immediately notify any school, health care provider or health plan to which an authorization has been presented. Failure by the caregiver to notify recipients of the revocation shall not make notification of revocation by the parent ineffective.

**Liability Provisions**

A person who provides health care or mental health care or who permits enrollment or participation in a government sponsored health plan, a school program or school-sponsored activity upon a caretaker's consent, and who does so reasonably and in the good faith belief that the parent has in fact authorized the caretaker to do so pursuant to the provisions of this law, may not be deemed to have acted negligently, unreasonably or improperly in accepting and acting upon such authorization. However, any such person may be deemed to have acted negligently, unreasonably or improperly if he/she has knowledge of facts indicating that the authorization was never given, or did not extend to the care or treatment given, or was revoked.

(Continued)

## STUDENTS

**SUBJECT: PARENTAL DELEGATION OF AUTHORITY TO CAREGIVER OF MINOR CHILD (Cont'd.)**

Pursuant to law, the above provision (i.e., actions not deemed negligent, unreasonable or improper) shall apply even if health care or mental health care is provided to a minor or consent is given to enrollment or participation in a school program or school-sponsored activity in contravention of the wishes of the parent except where the health care provider, health plan official or school official has knowledge of facts indicating that the authorization was not given, or did not extend to the care or treatment in issue, or was revoked.

However, General Obligations Law Section 5-1801 does not alter any liability that would otherwise exist in the absence of this law, if a health care provider provides care that was not medically warranted even with legal consent, or fails to provide care that should have been provided, or provides care in a negligent or unacceptable manner.

[General Obligations Law Section 5-1801](#)  
[Education Law Section 3202](#)

Students

**\*Required Policy****SUBJECT: DIGNITY FOR ALL STUDENTS**

The District seeks to create an environment free of harassment, bullying, and discrimination; to foster civility in its schools; and to prevent conduct that is inconsistent with its educational mission. The District, therefore, prohibits all forms of harassment and bullying of students by employees or other students on school property and at school functions. The District further prohibits discrimination against students, including, but not limited to, discriminatory acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex by school employees or other students on school property and at school functions that take place at locations off school property. In addition, other acts of harassment, bullying, or discrimination that can reasonably be expected to materially and substantially disrupt the education process may be subject to discipline or other corrective action.

**Dignity Act Coordinator**

In each of its schools, the District will designate at least one employee holding licenses or certifications as required by the Commissioner to serve as the Dignity Act Coordinator (DAC). Each DAC will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression), and sex. Training will also be provided for DACs that addresses: the social patterns of harassment, bullying, and discrimination, including, but not limited to, those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex; the identification and mitigation of harassment, bullying, and discrimination; and strategies for effectively addressing problems of exclusion, bias, and aggression in educational settings. All DAC appointments will be approved by the Board.

The District will widely disseminate the name, designated school, and contact information of each DAC to all school personnel, students, and parents or persons in parental relation by:

- a) Listing it in the *Code of Conduct*, with updates posted on the District's website; and
- b) Including it in the *Code of Conduct's* plain-language summary provided to all parents or persons in parental relation to students before the beginning of each school year; and
- c) Providing it to parents or persons in parental relation in at least one District or school mailing or other method of distribution, including, but not limited to, electronic communication or sending information home with each student. If the information changes, parents and persons in parental relation will be notified in at least one subsequent District or school mailing, or other method of distribution, as soon as practicable thereafter; and
- d) Posting it in highly visible areas of school buildings; and
- e) Making it available at the District and school-level administrative offices.

(Continued)

Students

**SUBJECT: DIGNITY FOR ALL STUDENTS (Cont'd.)**

If a DAC vacates his or her position, the District will immediately designate an interim DAC, pending approval from the Board within 30 days. In the event a DAC is unable to perform his or her duties for an extended period of time, the District will immediately designate an interim DAC, pending the return of the previous individual to the position.

**Training and Awareness**

Each year, all employees will be provided with training to promote a supportive school environment that is free from harassment, bullying, and discrimination, and to discourage and respond to incidents of harassment, bullying, and discrimination. This training may be provided in conjunction with existing professional development, will be conducted consistent with guidelines approved by the Board, and will:

- a) Raise awareness and sensitivity to potential acts of harassment, bullying, and discrimination;
- b) Address social patterns of harassment, bullying, and discrimination and the effects on students;
- c) Inform employees on the identification and mitigation of harassment, bullying, and discrimination;
- d) Enable employees to prevent and respond to incidents of harassment, bullying, and discrimination;
- e) Make school employees aware of the effects of harassment, bullying, cyberbullying, and discrimination on students;
- f) Provide strategies for effectively addressing problems of exclusion, bias, and aggression;
- g) Include safe and supportive school climate concepts in curriculum and classroom management; and
- h) Ensure the effective implementation of school policy on conduct and discipline.

Rules against harassment, bullying, and discrimination will be included in the *Code of Conduct*, publicized District-wide, and disseminated to all staff and parents or persons in parental relation. Any amendments to the *Code of Conduct* will be disseminated as soon as practicable following their adoption. The District will provide new employees with a complete copy of the current *Code of Conduct* upon beginning their employment, and distribute an age-appropriate summary to all students at a school assembly at the beginning of each school year.

(Continued)

Students

**SUBJECT: DIGNITY FOR ALL STUDENTS (Cont'd.)****Reports and Investigations of Harassment, Bullying, or Discrimination**

The District encourages and expects students who have been subjected to harassment, bullying, or discrimination; parents or persons in parental relation whose children have been subjected to this behavior; other students who observe or are told of this behavior; and all District staff who become aware of this behavior to timely report it to the principal, Superintendent, DAC, or designee.

The principal, Superintendent, DAC, or designee will lead or supervise a timely and thorough investigation of all reports of harassment, bullying, and discrimination. The DAC or other individual conducting the investigation may seek the assistance of the District's Civil Rights Compliance Officer in investigating, responding to, and remedying complaints.

In the event an investigation verifies that harassment, bullying, or discrimination occurred, the District will take prompt action reasonably calculated to end it, to eliminate any hostile environment, to create a more positive school culture and climate, to prevent recurrence of the behavior, and to ensure the safety of the student or students against whom the harassment, bullying, or discrimination was directed.

The Superintendent, principal, DAC, or designee will notify the appropriate local law enforcement agency when there is a reasonable belief that an incident of harassment, bullying, or discrimination constitutes criminal conduct.

The District will timely collect information related to incidents involving harassment, bullying, and discrimination; provide required internal reports; and complete and submit any required report to the State Education Department in the manner and within the timeframe specified by the Commissioner.

**Prohibition of Retaliatory Behavior (Whistle-Blower Protection)**

Any person who has reasonable cause to suspect that a student has been subjected to harassment, bullying, or discrimination by an employee or student on school grounds or at a school function, and who acts reasonably and in good faith in reporting it to school officials, the Commissioner of Education, or law enforcement authorities, or who otherwise initiates, testifies, participates, or assists in any formal or informal proceedings, will have immunity from any civil liability that may arise from making that report, or from initiating, testifying, participating, or assisting in those proceedings. The District also prohibits any retaliatory behavior directed against any complainant, victim, witness, or any other individual who participated in the reporting or investigation of an incident of alleged harassment, bullying, or discrimination.

(Continued)

Students

**SUBJECT: DIGNITY FOR ALL STUDENTS (Cont'd.)****Publication of District Policy**

At least once during each school year, all school employees, students, and parents or persons in parental relation will be provided with a written or electronic copy of this policy, or a plain-language summary of it. The policy or summary will include information relating to how students, parents or persons in parental relation, and school employees may report harassment, bullying, or discrimination. Additionally, the District will strive to maintain a current version of this policy on its website at all times.

**Application**

Nothing in this policy or its implementing regulations should be interpreted to preclude or limit any right or cause of action provided under any local, state, or federal ordinance, law, or regulation, including, but not limited to, any remedies or rights available under the Individuals with Disabilities Education Act, Title VII of the Civil Rights Law of 1964, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act of 1990.

Education Law §§ 10-18, 801-a, 2801, and 3214  
8 NYCRR § 100.2

NOTE: Refer also to Policies #1330 -- Appointments and Designations by the Board  
#3410 -- Code of Conduct  
#3420 -- Non-Discrimination and Anti-Harassment in the District  
#5670 -- Records Management  
#6411 -- Use of Email in the District  
#7551 -- Sexual Harassment of Students  
#7552 -- Student Gender Identity  
#7553 -- Hazing of Students  
#8242 -- Civility, Citizenship and Character Education/Interpersonal  
Violence Prevention Education

Adopted: 06/12/2012  
Amended 11/13/2012  
Amended 08/27/2013  
Amended: 03/13/2018



**Auburn Enlarged City School District  
DIGNITY COMPLAINT FORM**

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

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

Home phone: \_\_\_\_\_ Cell: \_\_\_\_\_ Work: \_\_\_\_\_  
(please circle the preferred number)

The complainant is: (check all that apply):

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

Basis of this complaint/grievance:

- \_\_\_ Race
- \_\_\_ Color
- \_\_\_ Weight
- \_\_\_ National Origin
- \_\_\_ Ethnic Group
- \_\_\_ Religion
- \_\_\_ Other/Not sure (Please briefly explain): \_\_\_\_\_
- \_\_\_ Religious Practice
- \_\_\_ Disability
- \_\_\_ Gender
- \_\_\_ Sex
- \_\_\_ Sexual orientation

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

Description of Alleged Harassment/Bullying/Discrimination/Incident: \_\_\_\_\_  
\_\_\_\_\_

Incident is a result of \_\_\_\_\_ student and/or \_\_\_\_\_ employee conduct.

Incident involved \_\_\_\_\_ physical contact and/or \_\_\_\_\_ verbal threats, intimidation or abuse.

Date, Time and Place of Violation(s): \_\_\_\_\_

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

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

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

Describe the remedy, outcome or resolution: \_\_\_\_\_  
\_\_\_\_\_

Remedy Sought by Complainant: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Date

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

Students

**\*Required Policy****SUBJECT: SAFE PUBLIC SCHOOL CHOICE OPTION TO STUDENTS WHO ARE VICTIMS OF A VIOLENT CRIMINAL OFFENSE**

Any District student who is a victim of a violent criminal offense, as defined pursuant to Education Law and Commissioner's Regulations, that occurred on the grounds of the District elementary or secondary school that the student attends, shall be allowed to attend a safe public school within the School District to the extent required by the federal No Child Left Behind Act (NCLB) and state law and regulations.

In accordance with Commissioner's Regulations, a "safe public school shall mean a public school that has not been designated by the Commissioner [of Education] as a persistently dangerous public elementary or secondary school."

**Violent Criminal Offense**

The superintendent shall determine if the student has been the victim of a "violent criminal offense." "Violent criminal offense" means a crime that:

- a) Involves infliction of a serious physical injury upon another as defined in New York State Penal Law Section 10.00(10); or
- b) A sex offense that involves forcible compulsion; or
- c) Any other offense defined in State Penal Law Section 10.00(12) that involves the use or threatened use of a deadly weapon.

**Determination Whether Student is a Victim**

Procedures shall be established for determination by the Superintendent of whether a student is a victim of a violent criminal offense that occurred on school grounds of the school the student attends. The Superintendent shall, prior to making any such determination, consult with any law enforcement agency investigating the alleged violent criminal incident and consider any reports or records provided by such agency. However, a criminal conviction is not required prior to the Superintendent's determination that a student has been a victim of a violent criminal offense. The Superintendent may also consult with the School District's attorney prior to making such determination.

The Superintendent's determination may be appealed to the Board of Education. However, this determination will not preclude any student disciplinary proceeding brought against the alleged victim or perpetrator of such violent criminal offense.

(Continued)

Students

**SUBJECT: SAFE PUBLIC SCHOOL CHOICE OPTION TO STUDENTS WHO ARE VICTIMS OF A VIOLENT CRIMINAL OFFENSE (Cont'd.)****Notice to Parents/Persons in Parental Relation**

A school district that is required to provide school choice in accordance with applicable provisions of the federal No Child Left Behind Act of 2001, Education Law and Commissioner's Regulations, shall establish procedures for notification of parents of, or persons in parental relation to, students who are victims of violent criminal offenses of their right to transfer to a safe public school within the district and procedures for such transfer. Such notice shall be, to the extent practicable, provided in the dominant language or mode of communication used by the parents or persons in parental relation to such student. The School District shall so notify the parents of, or persons in parental relation to, such student within twenty-four (24) hours of the determination that the student has been the victim of a violent criminal offense on school grounds at the school he/she attends.

Written notice shall be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of such notice within twenty-four (24) hours of such determination at the last known address or addresses of the parents/persons in parental relation to the student. Where possible, notification shall also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents/persons in parental relation.

However, **such notification shall not be required** where there are no other public schools within the District at the same grade level or a transfer to a safe public school within the School District is otherwise impossible. Similarly, procedures for such notification of parents/persons in parental relation to students who are victims of violent criminal offenses shall not be required where the School District has only one public school within the District or only one public school at each grade level.

**Designation of Safe Public School**

It shall be the responsibility of the School District, based on objective criteria, to designate a safe public school or schools within the District to which students may transfer. However, the District is not required to designate a safe public school where there are no other public schools within the District at the same grade level or transfer to a safe public school within the District is otherwise impossible. Similarly, if the District has only one public school within the School System or only one public school at each grade level, the School District shall not be required to designate a safe public school.

(Continued)

## Students

**SUBJECT: SAFE PUBLIC SCHOOL CHOICE OPTION TO STUDENTS WHO ARE VICTIMS OF A VIOLENT CRIMINAL OFFENSE (Cont'd.)**

Any student who transfers to a safe public school, in accordance with the provisions of this policy and applicable law and regulation, shall be enrolled in the classes and other activities of the public school to which such student transfers in the same manner as all other students at the public school. The receiving school shall be identified by the District and must be at the same grade level as the school from which the student is transferring. To the extent possible the School District shall allow transferring students to transfer to a school that is making adequate yearly progress and has not been identified as requiring school improvement, corrective action, or restructuring. The District shall provide transportation for any student permitted to transfer to the safe public school within the District designated by the School System within the transportation limits established pursuant to Education Law Sections 3635 and 4401(4). Any student who transfers to a safe public school shall be permitted to remain in such safe public school until the student has completed the highest grade level in the school transferred to, or for such other period prescribed by the U.S. Department of Education, whichever is less.

While the parents/persons in parental relation to the student must be offered the opportunity to transfer their child, they may elect to have the child remain at the school he/she currently attends.

Elementary and Secondary Education Act of 1965,  
Section 9532, as amended by the No Child Left Behind  
Act of 2001  
Education Law Section 2802(7)  
8 New York Code of Rules and Regulations  
(NYCRR) Section 120.5

Adopted: 4/9/2013

## Students

**SUBJECT: SPECIAL EDUCATION: DISTRICT PLAN**

A District plan shall be developed and updated every two (2) years describing the Special Education program in the Auburn Enlarged City 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 the allocation of 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.
- 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.

8 New York Code of Rules and Regulations  
(NYCRR) Part 155 and Section 200.2(c)

Adopted: 12/09/03

Students

**\*Required Policy****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:

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.

Providing for the education of students with disabilities with non-disabled peers to the extent appropriate.

- a) Consideration of the location of a school program(s) to a student's residence, before placement into an educational program.
- b) 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.
- c) Allocation of appropriate space within the District for special education programs that meet the needs of students with disabilities.
- d) Assurance that appropriate space will be available to meet the needs of resident students with disabilities who attend special education programs provided by BOCES.

20 United States Code (USC) Sections 1400-1485,  
Individuals with Disabilities Education Act (IDEA)  
State Law - Education Law Sections 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), and 200.6(a)(1)

NOTE: Refer also to Policy #7616 -- Least Restrictive Environment

Adopted 12/09/03

## Students

**\*Required Policy****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 or educational achievement 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.

xxxxx8 New York Code of Rules and Regulations  
(NYCRR) Sections 200.2(b)(3), 200.6(a)(3)

Adopted: 12/09/03

Students

**SUBJECT: THE ROLE OF THE BOARD OF EDUCATION IN IMPLEMENTING A STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM****Committee on Special Education**

The Board of Education shall, upon completion of its review of the student's Individualized Education Program (IEP), arrange for the appropriate special education programs and services to be provided to a student with a disability as recommended by the Committee on Special Education (CSE). 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 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

(Continued)



Students

**SUBJECT: THE ROLE OF THE BOARD OF EDUCATION IN IMPLEMENTING A STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM (Cont'd.)**

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 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 school days prior to, or after, the appropriate starting date selected for the preschool student with a disability; in that case, such services shall be provided no later than 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.

Education Law Sections 4402 and 4410  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 200.2(d)(1), 200.4(c),  
200.4(d), 200.5 and 200.16(e)

Students

**\*Required Policy****SUBJECT: PRESCHOOL SPECIAL EDUCATION PROGRAM**

The Board recognizes the need for educational programs for three (3) and four (4) year old children with disabilities and directs that administrative practices and procedures be developed to:

- a) Ensure the timely evaluation and placement of each preschool child with a disability residing in the District so the child has the opportunity to participate in preschool programs.
- b) Establish a Committee on Preschool Special Education (CPSE) which shall be comprised in accordance with applicable federal and state law and regulation.
- c) Ensure that parents have received and understand the request for consent for evaluation and re-evaluation of a preschool aged child.

**Evaluations for Preschool Children with Disabilities**

The District is required to collect entry assessment data in the three (3) outcome areas on all preschool children who receive an initial evaluation. As currently required by Commissioner's Regulation Section 200.5, a parent must be fully informed about the proposed initial evaluation and must provide consent for an initial evaluation. This would include a description of the proposed evaluation.

The CPSE will receive entry-level assessment results in the three (3) outcome areas from approved preschool evaluators conducting initial evaluations on all preschool children suspected of having disabilities. The CPSE will then meet to determine the child's eligibility for preschool education programs and/or services and complete the Child Outcomes Summary Form to determine the child's entry level of functioning in the three (3) outcome areas for all preschool children evaluated and found to be eligible. The form is to be kept in the student's record until the exit assessment information is due as a way to summarize complex assessment information in a format so that the data can be aggregated and reported to the State Education Department (SED).

If the committee recommends placing a child in an approved program that also conducted an evaluation of such child, it shall indicate in writing that such placement is an appropriate one for the child. In addition, the committee shall provide notice to the Commissioner of such recommendation.

Individuals with Disabilities Act (IDEA), 20 USC Section 1400 et seq.  
Education Law Section 4410  
8 NYCRR Sections 200.2(b)(2), 200.2(b)(5) and 200.5

NOTE: Refer also to Policy #7632 -- Appointment and Training of Committee on Preschool Special Education (CPSE) Members

Adopted: 12/09/2003  
Amended: 10/14/2014

Students

**\*Required Policy****SUBJECT: TEMPORARY PLACEMENT OF STUDENTS WITH DISABILITIES**

The Board of Education authorizes the Chairperson for the Committee on Special Education to make an immediate, temporary placement of a student with a disability in an appropriate educational program, contingent upon obtaining written parental approval to do so, to prevent such student from being denied the benefit of the program while the Committee on Special Education is in the process of reviewing the referral documents and formulating their recommendation. Temporary placement may not exceed a thirty (30) day period from the date of the student's initial registration.

Upon completion of the review, a recommendation shall be submitted to the Board from the Committee on Special Education for each case whereby temporary placement will be made.

8 New York Code of Rules and Regulations  
(NYCRR) Section 200.4(d)(1)

Adopted: 12/09/03

**\*Required Policy**

**SUBJECT: PRE-REFERRAL INTERVENTION STRATEGIES**

The District will implement school-wide approaches and pre-referral interventions in order to remediate a student's performance within the general education setting prior to referral to the Committee on Special Education (CSE). The determination of prevention and pre-referral intervention strategies or services will take into consideration the student's strengths, environment, social history, language, and cultural diversity, in addition to the teacher's concerns. The District may also provide a Response to Intervention (RtI) framework to students that is developed in accordance with Commissioner's regulations as part of its school-wide approach to improve a student's performance prior to a referral for special education.

The provision of programs and/or services for students starts with the implementation of instruction in the general education curriculum, with appropriate supports as may be necessary. In implementing pre-referral intervention strategies, the District may utilize resources or strategies already in place for qualified students including, but not limited to, services available through Section 504 of the Rehabilitation Act of 1973 and Academic Intervention Services (AIS) as defined in Education Law and/or Commissioner's regulations. The District will ensure that there is a system in place, with qualified, appropriately certified personnel, for developing, implementing, and evaluating pre-referral intervention strategies.

If a student is identified as needing additional instructional support, the District will establish formal Instructional Support Teams (ISTs) in accordance with law, regulations, and District guidelines, as may be applicable, to review information from the student's work, screenings, and assessments. The IST will include representatives from general and special education as well as other disciplines and include individuals with classroom experience, who may then recommend which type of instructional support the student requires and the frequency with which he or she should receive these services or supports. The building administrator will further ensure that all staff are familiar with intervention procedures and with procedures for operating an IST. Parents or persons in parental relation to students will be involved in developing pre-referral strategies to address the educational needs of the child. Additionally, the District will seek collaboration between outside agencies and the school prior to a referral of the student to the CSE in order to address necessary student support services.

District administration will also ensure that opportunities exist for collaboration between general educators and special educators, and that consultation and support are available to teachers and other school personnel to assist parents or persons in parental relation to students and teachers in exploring alternative approaches for meeting the individual needs of any student prior to formal referral for special education.

(Continued)

**SUBJECT: PREREFERRAL INTERVENTION STRATEGIES  
(Cont'd.)**

Pre-referral/intervention instructional support plans will be designed to meet the broad range of individual student needs and to improve student performance. Pre-referral/intervention strategies and/or instructional support plans will be reviewed and evaluated to determine their effectiveness and modified as appropriate. Appropriate documentation of the prevention and/or intervention strategies implemented will be maintained.

If a referral is made to the CSE during the course of implementing pre-referral/ intervention and instructional support services, the CSE is obligated to fulfill its duties and functions, and must meet mandatory time lines in evaluating the student for special education services and implementation of an individualized education program (IEP), if applicable.

**Academic Intervention Services**

The Board will provide AIS to students at risk of not achieving state standards. AIS refers to the additional instruction which supplements the instruction provided in the general education curriculum and assists students in meeting those state learning standards as defined in Commissioner's regulations. These services may also include student support services (counseling, attendance supports, and study skills which are needed to support improved performance).

The District will provide AIS to students who are limited English proficient (LEP) and are determined, through uniformly applied District-developed procedures, to be at risk of not achieving State learning standards in English Language Arts, mathematics, social studies and/or science, through English or the student's native language.

The District has developed a description of the AIS offered to grades K through 12 students in need of these services. The description includes any variations in services in schools within the District and specifically sets forth:

1. The District-wide procedure(s) used to determine the need for AIS;
2. Academic intervention instructional and/or student support services to be provided;
3. Whether instructional services and/or student support services are offered during the regular school day or during an extended school day or year; and
4. Progress will be regularly reviewed and instructional changes will be determined based on student performance.

(Continued)

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Students 3 of 3

**SUBJECT: PREREFERRAL INTERVENTION STRATEGIES  
(Cont'd.)**

Parental Notification

Parents will be provided with ongoing opportunities to consult with the student's teachers and other professional staff providing AIS, receive reports on the student's progress, and information on ways to work with their child to improve achievement.

§ 504 of the Rehabilitation Act of 1973, 29 USC § 794 et seq.  
Education Law §§ 3602(32), 4401, and 4401-a  
8 NYCRR §§ 100.1(g), 100.1(p), 100.1(r), 100.1(s), 100.1(t), 100.2(v), 100.2(dd)(4), 100.2(ee),  
200.2(b)(7), 200.4(a)(2), 200.4(a)(9); 200.4(c), and Part 154

NOTE: Refer also to Policy #7212 -- Response to Intervention (RtI) Process

Adopted: 12/09/2003  
Amended: 1/10/17

Students

**\*Required Policy****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 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 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. 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 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.

**Individual Evaluation**

As part of any reevaluation, a group that includes the CSE 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 and observations, and observations by teachers and related services providers.

(Continued)

**SUBJECT: DECLASSIFICATION OF STUDENTS WITH DISABILITIES (Cont'd.)**

On the basis of that review, and input from the student's parents, the CSE and other qualified professionals, as appropriate, shall identify what additional data, if any, are needed to determine:

- a) In the case of a reevaluation of a student, whether the student continues to have such a disability;
- b) The present levels of performance and educational needs of the student;
- 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 goal set out in the Individualized Education Program (IEP) of the student and to participate, as appropriate, in the general 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. The District is not required to conduct the assessment unless requested to do so by the student's parents.

The CSE shall arrange for an appropriate reevaluation of each student with a disability at least every three (3) years by a multidisciplinary team or group of persons, including at least one teacher or other specialist with knowledge in the area of the student's disability. The reevaluation 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 reevaluations must be addressed by the CSE in reviewing and, as appropriate, revising the student's IEP.

**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

(Continued)



Students

**SUBJECT: DECLASSIFICATION OF STUDENTS WITH DISABILITIES (Cont'd.)**

- b) Indicate the projected date of initiation of such services, the frequency of provision of such services, and the duration of these services, provided that such services shall not continue for more than one year after the student enters the full-time regular education program.

**Declassification Support Services**

When appropriate, the District shall provide declassification support services to students who have moved from special education to a full-time regular educational program in accordance with the recommendation of the CSE.

*Declassification support services* means those services provided by persons appropriately certified pursuant to Part 80 of Commissioner's Regulations, or holding a valid teaching license in the appropriate area of service, to a student or the student's teacher to aid in the student's move from special education to full-time regular education, including:

- a) For the student, psychological services, social work services, speech and language improvement services, noncareer counseling, and other appropriate support services; and
- b) For the student's teacher, the assistance of a teacher aide or a teaching assistant, and consultation with appropriate personnel.

**Procedural Safeguards Notice**

The District shall use the procedural safeguards notice prescribed by the Commissioner of Education. The District will further ensure that the procedural safeguards notice is provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly 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.

20 United States Code (USC) Sections 1400-1485,  
Individuals with Disabilities Education Act (IDEA)  
34 Code of Federal Regulations (CFR) Part 300  
State Law - 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) and (5), 200.4(c)(3), 200.4(d)(1), and 200.5

Adopted: 12/09/03

Students

**\*Required Policy****SUBJECT: STUDENTS WITH DISABILITIES PARTICIPATING IN SCHOOL DISTRICT PROGRAMS**

All students with disabilities residing in the District, including those of preschool age, shall be provided with full access and opportunity to participate in School District programs, including extracurricular programs and activities, that are available to all other students enrolled in the public schools of the District. Parents/guardians of students with disabilities, including those students placed in out-of-District programs, shall receive timely notice of such District programs and activities.

8 New York Code of Rules and Regulations  
(NYCRR) Section 200.2(b)(1) and (2)

Adopted: 12/09/03

## Students

**\*Required Policy****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 of the Rehabilitation Act of 1973,  
29 United States Code (USC) Section 794 et seq.

Students

**\*Required Policy****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;
- b) At least one regular education teacher of such student (if the student is, or may be, participating in the regular education environment);
- c) At least one special education teacher of the student, or, where appropriate, at least one special education provider (i.e., related service provider) of such student;
- d) A representative of the School District who is qualified to provide or administer or supervise special education and who is knowledgeable about the general 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
- j) A parent of a student with a disability residing in the District or a neighboring school district, provided that the parent shall not be employed by or under contract with the School District; and provided further that such parent shall not be a required member if the parents of the student request, in writing, that the additional parent member not participate in the meeting.

(Continued)

Students

**SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON SPECIAL EDUCATION (CSE)/SUBCOMMITTEE ON SPECIAL EDUCATION MEMBERS (Cont'd.)**

**Subcommittee on Special Education Membership**

The Membership of each subcommittee shall include, but not be limited to, the following members:

- a) The parent(s) of the student;
- b) At least one (1) regular education teacher of such student (if the student is, or may be, participating in the regular education environment);
- c) At least one (1) special education teacher, of the student, or where appropriate, at least one special education provider (i.e., related service provider) of such student;
- d) A representative of the School District who is qualified to provide or administer or supervise special education and who is knowledgeable about the general 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 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 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.

**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.

(Continued)

Students

**SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON SPECIAL EDUCATION (CSE)/SUBCOMMITTEE ON SPECIAL EDUCATION MEMBERS (Cont'd.)**

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 and members appointed by the Board of Education to the Committee on Preschool Special Education.

Education Law Section 4402  
8 New York Code of Rules and Regulations (NYCRR)  
Sections 200.2(b)(3) and 200.3  
20 United States Code (USC) Sections 1400-1485,  
Individuals with Disabilities Education Act (IDEA)  
34 Code of Federal Regulations (CFR)  
Sections 300.342-344

NOTE: Refer also to Policy #7632 -- Appointment and Training of Committee on Preschool Special Education Members.

Adopted: 12/09/03

Students

**\*Required Policy****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. To ensure that one or both parents are present at each CPSE meeting, the District and the parent(s) may agree to use alternative means of participation such as video conferences or conference phone calls;
- 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, not less than one (1) special education provider (i.e., related service provider) of such child;
- d) A representative of the School District who is qualified to provide, or supervise the provision of, special education and who is knowledgeable about the general education curriculum and about the availability of preschool special education programs and services and other resources of the District and the municipality (who shall serve as Chairperson of the CPSE);
- e) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team selected from the regular education teacher, the special education teacher or provider, the school psychologist, the School District representative described above, or a person having knowledge or special expertise regarding the student as determined by the District;
- f) At the discretion of the parent or the District, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate. The determination of knowledge or special expertise shall be made by the party (parents or School District) who invited the individual to be a member of the committee;
- g) An additional parent of a child with a disability who resides in the School District or a neighboring school district, and whose child is enrolled in a preschool or elementary level education program provided that such parent shall not be employed by or under contract with the School District; and provided further that such parent shall not be a required member unless the parents of the child or a member of the CPSE request, in writing at least seventy-two (72) hours prior to such meeting, that the additional parent member participate in the meeting. The parents or other person in parental relation shall receive proper

(Continued)

Students

**SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE) MEMBERS (Cont'd.)**

written notice of their right to have an additional parent attend any meeting of the committee regarding the student along with a statement, prepared by NYSED, explaining the role of having the additional parent attend the meeting;

- h) For a child's smooth transition from early intervention programs and services (Infant and Toddler Programs), at the request of the parent/person in parental relation, the appropriate professional designated by the agency that has been charged with the responsibility for the preschool child; and
- i) A representative from the municipality of the preschool child's residence. Attendance of the appointee of the municipality is not required for a quorum.

However, except for the parents/persons in parental relation and the appointee from the municipality ( a) and i) above) a member of the CPSE is not required to attend a meeting of the team in whole or in part if the parent/person in parental relation and the District agree in writing that the attendance is not necessary because the member's area of the curriculum or related services is not being modified or discussed at that meeting.

Additionally, a member as described in letters b) through h) of this subheading may be excused from attending the CPSE meeting, in whole or in part, if the parent/person in parental relation to the student with a disability and the School District agree, in writing to the excusal not less than five (5) calendar days prior to the meeting date, that the attendance of the member is not necessary because:

- a) The member's area of the curriculum or related services is being modified or discussed in the meeting but, not less than five (5) calendar days prior to the meeting, the excused member has submitted to the parents/persons in parental relation and the CSE written input into the development of the IEP, particularly with respect to their area of curriculum or related services; or
- b) The committee member is unable to attend due to an emergency or unavoidable scheduling conflict and the District submits the written input listed in a) above to the parents/persons in parental relation within a reasonable time prior to the meeting and prior to obtaining written consent to the excusal by the parents/persons in parental relation.

**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.

(Continued)



**SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE) MEMBERS (Cont'd.)**

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.

**Alternative Means of Meeting**

When conducting a meeting of the Committee on Preschool Special Education (CPSE), the parent and the representative of the District appointed to the CPSE may agree to use alternative means of meeting participation, such as videoconferences and conference calls.

Individuals with Disabilities Education Act (IDEA) 20 USC Section 1400 et seq.  
34 CFR Part 300  
Education Law Section 4410  
8 NYCRR Sections 200.2(b)(3) and 200.3

NOTE: Refer also to Policies #7613 -- The Role of the Board in Implementing a Student's Individualized Education Program  
#7614 -- Preschool Special Education Program  
#7631 -- Committee on Special Education/Subcommittee on Special Education Members

Adopted: 12/09/03  
Amended: 12/3/2013

Students

**\*Required Policy****SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):  
DEVELOPMENT AND PROVISION****Development of Individualized Education Program**

The Board of Education directs that the Committee on Special Education (CSE) or Committee on Preschool Special Education (CPSE) shall have prepared a written statement (program) for each child with a disability.

Such an Individualized Education Program (IEP) will be developed by the CSE or CPSE upon referral, and reviewed or revised, whichever is appropriate, for every child with a disability at least annually or in the event that the program no longer appears to be appropriate to meet the student's needs and ability level.

The District shall ensure that each student with a disability has an IEP in effect at the beginning of each school year.

**Functional Behavioral Assessments/Behavioral Intervention Plans**

A functional behavioral assessment (FBA) is an integral part of the evaluation and reevaluation of a student with a disability which should be used throughout the process of developing, reviewing and revising a student's IEP when the student's behavior impedes learning of the child or others. The FBA is the process of determining why a student engages in challenging behavior and how the student's behavior relates to the environment. An FBA for a student with a disability is an evaluation requiring parental consent, pursuant to Commissioner's Regulation 200.5(b).

The FBA provides a baseline of the student's problem behaviors with regard to frequency, duration, intensity and/or latency across activities, settings, people and times of the day and includes:

- a) The identification of the problem behavior,
- b) The definition of the behavior in concrete terms,
- c) The identification of the contextual factors that contribute to the behavior (including cognitive and affective factors), and
- d) The formulation of a hypothesis regarding the general conditions under which a behavior usually occurs and probable consequences that serve to maintain it.

The FBA must, as appropriate, be based on multiple sources of data such as structured interviews, behavior ratings scales, standardized assessments and checklists. It must include, but is not limited to:

- a) Information obtained from direct observation of the student;

(Continued)

Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):  
DEVELOPMENT AND PROVISION (Cont'd.)**

- b) Information from the student, the student's teacher(s) and/or related service providers; and
- c) A review of available data and information from the student's record and other sources including any relevant information provided by the student's parent.

The FBA cannot be based solely on the student's history of presenting problem behavior.

The CSE/CPSE will ensure that functional behavioral assessments, when appropriate, are conducted and reviewed to:

- a) Identify supplementary aids and services, modifications and/or related services appropriate to address the identified behaviors to promote the student's involvement and progress in the general curriculum;
- b) Determine a student's eligibility for special education services;
- c) Develop the IEP which includes behavioral goals and objectives and positive behavioral supports and strategies.

In the case of a student whose behavior impedes his/her learning or that of others, the CSE/CPSE shall consider strategies, including positive behavioral interventions and supports and other strategies to address that behavior. The need for a behavioral intervention plan (BIP) shall be documented on the IEP and such plan shall be reviewed at least annually by the CSE/CPSE. In addition, regular progress monitoring of the frequency, duration and intensity of the behavioral interventions shall be conducted at scheduled intervals, documented and reported to the parents and CSE/CPSE.

A behavioral intervention plan may not include the use of aversive interventions or time out rooms except in accordance with specific Board policy regulating these techniques.

**Individual Evaluations**

Parental consent must be provided for an initial evaluation. If such consent is not received within thirty (30) calendar days of receipt of the referral, the CSE/CPSE Chairperson will document all attempts made to obtain the consent and, if appropriate, advise the Board of its right to utilize the due process procedures to conduct an evaluation without parental consent.

Unless a referral is withdrawn, an individual evaluation at no cost to the parent will be completed by the CSE/CPSE within sixty (60) calendar days after written parental consent has been obtained or a parental refusal to consent is overridden, unless:

(Continued)

Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):  
DEVELOPMENT AND PROVISION (Cont'd.)**

- a) An extension is mutually agreed to by the parent and the CSE/CPSE for the following situations:
  - 1. Transfer students: A student enrolls in the District after sixty (60) days and prior to a determination by the student's previous school district as to whether the student has a disability, but only if the new school district is making sufficient progress to ensure a prompt completion of the evaluation and the parent and the new district agree in writing to a specific timeframe for completion; or
  - 2. Students suspected of having learning disabilities; or
- b) The parent or student repeatedly fails or refuses to produce the student for evaluation.

No student shall be required to obtain a prescription for a drug or other substance identified as a controlled substance by the federal Controlled Substances Act as a condition of receiving an evaluation.

The individual evaluation will include a variety of assessment tools and strategies, including information provided by the parent. The purpose of the evaluation is to gather relevant functional, developmental and academic information that may assist in determining whether the student is a student with a disability and the content of the student's IEP. This shall include information relating to enabling the student to participate and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities).

As part of any evaluation, a group that includes the CSE/CPSE and other qualified professionals, as appropriate, shall review existing evaluation data on the student including evaluations and information provided by the parents of the student, current classroom-based assessments, local or state assessments, classroom-based observations, and observations by teachers and related services providers. In addition, the group will consider information about the student's physical condition, social or cultural background, and adaptive behavior.

On the basis of that review, and input from the student's parents, the group shall identify what additional data, if any, are needed to determine:

- a) Whether the student has or continues to have a disability;
- b) The present levels of academic achievement and related developmental needs of the student, including:
  - 1. Academic achievement, functional performance, and learning characteristics;
  - 2. Social development;

(Continued)

Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):  
DEVELOPMENT AND PROVISION (Cont'd.)**

3. Physical development; and
  4. Management needs.
- c) In the case of a reevaluation of a student, whether the student continues to need special education; and
  - d) Whether any additions or modifications to the special education services are needed to enable the student to meet the measurable annual goals set out in the IEP of the student and to participate, as appropriate, in the general education curriculum.

If additional data are not needed, the District must notify the parents of that determination and the reasons for it and of the right of the parents to request an assessment to determine whether, for purposes of services provided in accordance with law and Commissioner's Regulations, the student continues to be a student with a disability and to determine the student's educational needs. The District is not required to conduct the assessment unless requested to do so by the student's parents.

The determination that a student has a learning disability will be made in accordance with the procedures outlined in Section 200.4(j) of Commissioner's Regulations.

**Individual Re-evaluations**

A CSE/CPSE shall arrange for an appropriate re-evaluation of each student with a disability:

- a) If the District determines that the educational or related services needs, including improved academic achievement and functional performance of the student warrant re-evaluation;
- b) If the student's parent or teacher request a re-evaluation;
- c) At least once every three (3) years, unless the District and the parent/person in parental relation agree in writing that such re-evaluation is unnecessary.

A re-evaluation shall not be conducted more frequently than once a year unless the parent and the District representative appointed to the CSE/CPSE agree otherwise.

The re-evaluation will be conducted by a multi-disciplinary team or group of persons, including at least one teacher or other specialist with knowledge in the area of the student's disability. The re-evaluation shall be sufficient to determine the student's individual needs, educational progress and achievement, the student's ability to participate in instructional programs in regular education and the student's continuing eligibility for special education. The results of any re-evaluations must be addressed by the CSE/CPSE in reviewing, and as appropriate, revising the student's IEP.

(Continued)

Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):  
DEVELOPMENT AND PROVISION (Cont'd.)**

To the extent possible, the District shall encourage the consolidation of re-evaluation meetings for the student and other CSE/CPSE meetings for the student.

**Amendments to the IEP**

Amendments to the IEP made after the annual review by the CSE/CPSE may be made by reconvening the CSE/CPSE and rewriting the IEP or by developing a written document to amend or modify the student's current IEP, provided that:

- a) The parents/persons in parental relation request an amendment to the IEP and the District and parents/persons in parental relation agree to the amendment in writing; or
- b) The District provides the parents/persons in parental relation a written proposal to amend a provision or provisions of the IEP conveyed in language understandable to the parents/persons in parental relation in their native language or other dominant mode of communication, informs and allows the parents/persons in parental relation the opportunity to consult with the appropriate personnel or related service providers concerning the proposed changes, and the parents/persons in parental relation agree in writing to the amendments.

If the parents/persons in parental relation agree to amend the IEP without a meeting, they shall be provided prior written notice (notice of recommendation) of the changes to the IEP and the Committee notified of the changes. If the changes are made by rewriting the entire IEP, the District shall provide the parents/persons in parental relation a copy of the rewritten IEP. If the amendment is made without rewriting the entire document, the District shall provide a copy of the document that amends the IEP or, upon request, a revised copy of the entire IEP with the amendments incorporated.

**Use of Recording Equipment at IEP Meetings**

The Board of Education shall allow recording equipment to be used at meetings regarding individualized education programs for students with disabilities.

**Provision of Individualized Education Program**

The Board of Education directs that the Superintendent/designee(s) establish administrative practices and procedures to ensure that each regular education teacher, special education teacher, related service provider and/or other service provider who is responsible for the implementation of a student's IEP is *provided* with either a paper copy of the IEP or is able to access a student's IEP electronically (including amendments to the IEP) prior to the implementation of such program. Such individuals responsible for the implementation of a student's IEP shall be notified and trained on how to access such IEP electronically. For purposes of this policy, "other service provider" means a representative of another public school district, charter school, Board of Cooperative Educational

(Continued)

Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):  
DEVELOPMENT AND PROVISION (Cont'd.)**

Services (BOCES) or school enumerated in Education Law Articles 81, 85 or 89 where the student receives or will receive IEP services. Further, the District will designate at least one school official who shall be responsible for maintaining a record of the personnel who have received IEP copies for each student.

Any copy of a student's IEP shall remain confidential in compliance with the Individuals with Disabilities Education Act, the Family Educational Rights and Privacy Act, and District policy regarding confidentiality of student records; and shall not be disclosed to any other person other than the parent of such student, except in accordance with federal and state laws and/or regulations. Appropriate training and information will be provided to designated school personnel, as applicable, to ensure the confidentiality of such information. Procedures will be established to ensure that copies of students' IEPs are stored in secure locations and retrieved or destroyed when such professionals are no longer responsible for implementing a student's IEP.

The Chairperson of the CSE, CSE subcommittee, or CPSE shall designate for each student one or, as appropriate, more than one professional employee of the School District with knowledge of the student's disability and education program who will be responsible to, prior to the implementation of the IEP, inform each regular education teacher, special education teacher, related service provider, other service provider, supplementary school personnel (i.e., a teaching assistant or a teacher aide as defined in Commissioner's Regulations), and other provider and support staff person of his/her responsibility to implement the recommendations on a student's IEP, including the responsibility to provide specific accommodations, program modifications, supports and/or services for the student in accordance with the IEP. In selecting the professional staff person(s), the Chairperson could select him/herself for this responsibility, another administrator, or a teacher, related service provider or other professional based on the particular circumstances of the student's disability and education program.

The School District shall also ensure that each teaching assistant, teacher aide and each other provider responsible for assisting in the implementation of a student's IEP has the opportunity to review a copy of the student's IEP (including amendments) prior to the implementation of such program. Further, each teaching assistant, teacher aide and such other provider responsible for assisting in the implementation of a student's IEP shall have ongoing access to a copy of the IEP, which may be the copy provided to the student's special education teacher or the teacher or related service provider under whose direction the supplementary school personnel or other provider works. However, the District may, at its discretion, provide a copy of the IEP to teaching assistants and/or teacher aides.

A copy of a student's IEP shall be provided to the student's parents at no cost to the student's parents.

(Continued)

Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):  
DEVELOPMENT AND PROVISION (Cont'd.)**

Individuals with Disabilities Education Improvement Act of 2004, Public Law 108-446 Section 615(k)(1)  
Individuals with Disabilities Education Act (IDEA), 20 USC Section 1400 et seq.  
21 USC Section 812(c)  
Education Law Articles 81, 85 and 89 and Sections 207, 3208 and 4402(7)  
8 NYCRR Sections 200.1(hh), 200.2(b)(11), 200.4(b)(4), 200.4(d)(3)(i), 200.4(e)(3), 200.4(f), 200.4(j),  
200.16(e)(6) and 200.22

NOTE: Refer also to Policy #7618 -- Use of Time Out Rooms

Adopted: 12/9/2003  
Amended: 8/27/2013



## Students

**SUBJECT: TRANSITION SERVICES**

The Board of Education will provide transition services for students with disabilities who are fifteen (15) and older (and at a younger age if determined appropriate). Additionally, beginning at age fourteen (14), and updated annually, the student's Individualized Education Program (IEP) must include a statement of transition service needs under the applicable components of the student's IEP that focuses on the student's courses of study. As defined by the Commissioner's Regulations, transition services means a coordinated set of activities for a student with a disability, designed within an outcome-oriented process, that promotes movement from a 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 preferences and interests and shall include needed activities in the following areas:

- a) Instruction;
- b) Related services;
- c) Community experiences;
- d) The development of employment and other post-school adult living objectives; and
- e) If appropriate, acquisition of daily living skills and functional vocational evaluation.

20 United States Code (USC) Sections 1400-1485,  
Individuals With Disabilities Education Act (IDEA)  
Education Law Section 4401  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 200.1(ss), 200.1(tt), 200.4(c)(2)(v),  
200.4(c)(4), 200.4(d)(3), and 200.5(a)(1)(xii)

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 months duration in order to prevent substantial regression as determined by the Committee on Special Education or Committee on Preschool Special Education.

8 New York Code of Rules and Regulations  
(NYCRR) Sections 200.1(qq), 200.6(j) and  
200.16(h)(3)(v)

Adopted: 12/09/03

**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 General Obligations Law Title 15-A including an individual so designated who is acting in the place of a birth or adoptive parent (including a grandparent, stepparent or other relative with whom the child resides), or a surrogate parent who has been appointed in accordance with Section 200.5(n) of Commissioner's Regulations. The term does not include the State if the student is a ward of the State.

A foster parent may act as a parent unless State law, regulations or contractual obligations with a State or local entity prohibit the foster parent from acting as a parent.

Unless a judicial decree identifies a specific person(s) to act as the parent or make educational decisions for the student, if one or more parties is qualified to act as a parent, the birth or adoptive parent is presumed to be the parent unless they do not have the legal authority to do so.

**Surrogate Parents**

It is the duty of the School District to determine whether a child needs a surrogate parent and to assign a surrogate parent in the manner permitted under New York State law. This determination shall be completed within a reasonable time following the receipt of a referral for an initial evaluation or re-evaluation.

In the event that no parent or guardian for a child with a disability can be identified; or after reasonable efforts the whereabouts of the parent or guardian cannot be determined; or the student is an unaccompanied homeless youth; or the child with a disability is a ward of the State and does not have a "parent" as defined above; or the rights of the parent to make educational decisions have been subrogated by a judge in accordance with State law; the Board shall assign an individual to act as a surrogate for the parents or guardians.

Alternatively, the surrogate parent may be appointed by a judge overseeing the child's case.

**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.

**Parent Participation in Meetings**

The School District must take steps to ensure that one or both of the parents of a child with a disability are present at each Committee on Special Education (CSE)/Committee on Preschool Special Education (CSPE) meeting or are afforded the opportunity to participate in a mutually agreed upon time and place. The School District must document its attempts to involve parents, such as:

- a) Detailed records of telephone calls made or attempted and the results of these calls;
- b) Copies of correspondence sent to the parents and any responses received; and
- c) Detailed records of visits made to the parent's home or place of employment and the results of those visits.

A meeting may be conducted without a parent in attendance if the School District is unable to convince the parents that they should attend.

Additionally, the School District must take whatever action is necessary to ensure the parent understands the proceedings of this meeting including arranging for an interpreter for parents with deafness or whose native language is other than English.

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**SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)****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 challenge the parent's refusal to consent. The School District shall not be considered to be in violation of the requirements to provide a free appropriate public education (FAPE), shall not be required to convene a meeting of the committee on special education or develop an individualized education program (IEP).

Consent for Other Actions

Prior written consent must also be provided:

- a) Prior to releasing any personally identifiable information; and
- b) Prior to each time the District proposes to access a parent's private 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.

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**SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)**Consent for a Ward of the State

A ward of the State means a child or youth under the age of twenty-one (21):

- a) Who has been placed or remanded pursuant to Social Services Law or the Family Court Act or freed for adoption pursuant to Social Services Law; or
- b) Who is in the custody of the Commissioner of Social Services or the Office of Children and Family Services; or
- c) Who is a destitute child under Social Services Law.

In the event that a child is a ward of the State, the School District shall make reasonable efforts to obtain the informed consent from the parent of the child for an initial evaluation to determine whether the child is a child with a disability.

The School District is not required to obtain informed consent if:

- a) Despite reasonable efforts to do so, the School District cannot discover the whereabouts of the parent of the student, including consulting with the agency responsible for the care of the student; or
- b) The rights of the parents of the student have been terminated in accordance with State law; or
- c) The rights of the parent to make educational decisions have been subrogated by a judge in accordance with State law.

**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.

(Continued)

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Students

**SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (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 3212, 4005, 4202, 4401 and 4402](#)

8 New York Code of Rules and Regulations (NYCRR)  
Sections 200.1 and 200.5

Adopted: 12/09/2003  
Amended: 03/27/2007

**\*Required Policy****SUBJECT: DUE PROCESS COMPLAINTS: SELECTION AND BOARD APPOINTMENT OF IMPARTIAL HEARING OFFICERS****Due Process Complaints**

The District is committed to making every effort to amicably resolve disputes regarding educational programs for students with disabilities. In the event these disputes cannot otherwise be resolved, either a parent or the District may file a due process complaint challenging the identification, evaluation, or educational placement of a student with a disability, or a student suspected of having a disability, or the provision of a free appropriate public education to the student. The complainant may not have an impartial due process hearing until the complainant, or the attorney representing the complainant, files a due process complaint notice that meets the requirements set forth in law for the notice. All due process hearings will be conducted in a manner consistent with the timelines and procedures set forth in law and regulation.

Except as otherwise provided by law, all requests for impartial due process hearings must be submitted within two years of the date the parent or the District knew or should have known about the alleged action forming the basis of the complaint. Upon receipt or filing of the due process complaint notice, the District will provide the most current version of the procedural safeguards notice to the parents. The District will also inform parents in writing of the availability of mediation and any free or low-cost legal and other relevant services available in the area.

An impartial due process hearing will be conducted at a time and location reasonable and convenient to the parent and student involved. The hearing will be closed to the public unless the parent requests otherwise.

A student whose education is the subject of a due process complaint will remain in his or her current placement during the pendency of the impartial due process hearing unless both parties agree or as otherwise permitted by law.

**Resolution Process**

Prior to the opportunity for an impartial due process hearing, the District will convene a meeting with the parents and the relevant member or members of the Committee on Special Education or Committee on Preschool Special Education who have specific knowledge of the facts identified in the complaint. This meeting will provide the parents with an opportunity to discuss their complaint and the facts that form the basis of the complaint, and an opportunity to resolve the complaint with the District. The District will take steps to ensure that one or both of the parents of the student with a disability are present at the resolution meeting, and will notify parents of the meeting early enough to ensure that they have the opportunity to attend. The resolution meeting will be at a mutually agreed upon time and place, and in a location that is accessible to the parents. The District will ensure that all resolution meetings conform to the requirements set forth in the Commissioner's regulations.

(Continued)



Students

**SUBJECT: DUE PROCESS COMPLAINTS: SELECTION AND BOARD APPOINTMENT OF IMPARTIAL HEARING OFFICERS (Cont'd.)**

The parents and the District may agree, in writing, however, to waive the resolution process or agree to use the mediation process to resolve the dispute.

**Selection and Board Appointment of Impartial Hearing Officers**

In the event a due process complaint notice is properly filed, the Board will arrange for an impartial due process hearing to be conducted. In these instances, the Board will immediately, but not later than two business days after receipt of the due process complaint notice or mailing of the due process complaint notice to the parent, initiate the process to select an impartial hearing officer (IHO) through a rotational selection process. To expedite this process, the Board may designate one or more of its members to appoint the IHO on its behalf.

The District will utilize the New York State Education Department's (SED) Impartial Hearing Reporting System to access the alphabetical list of the names of each IHO certified in New York State and available to serve in the District. The appointment of an IHO will be made only from this list and in accordance with the alphabetical rotation selection process and the timelines and procedures established by the Commissioner of Education. The District will record and report required information relating to the selection of IHOs and the conduct of impartial due process hearings according to the manner and schedule specified by SED.

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 District will also reimburse the IHO for certain travel and other hearing-related expenses in accordance with an annually determined schedule.

Individuals with Disabilities Education Act (IDEA), 20 USC § 1400 et seq.  
34 CFR Part 300  
Education Law §§ 4005, 4202, 4404(1), and 4410(7)  
8 NYCRR §§ 200.2 and 200.5

NOTE: Refer also to Policies #7313 -- Suspension of Students  
#7660 -- Parent Involvement for Children with Disabilities  
#7690 -- Special Education Mediation

Adopted: 12/9/2003  
Amended: 1/23/2018

**SUBJECT: INDEPENDENT EDUCATIONAL EVALUATIONS**

Parents of children with disabilities have the right under Federal and State regulations to obtain an independent educational evaluation (IEE) at public expense under certain conditions. Regulatory standards are outlined in New York State Regulations of the Commissioner of Education Part 200.5(g). Additionally, the Federal Regulations (34 Code of Federal Regulations [CFR] 300.502) specify requirements for an independent evaluation.

A parent is entitled to only one IEE at public expense each time the District conducts an evaluation with which the parent disagrees.

Administrative regulations on independent evaluations will be developed in order to explain the rights of parents and the responsibilities of school districts with regard to independent evaluations, and also to avoid any misunderstandings.

34 Code of Federal Regulations (CFR) Sections 300.12 and 300.502  
8 New York Code of Rules and Regulations (NYCRR) Sections 200.1(z) and 200.5(g)

Adopted: 12/09/2003  
Amended: 4/28/2015

**SUBJECT: INDEPENDENT EDUCATIONAL EVALUATIONS**

The parent of a child with a disability, or a child suspected of having a disability, has the right to obtain an independent educational evaluation of their child.

**Definitions**

For purposes of this regulation the following definitions apply:

- 1) Independent Educational Evaluation (IEE): An evaluation conducted by a qualified examiner who is not employed by the School District responsible for the education of the child.
- 2) Public Expense: The School District either: pays the full cost of the IEE, or ensures that the IEE is otherwise provided at no cost to the parent. (A parent is entitled to only one [1] IEE at public expense each time the School District conducts an evaluation with which the parent disagrees).

**Parent's Right to an IEE at Public Expense**

A parent has the right to an IEE at public expense if the parent disagrees with an evaluation obtained by the School District. If a parent requests an IEE, the School District must without unnecessary delay notify the parent, in writing, of its decision to either:

- 1) File a due process complaint to request a hearing to show the School District's evaluation is appropriate; or
- 2) Ensure that an IEE is provided at public expense, unless the School District demonstrates in an impartial hearing that the evaluation obtained by the parent did not meet the School District's criteria.

If a parent requests an IEE, the School District may ask the parent's reason for objecting to the public evaluation. However, an explanation by the parent is not required and the School District may not unreasonably delay either providing the IEE at public expense or filing a due process complaint to request a hearing to defend the public evaluation.

If the School District files a due process complaint notice to request a hearing and the hearing officer's final decision is that the School District's evaluation is appropriate, or that the evaluation obtained by the parent did not meet the School District's criteria, then the parent still has the right to an independent educational evaluation, but not at public expense.

(Continued)

Students

**SUBJECT: INDEPENDENT EDUCATIONAL EVALUATIONS (Cont'd.)**

The results of any IEE, which meets the School District's criteria, must be considered by the School District in any decisions made regarding the provision of a free appropriate public education to the child and may be presented as evidence by any party at an impartial hearing for that child.

**School District Criteria for the IEE at Public Expense**

If requested by the parent, the School District shall provide the parent with information about where an IEE may be obtained and the School District's criteria for IEEs. These criteria, including the location of the evaluation and the qualifications of the examiner, shall be the same as the criteria the School District uses when it initiates an evaluation, to the extent those criteria are consistent with the parent's right to an IEE. Such criteria are as follows:

1) Location

An evaluation must be conducted in the immediate geographic area in which the School District is located. A parent will have the opportunity to demonstrate that their child's unique circumstances justify an IEE that exceeds the School District's location criterion;

2) Qualifications

The examiner must possess, at a minimum, a current license or certification from the New York State Education Department in the area of evaluation; and

3) Reasonable Cost

The School District may refuse to pay, or provide reimbursement for, any evaluation which exceeds the competitive rate for applicable services within the immediate geographic area. A parent will have the opportunity to demonstrate that their child's unique circumstances justify an IEE that exceeds the School District's reasonable cost criterion. If there is no such justification, the IEE will be publicly funded only to the extent of the School District's maximum allowable charge.

Except for the criteria described herein, a School District may not impose conditions or timelines related to obtaining an IEE at public expense.

**Requests for Evaluations by Hearing Officers**

If a Hearing Officer requests an IEE as part of an impartial hearing, the cost of the evaluation must be at public expense.

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Students

**SUBJECT: INDEPENDENT EDUCATIONAL EVALUATIONS (Cont'd.)**

**Further Information**

The School District has developed policy and regulation on IEEs to ensure that the School District meets its responsibility to provide IEE at public expense. A parent may obtain further information on IEEs by contacting the School District's Chairperson of the Committee on Special Education or the Chairperson of the Committee on Preschool Special Education. A parent may also contact the New York State Department of Education for additional information on IEEs.

Students

**SUBJECT: SPECIAL EDUCATION MEDIATION**

The District will offer mediation as an alternative to the impartial hearing process in disputes regarding the provision of a free, appropriate public education for students identified by the Committee on Special Education (CSE) or Committee on Preschool Special Education (CPSE) as having a disability, or students suspected of having a disability. Such mediation shall be conducted by mediators furnished by a Community Dispute Resolution Center who are not employees of 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.

Parents or persons in parental relationship 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.

Mediation will not operate to diminish or limit any rights provided for in law, including the right of the parent or person in parental relationship to request an impartial hearing subsequent to mediation. Parents or persons in parental relationship to students suspected of or having disabilities continue to have full access to all rights, including due process procedures, provided in federal and state laws and regulations. Similarly, mediation shall not be construed to limit a parent or person in parental relationship from requesting an impartial hearing without having first utilized mediation procedures set forth in Education Law.

34 Code of Federal Regulations (CFR)  
Sections 300.500-300.515  
Education Law Section 4404-a  
Judiciary Law Section 849a  
8 New York Code of Rules and Regulations (NYCRR)  
Sections 200.1 and 200.5

Adopted: 12/09/03

2005 8000

Instruction

**Auburn Enlarged City School District**

**NUMBER**

**CURRICULUM (GENERAL)**

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## Instruction

**SUBJECT: CURRICULUM DEVELOPMENT, RESOURCES AND EVALUATION**

The Board of Education supports and encourages development of a District-wide, articulated curriculum that conforms to state mandates and is responsive to the needs of children in a rapidly changing society.

**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.

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

**\*Required Policy****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, disability, or use of a recognized guide dog, hearing dog or service dog. 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, disability, or use of a recognized guide dog, hearing dog or service dog.

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

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

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

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

Prohibits discrimination on the basis of disability.

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

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

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

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

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

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

Prohibits discrimination on the basis of sex.

Civil Rights Law Section 40-c

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

Civil Service Law Section 75-B

Executive Law Section 290 et seq.

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

Adopted: 1/27/2004

Amended: 6/26/2012

## Instruction

**SUBJECT: SAFETY CONDITIONS AND PREVENTION INSTRUCTION**

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 or 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 will be the duty of the Board to provide inspections and supervision of the health and safety aspects of the school facilities.

**Acquired Immune Deficiency Syndrome (AIDS) Instruction in Health Education**

The Board will 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 will be provided in an age-appropriate manner, and will be consistent with community values and will stress that abstinence is the most appropriate and effective premarital protection against AIDS.

A representative community advisory group consisting of appropriate school personnel, Board members, parents, religious representatives, and other community members will be established in order to make recommendations for curriculum content, implementation, and evaluation of an AIDS instructional program. Appropriate training will be provided for instructional staff.

No student will be required to receive instruction concerning the methods of AIDS prevention if his or her parent or legal guardian files with the principal a written request that the student not participate in this instruction, with an assurance that the student will receive this instruction at home.

AIDS instruction in the elementary grades will be taught by the regular classroom teachers, while this instruction in the middle and high school grades will be a part of the required health education curriculum.

**Hands-Only Cardio Pulmonary Resuscitation and Automated External Defibrillator Instruction**

High school students will be provided instruction in hands-only cardiopulmonary resuscitation and the use of an automated external defibrillator. Standards for this instruction will be based on a nationally recognized instructional program that utilizes the most current guidelines for cardiopulmonary resuscitation and emergency cardiovascular care issued by the American Heart Association or a substantially equivalent organization, that are consistent with the requirements of the programs adopted by the American Heart Association or the American Red Cross, and that will incorporate instruction designed to:

- a) Recognize the signs of a possible cardiac arrest and to call 911;

(Continued)

## Instruction

**SUBJECT: SAFETY CONDITIONS AND PREVENTION INSTRUCTION (Cont'd.)**

- b) Provide an opportunity to demonstrate the psychomotor skills necessary to perform hands-only compression cardiopulmonary resuscitation; and
- c) Provide awareness in the use of an automated external defibrillator.

The Committee on Special Education or a Multidisciplinary Team, in accordance with Section 504 of the Rehabilitation Act, may determine, on an individual student basis, if a student with a disability should be excused from the requirement for instruction in hands-only CPR and the use of AEDs.

**Substance Abuse - Prevention Instruction**

The Board recognizes the need to educate students on the hazards of alcohol, tobacco, and drug abuse. An educationally sequential health prevention program, utilizing, as appropriate, community, staff, and student input, 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; and
- d) Dangers of driving while under the influence of alcohol or drugs.

**Environmental Conservation Instruction**

The Board 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 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.

This instruction will include materials to educate children on the dangers of falsely reporting a criminal incident, an impending explosion or fire emergency involving danger to life or property, an impending catastrophe, or a life safety emergency.

The Board directs the administration to provide this instruction for all students for a period of not less than 45 minutes in each month that school is in session.

(Continued)

## Instruction

**SUBJECT: SAFETY CONDITIONS AND PREVENTION INSTRUCTION (Cont'd.)****Student Safety**

Instruction in courses in technology education, science, home and career skills, health and safety, physical education, and art will include and emphasize safety and accident prevention.

Safety instruction will precede the use of materials and equipment by students in applicable units of work in the courses listed above, and instructors will teach and enforce all safety procedures relating to the particular courses. These procedures will include wearing protective eye devices during appropriate activities.

**Emergency Planning**

The District will maintain updated plans and operating procedures to be followed in the event of natural or manmade disasters or enemy attack. Students will be provided instruction to respond effectively in emergency situations.

**Instruction on Prevention of Child Abduction**

All students in grades K through 8 in District schools will receive instruction designed to prevent the abduction of children. This instruction will be provided by or under the direct supervision of regular classroom teachers and the Board will provide appropriate training and curriculum materials for the regular classroom teachers who provide this instruction. However, at the Board's discretion, this instruction may be provided by any other public or private agency.

The Commissioner of Education will provide technical assistance to assist in developing curricula for these courses of study which must be age appropriate and developed according to the needs and abilities of students at successive grade levels in order to provide awareness skills, information, self-confidence, and support to aid in the prevention of child abduction.

For purposes of developing these courses of study, the Board may establish local advisory councils or utilize the school-based shared decision making and planning committee established under the Commissioner's regulations to make recommendations concerning the content and implementation of these courses. Alternatively, the District may utilize courses of instruction developed by consortia of school districts, boards of cooperative educational services, other school districts, or any other public or private agency. The advisory council will consist of, but not be limited to, parents, school trustees and Board members, appropriate school personnel, business and community representatives, and law enforcement personnel having experience in the prevention of child abduction.

(Continued)

## Instruction

**SUBJECT: SAFETY CONDITIONS AND PREVENTION INSTRUCTION (Cont'd.)****Instruction on Child Development and Parenting Skills**

Instruction regarding child development and parenting skills may be offered by the District. The curriculum will include instruction on the consequences and prevention of shaken baby syndrome, which may include the viewing of a video presentation for students in secondary schools.

Education Law §§ 409, 409-a, 807-a and 906  
8 NYCRR Part 136 and § 141.10

## AIDS Instruction:

8 NYCRR §§ 135.3(b)(2) and 135.3(c)(2)

## Cardiopulmonary Resuscitation and Automated External Defibrillators:

Education Law § 804-d, 8 NYCRR § 100.2(c)(11)

## Civil Preparedness:

New York State Office of Disaster Preparedness

## Fire and Arson/Injury Prevention/Life Safety:

Education Law § 808

8 NYCRR § 100.2(c)(5)(11)

## Prevention of Child Abduction:

Education Law § 803-a

## Student Safety:

Education Law § 808

8 NYCRR §§ 107 and 155

## Substance Abuse:

Education Law § 804

8 NYCRR § 135.3(a)

## Instruction on Child Development and Parenting Skills

Education Law § 804

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property  
#7320 -- Alcohol, Tobacco, Drugs and Other Substances  
*District Code of Conduct*

Adopted : 1/27/04  
Amended: 3/21/2017

**SUBJECT: FIRE AND EMERGENCY DRILLS, BOMB THREATS, AND BUS EMERGENCY DRILLS****Fire and Emergency Drills**

The administration of each school building will instruct and train students on appropriate emergency responses, through fire and emergency drills, in the event of a sudden emergency.

Fire and emergency drills will be held at least 12 times in each school year; eight of these will be evacuation drills and will be completed by December 31. Four of these eight required drills will be through use of the fire escapes on buildings where fire escapes are provided or identified secondary exits, and the other four drills will be lock-down drills. Drills will be conducted at different times of the school day. Students will also be instructed in the procedures to be followed in the event that a fire occurs during the regular school lunch period or assembly, however, this additional instruction may be waived if a drill is held during the regular lunch period or assembly.

Summer School

At least two additional drills will be held during summer school in buildings where summer school is held, and one of these drills will be held during the first week of summer school.

After-School Programs, Events, or Performances

The building principal or designee will require those in charge of after-school programs, events, or performances attended by any individuals unfamiliar with that school building, to announce at the beginning of these programs the procedures to be followed in the event of an emergency.

**Bomb Threats**School Bomb Threats

A bomb threat, even if later determined to be a hoax, is a criminal act. No bomb threat should be treated as a hoax when it is first received. Upon receiving any bomb threat, the school has an obligation and responsibility to ensure the safety and protection of the students and other occupants of the school. This obligation takes precedence over a search for a suspect object. Prudent action is dependent upon known information about the bomb threat-location, if any; time of detonation; etc. Specific procedures as to appropriate responses as a result of a bomb threat can be located in the building-level emergency response plan, as required by relevant law and regulation.

Police Notification and Investigation

Appropriate law enforcement agencies must be notified by the building administrator or designee of any bomb threat as soon as possible after receiving the threat. Law enforcement officials will contact, as the situation requires, fire and/or county emergency coordinators according to the county emergency plan.

(Continued)



## Instruction

**SUBJECT: FIRE AND EMERGENCY DRILLS, BOMB THREATS, AND BUS EMERGENCY DRILLS (Cont'd.)**Implementation

The Superintendent or designee will develop written procedures to implement the terms of this policy. Additionally, these procedures will be incorporated in the District-wide school safety plan and the building-level emergency response plan, with provisions to provide written information to all staff and students regarding emergency procedures by October 1 of each school year, an annual drill to test the emergency response procedures under each of its building-level emergency response plans; and the annual review of the District-wide and building-level emergency response plans, along with updates as necessary, by September 1, as mandated by law or regulation.

**Bus Emergency Drills**

The administration will conduct a minimum of three emergency drills to be held on each school bus during the school year. The first drill will 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. No drills will be conducted when buses are on routes.

Students who ordinarily walk to school will also be included in the drills. Students attending public and nonpublic schools who do not participate in regularly scheduled drills will also be provided drills on school buses, or as an alternative, will be provided classroom instruction covering the content of these drills.

Each drill will include practice and instruction in the location, use, and operation of the emergency door, fire extinguishers, first-aid equipment, and windows as a means of escape in the event of fire or accident. Similarly, students will be instructed on all topics mandated by relevant sections of the Education Law and Commissioner's regulations, including, but not limited to, the following:

- a) Safe boarding and exiting procedures with specific emphasis on when and how to approach, board, disembark, and move away from the bus after disembarking;
- b) Advancing at least ten feet in front of the bus before crossing the highway after disembarking; and
- c) Orderly conduct as bus passengers.

Instruction on Use of Seat Belts

When students are transported on school buses equipped with seat safety belts, the District will ensure that all students who are transported on any school bus owned, leased, or contracted for by the District will receive instruction on the use of seat safety belts. This instruction will be provided at least three times each year to both public and nonpublic school students who are so transported and will include, but not be limited to:

(Continued)

## Instruction

**SUBJECT: FIRE AND EMERGENCY DRILLS, BOMB THREATS, AND BUS  
EMERGENCY DRILLS (Cont'd.)**

- a) Proper fastening and release of seat safety belts;
- b) Acceptable placement of seat safety belts on students;
- c) Times at which the seat safety belts should be fastened and released; and
- d) Acceptable placement of the seat safety belts when not in use.

Education Law §§ 807, 2801-a and 3623  
Penal Law §§ 240.55, 240.60 and 240.62  
8 NYCRR §§ 155.17, 156.3(f), 156.3(g), and 156.3(h)(2)

Adoption: Date 1/27/2004  
Amended: 1/8/2013  
Amended: 10/11/2016

## Instruction

**\*Required Policy****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, race, color, national origin 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, race, color, national origin 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 based on sex and/or disability 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.

Education Law Article 93  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 100.2(h) and 141 et seq.

Adopted: 1/27/04

## Instruction

**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-6)**

A coordinated guidance program in grades K-6 shall be developed and implemented to:

- a) Prepare students to participate effectively in their current and future educational programs;
- b) Help those students exhibiting any attendance, academic, behavioral or adjustment problems;
- c) Educate students concerning avoidance of child sexual abuse; and
- d) Encourage parental involvement.

**Guidance Program (7-12)**

A coordinated guidance program in Grades 7-12 shall be developed and implemented including the following activities and services:

- a) Each student's educational progress and career plans will be reviewed annually;
- b) Instruction at each grade level to help students learn about various careers and career planning skills;
- c) Other advisory and counseling assistance which will benefit students such as: helping students develop and implement postsecondary education and career plans; helping those students exhibiting any behavioral or adjustment problems; and encouraging parental involvement;
- d) Employment of personnel certified or licensed as school counselors.

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

Adopted: 1/27/04

## 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.

## Education Law Section 801

NOTE: Refer also to Policy #8242 -- Civility, Citizenship and Character Education/Interpersonal Violence Prevention Education

Adopted: 1/27/04

**SUBJECT: CIVILITY, CITIZENSHIP AND CHARACTER EDUCATION/  
INTERPERSONAL VIOLENCE PREVENTION EDUCATION**

**Civility, Citizenship and Character Education**

The Board of Education recognizes that teaching students respect, civility and understanding toward others, as well as the practice and reinforcement of appropriate behavior and values of our society, is an important function of the School System.

The School District wishes to foster an environment where students exhibit behavior that promotes positive educational practices, allows students to grow socially and academically, and encourages healthy dialogue in respectful ways. By presenting teachers and staff as positive role models, the District stresses positive communication and discourages disrespectful treatment. This policy is not intended to deprive and/or restrict any student of his/her right to freedom of expression but, rather, seeks to maintain, to the extent possible and reasonable, a safe, harassment free and educationally conducive environment for our students and staff.

Furthermore, the District shall ensure that the course of instruction in grades K through 12 includes a component on civility, citizenship and character education in accordance with Education Law. Character education is the deliberate effort to help students understand, care about, and act upon core ethical values.

Character education shall instruct students on the principles of:

- a) Honesty;
- b) Tolerance;
- c) Personal responsibility;
- d) Respect for others;
- e) Awareness and sensitivity to discrimination and/or harassment as defined in the Dignity for All Students Act (DASA);
- f) Civility in relation to people of different races, weights, national origins, ethnic groups, religions, religious practices, physical or mental abilities, sexual orientations, genders or sexes;
- g) Observance of laws and rules;
- h) Courtesy; and

(Continued)

## Instruction

**SUBJECT: CIVILITY, CITIZENSHIP AND CHARACTER EDUCATION/  
INTERPERSONAL VIOLENCE PREVENTION EDUCATION (Cont'd.)**

- i) Dignity, and other traits which will enhance the quality of students' experiences in, and contributions to, the community.

As determined by the Board of Regents, and as further enumerated in Commissioner's Regulations, the components of character education shall be incorporated in existing School District curricula as applicable.

The District encourages the involvement of staff, students, parents and community members in the implementation and reinforcement of character education in the schools.

Education Law Sections 801 and 801-a  
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(c)

**Interpersonal Violence Prevention Education**

The District will utilize the interpersonal violence prevention education package provided by the State Education Department. These materials will be incorporated as part of the health or other related curricula or programs for students in grades K through 12.

Education Law Section 804(4)

Adopted: 1/27/2004  
Amended: 6/12/2012

**SUBJECT: CIVILITY, CITIZENSHIP AND CHARACTER EDUCATION/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

**Violence Prevention Education**

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**

Evaluation may be concerned with the extent to which:

- a) Each student achieves in accordance with his/her ability;
- b) Each staff member performs at full potential;
- c) The total learning environment, including instructional processes, physical facilities, and the educational program, remains consistent with the needs of students and the larger society and contributes to the accomplishment of the goals of the school.

The Board of Education expects staff members to maintain a continual program of evaluation at every level to determine the extent of progress toward the schools' objectives. The Board of Education will periodically request the Superintendent to present factual information that it considers necessary to evaluate the effectiveness of the School System.

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

Adopted: 1/27/04

## Instruction

**\*Required Policy****SUBJECT: Title I PARENT INVOLVEMENT POLICY**

The Board of Education recognizes the rights of parents/persons in parental relation to be fully informed of all information relevant to their children, including children who participate in programs and projects funded by Title I. Therefore, the Board of Education encourages the participation of parents of students eligible for Title I services in all aspects of their child's education, including the development and implementation of District programs, as well as activities and procedures that are designed to carry out No Child Left Behind (NCLB) parent involvement goals.

**District –Wide Parental Involvement Policy**

In order to facilitate parental participation, in accordance with NCLB requirements, as outlined in the Elementary and Secondary Education Act, and in accordance with USC section 6318 (a) (2) the District will:

- a) Involve parents in the joint development of the Title I plan under section 6312 of this title, and the process of school review and improvement under section 6316 of this title. If the plan is not satisfactory to the parents of children participating in Title I programs, the District will submit any parent comments to the State Education Department along with the district's plan;
- b) Provide the coordination, technical assistance, and other support necessary to assist participating schools in planning and implementing effective parent involvement activities to improve student academic achievement and school performance;
- c) Build the schools' and parents' capacity for strong parental involvement through implementing and encouraging participation in appropriate parental involvement activities (e.g. encourage school level parent involvement and parent engagement activities including but not limited to literacy nights, game nights, and open houses; assist parents in understanding the New York State Learning Standards and the District curriculum; provide training materials to support parents in working with their children to improve student achievement; etc.);
- d) Conduct, with the involvement of parents, an annual evaluation of the content and effectiveness of the parental involvement policy in improving the academic quality of the Title I schools. This Title I needs assessment will be a survey of parents in the district. The evaluation shall include identifying barriers to greater participation by parents in activities under the policy and use the findings of the evaluation to design strategies for more effective parental involvement and, to revise, if necessary, the parental involvement policies at the District and school levels. District wide Title I budget planning meetings are held annually;
- e) Involve parents in the activities of the Title I schools;
- f) Involve parents of children in Title I programs in decisions regarding how funds reserved for parental involvement activities are spent;
- g) The District will coordinate and integrate strategies for parent involvement with existing strategies adopted by community-based partners that provide UPK services. The District will engage in information and resource sharing (e.g. links on the District web site, print materials at Kindergarten registration, etc.) and joint initiatives for involving parents in the activities of the District (e.g. elementary school principals meeting with incoming K parents of Headstart children, Kindergarten orientation, district parent meetings, etc.).

(Continued)

## Instruction

**SUBJECT: Title I PARENT INVOLVEMENT POLICY (Con't)****School-Level Parent Involvement Policy**

In accordance with USC Section 6318 (c), the Board of Education directs each school receiving Title I funds to ensure that a building level parental involvement plan is developed with the participation of that school's parents. In addition to the goals stated above, each school building level plan will describe the details to:

- a) Convene an annual meeting, at a convenient time, to inform parents of their school's participation under Title I program and to explain Title I requirements, and the right of the parents to be involved. All parents of children participating in Title I programs shall be invited and encouraged to attend the meeting;
- b) Involve parents in an organized, ongoing, and timely way in the planning, review, and improvement of Title I programs and the school parental involvement policy;
- c) Provide parents of participating children with timely information about programs, a description and explanation of the curriculum in use in Title I programs, the forms of academic assessment used to measure student progress, the proficiency levels students are expected to meet, and if requested by parents, opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children and respond to any such suggestions as soon as practicably possible;
- d) Provide parents/guardians with reports on their children's progress;

In carrying out the parental involvement requirements, the District and schools, to the extent practicable, shall provide full opportunities for the participation of parents with limited English proficiency, parents with disabilities, and parents of migratory children, including providing information and school reports required under Section 6311 of the Elementary and Secondary Education Act in a format and, to the extent practicable, in a language such parents understand.

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 parent, 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.

(Continued)

## Instruction

**SUBJECT: Title I PARENT INVOLVEMENT POLICY (Con't)****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. The District will allocate Title I Part A funds to its schools, based on the highest poverty attendance areas to the lowest poverty attendance areas in rank order, without regard to grade span.

Title I of the Elementary and Secondary Education Act of 1965 (ESEA) as amended by the No Child Left Behind Act of 2001; 20 United States code (USC) Sections 6318 and 6321; 34 Code of Federal Regulations (CFR) Parts 74-86; 97-99; and 200

*SCHEDULE FOR ANNUAL REVIEW AND EVALUATION OF POLICY (Required to review policy #8260 annually for schools that receive Title I, Part A funds must develop a written parental involvement policy that contains information required by section 1118 (a)(2) of the Elementary and Secondary Education Act*

YEAR	DATE	Revision- Y/N
2014	12/9/2014	Yes
2015	10/13/2015	No
2016	10/11/2016	No
2017	11/14/2017	No
2018		

Adopted: 1/27/2004  
Amended: 2/27/2007  
Amended: 12/9/2014

## Instruction

**SUBJECT: TITLE I COMPLAINTS OR APPEALS**

Complaints concerning violations of the Elementary and Secondary Education Act (ESEA) Title I, Parts A, C, and D, or of the General Education Provisions Act, as well as complaints concerning violations of Commissioner's Regulation Section 100.2(ee), Academic Intervention Services, are covered by the following procedures:

**Who may File a Complaint**

Any parent or teacher, other interested person, or agency may file a complaint.

**Filing Complaints or Appeals with the District**

Complaints or appeals regarding the District's administration and implementation of its ESEA Title I Grant or Academic Intervention Services should be sent first to the District's Superintendent.

Complaints

All complaints filed with the District must:

- 1) Be written;
- 2) Be signed by the person or agency representative filing it;
- 3) Specify the requirement of law or regulation claimed to be violated and the related issue, problem, or the concern;
- 4) Contain information or evidence supporting it; and
- 5) State the nature of the corrective action desired.

The District has 30 business days to resolve a complaint.

Appeals

An appeal filed with the District must contain:

- 1) A copy of the original signed complaint;
- 2) A copy of the District's response to the original complaint or a statement that the District failed to respond in 30 business days; and
- 3) A statement identifying those parts of the District's response which the party is appealing.

(Continued)

## Instruction

**SUBJECT: TITLE I COMPLAINTS OR APPEALS (Cont'd.)****Filing Complaints or Appeals with SED**

SED will review complaints regarding:

- 1) The State's administration of the ESEA Title I Basic Grant, Migrant Education, or Neglected or Delinquent Program; or
- 2) An appeal from a District decision regarding a District action.

Complaints that do not meet this criteria, including complaints concerning the District's Title I program administration, will be referred to the District for possible resolution.

An appeal to SED from a District decision must be requested and postmarked within 20 business days of receiving the District's response to the original complaint.

Complaints or appeals should be sent to:

New York State Education Department  
Title I School and Community Services Office  
Room 320 EB  
89 Washington Avenue  
Albany, NY 12234

SED's Title I representative who is the District's assigned program manager and other appropriate department staff will review the complaints or appeals.

SED's response will contain:

- 1) The names of persons interviewed;
- 2) The records or other evidence examined;
- 3) Relevant dates, times, locations, and events;
- 4) Summary of findings; and
- 5) Nature of corrective action to be taken including applicable timelines.

If the District fails to take corrective action within the time period stipulated in the SED complaint resolution, its Title I allocation may be withheld.

(Continued)

## Instruction

**SUBJECT: TITLE I COMPLAINTS OR APPEALS (Cont'd.)**

SED will maintain copies of correspondence, related documents, investigative reports, and summary reports involved in the complaint or appeal resolution for five years. SED will comply with record requests made under the New York State Freedom of Information Law.

Timeline for SED Review

SED staff will complete an on-site review, if necessary, and/or records examination, and will notify all parties of its findings within 60 business days of receiving the complaint or appeal. In exceptional circumstances, the 60-day review or examination period may be extended.

Exceptional circumstances may include, but are not limited to, the following:

- 1) Illness of involved parties;
- 2) Cancellation of scheduled on-site reviews due to unscheduled school closings;
- 3) The need for extended review activities beyond those specified in the written notification; and/or
- 4) Any other mutual agreement to changes in review scope or activity.

When SED identifies exceptional circumstances, it will provide written notice of the revised date for completing the complaint review to all involved parties.

All parties have the right to request an extension beyond the 60-business day complaint resolution period based on exceptional circumstances.

**Appealing SED's Decision**

Parties dissatisfied with SED's resolution may file an appeal directly with the United States Department of Education at:

United States Department of Education  
Compensatory Education Programs  
400 Maryland Avenue, S.W.  
Room 3W230, FOB #6  
Washington, D.C. 20202-6132

**SUBJECT: STUDENT COMPUTER USAGE POLICY****Education Purpose**

- a) Computers and computer network have been established for educational purposes. The term “educational purposes” includes classroom activities, career development, and limited high-quality self-discovery activities.
- b) The computers have not been established as a public access service or a public forum. The Auburn Enlarged City School District has the right to place reasonable restrictions on the material a student may access or post through the system. All students are also expected to follow the rules set forth in (disciplinary code) and the law in their use of the computer system.
- c) Students may not use the computer for commercial purposes. This means that they may not offer, provide, or purchase products or services through the computer system.
- d) Students may not use computers for political lobbying. But they may use the system to communicate with elected representatives and to express their opinion on political issues.

**Unacceptable Usage**

- a) Students may not post personal contact information about themselves or other people. Personal contact information includes a student address, telephone, school addresses, work address, etc.
- b) Students may not attempt to gain unauthorized access to any other computer system or go beyond their authorized access. This includes attempting to log in through another person’s account or access another person’s files. These actions are illegal, even if only for the purposes of ‘browsing.’”
- c) Students will not make deliberate attempts to disrupt the computer system or destroy data by spreading computer viruses or by any other means.
- d) Students will not use the computer to engage in any other illegal act, such as arranging for a drug sale or the purchase of alcohol, engaging in criminal gang activity, threatening the safety of a person(s), etc.
- e) Students will not use obscene, profane, lewd, vulgar, rude, inflammatory, threatening, or disrespectful language. Restrictions against inappropriate language apply to public messages, private messages, and material posted on Web pages.
- f) Students will not post information that could cause damage or a danger of disruption.

(Continued)



## Instruction

**SUBJECT: STUDENT COMPUTER USAGE POLICY (continued)**

- g) Students will not post private information about another person.
- h) Students will not engage in personal attacks, including prejudicial or discriminatory attacks.
- i) Students will not knowingly or recklessly post false or defamatory information about a person or organization.

**Student Internet Access**

- a) All students will have teacher supervised access to Internet World Wide Web information resources through their classroom, library, or school computer lab.
- b) Students may create Web pages. All material placed on our Web server must be approved and uploaded by their teacher in a manner specified by the school.
- c) Students may not use the computer to access material that is profane or obscene (pornography), that advocates illegal acts, or that advocates violence or discrimination towards other people (hate literature). A special exception may be made for hate literature if the purpose of the access is to conduct research and both the teacher and parent have approved.
- d) Students will not download files unless approval has been granted by their instructor. If permitted, the student must download the file to their personal folder on the server or to a portable media device.
- e) If a student mistakenly accesses inappropriate information, they should immediately tell a teacher or another District employee (or disclose this access in the manner specified by their school). This will protect them against a claim that they have intentionally violated this Policy.
- f) Students' parents should instruct them if there is additional material that the parents think would be inappropriate for their child to access. The district fully expects that students will follow their parent's instructions in this matter.

(Continued)

**SUBJECT: STUDENT COMPUTER USAGE POLICY (continued)****System Security**

- a) Students are responsible for their individual account and should take all reasonable precautions to prevent others from being able to use their account. Under no conditions should a student provide their password to another person.
- b) Students must immediately notify a teacher or administrator if they have identified a possible security problem. Do not go looking for security problems, because this may be construed as an illegal attempt to gain access.

**Plagiarism and Copyright Infringement**

- a) Students will not plagiarize works that they find on the Internet. Plagiarism is taking any digital information, media, or images of others and presenting them as if they were theirs.
- b) Students will respect the rights of copyright owners. Copyright infringement occurs when someone inappropriately reproduces a work that is protected by a copyright. If a work contains language that specifies appropriate use of that work, the student should follow the expressed requirements. If the student is unsure whether or not they can use a work, they should request permission from the copyright owner. Copyright law can be very confusing. If the student has questions have them ask a teacher.

**Free Speech**

Students right to free speech, as set forth in the (disciplinary code), applies also to their communication on the Internet. The computer network is considered a limited forum, similar to the school newspaper, and therefore the District may restrict a student's speech for valid educational reasons. The District will not restrict a student's speech on the basis of a disagreement with the opinions they are expressing.

**Search and Seizure**

- a) Routine maintenance and monitoring of the computer network may lead to discovery that the student has violated this Policy, the (disciplinary code), or the law.
- b) An individual search will be conducted if there is reasonable suspicion that a student has violated this Policy, the (disciplinary code), or the law. The investigation will be reasonable and related to the suspected violation.

(Continued)

## Instruction

**SUBJECT: STUDENT COMPUTER USAGE POLICY** (continued)**Search and Seizure**

- c) The Administration has the right at any time to request to see the contents the districts servers, E-mail files or contents of a hard drive.

**Due Process**

- a) The District will cooperate fully with local, state, or federal officials in any investigation related to any illegal activities conducted through the network.
- b) In the event there is a claim that a student has violated this Policy or (disciplinary code) in use of the computer system, they will be provided with a written notice of the suspected violation and an opportunity to present an explanation before a neutral administrator [or - will be provided with notice and opportunity to be heard in the manner set forth in the (disciplinary code)].
- c) If the violation also involves a violation of other provisions of the (disciplinary code), it will be handled in a manner described in the (disciplinary code). Additional restrictions may be placed on the students use of their Internet account.

**Limitation of Liability**

The District makes no guarantee that the functions or the services provided by or through the District system will be error-free or without defect. The District will not be responsible for any damage they may suffer, including but not limited to, loss of data or interruptions of service. The District is not responsible for financial obligations arising through the unauthorized use of the system.

The appearance of any hyperlink to an external Web site or server indicates that the Auburn Enlarged City School District has identified that Web site as having educational value. The Auburn Enlarged City School District does not control or guarantee the content of these sites and makes no claim that they will comply with District policies.

Adopted: 03/23/1999  
Amended: 11/27/2007

## 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 continually evolving communications 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.

Adopted: 1/27/04

## Instruction

**\*Required Policy****SUBJECT: INTERNET CONTENT FILTERING**

The School District, in accordance with the provisions of the Children's Internet Protection Act, requires all District computers with Internet access that are used by elementary and secondary students and staff to be equipped with filtering or blocking technology within one week of installation.

No filtering technology can guarantee that students and staff will be prevented from accessing all inappropriate locations. Proper supervision will be provided to all students while accessing the Internet to further ensure appropriate usage. Under certain supervised circumstances, authorized personnel may override the filtering/blocking technology for a limited, prescribed period of time to assist students or staff with special projects or research

The School District shall provide certification to document the installation of filtering/blocking technology for its computers with Internet access for students and staff. This certification will fulfill the requirements under the Children's Internet Protection Act to ensure the continuation of federal Universal Service Discounts.

17 United States Code (USC) Section 1701 et seq.  
47 United States Code (USC) Section 254(h)(5) and (6)

NOTE: Refer also to Policies #6470 – Staff Use of Computerized Information Resources  
#7314 – Student Use of Computerized Information Resources

Adopted: 1/27/04

## Instruction

**\*Required Policy****SUBJECT: INSTRUCTION FOR 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 with 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.

A student whose score on an English language assessment instrument as specified in Section 154.2(a) of the Commissioner's Regulations is a result of a disability shall be provided special education programs and services in accordance with the individualized education program (IEP) developed for such student and shall also be eligible for services pursuant to Part 154 of the Commissioner's Regulations when these services are recommended in the IEP.

The parent/guardian of a student identified as limited English proficient shall be informed in his/her native language, if necessary, of the student's placement in an 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.

Education Law Section 3204(2)(2-a)  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 80.9, 100.2(g), 117, and 154

Adopted: 1/27/04

## 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.

Education Law Section 701

NOTE: Refer also to Policies #8130 – Equal Educational Opportunities  
#8220 – Career and Technical Occupational Education

Adopted: 1/27/04

## Instruction

**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.
- g) To provide technological resources for research, learning, and reporting.

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.

Rules of the Board of Regents Section 21.4

Adopted: 1/27/04



**SUBJECT: OBJECTION TO INSTRUCTIONAL MATERIALS**

Any criticism of instructional materials that are in the schools should be submitted in writing to the Superintendent. The Board of Education will be informed. A committee, including the librarian and building principal, will be designated by the Superintendent to investigate and judge the challenged material according to the principles and qualitative standards stated in Policy #8320 -- Selection of Library and Audiovisual Materials.

**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.

Education Law Section 3204(5)

## 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.

**SUBJECT: TEXTBOOKS/WORKBOOKS**

The Board of Education shall make provision for funds to be budgeted for the purchase of instructional materials.

Upon the recommendation of the Superintendent of Schools, the Board of Education shall designate the textbooks to be used.

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 non-public schools will be supplied non-sectarian textbooks in accordance with the requirements of Education Law.

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: SCHOOL CEREMONIES AND OBSERVATIONS**

The Board of Education recognizes the value of certain ceremonies and observances in promoting patriotism and good citizenship among the students. Therefore, activities in schools commemorating national holidays such as Memorial Day, Thanksgiving and President's Day are encouraged.

The Board remains impartial with regard to religion. Students, faculty and administration are reminded of the plurality religious beliefs and are urged to be conscious of and respect the sensitivities of others. Use of school facilities will be in accordance with Federal and State Law.

Notwithstanding, the Board recognizes that activities related to the celebration of religious holidays may present an excellent opportunity to teach about religion and foster respect and understanding among students. In addition, educational goals sometimes require the presentation of material with religious themes. Therefore, activities related to the observance of religious holidays will be permitted to the extent that they foster appropriate educational goals and are conducted in an unbiased and objective manner, focusing on the origins of the holiday, its history, and the generally agreed upon meaning of the holiday observance.

In planning activities related to a religious holiday or theme, special effort should be made to ensure that the activity is not devotional and students of all faiths can join without feeling that they are betraying their own beliefs.

The display of religious objects or symbols is also prohibited except to the extent that it is used as a teaching aide or resource to provide examples of culture and religious heritage within the context of a short-term study in the curriculum such as world religious, art or history. Symbols which are secular and seasonal in nature, such as Santa Clause and Easter bunnies, can be displayed in a seasonal context without reference to religion.

Students shall be given the option to be excused from participating in those parts of a program or curriculum involving a religious theme which conflicts with their own religious beliefs.

## 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.

(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.

**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 1709(1) and (3), 3204(5) and 3210  
8 New York Code of Rules and Regulations (NYCRR)  
Sections 16.2 and 109.2

## 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: 1/27/04



## Instruction

**SUBJECT: OPENING EXERCISES AND PLEDGE OF ALLEGIANCE**

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: 1/27/04

## Instruction

**SUBJECT: INDEPENDENT STUDY**

Independent study, for credit, will be available to meet the individual needs of students in grades 9 through 12. The Principal, after consultation with relevant faculty, shall award credit to the student based on successful completion of the independent study and demonstrated mastery of the learning outcomes of the subject.

Students enrolled in the District, may earn a maximum of three (3) units of elective credit towards a Regents diploma through independent study. The student's participation in independent study shall be approved by a school-based panel consisting of, at a minimum, the Principal, a teacher in the subject area for which independent credit is sought, and a guidance director or administrator.

Credit for independent study may be awarded for elective courses only and shall not be awarded for courses required for the Regents diploma as specified in Commissioner's Regulations.

8 New York Code of Rules and Regulations (NYCRR) Section 100.5(9)

Adopted: 1/27/2004  
Amended: 2/08/2011

## Instruction

**SUBJECT: HOMEWORK**

The Board of Education acknowledges the educational value of meaningful 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.

## Instruction

**SUBJECT: HOME TUTORING DUE TO LONG TERM ABSENCE**

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.

Procedures for students requiring home tutoring shall be developed under the direction of the Superintendent or his/her designee.

Education Law Sections 1604(20),  
1709(24), 3202, and 4401

# REGULATION

2004

8450

## Instruction

### SUBJECT: HOME TUTORING DUE TO LONG TERM ABSENCE

Policy 8450 describes procedures for students requiring instruction out of the classroom setting due to a medical need for the Auburn Enlarged City School District. When a parent/guardian anticipates a prolonged absence due to a physical, mental, or emotional illness, the parent/guardian can request tutoring for the child while absent from school. The parent/guardian should provide a prescription from a licensed provider describing the diagnosis and anticipated time the student will be out of the classroom setting in support of the request for tutoring. Under State Education Law, a prolonged absence is one that lasts for two weeks or longer. However, with appropriate documentation and in consideration of uniquely compelling circumstances, the District will consider provision of home tutoring for absences of less than two weeks. The procedures include, but are not limited to the following:

- The Nursing Supervisor will request that a Release of Information with the student's physician be signed by the parent/guardian. Upon receipt of the prescription, the District has an obligation and right to make inquires of the physician as there must be a legitimate basis of medical necessity for alternative instruction (tutoring). Therefore, the Nursing Supervisor will communicate with the physician in order to fully understand the extent of the student's condition. The District has the right to ask for additional information to substantiate the prescription request. A treatment plan may be requested along with periodic updates from the physician on the student's condition.
- The District also has a tutoring site where services are provided. If a received prescription states "home tutoring", the Nursing Supervisor will discuss with the physician if the student can appropriately receive instruction at the tutoring site.
- The Nursing Supervisor will make a determination regarding the tutoring, location, and duration, after consultation with the physician and parent/guardian. Any questions regarding tutoring will be directed to the Nursing Supervisor. In the event that there is not a legitimate basis for the tutoring, it may be denied after consultation with the School Physician.
- Elementary students receive five hours of tutoring a week and secondary students receive 10 hours of tutoring a week while classes are in session, excluding holidays and vacations.
- A Section 504 of the Rehabilitation Act of 1973 referral may be considered when tutoring is required for lengthy periods of time and deemed necessary to meet the student's educational needs.

**SUBJECT: FIELD TRIPS AND CLASS TRIPS**

The Board of Education recognizes that field trips and class trips are an educationally sound and important ingredient in the instructional program of the schools.

For purposes of this policy, a field trip or class trip shall be defined as any journey by a group of students away from the school premises, under the supervision of a teacher, which is an integral part of an approved course of study and conducted for the purpose of affording a first-hand educational experience not available in the classroom.

Field trips or class trips are a part of the curriculum of the schools, and student conduct and attendance on field trips are governed by the same rules that govern regular classroom activities. The School System shall obtain written permission from parents for students going on school-sponsored field trips.

The Superintendent shall prepare procedures for the operation of a field trip activity. Field trip support shall be determined annually by the Board during its budget deliberations. Regardless of the fiscal support for field trips, the rules of the School District for approval and conduct of such trips shall apply.

## Approval for Overnight Field Trip



This form requesting permission for either a school-sponsored or school-related "overnight field trip" will be submitted to the Superintendent or his/her designee by the sponsoring individual/group thirty (30 days in advance of the planned trip). This will allow the Superintendent to review the request and to make a determination as to whether or not the Board of Education must approve said request.

Please complete the following:

NAME OF PERSON COMPLETING THIS FORM: \_\_\_\_\_

TITLE OF TRIP: \_\_\_\_\_

SPONSORING ORGANIZATION(S): \_\_\_\_\_

PURPOSE OF THE TRIP: \_\_\_\_\_

\_\_\_\_\_

DATE(S) OF TRIP: \_\_\_\_\_

LODGING EXPLANATION (INCLUDE THE LOCATION, HOW LONG AT THE SITE, FORM OF PAYMENT (EITHER BY CHECK OR P.O.) AS WELL AS OTHER RELATED ITEMS:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

DATE OF REQUEST: \_\_\_\_\_

***If approved by the Board of Education, they are approving the  
Planning and fundraising per Board Policy #8460.  
The Trip Organizer  
will complete the second page of this form within 10 days of the field trip for  
review by Superintendent or Designee.***

**COMPLETED BY TRIP ORGANIZER FOR REVIEW BY SUPERINTENDENT OR DESIGNEE**

COST EXPLANATION – INCLUDE COST TO:  
INDIVIDUAL \_\_\_\_\_

ORGANIZATION \_\_\_\_\_

DISTRICT: \_\_\_\_\_

NUMBER AND NAME(S) OF FEMALE CHAPERONE(S): \_\_\_\_\_

NUMBER AND NAMES(S) OF MALE CHAPERSONE(S): \_\_\_\_\_

NUMBER OF FEMALE STUDENT(S): \_\_\_\_\_

NUMBER OF MALE STUDENT(S): \_\_\_\_\_

**FINAL APPROVAL BY SUPERINTENDENT OR DESIGNEE**

SIGNATURE: \_\_\_\_\_ DATE \_\_\_\_\_



## Instruction

**SUBJECT: HOME INSTRUCTION (HOME SCHOOLING)**

From time to time, parents will choose to instruct their children at home. Although New York State law does not recognize home schools as private elementary or secondary schools, 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.

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.

**Provision of Services to 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) Extracurricular ParticipationDistrict Does Not Allow

Students instructed at home 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. Further, the District does not permit home-instructed students to participate in any extracurricular activities.

## b) Textbooks and Materials

District Does Not Provide

The District shall not provide textbooks and other materials to home-instructed students.

c) Health Services

The School District is not required to furnish health services.

d) Remedial Programs

The District is not responsible for providing remedial programs.

e) Career and Technical/Gifted Education

The District is not authorized to provide Occupational and Vocational Education programs (career and technical education) nor programs for the Gifted to home-instructed students.

(Continued)

## Instruction

**SUBJECT: HOME INSTRUCTION (HOME SCHOOLING) (Cont'd.)**f) Special Education Services

Solely for the purpose of Education Law Section 3602-c, home-instructed students with disabilities are deemed to be students enrolled in and attending a nonpublic school, which enables them to receive special education services, as well as to be included for computation of state aid for such education by the District.

The Committee on Special Education (CSE) will develop an Individualized Education Services Program (IESP) for the student. The IESP shall be developed in the same manner and with the same content as an IEP. The Board of Education will determine a location where special education services are to be provided to a home-instructed student. This location may, but is not required to be, in the student's home.

g) Use of School FacilitiesDistrict Does Not Allow

Students instructed at home shall not be allowed to use school facilities, except as provided for community organizations in Policy #3280 -- Use of School Facilities, Materials and Equipment.

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)

Adopted: 1/27/2004

Amended: 1/08/2013

## Instruction

**\*Required Policy****SUBJECT: ANIMALS IN THE SCHOOL (INSTRUCTIONAL PURPOSES)**

Observation and experimentation with living organisms and animals gives students unique perspectives of life processes. Animals and animal materials should be used respectfully and for the purpose of meeting course objectives.

The Board of Education, in recognizing the educational uses of animals in the classroom, requires that permission be obtained from the Building Principal before animals are brought into the school or classrooms. It is the Principal's responsibility to ensure that there is an appropriate educational purpose if any animal is housed in a classroom. Animals are not to be transported on school buses with the exception of animals certified to assist persons with disabilities.

**Study and Care of Live Animals**

It shall be the responsibility of the Principal or his/her designee to develop a plan of care for those animals housed in school in the event of an emergency school closing or in the event the animals remain in the classroom on days when school is not in session.

**Dissection of Animals**

Any student expressing a moral or religious objection to the performance or witnessing of the dissection of an animal, either wholly or in part, shall be provided the opportunity to undertake and complete an alternative project approved by the student's teacher; provided, however, that such objection is substantiated in writing by the student's parent or legal guardian. An alternate activity clearly related to and of comparable rigor will be assigned in lieu of laboratory dissection. Some examples of alternate activities include the use of computer simulations or research. Students who perform alternative projects shall not be penalized.

Effective July 1, 2011, the District will give reasonable notice to all students enrolled in a course that includes the dissection of an animal and students' parent(s)/legal guardian(s) about their rights to seek an alternate project to dissection. Such notice shall be made available upon request at the school and distributed to parents and students enrolled in a course that includes dissection at least once at the beginning of the school year.

**Other Situations**

1. Animals under the control of public safety officers may have access to school property as use of these animals by such officials is under the jurisdiction of federal and state law as applicable.
2. Animals trained to assist individuals with disabilities (e.g., service dogs) are permitted on district property and at district events when being used for that purpose pursuant to law. The school principal should receive prior notification about the presence of such a service animal in order to implement any necessary precautions. Again, parents should be notified and student health records should be reviewed for health conditions, such as allergies, that may present a problem for students.

(Continued)

## Instruction

**SUBJECT: ANIMALS IN THE SCHOOL (INSTRUCTIONAL PURPOSES) con't**

**Instruction in the Humane Treatment of Animals**

Students in elementary school must receive instruction in the humane treatment and protection of animals and the importance of the part they play in the economy of nature as well as the necessity of controlling the proliferation of animals that are subsequently abandoned and caused to suffer extreme cruelty. Such instruction shall be for a period of time as specified by the Board of Regents and may be joined with work in literature, reading, language, nature study, or ethnology.

s

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)

Approved: 02/09/2010  
Amended: 06/14/2011

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