

**YORK CENTRAL SCHOOL
DISTRICT**

POLICY UPDATES

BOARD APPROVED



**G O L D E N
K N I G H T S**

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POLICY

2018

1110

By-Laws

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

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

The State Legislature has implemented this constitutional mandate through the creation of school districts of various types. As a Central School District, the Base School District is organized under and subject to the provisions of Education Law Article 37.

The Board is the corporate body charged with the general control, management, and responsibility of the schools of the Base School District. As such, it possesses those powers and duties set forth in law.

The Board is authorized to act as a body duly called in session. Individual Board members have no authority over school affairs.

Education Law §§ 2, 1501, 1604, 1701, 1709, 1804, 2502, and 2503

Adopted: 8/15/11

Revised: 4/9/18

POLICY

2018

1210

By-Laws

SUBJECT: BOARD OF EDUCATION MEMBERS: NOMINATION AND ELECTION

- a) Candidates for the office of member of the Board of Education must be nominated by a petition directed to the District Clerk which is signed by at least 25 qualified voters of the District, or by 2% of the number of voters who voted in the previous annual election, whichever is greater. Petitions must state the residence of each signer, the name and residence of each candidate.
- b) The notice of the Annual District Meeting must state that petitions nominating candidates for the Board of Education must be filed with the District Clerk no later than 30 days before the Annual or Special District Meeting at which the school board election will occur, between 9 a.m. and 5 p.m.
- c) Voting will be by machine or paper ballot, and provision will be made for the election by "write-in-vote" of any candidate not previously nominated. The position of candidates on ballots will 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 will be as indicated by Board resolution.
- e) The candidates receiving the largest number of votes will be declared elected in accordance with Education Law.
- f) At least ten days prior to the election, the Board will appoint at least two inspectors of election for each voting machine or ballot box, and set their salary. Priority for election inspectors will be given to York CSD residents.
- g) The District Clerk will oversee the election. The Clerk will 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 100 feet of the polling place.
- 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 and the taking and filing of the oath of office.

Education Law Sections 2004, 2012, 2018, 2025, 2029, 2031-a, 2032, 2034, 2105(14), 2121, 2502, 2602, 2608(1) and 2610

Adopted: 8/15/11; Revised: 1/29/18

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) Tax Collector, Assistant Tax Collector and Deputies;
- d) External (Independent) Auditor;
- e) Central Treasurer, Extraclassroom Activities Account;
- f) Audit Committee;
- g) Faculty Auditor, Extraclassroom Activities Account.

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

- a) Director of School Health Services (District Physician);
- b) Supervisor of Attendance;
- c) Committee on Special Education and Committee on Preschool Special Education;
- d) Records Access Officer;
- e) Records Management Officer;
- f) Asbestos Hazard Emergency Response Act (AHERA) Local Educational Agency (LEA) designee;
- g) Title IX/Section 504/ADA Compliance Officer;
- h) Liaison for Homeless Children and Youth;

(Continued)

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

- i) Chemical Hygiene Officer;
- j) Dignity Act Coordinator (one in each building);
- k) Chief Emergency Officer.

The following may also be appointed:

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

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) Designated Educational Official (DEO) to receive court notification regarding a student's sentence/adjudication in certain criminal cases and juvenile delinquency proceedings;
- h) School Pesticide Representative;
- i) Reviewing Official, Hearing Official and Verification Official for participation in the federal Child Nutrition Program (the Hearing Official may not be the same person as the Reviewing and/or Verification Official).

(Continued)

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

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) Admission prices for school events;
- f) Fee schedule for use of District facilities;
- g) Photo copying fee;
- h) 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 CFR Section 1910.1450
Education Law Sections 305(31), 1709 and 2503
8 NYCRR Part 185
21 NYCRR Parts 1401, 9760

Adopted: 8/15/11

Revised: 4/28/14; 4/09/18

SUBJECT: APPOINTMENT AND DUTIES OF THE CLAIMS AUDITOR

The Board will appoint a Claims Auditor to examine all claims. This auditor will determine whether the amounts claimed are actual and necessary expenditures, if the goods or services were actually received, whether the District official or employee was authorized to incur the obligation, and if the claims are supported with adequate evidence. Support may include itemized documentation, a thorough description of the goods or services, and detailed receipts and invoices. The Claims Auditor will ensure that each claim is legitimate, mathematically correct, does not exceed any available appropriation within the applicable budget code, and is made in accordance with District policy, purchasing order, or contract before authorizing payment. This auditor will certify that he or she audited each claim listed on the claims warrant to authorize the Treasurer to pay. The Treasurer should compare the signed checks to the certified warrant to verify accuracy and consistency before issuing payment.

The Claims Auditor will report directly to the Board on a monthly basis. The Board may require that the Claims Auditor report to the Clerk of the District, Clerk of the Board, or to the Superintendent for administrative matters such as workspace, time, and attendance.

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

Qualifications

The Claims Auditor must have the necessary knowledge and skills to effectively audit claims including experience with purchasing, bidding and claims. The Claims Auditor must be bonded or included in the District's blanket undertaking, before assuming his or her duties.

The Claims Auditor should not be:

- a) A member of the Board;
- b) The Clerk or Treasurer of the Board;
- c) The Superintendent or official of the District responsible for business management;
- d) The Purchasing Agent;
- e) Clerical or professional personnel directly involved in accounting and purchasing functions of the District or under the direct supervision of the Superintendent;
- f) The individual or entity responsible for the internal audit function (the Internal Auditor);
- g) The External (Independent) Auditor responsible for the external audit of the financial statements;

(Continued)

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

- g) The External (Independent) Auditor responsible for the external audit of the financial statements;
- h) A close or immediate family member of an employee, officer, or contractor providing services to the District. A "close family member" is defined as a parent, sibling or nondependent child; an "immediate family member" is a spouse, spouse equivalent, or dependent (whether or not related).

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

Delegation of the Claims Audit Function

The Board may delegate this claims audit function by using inter-municipal cooperative agreements, shared services through a Board of Cooperative Educational Services, or independent contractors, providing that the individual, organization or entity:

- a) Has no other responsibilities related to the business operations of the District;
- b) Has no interest in any other contracts with, and does not provide any goods or services to, the District; and
- c) Is not a close or immediate family member of anyone who has responsibilities related to business operations of the District, or has an interest in any other contracts with the District.

The Board remains ultimately responsible for auditing all claims.

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

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

Education Law Sections 1604(35), 1709(20-a), 2526 and 2554(2-a)
8 NYCRR Section 170.12(c)

Adopted: 8/15/11
Revised: 4/9/18

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

Central Treasurer

The Extraclassroom Activity Fund Treasurer is appointed by the Board of Education and is responsible for the supervision of the extraclassroom activity (ECA) fund.

The Treasurer's duties include:

- a) Countersigning all checks disbursing funds from the ECA account;
- b) Safeguarding, accounting for, and depositing moneys collected by the ECA. He or she will provide general supervision to ensure that all receipts are timely deposited and that disbursements are made by check only;
- c) Maintaining records of all receipts and expenditures;
- d) Submitting required records and reports to the Board and;
- e) Assuming other duties customary to the position.

Business Manager/Extraclassroom Funds Auditor

The Business Manager is appointed Extraclassroom Funds Auditor by the Board of Education and is responsible for auditing of all financial transactions of the fund.

The Auditor's duties include:

- a) Examining the statement of accounts from the Central Treasurer once each month;
- b) Auditing the ledgers kept by student treasurers at least twice per year and reconciling these ledgers with the Central Treasurer's records;
- c) Examining transactions and procedures to ensure they are accurate and followed, including supporting documentation requirements and receipt issuance;

(Continued)

POLICY

2018

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By-Laws

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

- d) Certifying the accuracy of entries posted and available balances listed;
- e) Investigating any instances when the Central Treasurer's report and the activity's ledgers do not agree; and
- f) Preparing the the year-end report summarizing the financial condition of each activity and submitting it to the Principal and Board of Education.

8 NYCRR Part 172
Adopted: 8/15/11
Revised: 1/29/18

POLICY

2018

1337

By-Laws

SUBJECT: DUTIES OF THE SCHOOL ATTORNEY

The Board will appoint a school attorney to provide legal counsel to the District. The school attorney's duties may include:

- a) Providing legal representation to the District in proceedings before courts and administrative agencies;
- b) Providing legal opinions as requested by the Board or its agents, and consistent with any agreement between the District and the school attorney;
- c) Providing counsel in matters related to due process hearings; and/or
- d) Such other duties as are consistent with law and the scope of the school attorney's representation.

Adopted: 8/15/11

Revised: 4/9/18

SUBJECT: DUTIES OF THE SCHOOL PHYSICIAN/NURSE PRACTITIONER

The school physician shall be appointed annually by the Board of Education. The school physician will work together with the school nurse on all health matters related to the school district. The duties of the school physician 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) Serving as an on-call member on the Committee on Special Education, Committee on Preschool Special Education, and Section 504 Committee;
- d) Reports to the Board on school health services;
- e) Coordinates scheduling for physical examinations to all students participating in interscholastic athletics;
- f) Develops the program of health service in accordance with policies approved by the Board and as directed by the Superintendent of Schools;
- g) Conducts physical exams for all bus drivers and substitutes prior to employment and annually thereafter;
- h) Conducts a medical evaluation on any employee at the request of the Board of Education;
- i) Provides final medical clearance for a return to extra-class/interscholastic athletic activities for all students who have or are believed to have sustained a mild traumatic brain (concussion) injury in accordance with our Concussion Management procedures.

Education Law Sections 902, 913 and 6902

Adopted: 8/15/11

Revised: 4/28/14; 4/9/18

POLICY

2018

1410

By-Laws

SUBJECT: POLICY AND ADMINISTRATIVE REGULATIONS

The formulation and adoption of written policies will constitute the basic method by which the Board will exercise its leadership in the operation of the School System. The Superintendent will act as an advisor to the Board in adopting and approving of written Board policies. The Board will seek input from staff and the community where appropriate. These written board policies will govern 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 will occur only after the proposal has been moved, discussed and voted on affirmatively at two separate meetings of the Board (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."

Board action is also necessary for revising policies that require amendment or rescinding policies that are no longer relevant or applicable to the District.

The formal adoption, amendment, or deletion of written Board policy will be recorded in the official minutes of the Board. This written Board policy will govern the conduct and affairs of the District and will be binding upon the members of the educational community in the District.

It will 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.

Execution of Policy: Administrative Regulations

The Board will 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 detailed arrangements will constitute the administrative regulations governing the schools and be consistent with the policies adopted by the Board. The Board will be kept informed periodically of changes in administrative regulations.

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

Adopted: 8/15/11

Revised: 12/10/18

POLICY

2018

1502

Students

Subject: New York State Public High School Athletic Association Drone Policy

The New York State Public High School Athletic Association prohibits the use or possession of unmanned aircraft or aerial systems (UAS), also known as drones, for any purpose by any person or entity at all scrimmages, regular season and post season events.

This prohibition applies to the area above and upon all spectator areas, fields of play, courts, arenas, stadiums, mats, gymnasiums, pools, practice facilities, parking areas and or other property being utilized for the purpose of the interscholastic activity.

If there is a report of UAS activity at an athletic event school, Section and/or State Association officials will, in consultation with the sports officials, suspend the play until such time as the UAS is removed from the area as defined above or the school, Section/ State and sports officials determine it is safe to proceed.

For purposes of this policy, a UAS is any unmanned airborne device or aircraft. The NYSPHSAA, Section and/or Member School reserves the right to refuse admission to anyone operating or attempting to operate a UAS or to request the immediate removal of any person using or attempting to use a UAS in violation of this policy.

The NYSPHSAA Executive Director has the authority to grant an exception to this policy to law enforcement, public safety agencies, NYSPHSAA media partners, or other entities or individuals. Any request for an exception to the policy must be submitted to the Executive Director at least a week prior to the event. The exception is limited to the specific event requested and requires the consent of the host venue.

Any use granted under this provision must comply with the applicable FAA regulations as well as any and all requirements set forth by NYSPHSAA. News media must have the necessary FAA authorization.

Any individuals granted an exception would be required to sign a document acknowledging and agreeing to the terms of use and agreeing to hold the NYSPHSAA and its member schools harmless from damage to persons or property.

*Approved May 5, 2017 (Executive Committee)

BOE Adopted: 1/29/18

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.

The Superintendent will prepare the agenda during the week before the meeting and review it with the Board President. The agenda will then be distributed to Board members no later than the Friday before the regular meeting. The President or other Board members will submit requests to place matters on the agenda to the Superintendent. Whenever individuals or groups wish to bring a matter to the attention of the Board, they will submit a written request to the Superintendent.

Whenever a meeting is to take place, there must be at least 72 hours advance notice in accordance with the provisions of the Open Meetings Law. 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 as soon as is practicable in accordance with law. When the District has the ability to do so, notice of the time and place of a meeting will be conspicuously posted on the District's website.

District records subject to release under FOIL, as well as any proposed rule, regulation, policy or amendment, that are on the Board agenda and scheduled to be discussed at a Board meeting, shall be made available upon request, to the extent practicable, prior to the meeting. Copies of such records may be made available for a reasonable fee. If the District maintains a regularly updated website and utilizes a high speed internet connection, such records shall be posted on the website to the extent practicable, prior to the meeting.

(Continued)

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

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 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.

Recording Meetings

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

Public Expression at Meetings

The Board encourages public expression at 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 meeting of the Board is four 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 Sections 1708 and 2504
General Construction Law Section 41
Public Officers Law Article 7, Sections 103(d), 104 and 107

NOTE: Refer also to Policies #1520 -- Special Meetings of the Board of Education
#1540 -- Executive Sessions
#5410 -- Purchasing: Competitive Bidding and Offering
#6211 -- Employment of Relatives of Board of Education Members
#8340 -- Textbooks/Workbooks/Calculators/Instructional Computer Hardware

Adopted: 8/15/11

Revised: 10/9/12; 12/10/18

POLICY

2018

1520

By-Laws

SUBJECT: SPECIAL MEETINGS OF THE BOARD

Any member of the Board may call for a special meeting. A reasonable and good-faith effort will be made by the Superintendent or the Board president, as the case may be, to give every member of the Board 24-hours' notice of the time, place, and purpose of the meeting. In an emergency, however, the members may waive the 24-hour notice requirement.

All special meetings will be held at a regular meeting place of the Board and in accordance with all applicable provisions of the Open Meetings Law. Public notice of the time and place will be given, to the extent practicable, to the news media, and it will be conspicuously posted in one or more designated public locations at a reasonable time before the meeting.

Education Law § 1606(3)
Public Officers Law §§ 103 and 104

NOTE: Refer also to Policy #1510 -- Regular Board Meetings and Rules (Quorum and Parliamentary Procedure)

Adopted: 8/15/11
Revised: 12/10/18

POLICY

2018

1530

By-Laws

SUBJECT: MINUTES

The minutes are a legal record of the activities of the Board as a public corporation having the specified legal purpose of maintaining public schools. The minutes of all meetings will be kept by the Clerk or, in his or her absence, by the Superintendent or designee. The minutes will be complete and accurate, maintained in accordance with law, and posted on the District website. However, minutes of executive sessions need not include any matter which is not required to be made public by the Freedom of Information Law (FOIL).

The minutes of each meeting of the Board of Education will 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, including a record or summary of all motions, proposals, resolutions, and other matters formally voted upon, 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.

All Board minutes must be signed by the District Clerk when approved and maintained in accordance with law. Unless otherwise provided by law, minutes will be available to the public within two weeks following the date of a meeting; draft copies, so marked, are acceptable, subject to correction.

Minutes of Executive Sessions

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

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

Education Law Sections 2121 and 3020-a
Public Officers Law Sections 103 and 106

Adopted: 8/15/11
Revised: 4/9/18

SUBJECT: EXECUTIVE SESSIONS

Upon a majority vote of its total membership, taken in an open meeting pursuant to a motion identifying the 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. The Superintendent will attend all executive sessions except those that concern his or her evaluation, employment, or salary.

- 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.

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: 8/15/11
Revised: 4/9/18

POLICY

2018

1611

By-Laws

SUBJECT: BUSINESS OF THE ANNUAL DISTRICT ELECTION

The Board 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) Designate the District Clerk as clerk of the election and assistant clerks;
- b) Designate tellers and/or inspectors of election as previously appointed by the Board. Priority for election inspectors will be given to York CSD residents;
- c) Read the notice of call of the election by the Clerk;
- d) Open the voting process, whether by machine or paper ballot;
- e) Close the voting process;
- f) Receive the Clerk's report of the of the election results;
- g) Adjourn.

Education Law Sections 1716, 2025 and 2601-2613

Adopted: 8/15/11

Revised: 4/9/18

POLICY

2018

1650

By-Laws

SUBJECT: SUBMISSION OF QUESTIONS AND PROPOSITIONS AT THE ANNUAL MEETINGS AND ELECTION AND SPECIAL DISTRICT MEETINGS

Questions and Propositions at Annual Meeting and Election

The following rules and regulations will apply to the submission of the questions or propositions at the annual meeting and election of this District.

- a) Questions or propositions shall be submitted by petition directed to the Clerk of the School District and shall be signed by 25 qualified voters, or 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 District Clerk. Petitions relating to an Annual Election must be filed not later than 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 voting. The District, however, retains the right to reject petitions as permitted by law, including, but not limited to, instances where the petitions are advisory in nature or beyond the power of the voters.
- e) The Board will cause the rules and regulations set forth in this policy to be distributed within the District.
- f) Nothing herein contained will 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 will 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: 8/15/11

Revised/BOE Approval: 4/23/18

SUBJECT: ORIENTING AND TRAINING BOARD MEMBERS

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

- a) The electee will be given selected materials relating to the responsibilities of Board membership, 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 will be invited to attend Board meetings and to participate in its discussions;
- c) The Clerk will supply material pertinent to meetings and explain its use;
- d) The electee will be invited to meet with the Superintendent and other administrative personnel to discuss services they perform for the Board;
- e) A copy of the Board's policies and by laws will be given to the electee by the Clerk;
- f) The opportunity will be provided for new Board members to attend the New York State School Boards Association orientation program.

Board Member Training

Within the first year of election or appointment, each Board member must complete a minimum of six hours of training on the financial oversight, accountability, and fiduciary responsibilities of a school board member and a training course acquainting him or her with the powers, functions, and duties of Boards, as well as the powers and duties of other governing and administrative authorities affecting public education. Re-elected Board members will not be required to repeat this training. The curriculum and provider of this training must be approved by the Commissioner of Education.

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

Education Law § 2102-a
8 NYCRR § 170.12(a)

Adopted: 8/15/11
Revised: 10/9/12; 12/10/18

POLICY

2018

2320

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 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) The District Clerk will inform the Board of upcoming conferences, conventions, and workshops. The Board will periodically decide which meetings appear to be most likely to produce direct and indirect benefits to the 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 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 will 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 will be paid unless a travel order or similar document signed by the President is attached to the form, authorizing the claimant to attend the conference.

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

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

Adopted: 8/15/11
Revised: 12/10/18

POLICY

2018

3110

Community Relations

SUBJECT: MEDIA/MUNICIPAL GOVERNMENTS/SENIOR CITIZENS

School District Media

The Principal of each building is responsible for the preparation of news releases concerning the activities within that building, and for reviewing them with the Superintendent prior to release. Copies of all final news releases will be sent to the Superintendent's Office.

In addition, a periodic newsletter may be prepared and sent to each resident of the School District or posted on the District website. Included in the newsletter will be information regarding school activities, a monthly calendar and other items of interest to the community. The Board accepts the funding obligation for the necessary staff and production costs.

As the official spokesperson, the Superintendent or his/her designee shall issue all news releases concerning the District. All statements of the Board will be released through the Office of the Superintendent and/or the District Clerk.

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 but not limited to the County Social Services Department, the Board of Health, the Recreation Department, the Public Library, and all community emergency services agencies.

Senior Citizens

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

Senior citizens (any individual who is at least 62 years of age) of the School District will be given, at their request for Golden Knights Club membership card, free admission to:

- a) All regular season home athletic events;
- b) Performances of high school plays and the annual musical;
- c) All other School District sponsored activities and events.

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

Adopted: 8/15/11

Revised/BOE Approval: 4/23/2018

SUBJECT: SCHOOL DISTRICT STANDARDS AND GUIDELINES FOR WEB PAGE PUBLISHING

General Criteria

The availability of Internet access in the School District provides an opportunity for staff and students to access information and contribute to the School District's presence on the World Wide Web. The District/school/classroom Websites must relate to curriculum or instructional matters, school authorized activities, or general information of interest to the public pertaining to the District or its schools. Staff and students are prohibited from publishing personal home pages or links to personal home pages as part of the District/school/classroom Web Page(s). Similarly, no individual or outside organization will be permitted to publish personal Web Pages as part of the District/school/classroom Web Page(s).

Internet access for the creation of Web Pages is provided by the District and all information must be reviewed by the Website Manager and an appropriate school administrator prior to publishing it on the Web. Personnel designing information for the Web Pages must familiarize themselves with and adhere to District standards and procedures. Failure to follow District standards or responsibilities may result in disciplinary sanctions in accordance with law or the applicable collective bargaining agreement.

The District will ensure that any and all notifications and documents required by law, regulation, or District policy to be posted on its website will be published.

Content Standards

- a) Approval for posting a Web Page must be obtained from the Website Manager or an appropriate school administrator. If at any time, the Website Manager/designee(s) believes the proposed material does not meet the standards approved by the District, it will not be published on the Web. Decisions regarding access to active Web Pages for editing content or organization will be the responsibility of the Website Manager/designee(s).
- b) A Web Page must be sponsored by a member of the District faculty, staff or administration who will be responsible for its content, design, currency and maintenance. The sponsor is responsible for ensuring that those constructing and maintaining the Web Page have the necessary technical training and that they fully understand and adhere to District policies and regulations. The Web Page must include the name of the sponsor.
- c) Staff or student work should be published only as it relates to a school/classroom authorized project or other school-related activity, and in compliance with any and all relevant laws, rules, and regulations.
- d) The review of a Student Web Page (if considered a school-sponsored student publication) shall be subject to prior District review as would any other school-sponsored student publication.

(Continued)

SUBJECT: SCHOOL DISTRICT STANDARDS AND GUIDELINES FOR WEB PAGE PUBLISHING (Cont'd.)

- e) An authorized teacher who is publishing the final Web Page(s) for himself/herself or for a student will edit and test the Page(s) for accuracy of links and check for conformance with District standards and practices.
- f) Commercial advertising or marketing on the District/school/classroom Web Page(s) (or the use of school-affiliated Web Pages for the pursuit of personal or financial gain) shall be prohibited unless otherwise authorized in accordance with law or regulation. Decisions regarding Website advertising must be consistent with existing District policies and practices on this matter. School-affiliated Web Pages may mention outside organizations only in the context of school programs that have a direct relationship to those organizations (e.g., sponsorship of an activity, student community service project).
- g) Web Pages may include faculty or staff names; however, other personal information about employees including, but not limited to, home telephone numbers, addresses, email addresses, or other identifying information such as names of family members may be published only with the employee's written permission.
- h) All Web Pages must conform to the standards for appropriate use found in the District's Acceptable Use Policy(ies) and accompanying regulations regarding standards of acceptable use; examples of inappropriate behavior; and compliance with applicable laws, privacy, and safety concerns.
- i) All staff and/or students authorized to publish material on the District/school/classroom Web Page(s) shall acknowledge receipt of the District's Web Page Standards and agree to comply with same prior to posting any material on the Web.

Release of Student Education Records/Directory Information

The District will not permit students' personally identifiable information to be posted on any District Web Pages unless the posting is consistent with the Family Educational Rights and Privacy Act (FERPA) and District policy.

Use of Copyrighted Materials and Fair Use Exceptions

Copyrighted Materials

All employees and students are prohibited from copying materials not specifically allowed by the copyright law, "Fair Use" guidelines, licenses or contractual agreements, or the permission of the copyright proprietor. Web Page publications must include a statement of copyright when appropriate and indicate that permission has been secured when including copyrighted materials or notice that such publication is in accordance with the "Fair Use" provisions of the Copyright Law.

(Continued)

SUBJECT: SCHOOL DISTRICT STANDARDS AND GUIDELINES FOR WEB PAGE PUBLISHING (Cont'd.)

Consequences for Non-Compliance

Web Pages that do not comply with the above criteria are subject to revocation of approval and removal from the District/school/classroom Websites.

Staff

Faculty or staff posting non-approved or inappropriate material on a school-affiliated Website are subject to discipline, including possible suspension or revocation of access to the District's computer network, in accordance with law and applicable collective bargaining agreements. In the case that a violation may constitute a criminal offense, it will be reported to the appropriate authorities.

Students

Students posting non-approved or inappropriate material on a school-affiliated Website are subject to discipline, including possible suspension or revocation of access to the District's computer network, in accordance with applicable due process procedures and the District *Code of Conduct*. In the case that a violation may constitute a criminal offense, it will be reported to the appropriate authorities.

Oversight

The Superintendent of Schools or his/her designee shall have the authority to approve or deny the posting of any proposed Web Pages on school-affiliated Websites based upon compliance with the terms and conditions set forth in this policy as well as applicable District practices and procedures.

Digital Millennium Copyright Act (DMCA), 17 USC Sections 101 et seq., 512 and 1201 et seq.
Family Educational Rights and Privacy Act of 1974, 20 USC Section 1232(g)
34 CFR Parts 99 and 201

NOTE: Refer also to Policies #7241 -- Student Directory Information
#7410 -- Extracurricular Activities
#8350 -- Use of Copyrighted Materials

Adopted: 8/15/11
Revised: 12/10/18

POLICY

2018

3320

Community Relations

SUBJECT: CONFIDENTIALITY OF COMPUTERIZED INFORMATION

The safeguarding of confidential data from inappropriate use is essential to the success of the District's operation. Access to confidential computerized data will be limited only to authorized personnel of the District.

It is 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 computerized data is 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 this information.

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

Adopted: 8/15/11
Revised/BOE Approval: 4/23/2018

SUBJECT: CODE OF CONDUCT

The District has developed and will amend, as appropriate, a written *Code of Conduct* for the maintenance of order on school property and at school functions. The *Code* will govern the conduct of students, teachers, and other school personnel, as well as visitors and vendors. The Board will further provide for the enforcement of this *Code of Conduct*.

For purposes of this policy, and the *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 means a school-sponsored extracurricular event or activity regardless of where the event or activity takes place.

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 District *Code of Conduct* will be adopted by the Board only after at least one public hearing that provided for the participation of school personnel, parents or persons in parental relation, students, and any other interested parties.

The District *Code of Conduct* will be reviewed on an annual basis, and updated as necessary in accordance with law. The District may establish a committee to facilitate review of its *Code of Conduct* and the District's response to violations. The Board will reapprove any updated *Code of Conduct* or adopt revisions only after at least one public hearing that provides for the participation of school personnel, parents or persons in parental relation, students, and any other interested parties. The District will file a copy of its *Code of Conduct* and any amendments with the Commissioner, in a manner prescribed by the commissioner, no later than 30 days after their respective adoptions.

The Board will 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;

(Continued)

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Community Relations

SUBJECT: CODE OF CONDUCT (Cont'd.)

- d) Providing each existing teacher with a copy of the complete *Code of Conduct* and a copy of any amendments as soon as practicable following initial adoption or amendment. New teachers will be provided a complete copy of the current *Code of Conduct* 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.

Education Law Article 2, §§ 801-a, 2801, and 3214
Family Court Act Articles 3 and 7
Vehicle and Traffic Law § 142
8 NYCRR § 100.2

NOTE: Refer also to District *Code of Conduct*

Adopted: 8/15/11
Revised/BOE Approval: 10/9/12; 3/17/14; 4/23/18

POLICY

2018

3412

Community Relations

SUBJECT: THREATS OF VIOLENCE IN SCHOOL

The District is committed to the prevention of violence against any individual or property in the schools, on school property 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 person who commits an act or threatens an act of violence, including bomb threats, whether made orally, in writing, by email, or by any other electronic format will be subject to appropriate discipline in accordance with applicable law, District policies and regulations, as well as the *Code of Conduct* and collective bargaining agreements, as necessary.

The District does not condone acts and/or threats of violence which threaten the safety and well-being of staff, students, visitors and/or the school environment. Employees, students, agents and invitees will refrain from engaging in 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 these incidents to the Building Principal/designee, who will report these 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 should report all acts and/or threats of violence, including threats of suicide, of which they are aware to 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 disseminated, as appropriate, to students, staff, and parents and will be available to the general public upon request. Appropriate sanctions for violations of this policy by students will be addressed in the *Code of Conduct*.

Adopted: 8/15/11

Revised/BOE Approval: 4/23/2018

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

The Board is committed to providing an environment free from discrimination and harassment. Accordingly, the Board prohibits discrimination and harassment on the basis of race, color, religion, national origin, sex, sexual orientation, age, disability, or other legally protected category. These actions and occurrences are prohibited regardless of whether they take place on District premises or at school sponsored events, programs, or activities held at other locations.

Prohibited Conduct

Determinations as to whether conduct or occurrences constitute discrimination or harassment for the purposes of this policy and its implementing administrative regulations or procedures will be made consistent with applicable law. These determinations may depend upon a number of factors, including but not limited to: the particular conduct or occurrence at issue, the ages of the parties involved, the context in which the conduct or occurrence takes place, the relationship of the parties to one another, the category or characteristic that is alleged to have been the basis for the action or occurrence, and other considerations as are necessary and consistent with law. The characterizations and examples below are intended to serve as a general guide for individuals in determining whether to file a complaint of discrimination or harassment, and should not be construed to add or limit the rights individuals and entities possess as a matter of law.

Discrimination is, generally, the practice of conferring or denying privileges on the basis of membership in a legally protected class. Discriminatory actions may include, but are not limited to: refusing to promote or hire an individual on the basis of his or her membership in a protected class, denying an individual access to facilities or educational benefits on the basis of his or her membership in a protected class, or impermissibly instituting policies or practices that disproportionately and adversely impact members of a protected class.

Harassment generally consists of subjecting an individual, on the basis of his or her membership in a protected class, to conduct and/or communications that are sufficiently severe, pervasive, or persistent as to have the purpose or effect of: creating an intimidating, hostile, or offensive environment; substantially or unreasonably interfering with an individual's work or a student's educational performance, opportunities, benefits, or well-being; or otherwise adversely affecting an individual's employment or educational opportunities.

Harassment includes unwelcome verbal, written, or physical conduct which offends, denigrates, or belittles an individual because of his or her membership in a protected class. This conduct includes, but is not limited to: derogatory remarks, jokes, demeaning comments or behavior, slurs, mimicking, name calling, graffiti, innuendo, gestures, physical contact, stalking, threatening, bullying, extorting, or the display or circulation of written materials or pictures.

(Continued)

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

Civil Rights Compliance Officer

The District will designate one or more individuals to serve as Civil Rights Compliance Officer (CRCO). The CRCO will be responsible for coordinating the District's efforts to comply with and carry out its responsibilities regarding non-discrimination and anti-harassment, including investigations of complaints alleging discrimination, harassment, or the failure of the District to comply with its obligations under relevant non-discrimination and anti-harassment laws and regulations (e.g., the Americans with Disabilities Act, Title IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973).

Prior to the beginning of each school year, the District will issue an appropriate public announcement or publication which advises students, parents or guardians, employees, and other relevant individuals of the District's established grievance procedures for resolving complaints of discrimination and harassment. Included in this announcement or publication will be the name, address, telephone number, and email address of the CRCO. The District's website will reflect current and complete contact information for the CRCO. The CRCO for the District is the Superintendent.

Investigation of Complaints and Grievances

The District will act to promptly, thoroughly, and equitably investigate all complaints, whether verbal or written, of discrimination and/or harassment based on any of the characteristics described above, and will promptly take appropriate action to protect individuals from further discrimination or harassment. In the event an anonymous complaint is filed, the District will respond to the extent possible.

It is essential that any individual who is aware of a possible occurrence of discrimination or harassment immediately report the occurrence. All reports will be directed or forwarded to the District's designated CRCO(s). These complaints are recommended to be in writing, although verbal complaints of discrimination or harassment will also be promptly investigated in accordance with applicable law and District policy and procedure. In the event the CRCO is the alleged offender, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity.

To the extent possible, all complaints will be treated as confidential. Disclosure may, however, be necessary to complete a thorough investigation of the charges and/or notify law enforcement officials.

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.

(Continued)

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

Knowingly Makes False Accusations

Any employee or student who knowingly makes false accusations against another individual as to allegations of discrimination or harassment will face appropriate disciplinary action.

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 and/or harassment. Complaints of retaliation may be directed to the CRCO. In the event the CRCO is the alleged offender, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity.

Where appropriate, follow-up inquiries will be made to ensure that discrimination and/or harassment has not resumed and that those involved in the investigation have not suffered retaliation.

Additional Provisions

Procedures or regulations will be developed for reporting, investigating, and remedying allegations of discrimination and/or harassment.

In order to promote familiarity with issues pertaining to discrimination and harassment in the schools, and to help reduce incidents of prohibited conduct, the District will provide appropriate information and/or training to staff and students. As may be necessary, special training will be provided for individuals involved in the investigation of discrimination and/or harassment complaints.

A copy of this policy and its accompanying procedures or regulations will be available upon request and will be posted and/or published in appropriate locations and/or school publications.

This policy does not abrogate other District policies, procedures, regulations, or the District *Code of Conduct* prohibiting other forms of unlawful discrimination, harassment, or inappropriate behavior within this District. It is the intention of the District that all of these policies, procedures, regulations, and *Code* be read consistently to provide protection from unlawful discrimination and harassment. However, different treatment of any individual which has a legitimate, legal, and non-discriminatory reason is not a violation of District policy.

(Continued)

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Community Relations

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

Age Discrimination in Employment Act, 29 USC § 621
Americans with Disabilities Act, 42 USC § 12101 *et seq.*
§ 504 of the Rehabilitation Act of 1973, 29 USC § 794 *et seq.*
Title VI of the Civil Rights Act of 1964, 42 USC § 2000d *et seq.*
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.*
Education Law § 2801(1)
Executive Law § 290 *et seq.*
October 26, 2010 OCR Dear Colleague Letter (Harassment and Bullying)
April 4, 2011 OCR Dear Colleague Letter (Sexual Violence)
April 24, 2015 OCR Dear Colleague Letter (Title IX Guidance)

NOTE: Refer also to Policies #6120 -- Equal Employment Opportunity
#6121 -- Sexual Harassment of District Personnel
#6122 -- Employee Grievances
#7550 -- Dignity for All Students
#7551 -- Sexual Harassment of Students
District Code of Conduct

Adopted: 8/15/11
Revised: 10/9/12; 11/13/18

SUBJECT: BUDGET PLANNING AND DEVELOPMENT

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

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

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

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

All budget documents for distribution to the public shall be in plain language and organized in a manner which best promotes public comprehension of the contents. Documents shall be complete and accurate and contain sufficient detail to adequately inform the public regarding such data as estimated revenues, proposed expenditures, transfers to other funds, fund balance information, and changes in such information from the prior 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 shall include, but need not be limited to, all program expenditures of the School District, including the salaries and benefits of teachers and any school administrators or supervisors who spend a majority of their time performing teaching duties, and all transportation operating expenses;

(Continued)

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

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

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

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

(Continued)

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

- d) A Property Tax Report Card prepared in accordance with law and Commissioner's regulations (see subheading Property Tax Report Card); and
- e) A Tax Exemption Report prepared in accordance with law (see subheading Tax Exemption Report).

The Board shall 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 shall mean any operating funds in excess of 4%.

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

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

School District Report Card

Each year the District shall 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. The Report Cards 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 Report Cards are generated from the supplied data and are in a format dictated by SED. The School District Report Cards consist of three parts:

- a) Accountability and Overview Report - shows District/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:
<https://reportcards.nysed.gov/>

(Continued)

SUBJECT: BUDGET PLANNING AND DEVELOPMENT (Cont'd.)**Property Tax Report Card**

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

The Property Tax Report Card shall include:

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

(Continued)

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

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

The State Education Department shall compile such data for all school districts whose budgets are subject to a vote of the qualified voters, and shall make such compilation available electronically at least ten days prior to the statewide uniform voting day. Links to each school year's Property Tax Report Card can be found at: <http://www.p12.nysed.gov/mgtserv/propertytax/>

Tax Exemption Report

A Tax Exemption Report shall be annexed to any tentative or preliminary budget and shall become part of the final budget. This report shall be on the form as prescribed by the State Board of Real Property Services and shall 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;
- 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 shall be included in any notice of the preparation of the budget required by law and shall 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 Sections 1608(3)-(7), 1716(3)-(7), 2022(2-a), 2023-a, 2601-a(3) and 2601-a(7)
General Municipal Law Section 36
Real Property Tax Law Sections 495 and 1318(l)
8 NYCRR Sections 170.8, 170.9 and 170.11
State Education Department Handbook No. 3 on Budget

Adopted: 8/15/11; Revised: 3/17/14; 1/29/18

SUBJECT: SCHOOL DISTRICT BUDGET HEARING

The Board 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 nor more than 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 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 and other required information will be included in the notice of the Annual Meeting and Election and/or Special District Meeting as required by law.

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

Budget Notice

The District Clerk will 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 days prior to the Annual Meeting and Election or Special District Meeting at which a school budget vote will occur. The Budget Notice shall compare the percentage increase or decrease in total spending under the proposed budget over total spending under the District budget adopted for the current school year, with the percentage increase or decrease in the Consumer Price Index from January first of the prior school year to January first of the current school year.

The District will also include in the notice:

- a) The school tax levy limit;

(Continued)

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

- 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 will 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 \$100,000 under the existing School District budget as compared with savings under the proposed budget.

The Notice will 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 will 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 NYCRR Sections 100.2(bb), 170.8 and 170.9

Adopted: 8/15/11

Revised: 3/17/14; 11/13/18

POLICY

2018

5130

Non-Instructional/Business
Operations

SUBJECT: BUDGET ADOPTION

The Board will review the recommended budget of the Superintendent and will 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 Sections 1608, 1716, 1804(4), 1906(1), 2002(1), 2003(1), 2007(3)(b), 2004(1), 2022, 2023, 2023-a, and 2601-a
8 NYCRR Sections 100.2(bb), 170.8 and 170.9

Adopted: 8/15/11

Revised: 3/17/14; 11/13/18

POLICY

2018

5140

Non-Instructional/Business
Operations

SUBJECT: ADMINISTRATION OF THE BUDGET

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

- a) He/she will 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 will maintain these records of accounting control as are required by the New York State Uniform System of Accounts for School Districts, the Board, and other procedures as are deemed necessary and will keep the various operational units informed through periodic reports as to the status of their individual budgets.
- c) Board approval is required prior to the expenditure of District funds.

Budget Transfers

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

Education Law § 1718
8 NYCRR § 170.2(l)

Adopted: 8/15/11
Revised: 11/13/18

POLICY

2018

5150

Non-Instructional/Business
Operations

SUBJECT: CONTINGENCY BUDGET

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. The tax levy in the contingency budget cannot exceed the total tax levy of the prior year (0% levy growth).

The administrative component of the contingency budget is capped at the lesser of:

- a) The percent of the administrative component to the total budget in the prior year's budget, not including the capital component; or
- b) The percent that the administrative component comprised in the last proposed defeated budget for the subsequent year, not including, the capital component.

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

Adopted: 8/15/11

Revised: 3/17/14; 11/13/18

SUBJECT: DISTRICT INVESTMENTS

Whenever the District has funds (including operating funds, reserve funds and proceeds of obligations) that exceed those necessary to meet current expenses, the Board will authorize the Treasurer, under guidance/direction of the School Business Administrator/or Business Manager, to invest such funds in accordance with all applicable laws and regulations and in conformity with the guidelines established by this policy.

Objectives

The objectives of this investment policy are four-fold:

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

Authorization

The authority to deposit and invest funds is delegated to the Treasurer, under guidance/direction of the School Business Administrator/or Business Manager. These functions will be performed in accordance with the applicable sections of the General Municipal Law and the Local Finance Law of the State of New York.

The Treasurer, under guidance/direction of the School Business Administrator/or Business Manager, may invest funds in the following eligible investments:

- a) Obligations of the State of New York.
- b) Obligations of the United States Government, or any obligations for which principal and interest are fully guaranteed by the United States Government.
- c) Time Deposit Accounts placed in a commercial bank authorized to do business in the State of New York, providing the account is collateralized as required by law. (Banking Law Section 237(2) prohibits a savings bank from accepting a deposit from a local government. This also applies to savings and loan associations.)

(Continued)

SUBJECT: DISTRICT INVESTMENTS (Cont'd.)

- d) Transaction accounts (demand deposits) both interest bearing and non-interest bearing that do not require notice of withdrawal placed in a commercial bank authorized to do business in the State of New York, providing the account is collateralized as required by law.
- e) Certificates of Deposits placed in a commercial bank authorized to do business in the State of New York providing the Certificates are collateralized as required by law.
 - 1. Deposits in excess of the amount insured by the Federal Deposit Insurance Corporation will be secured in accordance with subdivision 3 of the General Municipal Law Section 10.
 - 2. The District may, in its discretion, authorize the bank designated for the deposit of District funds to arrange for the redeposit of such funds in one or more banking institutions, for the account of the District, through a deposit placement that meets the conditions set forth in General Municipal Law Section 10(2)(a)(ii).
- f) Securities purchased pursuant to a Repurchase Agreement whereby one party purchases securities from a second party and the second party agrees to repurchase those same securities on a specific future date at an agreed rate of return (the interest rate).

Implementation

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

- a) A list of authorized investments;
- b) Procedures including a signed agreement to ensure the District's financial interest in investments;
- c) Standards for written agreements consistent with legal requirements;
- d) Procedures for the monitoring, control, deposit and retention of investments and collateral which will be done at least once a month;
- e) Standards for security agreements and custodial agreements consistent with legal requirements;

(Continued)

POLICY

2018

5220
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Non-Instructional/Business
Operations

SUBJECT: DISTRICT INVESTMENTS (Cont'd.)

- f) Standards for diversification of investments including diversification as to type of investments, and firms and banks with whom the District transacts business; and
- g) Standards for qualification of investment agents which transact business with the District including, at minimum, the Annual Report of the Trading Partner.

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

Education Law Sections 1604-a, 1723(a), 2503(1) and 3652
General Municipal Law Section 39
Local Finance Law Section 165

Adopted: 8/15/11
Revised: 1/16/18

POLICY

2018

5230

Non-Instructional/Business
Operations

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

The Board may accept gifts, donations, grants, or bequests (collectively "gifts") of money, real or personal property, as well as other merchandise that add to the overall welfare of the School District, provided that 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). The Board may refuse to accept any gift that constitutes a conflict of interest and/or gives an appearance of impropriety, or is not in its best interests. 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 which will place encumbrances on future Boards, or result in unreasonable additional or hidden costs to the District. The Board may, if it deems it necessary, request that gifts of equipment, facilities or any item that requires upkeep and maintenance include funds to carry out such maintenance for the foreseeable life of the donation.

The Board of Education will not formally consider the acceptance of gifts until and unless it receives the offer in writing from the donor/grantor 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/grantor 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 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 District funds.

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

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

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: 8/15/11

Revised: 10/9/12; 11/13/18

SUBJECT: PROCUREMENT OF GOODS AND SERVICES**Purchasing Authority**

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 Agent is authorized to enter into cooperative bidding and cooperative purchasing arrangements to meet the various needs of the District. 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.

Except as authorized by law, no Board member or employee of the School District shall have an interest in any contract entered into by the School District.

Purchasing Process

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 will 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;
- 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, 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;

(Continued)

SUBJECT: PROCUREMENT OF GOODS AND SERVICES (Cont'd.)

- 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 District will develop administrative regulations to establish procedures for the procurement of goods and services.

Professional Services

Professional services are generally those services that require specialized skills, training, professional judgment, expertise, and creativity. Examples include attorneys, architects, and engineers. The procurement of professional services falls within an exception to competitive bidding. In order to procure professional services, the District will use the request for proposals (RFP) process as set forth in General Municipal Law in order to protect the District's interests and to avoid the appearance of favoritism or impropriety. Although not necessarily bound to select the lowest bidder in response to its RFP, the District will adequately document its selection process to demonstrate its economical and prudent use of public monies and to ensure fair competition.

Education Law Sections 1604, 1709, 1950, 2503, 2554 and 3602

General Municipal Law Articles 5-A and 18

General Municipal Law Section 119-o

NOTE: Refer also to Policies #5410 -- Purchasing: Competitive Bidding and Offering
#5413 -- Alternative Formats for Instructional Materials

Adopted: 3/17/14

Revised: 1/16/18

POLICY

2018

5512

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. To this end, the District may establish and maintain reserve funds in accordance with New York State Laws, Commissioner's regulations and the rules and/or opinions issued by the Office of the New York State Comptroller, as applicable. The District shall comply with the reporting requirements of Article 3 of the General Municipal Law of the State of New York and the Governmental Accounting Standards Board (GASB) issued GASB Statement Number 54, *Fund Balance Reporting and Governmental Fund Type Definitions*.

Any and all District reserve funds shall 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 of Education will periodically review all reserve funds. The District will also prepare and submit an annual report of all reserve funds to the Board of Education. The annual report shall 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 shall 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.

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

Adopted: 8/15/11

Revised: 1/16/18

POLICY

2018

5520

Non-Instructional/Business
Operations

SUBJECT: EXTRACLASSROOM ACTIVITY FUND

An extraclassroom activity (ECA) fund will be established for activities conducted by students whose financial support is raised other than by taxation or through charges of the Board of Education. ECA fund management will give students opportunities to learn proper business practices and how to operate a successful business. The Board and designated District personnel will protect and provide oversight of ECA funds.

All extraclassroom activities shall be approved by the Board of Education. The Building Principal shall maintain an up to date register of all extraclassroom activities that are approved or discontinued. Each extraclassroom activity shall have a faculty advisor appointed by the Building Principal. A Central Treasurer and a Faculty Auditor shall oversee all financial aspects of extraclassroom activities. The annual District audit will include all extraclassroom activity funds.

All extraclassroom activity funds will be handled in accordance with the financial procedures set forth in Safeguarding, Accounting and Auditing of Extraclassroom Activity Funds, 2008, published by the New York State Education Department. All commitments and contracts shall be the sole responsibility of the extraclassroom activity club giving rise to the transaction, regardless of a change in advisors, membership or officers.

Accurate ledgers will be kept. All moneys will be timely deposited in appropriate accounts set up by the Board. These accounts are subject to audit. All transactions involving ECA funds will be on a cash basis. No accounts will remain unpaid at the end of the school year. The District will invest funds in accordance with its investment policy.

The extraclassroom activities of the District are not included in the exemption granted to the School District from New York State sales tax. Without exception, clubs and activities are prohibited from using the school's tax exemption. The Central Treasurer is responsible for filing the periodic sales tax returns for the extraclassroom activity funds.

Funds of discontinued extraclassroom activities, those inactive for one year and of graduating classes shall revert to the account of the general student organization or student council and shall be expended in accordance with the organization's constitution.

The building principals, with approval of the Superintendent of Schools, will set up procedures for safeguarding, accounting for, and auditing all money received and derived from ECAs.

Education Law § 207; 8 NYCRR Part 172

NOTE: Refer also to Policies #5220 -- District Investments

#5620 -- Fixed Asset Inventories, Accounting, and Tracking

#7450 -- Fund Raising by Students

Adopted: 8/15/11; Revised: 12/10/18

POLICY

2018

5550

Non-Instructional/Business
Operations

SUBJECT: MAINTENANCE OF FISCAL EFFORT (TITLE I PROGRAMS)

As a Local Educational Agency (LEA), the District 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 District for the preceding fiscal year was not less than 90% of the combined fiscal effort per student or the aggregate expenditures for the second preceding fiscal year.

In determining the District's compliance with the maintenance of effort requirement, the State Educational Agency (SEA) shall consider its 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 the District's compliance with the maintenance of effort requirements:

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

The School Business Official will review, as part of the budgeting process, this combined fiscal effort to ensure compliance.

Title I of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act of 2015
34 CFR Part 200

Adopted: 8/15/11
Revised: 12/10/18

SUBJECT: FINANCIAL ACCOUNTABILITY

School districts must have 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 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).

(Continued)

SUBJECT: FINANCIAL ACCOUNTABILITY (Cont'd.)

- e) The District has a long-term (three to five years) financial plan for both capital projects and operating expenses.
- f) The District requires attendance at training programs for Board members, business officials, treasurers, claims auditors, and others to ensure they understand their duties and responsibilities and the data provided to them.
- g) The Board has an audit committee to assist in carrying out its fiscal oversight responsibilities.
- h) The District's information systems are economical, efficient, current, and up-to-date.
- i) All computer files are secured with passwords or other controls, backed up on a regular basis, and stored 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 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. Notice of the availability of 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. Additionally, final audit reports from the Office of the NYS Comptroller and the annual external audit report must be posted on the District website, for a period of five years.

8 NYCRR Section 170.12
General Municipal Law Section 33(2)(e) and 35 (1)(2)
NY Education Law Section 2116-a(3-b)

Adopted: 8/15/11
Revised: 3/17/14; 12/10/18

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.

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:

(Continued)

SUBJECT: AUDIT COMMITTEE (Cont'd.)

- 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 these 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 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:

- 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.

(Continued)

SUBJECT: AUDIT COMMITTEE (Cont'd.)

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.

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

Adopted: 8/15/11
Revised: 12/10/18

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

The Board, through the Superintendent and his or her staff, has the responsibility of protecting the District's facilities through a systematic maintenance program. The program will include periodic preventive maintenance activities, long-range maintenance schedules, and emergency repair procedures. The District will make reasonable attempts to ensure that all maintenance work will be carried out in the least intrusive manner.

Construction and Remodeling of School Facilities

The District will ensure all capital projects and maintenance comply with the requirements of the New York State Uniform Fire Prevention and Building Code, the Manual of Planning Standards, and the Commissioner's regulations. Relevant documentation regarding all new buildings must be formally submitted to the State Education Department (SED) no matter the size or cost. The SED Office of Facilities Planning has provided an Instruction Guide on its official website.

Plans and specifications for the erection, enlargement, repair, or remodeling of facilities of the District will be submitted to the Commissioner consistent with applicable law.

Plans and specifications submitted to the Commissioner will 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 must also certify that the plans and specifications conform to the standards set forth in the State Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code.

For remodeling or construction projects, the District will ensure compliance with the requirements of the State Uniform Fire Prevention and Building Code and Commissioner's regulations. The District will also retain the services of an architect or engineer licensed to practice in New York State as required by law or regulation, or as necessary given the scope and cost of the project.

Carbon Monoxide Detection Requirements

All new and existing District buildings that have appliances, devices, or systems that may emit carbon monoxide, and all attached garages, must have a means to detect carbon monoxide. Buildings include school buildings, administrative buildings, bus maintenance facilities, concession stands, and field houses. Carbon monoxide may be produced by fuel-fired heating systems (boilers, HVAC units, and

(Continued)

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

makeup air units), emergency or standby electric generation within a building, fuel-fired kitchen equipment (ranges, ovens, steamers, dishwashers, and makeup air units serving hoods), fuel-fired domestic hot water heaters, laboratory/shop equipment (gas outlets, torches, gas-fired kilns, and stationary or portable engines), maintenance and storage areas with fuel-fired equipment, and in garages.

The District may use a self-contained carbon monoxide alarm, a carbon monoxide detection system, or both. The District will comply with all laws and regulations regarding alarms or detectors, including where they must be located, their power sources, and labeling requirements. The District should develop written standard operating procedures to follow when a carbon monoxide detector is activated.

Inspections

The District is mindful of the health and safety of its students, staff, and visitors and, as such, the District administration will cooperate with appropriate officials conducting health, fire, asbestos, bus, and boiler inspections. In addition, the administration will keep the Board informed of the results of these inspections in a timely fashion.

In accordance with the Asbestos Hazard Emergency Response Act (AHERA), the District will inform all employees and building occupants (or their legal guardians) at least once each school year 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. The District will provide yearly notification to parent, teacher, and employee organizations on the availability of the District's asbestos management plan and any asbestos-related actions taken or planned in the school.

The District will test potable water for lead contamination from all outlets as required by law. If an outlet exceeds the action level for lead content, the District will prohibit use of the outlet for drinking and cooking purposes, and it will remediate the outlet before allowing these uses. The District will make all required notifications and issue all mandated reports to the public, local health department, or the SED. For ten years following creation, the District will retain all records of test results, lead remediation plans, lead-free building determinations, and waiver requests. The District may seek a waiver from testing requirements from the local health department by demonstrating prior substantial compliance with testing requirements.

*To help protect staff, students, and visitors from contracting Legionnaires' disease from Legionella bacteria, the District will register any cooling towers it owns with the New York State Department of Health (DOH), providing the information in any form that the DOH requires. The District will also adhere

(Continued)

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

to the inspection, annual certification, and maintenance program and planning requirements mandated by the DOH. Further, the District will maintain records regarding all inspection results, corrective action, cleaning and disinfection, tests, and certifications for at least three years. The District will keep a copy of its required maintenance program and plan on the premises where the cooling tower is located.

Comprehensive Public School Building Safety Program (RESCUE)

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

The program will be reevaluated and made current at least annually, and will include, at a minimum, the following:

- a) A five 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;

(Continued)

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

3. List of energy sources and major systems (lighting, plumbing, electrical, heating); and
 4. Summary of triennial Asbestos Inspection reports.
- c) A building condition survey will be conducted for all occupied school buildings once every five years by a team that includes at least one licensed architect or engineer.
- d) 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.
- e) Procedures to ensure the safety of the building occupants while a construction or renovation project is taking place. These procedures will include:
1. Notification to parents, staff, and the community at least two months in advance of a construction project of \$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, notice will 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.

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POLICY

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Non-Instructional Business/
Operations

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

Asbestos Inspection: 40 CFR Part 763, Subpart E

15 USC §§ 2641-2656

Carbon Monoxide Detection: 19 NYCRR § 1228.4

Fire Inspection: Education Law 807-a

8 NYCRR § 155.4

Health and Safety Committee: 8 NYCRR § 155.4(d)(1)

Lead Testing: 10 NYCRR § 67-4.1, *et seq.*

Legionella Protection: 10 NYCRR § 4-1.1, *et seq.*

Plans and Specifications: Education Law §§ 408, 408-a and 409

8 NYCRR §§ 155.1 and 155.2

19 NYCRR §§ 1221-1240

Structural Safety Inspections: Education Law §§ 409-d, 409-e, 3602 and 3641(4)

8 NYCRR §§ 155.1, 155.3, and 155.4(b)(1)

Adopted: 8/15/11

Revised: 10/9/12; 1/29/18

SUBJECT: MEAL CHARGING AND PROHIBITION AGAINST MEAL SHAMING

I. Purpose

The goal of the York Central School District is to provide student access to nutritious no- or low-cost meals each school day and to ensure that a pupil whose parent/guardian has unpaid school meal fees is not shamed or treated differently than a pupil whose parent/guardian does not have unpaid meal fees.

Unpaid charges place a large financial burden on our school. The purpose of this policy is to insure compliance with federal requirements for the USDA Child Nutrition Program and, and to provide oversight and accountability for the collection of outstanding student meal balances to ensure that the student is not stigmatized, distressed or embarrassed.

The intent of this policy is to establish procedures to address unpaid meal charges throughout the York Central School District in a way that does not stigmatize, distress or embarrass students. The provisions of this policy pertain to regular priced reimbursable school breakfast, lunch and snack meals only. The York Central School District provides this policy as a courtesy to those students in the event that they forget or lose their money. Charging of items outside of the reimbursable meals (a la carte items, adult meals, etc.) is expressly prohibited.

II. Policy

Free Meal Benefit - Free 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.

Reduced Meal Benefit - Reduced eligible students will be allowed to receive a breakfast of their choice for \$.25 and lunch of their choice for \$.25 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 school to withhold a meal. A la carte items or other similar items must be paid/prepaid.

Full Pay Students - Students will pay for meals at the school'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 school to withhold a meal. A la carte items or other similar items must be paid/prepaid.

(Continued)

SUBJECT: MEAL CHARGING AND PROHIBITION AGAINST MEAL SHAMING (Continued)**ONGOING STAFF TRAINING:**

- Staff will be trained annually and throughout the year as needed on the procedures for managing meal charges using the NYSED Webinar or the school's training program.
- Staff training includes ongoing eligibility certification for free or reduced price meals.

PARENT NOTIFICATION:

- Parents/guardians will be notified that a student's meal card or account balance is exhausted and has accrued meal charges within 14 days of the charge and then every 2 days/weeks thereafter.

PARENT OUTREACH:

- Staff will communicate with parents/guardians with five or more meal charges to determine eligibility for free or reduced price meals.
- School staff will make two documented attempts to reach out to parents/guardians to complete a meal application in addition to the application and instructions provided in the school enrollment packet.
- School staff will contact the parent/guardian to offer assistance with completion of meal application to determine if there are other issues within the household causing the child to have insufficient funds, offering any other assistance that is appropriate.

MINIMIZING STUDENT DISTRESS:

- School will not publicly identify or stigmatize any student on the line or discuss any outstanding meal debt in the presence of any other students.
- Students who incur meal charges will not be required to wear a wristband or handstamp, or to do chores or work to pay for meals.
- Schools will not throw away a meal after it has been served because of the student's inability to pay for the meal or because of previous meal charges.
- Schools will not take any action directed at a pupil to collect unpaid school meal fees.
- Schools will deal directly with parents/guardians regarding unpaid school meal fees.

ONGOING ELIGIBILITY CERTIFICATION:

- School staff will conduct direct certification with NYSSIS or using NYSED Roster Upload to maximize free eligibility. NYSED provides updated direct certification data monthly.
- School staff will provide parents/guardians with free and reduced price application and instructions at the beginning of each school year in school enrollment packet.
- Schools using electronic meal application will provide an explanation of the process in the school enrollment packet and instructions on how to request a paper application at no cost.

(Continued)

SUBJECT: MEAL CHARGING AND PROHIBITION AGAINST MEAL SHAMING (Continued)

- Schools will provide at least two additional free and reduced price applications throughout the school year to families identified as owing meal charges.
- Schools will use administrative prerogative judiciously, only after using exhaustive efforts to obtain a completed application from the parent/guardian only with available information on family size and income that falls within approvable guidelines.
- Schools will coordinate with the foster, homeless, migrant, runaway coordinators to certify eligible students. School liaisons required for homeless, foster, and migrant students shall coordinate with the nutrition department to make sure such students receive free school meals, in accordance with federal law.

Students/Parents/Guardians may pay for meals in advance via <https://www.myschoolbucks.com> or with a check payable to York Central School District. Further details are available on our webpage at www.yorkesd.org. Funds should be maintained in accounts to minimize the possibility that a child may be without meal money on any given day. Any remaining funds for a particular student may/will be carried over to the next school year.

Refunds for withdrawn, and graduating students; a written or e-mailed request for a refund of any money remaining in their account must be submitted. Students who are graduating at the end of the year will be given the option to transfer to a sibling's account with a written request.

Unclaimed Funds must be requested within one school year. Unclaimed funds will then become the property of the York Central School District Food Service Program.

Adopted/ BOE Approval: 11/13/18

SUBJECT: WELLNESS

The District is committed to providing a school environment that promotes and protects children's health, well-being, and the ability to learn by fostering healthy eating and physical activity before, during, and after the school day.

The District has established a wellness committee that meets at least four times per year to establish goals for, and oversee the development of, the District's local wellness policy. The Committee will make policy recommendations for review and adoption by the Board. The District Wellness Committee includes, but is not limited to, representatives from each of the following groups:

- a) Parents and caregivers;
- b) Students;
- c) Physical Education teachers;
- d) School health professionals;
- e) District food service program;
- f) School Board;
- g) School administrators;
- h) General Education teachers; and
- i) Members of the public.

The District Wellness Committee will also be responsible for assessing current activities, programs, and policies available in the District, and providing mechanisms for implementation, evaluation, and revision of this policy. In so doing, the Wellness Committee will evaluate and make recommendations which reflect the specific needs of the District and its students.

The Superintendent will designate a District Wellness Coordinator to convene the District Wellness Committee in order to facilitate the development of, and any proposed updates to, the District's wellness policy, and will also ensure the District's compliance with this policy.

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SUBJECT: WELLNESS (Cont'd.)**Goals to Promote Student Wellness**

The District seeks to ensure all of its students obtain the knowledge and skills necessary to make nutritious food selections and enjoy life-long physical activity. To this end, the District sets forth the following goals relating to nutrition promotion and education, physical activity, and other school-based activities.

Nutrition Promotion and Education

The District will model and encourage healthy eating by all students by engaging in nutrition education and promotion by:

- a) Nutrition education will be integrated within the comprehensive health education curriculum and other instructional areas, as appropriate, and taught at every grade level, K through 12. Nutrition education will follow applicable New York State Standards and be designed to help students acquire:
 1. Nutrition knowledge, including, but not limited to: the benefits of healthy eating; essential nutrients; nutritional deficiencies; principles of healthy weight management; the use and misuse of dietary supplements; and safe food storage, handling, and preparation.
 2. Nutrition-related skills, including, but not limited to: planning healthy meals; understanding and using food labels; critically evaluating nutrition information, misinformation, and commercial food advertising; assessing personal eating habits; and setting and achieving goals related to these concepts.
- b) Marketing and Promotion
 1. The District will promote nutrition education activities that involve parents, students, and the community.
 2. The District will promote healthy food and beverage choices for all students and encourage participation in school meal programs. This will occur by using Smarter Lunchroom techniques which guide students toward healthful choices and ensuring that 100% of foods and beverages promoted to students meet the "Smart Snacks in School" Nutrition Standards, which can be found on the United States Department of Agriculture's (USDA) official website.

(Continued)

SUBJECT: WELLNESS (Cont'd.)

3. The District will promote school and community awareness of this policy through various means, such as publication on the District website.
 4. The District will encourage and promote wellness through social media, newsletters, and an annual family wellness event.
 5. Marketing and advertising of foods and beverages on school campuses during the school day will be consistent with nutrition education and health promotion. As such, schools will restrict food and beverage marketing to the promotion of those foods and beverages that meet the nutrition standards set forth by the Healthy, Hunger-Free Kids Act's "Smart Snacks in Schools" Rule and that are consistent with this policy.
 6. The District is cognizant of the fact that certain scoreboards, signs, and other durable equipment it employs may market foods and beverages in a way that is inconsistent with the aims of this policy. While the immediate replacement of this equipment is not required, the District will replace or update this equipment over time to ensure the message it delivers to students regarding nutrition, health, and well-being is consistent. As the District reviews existing contracts, or considers new contracts, resulting decisions should reflect the marketing guidelines established by this policy.
- c) Additional provisions
1. Teachers will provide to parents, a list of healthy party ideas, including non-food celebration ideas.
 2. Parents will be provided with a list of classroom snacks and beverages that meet Smart Snacks nutrition standards.
 3. School personnel are strongly discouraged from using food as a reward or withholding food as punishment under any circumstance; teachers and other appropriate school staff will be provided with a list of alternative ways to reward students.
 4. District staff will be encouraged to model healthy eating, drinking, and physical activity behaviors for students.

(Continued)

SUBJECT: WELLNESS (Cont'd.)Physical Activity

- a) The District will provide opportunities for every student to participate in physical education and, in an effort to comply with the recommendation that children and adolescents participate in at least 60 minutes of physical activity each day, is also committed to providing opportunities for physical activity before, during, and after school. In doing so, the District aims to promote among students, staff, and community members the development of knowledge and skills for specific physical activities, the maintenance of physical fitness, regular participation in physical activity, and an understanding of the short-term and long-term benefits from a physically active and healthy lifestyle. Physical activity opportunities will be in addition to, not in lieu of, physical education and will not be used as a punishment for students, but rather another means by which students may develop or maintain a healthy and active lifestyle.

- b) The District will ensure that the following standards are met to achieve its goals relative to physical education and physical activity:
 1. The District will have a Board-approved Physical Education Plan on file with the New York State Education Department that meets or exceeds the requirements set forth in Section 135.4 of the Commissioner's regulations.

 2. The District recognizes the importance of physical education classes in providing students with meaningful opportunities for physical exercise and development. Consequently, the District will ensure:
 - (a) All physical education classes are taught or supervised by a certified physical education teacher;

 - (b) All physical education staff receive professional development relevant to physical education on a yearly basis;

 - (c) Interscholastic sports, intramural sports, and recess do not serve as substitutes for a quality physical education program;

(Continued)

SUBJECT: WELLNESS (Cont'd.)

- (d) Students are afforded the opportunity to participate in moderate to vigorous activity for at least 50% of physical education class time;
 - (e) It provides adequate space and equipment for physical education and conforms to all applicable safety standards;
 - (f) An age-appropriate, sequential physical education curriculum consistent with national and state standards for physical education is implemented, with a focus on students' development of motor skills, movement forms, and health-related fitness;
 - (g) A physical and social environment is provided that encourages safe and enjoyable activity for all students;
 - (h) Activities or equipment are adapted to meet the needs of students who are temporarily or permanently unable to participate in the regular program of physical education. In doing so, the District will abide by specific provisions in 504 Plans and/or individualized education programs (IEP). To that end, the Committee on Special Education (CSE) will ensure that a certified physical education teacher participates in the development of a student's IEP, if the student may be eligible for adapted physical education;
 - (i) All students, including students in need of adaptive physical education, will be encouraged to participate in physical fitness programs and competitions.
3. All students will be required to fulfill the physical education requirements set forth in the Commissioner's regulations as a condition of graduating from the District's schools.
- c) All classroom teachers, and particularly those engaged in the instruction of K through 5 students, are strongly encouraged to incorporate into the school day short breaks for students that include physical activity, especially after long periods of inactivity. Teachers are encouraged to incorporate kinesthetic learning approaches into core learning subjects when possible so as to limit sedentary behavior during the school day. Additionally, all elementary students will be offered one daily period of recess for a minimum of 20 minutes. This requirement will not apply on days where students arrive late, leave early, or are otherwise on campus for less than a full day. Outdoor recess will be offered when weather permits. In the event that indoor recess is necessary, it will be encouraged to be offered in a place that accommodates moderate to vigorous physical activity.

(Continued)

SUBJECT: WELLNESS (Cont'd.)

- d) Physical activity during the school day, including, but not limited to, recess or classroom activity breaks, will not be withheld for disciplinary action unless the student is a danger to him or herself or others. Classroom teachers will be provided with a list of ideas for alternative ways to discipline students. Recess, physical education, or other physical activity time will not be cancelled for instructional make up time.

Other School-Based Activities

The District is committed to establishing a school environment that is conducive to healthy eating and physical activity for all. The District will, therefore, adopt the following standards:

a) Federal School Meal Programs

1. The District will participate to the maximum extent practicable in available federal school meal programs (including the School Breakfast Program (SBP), National School Lunch Program (NSLP), and Summer Food Service Program). Food served through these programs will meet all applicable federal and state standards.
2. The District will ensure that food service directors, managers, and staff are provided with annual professional development in the areas of food and nutrition consistent with USDA Professional Standards for State and Local Nutrition Programs. District food service staff will meet with students in grades 4 through 12 twice annually to solicit feedback on the school breakfast and/or school lunch program(s).

b) Access to School Nutrition Programs

The District will utilize a system of student payment that ensures all eligible students have access to free/reduced meals in a non-stigmatizing manner.

c) Meal Environment

The District will ensure:

1. School dining areas have sufficient space for students to sit and consume meals;
2. School dining areas are clean, safe, and pleasant environments that reflect the social value of eating;

(Continued)

SUBJECT: WELLNESS (Cont'd.)

3. Enough serving areas are provided to ensure student access to school meals with a minimum of wait time;
4. All students have a scheduled lunch period;
5. Lunch times are scheduled near the middle of the school day;
6. Students are given adequate time to eat healthy meals;
7. Students and staff have access to free, safe, and fresh drinking water throughout the school day and where school meals are served.

d) Community Access to District Facilities for Physical Activities

School grounds and facilities will be available to students, staff, community members and organizations, and agencies offering physical activity and nutrition programs consistent with District policy, including provisions regarding conduct on school grounds and administrative approval of use by outside organizations.

e) Community Partnerships

The District will continue relationships with community partners in support of the implementation of this policy. Existing and new community partnerships will be evaluated to ensure they are consistent with this policy and its goals.

f) Community Involvement, Outreach, and Communications

The District will use its official website, along with other electronic and non-electronic means, to notify parents and the public, in culturally and linguistically appropriate ways, about the content, implementation of, and updates to this policy as well as how to become involved and support this policy. The District will use these same means to inform the community about the availability of the annual and triennial reports relative to this policy.

(Continued)

SUBJECT: WELLNESS (Cont'd.)

g) Before and After School Activities

The District will offer opportunities for students to participate in physical activity before and/or after the school day through various methods, such as physical activity clubs, intramurals, and interscholastic sports.

h) Active Transport*

The District supports active transport to and from school, i.e. walking or biking. The District will encourage this behavior by securing storage facilities for bicycles and equipment and instructing students on walking and bicycling safety.

Nutrition Guidelines

In an effort to encourage healthy life-long eating habits by providing foods that are high in nutrients, low in saturated fat and added sugars, have zero grams trans-fat per serving, and are of moderate portion size, the District Wellness Committee recommends nutrition standards to be set for all foods and beverages available on school campus. For purposes of this policy, the school day is defined as the period from the midnight before, to 30 minutes after the end of the official school day.

School Meals

All schools within the District participate in the USDA child nutrition programs, including the NSLP and the SBP. School meals will, at a minimum, meet the program requirements and nutrition standards of these programs. The District is committed to ensuring that meals through the SBP and NSLP are accessible to all students, are served in sanitary settings, are appealing to children, and meet or exceed those nutrition requirements established by local, state, and federal law and regulation. The USDA nutrition standards are available at:

<http://www.fns.usda.gov/school-meals/nutrition-standards-school-meals>.

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SUBJECT: WELLNESS (Cont'd.)Fundraising

- a) All foods and beverages sold as or during a fundraiser during the school day will meet, or exceed, the nutritional requirements listed in the USDA Healthy, Hunger-Free Kids Act "Smart Snacks in Schools" Rule; these foods and beverages sold as fundraisers will not be sold until the end of the last lunch period, so as not to compete with the NSLP.
- b) School-sponsored fundraisers conducted outside of the school day will be encouraged to support the goals of this policy by promoting the sale of healthy food items (fresh fruit and produce) and/or non-food items, such as water bottles, plants, etc., and by promoting events involving physical activity.
- c) All school-sponsored fundraisers must be approved by the appropriate building principal prior to being conducted.

Competitive Foods and Beverages Sold and Served to Students During the School Day

Competitive foods--which include all foods and beverages sold to students outside of the school meal programs, on the school campus in student accessible areas, and at any time during the school day -- will follow, at a minimum, the nutrition standards specified by the Healthy, Hunger-Free Kids Act. These standards will apply to all foods and beverages sold individually and outside of the reimbursable school meal, including vending machines, school stores, and cafeteria a la carte lines.

Competitive Foods and Beverages Served to Students During the School Day

The District will encourage staff and parents to provide students with healthy options at any event where foods and beverages are served to students (i.e., classroom and school-wide celebrations and rewards).

Foods and Beverages Sold or Served at Events Outside of the School Day

- a) All foods and beverages sold or served at school-sponsored events will be in serving sizes which are in accordance with recommended dietary guidelines and/or nutrition standards.
- b) At events where food and beverages are sold, 50% of items sold must meet the USDA Healthy, Hunger-Free Kids Act "Smart Snacks in Schools" Standards.

(Continued)

SUBJECT: WELLNESS (Cont'd.)**Professional Development**

All school nutrition program directors, managers, and staff will meet or exceed hiring and annual continuing education and training requirements as specified in the USDA Professional Standards for School Nutrition Professionals. In order to locate the training that best fits their learning needs, school nutrition personnel will refer to the USDA's Professional Standards for School Nutrition Standards website.

Implementation and Evaluation of the Wellness Policy

- a) The District will establish an implementation and evaluation plan for this policy in order to monitor its effectiveness and the possible need for modification over time. To this end, the District has designated the following individual(s) as District Wellness Coordinator to ensure that the District meets the goals and mandates of this policy [*District may use titles as opposed to individuals' names – recommended individuals include: building or district administrators*]:

District Wellness Coordinator(s)

The contact information for this/these individual(s) is/are: _____
(*email address is sufficient*)

- b) This/these designated Wellness Coordinator(s) will also serve as liaison(s) with community agencies in providing outside resources to help in the development of nutritional education programs and promotion of physical activities.
- c) Evaluation and feedback from interested parties, including an assessment of student, parent, teacher, and administration satisfaction with the wellness policy, are welcomed as an essential part of the District's evaluation program.
- d) The District will document the financial impact, if any, to the school food service program, school stores, and vending machine revenues based on the implementation of the wellness policy.
- e) Assessments of compliance with the District's wellness policy and implementation efforts will be repeated on a triennial basis. The assessment will include:
1. Compliance with the wellness policy;
 2. How the wellness policy compares to model wellness policies; and

(Continued)

SUBJECT: WELLNESS (Cont'd.)

3. Progress made in attaining the goals of the wellness policy.

The position/person responsible for managing the triennial assessment is:

District Wellness Coordinators

and his or her contact information is: _____

- f) The District will, as necessary, revise and update this wellness policy, but at least every three years following the triennial assessment, and develop work plans to facilitate its implementation.
- g) The triennial assessments and policy updates will be provided to the Board, posted on the District's official website, and distributed to the District Wellness Committee, parent-teacher organizations, building principals, and school health services personnel within the District. Printed copies will also be made available to community residents upon request.

Annual Notification

The District will inform families and the general public each year, via the District website and/or District-wide communications, of information about this policy, including, but not limited to, its content as well as any updates. The District will endeavor to share as much information as possible about its schools' nutrition environment, including a summary of school events or activities relative to this policy implementation. Each year, the District will also publicize the name and contact information of the District official leading and coordinating the wellness committee as well as how the community may get involved with the wellness committee.

Recordkeeping

The District will retain records relative to compliance with the requirements of this policy in the District Office and/or on the District's central computer network. Documentation maintained at this location includes, but is not limited to:

- a) The written wellness policy;
- b) Documentation demonstrating that this policy has been made available to the public;
- c) Documentation of efforts to review and update this policy;

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(Continued)

SUBJECT: WELLNESS (Cont'd.)

- d) Documentation to demonstrate compliance with the annual public notification requirements;
- e) The most recent assessment on the implementation of this policy;
- f) Documentation demonstrating the most recent assessment on the implementation of this policy has been made available to the public.

National School Lunch Act, 42 USC § 1758(b)

National School Lunch Program and School Breakfast Program regulations, 7 CFR § 210.11

Local School Wellness Policy Implementation Under the Healthy, Hunger-Free Kids Act of 2010, 79 FR 10693

Education Law § 915

8 NYCRR § 135.4

NOTE: Refer also to Policy # 5660 -- School Food Service Program (Lunch and Breakfast)

Adopted: 10/22/12

Revised: 1/29/18

SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION

The School District values the protection of private information of individuals in accordance with applicable law and regulations. 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*" means ****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"** means 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*" means 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 or 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;
- d) System failures.

Notification Requirements

- a) For any computerized data owned or licensed by the District that includes private information, the District will 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 will be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement, or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system. The District will consult with the State Office of Information 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 will 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 the notification impedes a criminal investigation. The required notification will be made after the law enforcement agency determines that the notification does not compromise the investigation.

Methods of Notification

The required notice will 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 will 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;

(Continued)

SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION (Cont'd.)

- c) Telephone notification, provided that a log of each such notification is kept by the District when notifying affected persons by phone; or
- 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 will consist of **all** of the following:
 - 1. Email notice when the District has an email 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 will 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 will notify the New York State Attorney General (AG), the New York State Division of Consumer Protection, and the New York State Office of Information Technology Services as to the timing, content and distribution of the notices and approximate number of affected persons.

In the event that more than 5,000 New York State residents are to be notified at one time, the District will also notify consumer reporting agencies, as defined in State Technology Law Section 208, as to the timing, content and distribution of the notices and approximate number of affected persons. This notice will be made without delaying notice to affected New York State residents. A list of consumer reporting agencies will be compiled by the State Attorney General and furnished upon request to school districts required to make a notification in accordance with State Technology Law Section 208(2), 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: 8/15/11

Revised: 3/17/14; 1/29/18

SUBJECT: SURVEILLANCE

The York Central School District Board of Education recognizes its responsibility to promote and foster school safety and ensure a safe and effective learning environment. After having carefully considered and balanced the rights of privacy with the District's duty to promote discipline, health, welfare and safety of staff and students, as well as that of the general public who has occasion to use school facilities, the Board supports the use of surveillance cameras when necessary in its schools, its buses and/or on school grounds. District surveillance cameras will only be utilized in public areas where there is no "reasonable expectation of privacy," and such records will only be kept for a period of 30 days, unless the contents relate to a reported offense or incident (see Policy 5670). Audio recordings shall not be utilized by the School District officials without consent; such prohibition does not preclude the use of audio recordings by law enforcement officials in accordance with their official duties and/or as otherwise authorized by law.

To further the Board's objective, the School District's District-wide Safety Team pursuant to 8 NYCRR Section 155.17 shall meet as appropriate and/or deemed necessary to develop, implement and review District and building level safety practices. The Team shall also make recommendations to the Superintendent regarding the implementation and use of surveillance cameras as authorized by the Board of Education. The Superintendent shall retain final decision-making authority regarding the recommendations of the Safety Team; and he or she shall notify the Board as to the procedures to be implemented with regard to the use of surveillance cameras by the School District.

In determining the most appropriate use and implementation of surveillance cameras in the schools, school buses and/or on school grounds, the District-wide Safety Team's recommendation will be guided by, at a minimum, the following considerations:

- a) Demonstrated need for the device at designated locations;
- b) Appropriateness and effectiveness of proposed protocol;
- c) The standards for determining whether records constitute a reported offense or incident to comply with Policy 5670;
- d) Right to privacy and other legal considerations (which should be referred to the School Attorney for review and compliance with applicable laws and regulations);
- e) Expense involved to install and maintain the use of surveillance cameras at designated locations, including school buses and/or on school grounds;
- f) The nature and frequency of the review of surveillance records; and
- g) The use of additional, less intrusive, means to further address the issue of school safety (e.g., restricted access to buildings, use of pass cards or identification badges, increased lighting, alarms).

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SUBJECT: SURVEILLANCE (Cont'd.)

Any camera recording used for surveillance purposes in school buildings, school buses and/or on school property, shall be the sole property of the District; and the Superintendent or his or her designee will be the custodian of such recordings. All camera surveillance recordings will be stored in their original form and secured to avoid tampering and ensure confidentiality in accordance with applicable laws and regulations.

Requests for viewing a camera surveillance recording must be made in writing to the Superintendent or his or her designee and, if the request is granted, such viewing must occur in the presence of the District's designated custodian of the recording. Under no circumstances will the District's camera surveillance recording be duplicated and/or removed from District premises unless in accordance with a court order and/or subpoena.

Signage/Notification Regarding Use of Surveillance Cameras

Appropriate signage will be posted at entrances to the school campus and/or at major entrances into school buildings notifying students, staff and the general public of the District's use of surveillance cameras. The District may use surveillance cameras as workplace monitoring to investigate school employees.

Students and staff will receive additional notification, as appropriate, regarding the use of surveillance cameras in the schools, school buses and/or on school grounds. Such notification may include, but is not limited to, publication in the District calendar, employee handbook, and student handbook. Such notification does not preclude, as deemed appropriate by District administration, the discussion of the use of surveillance cameras with staff and students to heighten awareness and help foster a sense of security.

NOTE: Refer also to Policy #5670 - Records Management
Policy #5680 - Safety and Security

Adopted: 8/22/16; Revised: 3/11/19

SUBJECT: SEXUAL HARASSMENT OF DISTRICT PERSONNEL

The Board affirms its commitment to provide an environment free from sex-based discrimination and sexual harassment, including sexual violence and intimidation. The Board, therefore, prohibits all forms of sexual harassment against District personnel by employees, school volunteers, students, and non-employees, such as contractors and vendors, which occurs on school grounds or at school-sponsored events, programs, or activities, including those that take place at locations off school premises.

Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute harassment on the basis of sex when:

- a) Submission of this conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
- b) Submission to or rejection of this conduct by an individual is used as a basis for employment decisions affecting these individuals; or
- c) The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment includes, but is not limited to, sexual violence. For the purpose of this policy, sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. Sexual violence includes rape, sexual assault, sexual battery, and sexual coercion.

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.

Prohibited Conduct

Sexual harassment can be verbal, non-verbal, or physical. Examples of this conduct may include, but are not limited to, the following:

- a) Verbal abuse or ridicule, including innuendoes, stories, and jokes that are sexual in nature and/or gender-related. This might include inappropriate sex-oriented comments on appearance, including dress or physical features.
- b) Direct or indirect threats or bribes for unwanted sexual activity.
- c) Asking or commenting about a person's sexual activities.

(Continued)

SUBJECT: SEXUAL HARASSMENT OF DISTRICT PERSONNEL (Cont'd.)

- d) 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.
- e) Displaying or distributing pornographic or other sexually explicit materials such as magazines, pictures, internet material, cartoons, etc.
- f) The use of profanity or other obscenities that are sexually suggestive or degrading in nature.
- g) Unwelcome staring, leering, or gesturing which is sexually suggestive in nature.
- h) Unwelcome and/or offensive public displays of sexual or physical affection.
- i) Clothing that reflects sexually obscene or sexually explicit messages, slogans, or pictures.
- j) Engaging in sexual conduct with an individual who is unable to consent due to his or her age, use of drugs or alcohol, intellectual disability, or other disability.
- k) Any other unwelcome and unwanted sexually oriented or gender-based behavior which is sexually demeaning, belittling, intimidating, or perpetrates sexual stereotypes and attitudes.

Investigation of Complaints and Grievances

In order for the Board to enforce this policy, and to take corrective measures as may be necessary, it is essential that any employee who believes he or she has been a victim of sexual harassment in the work environment, as well as any other person who is aware of and/or who has knowledge of or witnesses any possible occurrence of sexual harassment, immediately report the alleged harassment to the District's designated Civil Rights Compliance Officer (CRCO). In the event that the CRCO is the alleged offender, the report will be directed to another CRCO, if the District has designated an additional individual to serve in that capacity.

The District will act to promptly, thoroughly, and equitably investigate all complaints, whether verbal or written, of sexual harassment, and will promptly take appropriate action to protect individuals from further harassment. All complaints will be handled in a manner consistent with the District's policies, procedures, and/or regulations regarding the investigation of discrimination and harassment complaints, including Policy #3420 -- Non-Discrimination and Anti-Harassment in the District.

Additional information regarding the District's discrimination and harassment complaint and grievance procedures, including, but not limited to, the designation of the CRCO, knowingly making false accusations, and possible corrective actions, can be found in Policy #3420 -- Non-Discrimination and Anti-Harassment in the District.

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SUBJECT: SEXUAL HARASSMENT OF DISTRICT PERSONNEL (Cont'd.)

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. Complaints of retaliation may be directed to the CRCO. In the event the CRCO is the alleged offender, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity.

Where appropriate, follow-up inquiries will be made to ensure that sexual harassment has not resumed and that all those involved in the investigation of sexual harassment have not suffered retaliation.

Civil Rights Act of 1991, 42 USC § 1981(a)

29 CFR § 1604.11(a)

Civil Service Law § 75-B

Executive Law §§ 296 and 297

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.

34 CFR § 100 et seq.

NOTE: Refer also to Policies #3420 -- Non-Discrimination and Anti-Harassment in the District
#6122 -- Employee Grievances
#6563 -- Sexual Harassment Prevention

Adopted: 8/15/11

Revised: 10/9/12; 3/11/19

SUBJECT: Sexual Harassment Prevention

PROHIBITIONS AND COMPLAINTS

Sexual Harassment Prohibited: Sexual harassment is illegal under federal law and state law; it is a form of employee misconduct; and it is prohibited by York Central School District (the "District").¹ This prohibition applies to all employees, including but not limited to salaried, time sheet, ten month, twelve month, and substitute employees. It also applies to non-employees in the workplace, including contractors, employees of contractors, vendors, consultants and other persons providing services.

Retaliation Prohibited: Retaliation is any adverse action taken against a person due to that person having made a sexual harassment complaint, having assisted in a sexual harassment investigation or having testified or otherwise assisted in any proceeding under this policy or under the law. The adverse action may be work related, such as termination of employment, demotion, transfer, or discipline. The adverse action may also be unrelated to work, such as personal threats or insults. Retaliation is illegal under federal law and state law; it is a form of employee misconduct; and it is prohibited by the Partnership.

Discipline and Remediation for Harassment or Retaliation: Any employee who engages in sexual harassment or retaliation will be subject to disciplinary and/or remedial action. Discipline may include termination of employment. Remedial action may include additional sexual harassment prevention training, warnings and counseling. Intentional wrongdoers may also be liable for the payment of money damages.

Internal Victim and Witness Complaints: Victims of and witnesses to sexual harassment or retaliation, whether employees or non-employees, are urged to report to the Superintendent or other administrator. A complaint form is provided below. However, if a complainant or witness prefers to report in any other manner - such as verbally, using a different form or by a report to the complainant's direct supervisor or union representative - that preference will be respected and the complaint will be acted upon irrespective of the manner in which it is made.

Internal Supervisory Reporting: Supervisory personnel are required to report any sexual harassment or retaliation complaint they receive - or any sexual harassment or retaliation they observe or otherwise become aware of - to the Superintendent or other administrator. Supervisory personnel

¹ A discussion of sexual harassment - including the meaning of the term and examples - is provided below under "Further Information."

SUBJECT: Sexual Harassment Prevention (Cont'd)

who fail to report or who deliberately permit sexual harassment will be subject to discipline or remediation.

External Complaints: External forums in which sexual harassment and retaliation complaints may also or instead be made are identified below. (See “Legal Protections and External Remedies.”)

INVESTIGATIONS AND OUTCOMES

Investigations: All complaints and legitimate suspicions of sexual harassment or retaliation will be investigated in a timely manner. To every extent consistent with the law, all employees are required to cooperate with internal investigations. The Partnership will maintain confidentiality to the extent practicable. All persons involved, including complainants, witnesses and the accused will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

While the investigatory process may vary from case to case and will be commensurate with the severity of the complaint, investigations will typically be conducted in accordance with the following steps:

- Upon receipt of a complaint, the Superintendent or administrator or one of their designees will conduct an investigation. If the initial complaint is verbal, the complainant will be encouraged to also complete the attached complaint form. If the complainant chooses not to, the investigator will prepare the complaint form based on the verbal report.
- If documents, emails, electronic communications or phone records are known to be relevant to the investigation, steps will be taken to obtain and preserve them.
- The complainant, the accused and witnesses will be interviewed. They will be instructed to maintain confidentiality to the extent permitted by law.
- An investigation report will be written. It will include:
 - A list of all documents reviewed, along with a copy or description;
 - A list of the names of those interviewed, along with a detailed summary of their statements;
 - A timeline of events;
 - A summary of prior relevant incidents, reported or unreported; and
 - The action taken at the conclusion of the investigation. This section of the report will often be written separately and as an addendum to the initial report.

(Continued)

SUBJECT: Sexual Harassment Prevention (Cont'd)**The Outcome Following Investigation:**

The specific outcome of the investigation, such as employee discipline or other consequences, will depend on many factors - including the investigation findings, whether the investigation was conclusive or inconclusive, prior misconduct, prior attempts at remediation, applicable law and applicable collective bargaining agreements. If consistent with considerations of confidentiality, the complainant and the accused will be notified of the final determination and of any corrective action to be taken.

Distribution of Policy: This policy shall be provided to all employees in writing and it shall be posted at Partnership work locations and on the Partnership website.

FURTHER INFORMATION**What is Sexual Harassment?**

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender when:

- 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;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- 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 which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, or which interfere with the recipient's job performance.

(Continued)

SUBJECT: Sexual Harassment Prevention (Cont'd)

“Quid pro quo” is a form of sexual harassment. Quid pro quo sexual harassment occurs when a person in authority attempts to trade job benefits for sexual favors. The job benefits may include hiring, promotion, continued employment or any other terms, conditions or privilege of employment.

Examples of Sexual Harassment

Examples of sexual harassment may include:

- Unwanted physical acts of a sexual nature, such as touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee’s body or poking another employee’s body.
- Unwanted sexual advances or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the target’s performance evaluation, promotion or other job benefits or detriments; or
 - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person’s sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping, which occurs when conduct or personality traits are considered inappropriate simply because they may not conform to another person’s ideas or perceptions about how individuals of a particular sex “should” act or look.
- 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.
- Hostile actions taken against an individual because of that individual’s sex, sexual orientation, gender identity and the status of being transgender, such as:
 - Interfering with, destroying or damaging a person’s workstation, tools or equipment, or otherwise interfering with the individual’s ability to perform the job;
 - Sabotaging an individual’s work;
 - Bullying, yelling, or name-calling.
- Rape, sexual battery, molestation or attempts to commit these assaults.

(Continued)

SUBJECT: Sexual Harassment Prevention (Cont'd)

Who can be a target of sexual harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer, or visitor. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace.

Where can sexual harassment occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace, on personal devices, or during non-work hours.

Legal Protections and External Remedies

In addition to or instead of using the attached Complaint Form, employees may pursue legal remedies with the following governmental entities. A private attorney is not required.

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. It protects employees, paid or unpaid interns, and non-employees, 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.

Complaints with DHR may be filed any time **within one year** of the harassment. If an individual did not file with DHR, they may 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 does not extend your time to file with DHR or in court. The one year or three year deadline is counted from the date of the most recent incident of harassment.

(Continued)

SUBJECT: Sexual Harassment Prevention (Cont'd)

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 authority 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 if any, and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: www.dhr.ny.gov. DHR also maintains an office in Rochester, New York, at 259 Monroe Avenue, Suite 308, Rochester, New York 14607. You may call (585)238-8250.

Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that may 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 U.S.C. § 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.

An employee 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 or via email at info@eeoc.gov.

If an individual files an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

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SUBJECT: Sexual Harassment Prevention (Cont'd)

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.

Contact the 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.

BOE Adopted: 3/11/19

(Continued)

SEXUAL HARASSMENT COMPLAINT FORM

YOUR INFORMATION:

Name: _____ Job Title: _____
Personal Phone: _____ Work Phone: _____

MANNER OF FIRST CONTACT: You will be contacted about this complaint. Please specify the phone number or email address at which first contact should be made:

_____.

SPECIFIC COMPLAINT:

1. The name of the person(s) about whom you are complaining:

Name: _____ Title: _____
Relationship to you: Supervisor Subordinate Co-Worker Other: _____

2. Describe the conduct or incident(s) that are the basis of this report and your reasons for believing the conduct is harassment. Use additional paper if necessary.

3. Date(s) harassment occurred if known: _____
Is the harassment presently continuing? Yes No

4. List the name and contact information of any witnesses or individuals that may have information related to your complaint. Use additional paper if necessary.

5. Have you previously complained or provided information (verbal or written) about harassment this complaint? If yes, when and to whom?

Signature: _____ Date: _____

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Therapeutic Crisis Intervention

Subject: Therapeutic Crisis Intervention

The Cornell Method of Therapeutic Crisis Intervention (TCI) is the York Central School's approved program for training staff in crisis prevention, intervention, and management. The major focus of this program is to provide staff with attitudes, skill, and knowledge, which will help the individuals with whom they work to maintain the greatest degree of self-control and independence possible. The emphasis is on a positive and proactive approach as opposed to a reactive approach to behavior management. Included within the TCI curriculum are sections on the special needs of emotionally disabled persons, techniques for preventing crisis with emphasis on team oriented approaches, and verbal and non-verbal calming techniques.

It is York Central School's intent to minimize the use of physical interventions and to emphasize sound behavior management programming based upon individual needs and integrated within a program of active treatment. However, despite the emphasis on crisis prevention and proactive behavior interventions, it is sometimes necessary to respond to behavior crisis by physically intervening. In order to provide optimal protection for those involved in such events, it is the policy of York Central School that only approved TCI personal (physical) interventions be employed by staff and that the use of such interventions be thoroughly documented.

All teachers and support staff in self contained classrooms, guidance counselor(s) for elementary, and school psychologist are mandated to be certified in TCI training. After initial certification has been established, a yearly recertification thereafter is encouraged.

BOE Adopted: 3/11/19

SUBJECT: REGISTRATION AND PROFESSIONAL DEVELOPMENT**Registration**

All employees holding a lifetime certificate in classroom teaching, teaching assistant, or educational leadership service (school building leader, school district leader, or school district business leader) must register with the State Education Department (SED) every five years through the TEACH system. Only registered employees may teach or supervise in the District.

Teachers and administrators with a permanent, professional, or a Level III teaching assistant certificate issued before July 1, 2016 must apply for initial registration during the 2016-2017 school year during their birth month. These certificate holders must thereafter renew their registration every five years during their birth month.

Teachers and administrators with a professional or a Level III teaching assistant certificate issued on or after July 1, 2016 will be automatically registered. These certificate holders must thereafter renew their registration every five years during their birth month.

Certificate holders who do not timely register may not be employed and may be subject to monthly late fees after the first, transitional five-year registration period. Employees who change their name or address must also update SED within 180 days through the TEACH system.

Continuing Teacher and Leader Education (CTLE) Credit Hours

All District teachers and educational leaders with a professional or Level III teaching assistant certificate must complete 100 hours of acceptable CTLE during each five-year registration period to maintain a valid certificate. This requirement may be completed at any time over the course of a five-year period. Credit hours cannot carry over, however, to subsequent registration periods.

SED sets high standards for courses, programs, and activities that qualify for CTLE credit, and it must approve all CTLE sponsors. Generally, acceptable CTLE will be in the content area of any certificate title held by an individual or in pedagogy. Further, the CTLE will be aligned with professional development standards created by the New York Professional Standards and Practices Board for Teaching.

The District will describe opportunities for teachers and administrators to engage in CTLE in its Professional Development Plan. The District will provide CTLE opportunities that improve student performance and the teacher's or administrator's pedagogical or leadership skills, and that promote professionalism. A peer-review teacher or principal acting as an independent trained evaluator who conducts a classroom observation as part of a teacher evaluation under relevant sections of the Education Law may apply the observation time to fulfilling CTLE requirements. Time spent mentoring may also be counted toward required CTLE credit hours.

(Continued)

SUBJECT: REGISTRATION AND PROFESSIONAL DEVELOPMENT (Cont'd.)**Language Acquisition CTLE and Exemption**

Employees holding an English to speakers of other languages certificate or bilingual extension annotations are required to complete 50 CTLE hours in language acquisition aligned with the core content area of instruction taught, including a focus on best practices for co-teaching strategies, and integrating language and content instruction for English Language Learner (ELL) students. All other certificate holders must complete at least 15 CTLE hours dedicated to language acquisition addressing the needs of ELLs, including a focus on best practices for co-teaching strategies and integrating language and content instruction for ELLs. Employees holding a Level III teaching assistant certificate must complete at least 15 CTLE hours in language acquisition addressing the needs of ELLs and integrating language and content instruction for ELLs.

Employees may be eligible for a waiver of language acquisition CTLE requirements. Each school year when there are fewer than 30 ELL students enrolled in the District or ELLs make up less than 5% of the total student population, the District may obtain an exemption. If the District obtains this exemption, employees would be exempt from the language acquisition CTLE requirement for each year that they are employed in the District.

CTLE Adjustments

The Commissioner may adjust an employee's number of CTLE hours or time to complete them due to poor health, as certified by a health-care provider; extended active duty in the Armed Forces; or other acceptable good cause.

Any employee who obtains certification from the National Board for Professional Teaching Standards will be considered CTLE-compliant for the registration period in which he or she obtains this certification. The employee must still meet any language acquisition requirements, however.

Recordkeeping and Reporting Requirements

Employees must maintain a record of completed CTLE for at least three years from the end of the applicable registration period. The District will maintain a record of any professional development it conducts or provides for at least seven years from the date of completion. The District will also submit all required reports to SED each year.

Education Law §§ 3006, 3006-a, 3012-d
8 NYCRR §§ 80-6, 100.2(dd)

NOTE: Refer also to Policy #6160 -- Professional Growth/Staff Development

Adopted: 8/15/11; Revised: 11/13/18

SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH

The Board recognizes the unique challenges that face homeless students and will provide these students with access to the same free, appropriate public education, including public preschool education, as other children and youth and access to educational and other services necessary to be successful in school, and will ensure that they are not separated from the mainstream school environment. The Board is also committed to eliminating barriers to the identification, enrollment, attendance, or success of homeless students.

As defined in Commissioner's regulations, a "homeless child" means a child or youth who lacks a fixed, regular, and adequate nighttime residence, including a child who is:

- a) Sharing the housing of other persons due to a loss of housing, economic hardship or a similar reason;
- b) Living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations;
- c) Abandoned in hospitals; or
- d) A migratory child who qualifies as homeless in accordance with Commissioner's regulations. As defined in the No Child Left Behind Act of 2001, the term "migratory child" *includes* a child who is, or whose parent or spouse is, a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, and who has moved from one school district to another in the preceding 36 months, in order to obtain, or accompanies such parent or spouse in order to obtain, temporary or seasonal employment in agricultural or fishing work.
- e) A child or youth who has a primary nighttime location that is:
 1. A supervised, publicly or privately operated shelter designed to provide temporary living accommodations including, but not limited to, shelters operated or approved by the state or local department of social services, and residential programs for runaway and homeless youth established pursuant to Executive Law Article 19-H; or
 2. A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; including a child or youth who is living in a car, park, public space, abandoned building, substandard housing, bus or train station or similar setting.

An "unaccompanied youth" means a homeless child not in the physical custody of a parent or legal guardian. This term does not include a child or youth who is residing with someone other than a parent or legal guardian for the sole reason of taking advantage of the schools of the District.

(Continued)

SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)

A designator will decide which school district a homeless child or unaccompanied youth will attend. A designator is:

- a) The parent or person in parental relation to a homeless child; or
- b) The homeless child, together with the homeless liaison designated by the District, in the case of an unaccompanied youth; or
- c) The director of a residential program for runaway and homeless youth, in consultation with the homeless child, where the homeless child is living in that program.

The designator may select either the school district of current location, the school district of origin, or a school district participating in a regional placement plan as the district the homeless child will attend. However, the designated school district must determine whether the designation made by the parent, guardian, or youth, in the case of an unaccompanied youth, is consistent with the best interest of the child by considering certain student-centered factors, including factors related to the impact on education and the health and safety of the child or youth.

A homeless child is entitled to attend the school district of origin for the duration of his or her homelessness and also through the remainder of the school year in which he or she locates permanent housing in accordance with his or her best interest.

The term "school district of origin" includes preschool and feeder schools as defined by applicable law.

Enrollment, Retention and Participation in the Educational Program

The District will immediately enroll children and youth who are homeless even if the child missed any relevant application or enrollment deadlines during any period of homelessness. The ability of a homeless child or youth to continue or participate in the educational program will similarly not be restricted due to issues such as:

- a) Transportation;
- b) Immunization requirements;
- c) Residency requirements;
- d) Birth certificates, medical records, individualized education programs (IEPs), school records and other documentation;
- e) Guardianship issues;

(Continued)

SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)

- f) Comprehensive assessment and advocacy referral processes;
- g) Resolution of disputes regarding school selection;
- h) Proof of social security numbers;
- i) Attendance requirements;
- j) Sports participation rules;
- k) Inability to pay fees associated with extracurricular activities such as club dues and sports uniforms; or
- l) Other enrollment issues.

Educational Programs and Services

The District will 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 will 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 will expand upon or improve services provided as part of the regular school program. Consequently, the School District shall ensure that homeless children and youth are not segregated in a separate school, or in a separate program within the school, based on their status as homeless; and to the extent feasible consistent with the requirements of Commissioner's regulations, keep a homeless child or youth in the school of origin except when doing so is contrary to the wishes of the child's or youth's parent or guardian. Further, the School District shall review and revise policies and practices, including transportation guidelines, as well as those related to outstanding fees, fines, or absences, that may act as barriers to the enrollment, attendance, school success, and retention of homeless children and youth in the School District.

Transportation

In order to ensure immediate enrollment, and so as not to create barriers to the attendance, retention, and success of homeless students, transportation must be promptly provided. 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 through the remainder of the school year in which the homeless student becomes permanently housed.

(Continued)

SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)

Where a homeless student designates the school district of current location as the district the student will attend, then that district shall provide transportation to the student on the same basis as a resident student. Where the homeless student designates the school district of origin or a school district participating in a regional placement plan, then that district must provide transportation to and from the homeless child's temporary housing and school, not to exceed 50 miles each way unless the Commissioner certifies that the transportation is in the best interests of the child.

Transportation is required even if the school of origin is located in another local educational agency (LEA) as long as attendance at the school of origin is in the best interest of the child or youth, even if it requires students to cross district lines. If two school districts are involved, the districts must agree on a method to apportion the cost and responsibility of transportation, or they must split it equally.

Transportation responsibilities apply to all school districts regardless of whether or not they receive McKinney-Vento funds. Transportation must be provided pending final resolution of enrollment disputes including any available appeals. If the designated district provides transportation for non-homeless preschool children, it must also provide comparable transportation services for homeless preschool children.

District Liaison for Homeless Children and Youth

The School District shall designate an appropriate staff person, who may also be a coordinator for other federal programs, as the local educational agency liaison for homeless children and youth to carry out the duties as described in law, Commissioner's regulations and applicable guidance issued by the U.S. and New York State Education Departments. The District will inform school personnel, local service providers and advocates of the office and duties of the local homeless liaison.

Training

All school enrollment staff, secretaries, school counselors, school social workers, and principals will be trained on the legal requirements for enrollment of homeless students. 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.

Outreach

The District will make every effort to inform the parents or guardians of homeless children and youth of the education, transportation and related opportunities available to their children including transportation to the school of origin. The parent(s)/guardian(s) will be assisted in accessing transportation to the school they select, and will be provided with meaningful opportunities to participate in the education of their children. Public notice of educational rights of homeless children and youth will be disseminated by the District in places where families and youth are likely to be present (e.g., schools, shelters, soup kitchens), and in comprehensible formats (e.g., geared for low literacy or other community needs).

(Continued)

SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)**Dispute Resolution**

The District shall establish procedures for the prompt resolution of disputes regarding school selection or enrollment of a homeless child or youth and provide a written explanation, including a statement regarding the right to appeal to the parent or guardian if the School District sends the student to a school other than the school of origin or the school requested by the parent or guardian. These disputes shall include, but are not limited to, disputes regarding transportation and/or a child's or youth's status as a homeless child or unaccompanied youth.

In the event of a dispute regarding eligibility, school selection, or enrollment, the homeless child or youth will be entitled to immediate or continued enrollment and transportation pending final resolution of the dispute, including all available appeals.

Record and Reporting Requirements

If the District, as the school district of origin, receives a request to forward student records to a receiving district, the records must be forwarded within five days of receipt of the request.

The School District shall maintain documentation regarding all aspects of the District's contact with and services provided to homeless students and youth for possible on-site monitoring by the State Education Department.

The District shall collect and transmit to the Commissioner of Education, at the 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.

Student Privacy

Any information pertaining to the living situation of a homeless student, such as his or her homeless status or temporary address, is considered a student educational record and is not subject to disclosure as directory information under the Family Educational Rights and Privacy Act (FERPA).

McKinney-Vento Homeless Education Assistance Act, as reauthorized 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)

NOTE: Refer also to Policy #7511 -- [Immunization of Students](#)

Adopted: 8/15/11; Revised: 3/11/19

SUBJECT: NON-RESIDENT STUDENTS

Non-resident families who wish to enroll students in the District must submit a request in writing to the Superintendent. The Superintendent will review these requests and make recommendations regarding non-resident student admission to the Board. The Board has final authority to approve or deny these requests.

Non-resident student enrollment requests will only be considered where:

- a) There is sufficient space to accommodate the non-resident student;
- b) No increase in the size of faculty or staff will be necessary; and
- c) Admittance will not result in the establishment of a new class or section.

In making determinations regarding the admittance of non-resident students, the District will not discriminate on the basis of race, color, religion, national origin, sex, sexual orientation, age, disability, or other legally protected category.

In the event a non-resident student is permitted to attend the District's schools, his or her attendance will be subject to the following conditions:

- a) Parents or guardians must work out transfer conditions with the home school district or provide their own transportation;
- b) All rules and regulations in effect for District students will be applicable to non-District students; and
- c) Tuition may be charged to families of non-resident students in accordance with formulas approved by the State Education Department.

Admission of Non-Resident Students (Admission/Tuition)

York Central School District may admit non-resident students into its schools, (without the payment of tuition) only if space is available in the District for the non-resident student and the student is included in one of the categories set forth below:

- a) A student who completes his/her junior year in the District and subsequently moves out of the District may enroll tuition-free in the District for his/her senior year only, provided the student was in good standing when enrolled as a District student. Good standing is defined as maintaining satisfactory standards in academics, attendance, and behavior. Determinations of whether a student is in good standing will be made by the High School Principal.

(Continued)

SUBJECT: NON-RESIDENT STUDENTS (Cont'd.)

- b) A child of a current full-time, non-resident employee may attend tuition-free provided that the student is in good standing and maintains that standing when enrolled as a District student. Good standing is defined in a) above and determined by the appropriate Building Principal. In situations where custody of children is shared, the employee must have primary, physical custody.

Employees who have worked 25 full and consecutive years at York Central School District, who do not live in the District, and who retire from the District are eligible to continue to enroll their children or children for whom they are legal guardians at York Central School District and pay tuition on an annual basis in full by May 1 of each year. The child or children must be in good standing and maintain that status when enrolled as a District student. Good standing is defined in a) above and determined by the appropriate Building Principal.

- c) Effective with the 2005-06 school year, and in the event that the tenets of paragraphs Nos. 1-5 do not apply, a resident student who begins the school year at York Central and completes the first three quarters of the school year at York Central and subsequently moves out of the district sometime after the first three quarters may submit an application to the Building Principal to continue enrollment at York Central as a non-resident, tuition-paying student for the remainder of the school year only, providing the student is in good standing [reference a)] and remains a student in good standing for the remainder of the school year as determined by the Building Principal. Tuition must be paid in full by May 1 of each year or, if the family moves out of the district after this date, tuition must be paid in full within one week of moving out of the district. Failure to abide by any of the criteria in this section will result in the student's removal from York Central School at the Superintendent's discretion.

All non-resident students will be responsible for their own transportation to and from school. Students in grades kindergarten through 12 will be provided transportation to/from a relative or approved sitter within the District.

A parent of a non-resident student must submit a written application for enrollment as a non-resident student to the Superintendent or his/her designee by no later than July 1 of the preceding school year for which enrollment is sought. Acceptance of such an application will be valid for a period of one school year, unless the circumstances justify acceptance change during that school year. Parents must reapply for acceptance annually, on or before July 1.

Future Students

Students whose families have signed a contract to buy or build a residence in the District may be enrolled for the school year in which they expect to become residents. Non-resident tuition will be charged, payable in advance, with an adjustment to be made when the family becomes a resident in the District.

(Continued)

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SUBJECT: NON-RESIDENT STUDENTS (Cont'd.)

Former Residents

Students who are not District residents will be permitted to attend the District's schools without payment of tuition in the following limited circumstances:

- a) Students of any grade who move from the District during the school year may be given permission to finish the semester in which the move occurs.

Foreign Exchange Students

Foreign students participating in a recognized Student Exchange Program may attend District schools without payment of tuition if designated host family is within boundaries.

Reservation of Claims

Should a material misstatement of fact be made and relied upon by any administrator or the Board in admitting a non-resident student without tuition, the Board will be entitled to recover the cost of instruction for the time the student was not authorized to attend a school in the District from the person who made the misstatement or from the student's parent or person in parental relation.

Tuition Fees

Where applicable, tuition fees are computed according to a formula established by the Commissioner of Education.

Tuition of individual non-resident students will be computed in advance at the time of enrollment. Methods of payment (e.g., monthly) may be arranged in the District Office and approved by the Superintendent. Non-resident student status is contingent upon timely payment of tuition fees as established by the Board.

Legal Residence

Parents who maintain more than one residence, but whose legal residence for the purposes of voting or filing income tax is within the District, are eligible to send their children to District schools. However, school tax payments of non-residents who own assessable property in the District will be deducted from any tuition charges levied against the non-resident.

(Continued)

SUBJECT: NON-RESIDENT STUDENTS

Education Law §§ 1709(13) and 3202

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Students

8 NYCRR § 174.2

NOTE: Refer also to Policies #7130 -- Entitlement to Attend -- Age and Residency
#7131 -- Education of Homeless Children and Youth

Adopted: 8/15/11
Revised: 3/11/19

SUBJECT: SPORTS AND THE ATHLETIC PROGRAM

Athletics are an integral part of a well-balanced educational program. Therefore, the Board supports within its resources a broad sports program with equal access for both males and females, with 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 or guardian consent. A consent form for a student's participation in interscholastic sports must contain information regarding concussion management protocol;

(Continued)

SUBJECT: SPORTS AND THE ATHLETIC PROGRAM (Cont'd.)

- b) Pass satisfactorily the medical examination administered by the school physician/nurse practitioner or the student's personal physician. The school physician/nurse practitioner retains final approval on all physicals performed by the student's personal physician; and
- c) Meet the requirements for interscholastic competition as set forth by the Commissioner's regulations and the New York State Public High School Athletic Association.

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 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.

Athletic Placement Process for Interscholastic Athletic Programs (APP)

The APP is a method for evaluating students who want to participate in sports at higher or lower levels, consistent with their physical and emotional maturity, size, fitness level, and skills. The Board approves the use of the APP for all secondary school interscholastic team members. The athletic director will govern the process and maintain records of students who have successfully completed the APP.

Steps in the APP Process:

- a) Parent or Guardian Permission: All students who are to be evaluated must first obtain written parent or guardian permission before any evaluation may begin.

(Continued)

SUBJECT: SPORTS AND THE ATHLETIC PROGRAM (Cont'd.)

- b) **Administrative Approval:** The athletic administrator should confirm that the student is suitable for consideration, which includes the likelihood that the student would play in at least 50% of the games. Additionally, because of the increased time demands of participation at the high school level, the student's academic performance (as determined at the local level) should be at or above grade level. Furthermore, administration should assess the student's emotional readiness to socialize with high school-aged students. If the student is not academically or socially ready, the student should not proceed through the APP.
- c) **Medical Clearance:** (Must be completed BEFORE the physical fitness portion of the process) The district medical director will determine a student's physical maturity level, and compare the physical size of the student in relation to that of the students against whom the student wishes to compete. If the student is determined to have attained the appropriate physical maturity level and comparable physical size for the desired sport and level, the student may proceed with step 4. If the student is determined to not have attained an appropriate physical maturity level for the desired sport and level, the process stops.
- d) **Sport Skill Evaluation:** The sport coach will rely on past personal observations and may consider input from the student's former coaches to complete the evaluation. If the coach is unfamiliar with the student, the sport coach may wish to observe the student in a physical education class.
- e) **Physical Fitness Testing:** This must be done by a certified physical education teacher who is not a coach of the sport for which the student will be trying out. The President's Physical Fitness Test has been selected as the test for this process, and the student must meet the 85th percentile level for their age in 4 out of 5 test components. For students trying out for swimming, there is an alternate fitness test to the 1 mile walk/run- students trying out for swimming may choose to either do the 1 mile walk/ run or the 500 yard swim.
- Exception to the physical fitness test requirement: Students who desire to try out for bowling or golf teams are not required to complete the physical fitness testing.
- f) **Qualification Determination:** The results of the three evaluations will be sent to the Athletic Director. Only students who pass all parts of the APP are permitted to try out.
- g) **Try Outs:** The student is allowed to try out for the sport and level requested or the student must return to the modified level of competition.

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SUBJECT: SPORTS AND THE ATHLETIC PROGRAM (Cont'd.)

- h) Records: The physical education director and/or athletic director must maintain all records of students who have successfully completed the APP. Items to be kept in the student's file are: Parent or Guardian Permission and Result letters; Maturity Evaluation and Medical Director Form; Physical Fitness results; Coach's Sport Skill Evaluation.
- i) Notifications: A Notification List of the scores of all athletes who have successfully completed the process and have been approved through the APP after the try-out period has been completed must be sent to the Athletic Director.

Student Athletic Injuries

No student should be allowed to practice or play in an athletic contest if he or 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 or she is in adequate physical condition.

A physician's certificate may be required before an athlete is permitted to return to practice or competition.

Concussions

A student who has sustained or is believed to have sustained a concussion (mild traumatic brain injury) must be immediately removed from athletic activities. If there is any doubt, it shall be presumed that the student is injured until proven otherwise. Before being permitted to return to athletic activity, a student must be symptom free for not less than 24 hours and have been evaluated by and received written permission from a licensed physician. Additionally, for extra class athletic activities, a student must have received clearance from the school's 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 officials to coach all varsity, junior varsity, and, modified games; along with certified and/or licensed officials to referee all such competitions at the varsity and junior varsity levels;

(Continued)

SUBJECT: SPORTS AND THE ATHLETIC PROGRAM (Cont'd.)

- c) Ensuring that equipment is both safe and operative within approved guidelines; and

Coaching Practices

Coaches will be encouraged to support the following policies surrounding athletes participating in athletic programs:

- a) Coaches will encourage students to participate in a variety of extra-curricular activities in order to help the student become a well-rounded individual.
- b) Coaches will not require students to participate in any out of season activities as a requirement to be a member of a school sponsored team.
- c) York CSD coaches who are involved in an outside season sport organization must communicate with York CSD in-season interscholastic coaches on a regular basis. The purpose of this communication is to avoid any conflicts with the York CSD sport season from the first day of practice until the last day of competition.

Students who choose to participate in an outside activity during a school sponsored sport season should understand that a coach may choose to discipline any student who misses any part of a practice or contest due to a scheduling conflict with the outside activity. Coaches may choose the amount of playing time a student athlete receives. That time could be reduced if the coach believes the safety or health of the player is at risk due to over training for two or more activities, or if required practices/contests are missed due to conflicts.

Scheduling Conflicts

The District will to schedule sporting events, extra-curricular events, and co-curricular events without conflicts. If a conflict arises, co-curricular events will have precedence over other activities. With conflicts concerning extra-curricular or sporting events, the student and their parents will make a decision without consequences from the coach, advisor, or other School District personnel.

Title of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq.
45 Code of Federal Regulations Part 86
8 New York Code of Rules and Regulations (NYCRR) Section 135

Adopted: 8/15/11

Revised/BOE Approval: 4/28/14; 12/14/15; 4/23/18

SUBJECT: STUDENTS WITH LIFE-THREATENING HEALTH CONDITIONS

Students come to school with diverse medical conditions which may impact their learning as well as their health. Some of these conditions are serious and may be life-threatening. As a result, students, parents, school personnel, and health care providers must all work together to provide the necessary information and training to allow children with chronic health problems to participate as fully and safely as possible in the school experience. This policy encompasses an array of serious or life-threatening medical conditions such as anaphylaxis, diabetes, seizure disorders, or severe asthma and acute medical conditions such as substance overdose. All students within the District with known life-threatening conditions will have a comprehensive plan of care in place: an Emergency Care Plan (ECP) or Individualized Healthcare Plan (IHP) and if appropriate, an Individualized Education Plan (IEP) or Section 504 Plan.

Life-Threatening Conditions

For those students with chronic life-threatening conditions such as diabetes, seizure disorders, asthma, and allergies, the District must work cooperatively with the parent(s) and the healthcare provider(s) to:

- a) Immediately develop an ECP for each at risk student to ensure that all appropriate personnel are aware of the student's potential for a life-threatening reaction;
- b) If appropriate, develop an IHP that includes all necessary treatments, medications, training, and educational requirements for the student. If the student is eligible for accommodations based upon the Individuals with Disabilities Act (IDEA), Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act, the appropriate procedures will be followed regarding evaluation and identification;
- c) Provide training by licensed medical personnel (e.g., registered professional nurse) for all adults in a supervisory role in the recognition and emergency management of a specific medical condition for specific students;
- d) Obtain specific medical-legal documents duly executed in accordance with New York State law; appropriate health care provider authorization in writing for specific students that includes the frequency and conditions for any testing and/or treatment, symptoms, and treatment of any conditions associated with the health problem; and directions for emergencies;
- e) Secure written parent permission and discuss parental responsibility that includes providing the health care provider's orders, providing any necessary equipment, and participation in the education and co-management of the child as he or she works toward self-management;

(Continued)

SUBJECT: STUDENTS WITH LIFE-THREATENING HEALTH CONDITIONS (Cont'd.)

- f) Allow supervised students to carry life-saving medication in accordance with relevant laws, regulations, and procedures. The District will also encourage parents and students to provide duplicate life-saving medication to be maintained in the health office in the event the self-carrying student misplaces, loses, or forgets their medication;
- g) Assure appropriate and reasonable building accommodations are in place within a reasonable degree of medical certainty.

In addition, the District will:

- a) Provide training for transportation, instructional, food service, or physical education staff, as appropriate, in the recognition of an anaphylactic reaction;
- b) Have standing emergency medical protocols for nursing or other staff;
- c) Request the school medical director to write a non-patient specific order for anaphylaxis treatment agents for the school's registered professional nurse or other staff, as designated by the administration and allowed under federal and New York State laws and regulations, to administer in the event of an unanticipated anaphylactic episode;
- d) Maintain or ensure the maintenance of a copy of the standing order(s) and protocol(s) that authorizes them to administer emergency medications such as anaphylactic treatment agents;
- e) As permitted by New York State law, maintain stock supplies of life-saving emergency medications such as epinephrine auto-injectors or Naloxone (Narcan) for use, especially in first time emergencies;
- f) Allow the school registered nurse, nurse practitioner, or physician to train unlicensed school personnel to administer emergency epinephrine via auto-injector, or emergency glucagon, to students with both a written provider order and parent or person in parental relation consent during the school day, on school property, and at any school function. Such training will be done in accordance with specifications outlined in the Commissioner's regulations;
- g) Ensure that building-level and District-wide school safety plans include appropriate accommodations for students with life-threatening health conditions.
- h) Encourage families to obtain medic-alert bracelets for at risk students;
- i) Educate students regarding the importance of immediately reporting symptoms of an allergic reaction.

(Continued)

SUBJECT: STUDENTS WITH LIFE-THREATENING HEALTH CONDITIONS (Cont'd.)**Creating an Allergen-Safe School Environment**

The risk of accidental exposure or cross-contamination is always present in school, particularly for students with food allergies. The school setting is a high-risk environment for accidental ingestion of a food allergen due to the presence of a large number of students, increased exposure to food allergens, and cross-contamination of tables, desks, and other surfaces.

In an effort to prevent accidental exposure to allergens, the District will monitor the following high-risk areas and activities:

- a) Cafeteria;
- b) Food sharing;
- c) Hidden ingredients in art, science, and other projects;
- d) Transportation;
- e) Fund raisers and bake sales;
- f) Parties and holiday celebrations;
- g) Field trips;
- h) Before and after school programs.

Medication Self-Management

The District will work toward assisting students in the self-management of their chronic health condition based upon the student's knowledge level and skill by:

- a) Adequately training all staff involved in the care of the child, as appropriate;
- b) Assuring the availability of the necessary equipment and/or medications;
- c) Providing appropriately trained licensed persons as required by law;
- d) Developing an emergency plan for the student; and
- e) Providing ongoing staff and student education.

Americans with Disabilities Act, 42 USC § 12101 et seq.
Individuals with Disabilities Education Act (IDEA), 20 USC §§ 1400-1485
Section 504 of the Rehabilitation Act of 1973, 29 USC § 794 et seq.
34 CFR Part 300
Education Law §§ 6527 and 6908
8 NYCRR §§ 136.6, 136.7
Public Health Law §§ 2500-h, 3000-a, and 3000-c

NOTE: Refer also to Policy #7513 -- Administration of Medication

Adopted: 8/15/11

Revised: 3/11/19

SUBJECT: CONCUSSION MANAGEMENT

The Board 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 York Central School District supports the proper evaluation and management of concussion injuries.

A concussion is a mild traumatic brain injury (MTBI), that 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.

Concussion Management Team (CMT)

The 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 District. The CMT will oversee and implement the 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 MTBIs. Furthermore, every CMT may establish and implement a program which provides information on MTBI's 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 will complete a course of instruction every two 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;
- 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.

(Continued)

SUBJECT: CONCUSSION MANAGEMENT (Cont'd.)

The course can be completed by means of instruction approved by State Education Department (SED) which include, but are not limited to, courses provided online and by teleconference. The CMT will utilize a system to document all required training for District staff. Because concussion symptoms may manifest themselves in any setting, all school staff will be encouraged to take the online training and be alert for students who may display or report concussion symptoms.

Information to Parents

The District will 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, to the above list of information on the SED's and Department of Health's websites.

Identification of Concussion and Removal from Athletic Activities

The District will require the immediate removal from all athletic activities of any student who has sustained, or is believed to have sustained, a 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 will be removed from the class, game or activity and must be evaluated as soon as possible by an appropriate health care professional. This removal must occur based on display of symptoms regardless of whether the injury occurred inside or outside of school. If there is any doubt as to whether the student has sustained a concussion, it will be presumed that the student has been injured until proven otherwise. The District will notify the student's parents or guardians and recommend appropriate evaluation and monitoring.

The 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.

(Continued)

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Students

SUBJECT: CONCUSSION MANAGEMENT (Cont'd.)

Return to School Activities and Athletics

The student will not return to physical activity (including athletics, physical education class and recess) until he/she has been symptom-free for not less than 24 hours, and has been evaluated and received written authorization from a licensed physician. In accordance with Commissioner's regulations, the District's Medical Director will give final clearance on a return to activity for extra-class athletics. All authorizations will 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 will 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 will be reviewed periodically and updated as necessary in accordance with SED 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: 12/17/12
Revised: 3/11/19

SUBJECT: CHILD ABUSE AND MALTREATMENT**Familial Child Abuse**

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 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 such 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 neglect/maltreatment to the State Central Register (SCR) pursuant to Social Services Law Section 413(1) includes, but is not limited to, school teachers, school guidance counselors, school psychologists, school social workers, school nurses, school 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.

(Continued)

SUBJECT: CHILD ABUSE AND NEGLECT/MALTREATMENT (Cont'd.)

All mandated reporters will make the report themselves and then immediately notify the Building Principal or his/her designee. The Building Principal or his/her designee will be responsible for all subsequent administration necessitated by the report.

Any report will 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/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.

"Child abuse" means any of the following acts committed in an educational setting by an employee or volunteer against a child:

- a) Intentionally or recklessly inflicting physical injury, serious physical injury or death; or
- b) **Intentionally or recklessly engaging in conduct which creates a substantial risk of physical injury, serious physical injury or death; or**
- 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 pursuant to Penal Law Article 235.

(Continued)

SUBJECT: CHILD ABUSE AND NEGLECT/MALTREATMENT (Cont'd.)

"Educational setting" means the building(s) and grounds of the District; the vehicles provided by the District for the transportation of students to and from school buildings, field trips, co-curricular and extracurricular activities both on and off District grounds; all co-curricular and extracurricular activity sites; and any other location where direct contact between an employee or volunteer and a child has allegedly occurred.

In any case where an oral or written allegation is made to a teacher, school's registered professional nurse, school guidance counselor, school psychologist, school social worker, school administrator, Board member, or other school personnel required to hold a teaching or administrative license or certificate, that a child (defined as a person under the age of 21 years enrolled in a school district in this state) has been subjected to child abuse by an employee or volunteer in an educational setting, that person 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 will be completed on a form as prescribed by the Commissioner of Education.
- b) Except where the school administrator is the person receiving such an oral or written allegation, the employee completing the written report must promptly *personally deliver* a copy of that written report to the school administrator of the school in which the child abuse allegedly occurred.

In any case where it is alleged the child was abused by an employee or volunteer of a school other than a school within the District, the report of these allegations will be promptly forwarded to the Superintendent of the District and the school district where the abuse allegedly occurred.

Any employee or volunteer who reasonably and in good faith makes a report of allegations of child abuse in an educational setting in accordance with the reporting requirements of the law will have immunity from civil liability which might otherwise result by reason of those actions.

Upon receipt of a written report alleging child abuse in an educational setting, the school administrator or Superintendent must then determine whether there is "reasonable suspicion" to believe that an act of child abuse has occurred. Where there has been a determination as to the existence of reasonable suspicion, the school administrator or Superintendent must follow the notification/reporting procedures mandated in law and further described in administrative regulations including parental notification. When the school administrator receives a written report, he/she must promptly provide a copy of the report to the Superintendent.

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SUBJECT: CHILD ABUSE AND NEGLECT/MALTREATMENT (Cont'd.)

Where the school administrator or Superintendent has forwarded a written report of child abuse in an educational setting to law enforcement authorities, the Superintendent will also refer the report to the Commissioner of Education where the employee or volunteer alleged to have committed an act of child abuse holds a certification or license issued by the State Education Department.

Any school administrator or Superintendent who reasonably and in good faith makes a report of allegations of child abuse in an educational setting, or reasonably and in good faith transmits such a report to a person or agency as required by law, will have immunity from civil liability which might otherwise result by reason of those actions.

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 such 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 pursuant to a court-ordered subpoena. School administrators and the Superintendent will exercise reasonable care in preventing such unauthorized disclosure.

Additionally, teachers and all other school officials will be provided an annual written explanation concerning the reporting of child abuse in an educational setting, including the immunity provisions as enumerated in law. Further, the Commissioner of Education will furnish the District with required information, including rules and regulations for training necessary to implement District and staff responsibilities under the law.

Prohibition of "Silent" (Unreported) Resignations

The Superintendent and other school administrators are prohibited from withholding from law enforcement authorities, the Superintendent or the Commissioner of Education, 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/her position.

Superintendents (or a designated administrator) who reasonably and in good faith report to law enforcement officials information regarding allegations of child abuse or a resignation as required by law will have immunity from any liability, civil or criminal, which might otherwise result by reason of those actions.

Education Law Article 23-B and §§ 409-1, 902(b), 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, § 100.2(nn)

Adopted: 8/15/11; Revised: 3/11/19

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 which 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, those 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 sponsored activities and events that take place at locations off school property. In addition, other acts of harassment, bullying, and/or discrimination which 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 such licenses and/or certifications as required by the Commissioner to serve as the Dignity Act Coordinator(s) (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 which 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; 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 share the name, designated school, and contact information of each DAC with all school personnel, students, and parents or persons in parental relation. This information will be provided by:

- a) Listing this information in the *Code of Conduct*, with updates posted on the District's website; and
- b) Including this information in the plain language summary of the *Code of Conduct* provided to all persons in parental relation to students before the beginning of each school year; and
- c) Providing this information to parents and persons in parental relation in at least one District or school mailing or other method of distribution, including, but not limited to, electronic communication and/or sending information home with each student. If this information changes, parents and persons in parental relation will be notified of the changes in at least one subsequent District or school mailing, or other method of distribution as soon as practicable thereafter; and

(Continued)

SUBJECT: DIGNITY FOR ALL STUDENTS (Cont'd.)

- d) Posting this information in highly visible areas of school buildings; and
- e) Making this information available at the District and school-level administrative offices.

If a DAC vacates his or her position, another school employee will immediately be designated for an interim appointment as DAC, pending approval from the Board, within 30 days of the date the position was vacated. In the event a DAC is unable to perform the duties of the position for an extended period of time, another school employee will immediately be designated for an interim appointment as DAC, pending return of the previous individual to the position.

Training and Awareness

Each year, employees will be provided with training to promote a supportive school environment that is free from harassment, bullying, and/or discrimination, and to discourage and respond to incidents of harassment, bullying, and/or 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/or discrimination;
- b) Address social patterns of harassment, bullying, and/or discrimination and the effects on students;
- c) Inform employees on the identification and mitigation of such acts;
- d) Enable employees to prevent and respond to incidents of harassment, bullying, and/or discrimination;
- e) Make school employees aware of the effects of harassment, bullying, cyberbullying, and/or 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.

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Students

SUBJECT: DIGNITY FOR ALL STUDENTS (Cont'd.)

Rules against bullying, discrimination, and/or harassment will be included in the *Code of Conduct*, publicized District-wide, and disseminated to all staff and parents. Any amendments to the *Code of Conduct* will be disseminated as soon as practicable following their adoption. New teachers will be provided a complete copy of the current *Code of Conduct* upon their employment, and an age-appropriate summary will be distributed to all students at a school assembly at the beginning of each school year.

Reports and Investigations of Harassment, Bullying, and/or Discrimination

Students who have been subjected to harassment, bullying, and/or discrimination, persons in parental relation whose children have been subjected to such behavior, or other students who observe or are told of such behavior, are encouraged and expected to make verbal and/or written reports to the principal, Superintendent, DAC, and/or other school personnel. All District staff who are aware of harassment, bullying, and/or discrimination, are required to orally report the incident(s) within one school day to the principal, Superintendent, or designee and report it in writing within two school days after making an oral report.

The principal, Superintendent, or designee will lead and/or supervise a thorough investigation of all reports of harassment, bullying, and/or discrimination, and ensure that these investigations are completed promptly after receipt of any such reports. All investigations will be conducted in accordance with law, the District's *Code of Conduct*, and applicable District policy and procedure. In the event allegations involve harassment, bullying, and/or discrimination on the basis of race, color, religion, national origin, sex, sexual orientation, or disability, the District may utilize the procedures set forth in Policy #3420 -- Non-Discrimination and Anti-Harassment in the District, and its implementing regulations. Where appropriate, 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 of harassment, bullying, and/or discrimination.

In the event any investigation reveals harassment, bullying, and/or discrimination, the District will take prompt action reasonably calculated to end the harassment, bullying, and/or discrimination, eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence of the behavior, and ensure the safety of the student or students against whom the harassment, bullying, and/or discrimination was directed. These actions will be taken consistent with applicable laws and regulations, District policies and administrative regulations, and collective bargaining agreements, as well as the District's *Code of Conduct* and any and all applicable guidelines approved by the Board.

The Superintendent, principal, or designee will notify the appropriate local law enforcement agency when it is believed that any incident of harassment, bullying, and/or discrimination constitutes criminal conduct.

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Students

SUBJECT: DIGNITY FOR ALL STUDENTS (Cont'd.)

The principal of each primary and secondary school will provide a regular report (at least once during each school year) on data and trends related to harassment, bullying, and/or discrimination to the Superintendent. This report will be submitted in a manner prescribed by the District.

The District will annually report material incidents of harassment, bullying, and/or discrimination which occurred during the school year to the State Education Department. This report will be submitted in a manner prescribed by the Commissioner, on or before the basic educational data system (BEDS) reporting deadline, or other date as determined by the Commissioner.

Prohibition of Retaliatory Behavior (Commonly Known as "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, who acts reasonably and in good faith and reports this information to school officials, the Commissioner of Education, or law enforcement authorities, or 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. Furthermore, the Board prohibits any retaliatory action against any person who, acting reasonably and in good faith, makes a report of harassment, bullying, or discrimination, or who otherwise initiates, testifies, participates, or assists in the investigation of a complaint of harassment, bullying, or discrimination.

Publication of District Policy

At least once during each school year, all school employees, students, and parents will be provided with a written or electronic copy of this policy, or a plain-language summary thereof, including notification of the process by which students, parents, and school employees may report harassment, bullying, and/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

(Continued)

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Students

SUBJECT: DIGNITY FOR ALL STUDENTS (Cont'd.)

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
#7551 -- Sexual Harassment of Students
#7552 -- Student Gender Identity
#7553 -- Hazing of Students
#8242 -- Civility, Citizenship and Character Education/Interpersonal
Violence Prevention Education

Adopted: 12/17/12

Revised: 4/28/14; 3/11/19

SUBJECT: STUDENT GENDER IDENTITY

All students need a safe and supportive educational environment to progress academically and developmentally. The District is committed to fostering a safe learning environment for all students, free from discrimination and harassment on the basis of sex, gender, gender identity, gender nonconformity, and gender expression. In accordance with applicable law, regulations, and guidelines, the District will ensure that students have equal access to all school programs, facilities, and activities. The District will assess and address the specific needs of each student on a case-by-case basis.

Key Terms

Generally, District personnel should use the language that individual students are using to describe their own gender identity, appearance, or behavior. The most commonly used terms are:

Cisgender: a person whose gender identity corresponds to their assigned sex at birth.

Gender: actual or perceived sex, typically with reference to social and cultural differences rather than physiological ones.

Gender expression: the ways a person conveys their gender identity to others, such as through behavior, appearance, clothing, hairstyle, activities, voice, and mannerisms.

Gender identity: a person's inner sense or psychological knowledge of being male, female, neither, or both.

Gender nonconforming (GNC): describes someone whose gender identity or gender expression does not conform to social or stereotypical expectations of a person with that gender assigned at birth. This is also referred to as gender variant or gender atypical.

Transgender: someone whose gender identity is different than their gender assigned at birth.

Transition: the process by which a person socially or physically aligns their gender expression more closely to their gender identity than their assigned sex at birth.

Records

As required by law, the District will maintain the confidentiality of student information and records. If a transgender or GNC student has officially changed his or her name, as demonstrated by court order or birth certificate, the District will change its official and unofficial records, as needed, to reflect the change. The District will maintain records with the student's assigned birth name in a separate, confidential file.

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SUBJECT: STUDENT GENDER IDENTITY (Cont'd.)

If a transgender or GNC student has not officially changed his or her name, but wishes to be referred to by a different name that corresponds to their gender identity, the District may create or change unofficial records to reflect the name and gender identity that the student consistently asserts at school. On state standardized tests, certain reports to the New York State Education Department, and when necessary to ensure appropriate and coordinated medical care, however, the District will use the student's legal name and gender. Any student identification cards will be issued with the name reflecting the gender identity the student consistently asserts at school. The District will maintain records with the student's assigned birth name and gender in a separate, confidential file.

Names and Pronouns

When apprised of a student's transgender or GNC status, the District will endeavor to engage the student and his or her parents or guardians, as appropriate, in an effort to agree upon a plan that will accommodate the student's individual needs at school. Transgender and GNC students have the right to discuss and convey their gender identity and expression openly and to decide when, with whom, and how much to share this confidential information. The plan may therefore include when and how to initiate the student's preferred name and associated pronoun use and if, when, and how this is communicated to others. District staff will use the name and pronoun that corresponds to the gender identity the student consistently asserts at school.

Restrooms and Locker Rooms

The District will allow a transgender or GNC student to use the restroom and locker room that corresponds to the student's consistently expressed gender identity at school. Any student requesting increased privacy or other accommodations when using bathrooms or locker rooms will be provided with a safe and adequate alternative, but they will not be required to use that alternative.

Physical Education and Sports

Physical education is a required part of the District's curriculum. Where these classes are sex-segregated, students will be allowed to participate in a manner consistent with their gender identity. Students will likewise be allowed to participate in intramural activities consistent with their gender identity.

Upon written notification that a transgender or GNC student would like an opportunity to participate in the District's interscholastic athletics program consistent with his or her gender identity, the District will determine his or her eligibility in accordance with applicable law, regulations, and guidelines. The District will confirm the student's asserted gender identity with documentation it considers appropriate from a parent or guardian, counselor, doctor, psychologist, psychiatrist, or other medical professionals. The student's gender identity should be the same as the identity used for District registration and other school purposes.

(Continued)

SUBJECT: STUDENT GENDER IDENTITY (Cont'd.)

The District's athletic director will notify opposing team athletic directors or the New York State Public High School Athletic Association if a student needs any accommodations during competitions. Any appeal regarding the District's eligibility decision will be directly to the Commissioner of Education.

Other Activities

Generally, in other circumstances where students may be sex-segregated, such as overnight field trips, students may be permitted to participate in accordance with the gender identity that the student consistently asserts at school. Student privacy concerns will be addressed individually and on a case-by-case basis in accordance with District policy and applicable law, regulations, and guidelines.

Dress Code and Team Uniforms

Transgender or GNC students may dress in accordance with their gender identity or expression, within the parameters of the District's dress code. The District will not restrict students' clothing or appearance on the basis of gender.

The District's dress code applies while its athletes are traveling to and from athletic contests. Athletes will have access to uniforms that are appropriate for their sport.

Family Educational Rights and Privacy Act (FERPA), 20 USC § 1232g
34 CFR Part 99
Title IX of the Education Amendments of 1972
Education Law Article 2 and §§ 2-d, 11(7), 3201-a
8 NYCRR § 100.2

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property
#3420 -- Non-Discrimination and Anti-Harassment in the District
#7540 -- Dignity for all Students Act
#7551 -- Sexual Harassment of Students
#7553 -- Hazing of Students
#8271 -- Internet Safety/Internet Content Filtering

Adopted: 12/14/15
Revised: 1/16/18

SUBJECT: NOTIFICATION OF SEX OFFENDERS

In accordance with the Sex Offender Registration Act ("Megan's Law"), the Board of Education supports the New York State Department of Criminal Justice Services (DCJS) in its effort to inform the community in certain circumstances of the presence of individuals with a history of sex offenses, particularly against children, in the school locality. This policy is enacted in order to minimize the possibility that the sex offender will come in contact with school-age children, and to assist law enforcement agencies in preventing further criminal activity from occurring. Furthermore, the District shall cooperate with local police authorities and the local community in promoting and protecting the safety and well-being of its students.

It is the policy of the Board of Education to disseminate all information which the District receives from local police authorities in conjunction with Megan's Law to designated staff members who might have possible contact with the offender during the course of their school duties including, but not limited to, Building Principals, supervisors, teachers, office personnel, coaches, custodians, bus drivers, and security personnel. 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.

Staff members shall inform their immediate supervisor if they observe within the school building, on school grounds, at school activities, or at or near bus routes any individual whose description matches the information which was provided to the District by local law enforcement authorities. Such law enforcement officials will be notified of this information by the District as appropriate.

Information that is disseminated to the School District pursuant to Megan's Law may be disclosed or not disclosed by the District in its discretion. Any information which the School District receives regarding a sex offender from a source other than the Sex Offender Registry, and which is maintained independent of the requirements of Megan's Law, will be available from the District, upon written request, in accordance with the requirements of the Freedom of Information Law (FOIL).

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,

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SUBJECT: NOTIFICATION OF SEX OFFENDERS (Cont'd.)

the court requires that such sentenced offender refrain from knowingly entering into or upon school grounds or any other facility or institution primarily used for the care or treatment of persons under the age of 18 while one or more of such persons are present.

However, by exception, a sex offender may enter school grounds or facility with the written authorization of his or her parole officer and the Superintendent 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 family member enrolled in the facility; or
- d) If the school is the offender's designated polling place and he or she enters solely to vote.

Implementation

Administrative regulations shall be developed to implement this policy.

Correction Law Article 6-C
Executive Law 259-c(14)
Penal Law 65.10(4-a)
Public Officers Law Section 84 et seq.

Adopted: 8/15/11
Revised: 3/11/19

SUBJECT: SUPERVISION OF STUDENTS

Students working on any activity must be supervised by the teacher or staff member in charge of the activity. This applies to all in school and extracurricular activities as well as sports activities and events. Permission to hold practices or meetings must not be granted unless a teacher or staff member is clearly in charge.

- a) District personnel will be fully responsible for the supervision of all students in either their class or their after school activities.
- b) Advisors and coaches will maintain supervision over students, including dressing or locker rooms by being present during dressing periods. Advisors and coaches are responsible for the supervision of their students during the duration of their activity or practice/game, until all students have been picked up.
- c) Teachers and/or assigned school personnel in the elementary grades will be responsible for playground supervision of all children under their jurisdiction during recess periods and before the regular afternoon sessions. The Principal will distribute the responsibility so that the playground situation is appropriately controlled.
- d) Students will not be sent on any type of errand away from the building.
- e) All teachers and staff working directly with students who have a history of wandering or elopement (i.e., leaving or running away from the premises without permission or notification) will be made aware of these concerns and of any existing behavioral intervention plan formulated to prevent or respond to instances of wandering or elopement.

NOTE: Refer also to Policies #5681 -- School Safety Plans
#5720 -- Transportation of Students

Adopted: 8/15/11
Revised: 3/11/19

SUBJECT: SAFE PUBLIC SCHOOL CHOICE OPTION

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, will be allowed to attend a safe public school within the District to the extent required by federal and state law and regulations.

In accordance with Commissioner's regulations, a safe public school means 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 will 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 New York State Penal Law Section 10.00(12) that involves the use or threatened use of a deadly weapon.

Serious Physical Injury

"Serious physical injury," as defined in Penal Law Section 10.00(10), means a "physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ."

Deadly Weapon

"Deadly weapon," as defined in Penal Law Section 10.00(12), means "any loaded weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged, or a switchblade knife, gravity knife, pilum ballistic knife, metal knuckle knife, dagger, billy, blackjack, or metal knuckles."

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SUBJECT: SAFE PUBLIC SCHOOL CHOICE OPTION (Cont'd.)

Determination Whether Student is a Victim

Procedures will 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 will, prior to making any determination, consult with any law enforcement agency investigating the alleged violent criminal incident and consider any reports or records provided by the 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's determination may be appealed to the Board. However, this determination will not preclude any student disciplinary proceeding brought against the alleged victim or perpetrator of the violent criminal offense.

Notice to Parents/Persons in Parental Relation

The District will 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 the transfer. This notice will be, to the extent practicable, provided in the dominant language or mode of communication used by the parents or persons in parental relation to the student. The District will notify the parents of, or persons in parental relation to, the student within 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 will be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of such notice within 24 hours of the determination at the last known address or addresses of the parents/persons in parental relation to the student. 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/persons in parental relation.

However, **notification will 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 District is otherwise impossible. Similarly, procedures for notification of parents/persons in parental relation to students who are victims of violent criminal offenses will not be required where the District has only one public school within the District or only one public school at each grade level.

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SUBJECT: SAFE PUBLIC SCHOOL CHOICE OPTION (Cont'd.)

Designation of Safe Public School

It is the responsibility of the 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 will not be required to designate a safe public school.

Any student who transfers to a safe public school, in accordance with the provisions of this policy and applicable law and regulation, will 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 will 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 District will 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 will 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 will be permitted to remain in the 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.

Education Law § 2802(7)
8 NYCRR § 120.5

Adopted: 8/15/11
Revised: 3/11/19