

4/22/2024

**Rockville Centre Union Free School District**

**Policy Manual  
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## FOREWORD

Contained herein are the policy statements formulated by the Board of Education of the Rockville Centre Union Free School District. This policy manual was adopted in July, 2002 and replaces the previous policy manual which was originally adopted in 1982 and has been placed in the archives of the Rockville Centre School District.

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

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

Policy should accomplish the following:

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

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

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or administrative enactment, all other parts shall remain in full effect unless and until they are amended or repealed by the Board of Education.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

## PHILOSOPHY AND MISSION STATEMENT

The mission of the Rockville Centre Public Schools is to educate our students to become independent thinkers and problem solvers. It is our goal to empower each student to meet the challenges of tomorrow's emerging world. The District will provide a safe, nurturing environment in which individual and civic responsibility is fostered, diversity is respected and all students are enabled to realize their full potential.

In order to accomplish this mission, every effort is made to provide our students with the necessary coursework and assistance so that they may reach their full potential. The Rockville Centre School District has developed an Academic Intervention Services Plan that reflects our mission and the State Education Department Regulations.



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

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

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

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

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

New York State Constitution  
Education Law Articles 35

Adopted: 7/8/02

Reviewed:11/3/22

**SUBJECT: BOARD OF EDUCATION AUTHORITY**

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

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

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

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

Adopted: 7/8/02

Reviewed: 11/3/22



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

The Board of Education of the Rockville Centre Union Free School District shall consist of five (5) members elected by the qualified voters of the School District at the annual election as prescribed by law.

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

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

Adopted: 7/8/02  
Reviewed: 9/7/23

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

A Board of Education member of the Rockville Centre Union Free School District must meet the following qualifications:

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

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

Adopted: 7/8/02

Reviewed:11/3/22

By-Laws

**SUBJECT: BOARD OF EDUCATION MEMBERS: NOMINATION AND ELECTION**

- a) Candidates for the office of member of the Board of Education shall be nominated by petition. Such petition shall be directed to the Clerk of the School District, shall be signed by at least twenty-five qualified voters of the District, or by two (2) percent of the number of voters who voted in the previous annual election of Board members, whichever is greater, shall state the residence of each signer, shall state the name and residence of each candidate.
- b) The notice of the Annual District meeting must state that petitions nominating candidates for the office of member of the Board of Education must be filed with the Clerk of the District not later than the thirtieth day preceding the Annual or Special District Meeting at which time the candidates so nominated are to be elected, between 7 a.m. and 9 p.m.
- c) Voting will be by machine, and provision shall be made for the election by "write-in-vote" of any candidate not previously nominated. The position of candidates on ballots shall be determined by lot at a drawing conducted by the District Clerk on the day after the last filing. Candidates or their proxies may be present for the drawing.
- d) The hours of voting shall be as indicated by Board resolution.
- e) The candidates receiving the largest number of votes shall be declared elected in accordance with Education Law. Where terms are of different lengths, the candidate receiving the highest vote shall be elected to the longest term.
- f) At least ten days prior to the election, the Board shall appoint at least two inspectors of election for each voting machine, and set their salary.
- g) The District Clerk shall oversee the election. The Clerk shall give notice immediately to each person declared elected to the Board, informing him/her of the election and his/her term of office.
- h) Only qualified voters as determined by Education Law (Section 2012) may vote at any District meeting or election.
- i) No electioneering will be allowed within one hundred (100) feet of the polling place.

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By-Laws

**SUBJECT: BOARD OF EDUCATION MEMBERS: NOMINATION AND ELECTION**

- j) When a term of office expires at the end of a school year and the office has become vacant at the time of election, the person elected to fill the new full term vacancy also fills the remaining days of the previous term, beginning his/her term of office immediately upon election.  
Education Law Sections 2004, , 2018, 2025,  
2029, 2031-a, 2032, 2034(7)(d), 2105(14), and 2121,  
2502, 2602, 2608(1)

Adopted: 7/8/02  
Revised: 5/24/05

By-Laws

**SUBJECT: SCHOOL BOARD ELECTIONS (Poll Watchers)**

The purpose of a poll watcher is to ensure that the election procedures follow the regulations of the New York Education Law. At no time may a poll watcher interfere with the orderly operation of the election. The Chairpersons/Inspectors of the Board of Registry at the election site are the designated individuals in charge and have the responsibility of ensuring the smooth operation of the election.

**Poll Watching Procedures**

1. **Designation of Poll Watcher** - Each candidate, by written request to the District Clerk no later than two business days prior to the opening of the polls, may designate up to three poll watchers. However, only one of the designated poll watchers per candidate may obtain poll lists at each time interval, and only one poll watcher per candidate may inspect the voting machines at the closing of the polls as outlined in items three and four below.
2. **Certified Poll Watcher** - Each poll watcher will be provided with a document from the District Clerk stating that he/she has been certified as a poll watcher. This original document must be shown to the Chairperson/Inspector.
3. **Poll Lists** - Copies of poll lists may be obtained from the Chairperson/Inspector of the Board of Registry by the certified poll watcher during the following time intervals: 11:00 AM and 12:00 noon, 3:30 PM and 4:30 PM, and 6:30 and 7:00 PM. A fee of 25 cents per page, but no more than \$2.00, will be charged for the poll lists at each time interval in which they are provided.

The primary obligation of the Chairpersons/Inspectors of the Board of Registry is to ensure the smooth operation of the election. Every effort will be made to provide poll lists to the poll watchers during the times indicated above. However, the smooth operation of the election will take precedence over the distribution of poll-watching lists.

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By-Laws

**SUBJECT: SCHOOL BOARD ELECTIONS (Poll Watchers) – (Cont.d)**

4. **Closing of Polls** - At 9:00 PM, the doors to the room where the polling site is located will be closed. Voters who are already in the room by 9:00 PM and have not voted, may vote. However, no one will be permitted to enter the room after 9:00 PM. After the polls have closed and all the voters who are in the room by 9:00 PM have voted, the only people who may remain at the polling site are the Board of Registry, the designated poll watchers, the District Clerk, and individuals selected by the District Clerk to tally the votes.

Certified poll watchers may inspect the voting machines at the close of the election only after the Board of Registry has completed all its work. While the Board of Registry records the results of the election, certified poll watchers must remain at a distance of at least five feet from the machines. When the Board of Registry has completed its work, but at no time before that, one poll watcher at a time will be permitted to examine the back of the machines accompanied by the Chairperson/Inspector. The poll watcher if he/she so desires, will be provided with a blank tally sheet to record the results from the back of the machine for his/her own information and/or to compare the results with the Chairperson's/Inspector's official tally sheet. At no time should the official tally sheet leave the possession of the Chairperson/Inspector. The Chairpersons/Inspectors shall provide the District Clerk with the results of the vote. The District Clerk will select certain employees, at the District Clerk's discretion, with the exception of the Superintendent, to tally the results in a sequestered location without interference from any other individuals. The doors will open to the public when the tallying of the votes is completed. The District Clerk will notify the Board of Education of the results and will publicly announce the results to the community.

The Education Law prohibits electioneering on the day of the election within a hundred feet zone measured from the entrance to the polling place. Electioneering includes, but is not limited to, such partisan activity as distributing or displaying a candidates' campaign materials or materials on behalf of or in opposition to any propositions or verbally advocating for/or against a candidate or propositions.

Education Law 2025, 2029, 2031-a,  
2034, 2035, 2037, 2609(4-a)

Adopted: 3/20/06

**SUBJECT: REPORTING OF EXPENDITURES**

Each candidate for the position of member of the Board of Education whose expenses and/or contributions received exceed five hundred dollars (\$500) must file a statement accounting for his or her campaign expenditures and contributions with the District Clerk and an additional statement with the Commissioner of Education. In the event the expenses do not exceed five hundred dollars (\$500), and the aggregate amount of all contributions made to the candidate do not exceed \$500, then a sworn statement to that effect must be filed with the District Clerk. All statements must be sworn before a notary public, a commissioner of deeds, a lawyer or a public official authorized by New York State law to administer oaths.

Required contribution statements shall include:

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

The times for filing the statements are as follows:

- a) The first statement on or before the thirtieth day preceding the election to which it relates (form available in District Clerk's office);

(Continued)

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

- b) A second statement on or before the fifth day before the election (form available in District Clerk's office);
- c) A third statement within twenty days after the election (form available in District Clerk's office).

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

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

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

Adopted: 7/8/02  
Revised: 3/18/05



**SUBJECT: RESIGNATION AND DISMISSAL**

Board members may resign at any Board meeting, at which time the resignation shall be automatically accepted and reflected in the Board minutes.

A Board member may also resign by filing a written resignation with the District Clerk.

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

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

A Board member may be removed from office by the Commissioner of Education for willful violation of any provision of law, neglect of duty, or willfully disobeying any decision, order or regulation of the Commissioner.

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

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

Education Law Sections 306, 1706, 1709(17)(18),  
2103(2), 2109, 2111, 2112, and 2113  
Public Officers Law Sections 30, 31 and 35

Adopted: 7/8/02  
Reviewed: 11/3/22

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

A person shall be entitled to register and vote at Annual Budget Vote and School Board Election and any Special Election, and upon all matters which may be brought before such meeting, who is:

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

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

Education Law Section 2012  
Election Law Article 5

Adopted: 7/8/02  
Revised:9/7/23

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By-Laws

**SUBJECT: STUDENT VOTER REGISTRATION AND PRE-REGISTRATION**

The District recognizes the importance of voting and civic engagement. As such, the District seeks to encourage student voter registration and pre-registration. A person who is at least sixteen years of age and who is otherwise qualified to register to vote may pre-register to vote, and will then be automatically registered to vote upon reaching the age of eligibility as provided by law.

The District promotes student voter registration and pre-registration through the following means:

- a) Collaborating with county boards of elections to conduct voter registration and pre-registration in the District's high school(s); and
- b) Encouraging voter registration and pre-registration at various student events throughout the year.

The completion and submission of voter registration or pre-registration forms will not be a course requirement or graded assignment for District students.

Election Law § 5-507

Adoption Date: 2/1/24

**SUBJECT: SUBMISSION OF QUESTIONS AND PROPOSITIONS AT ANNUAL ELECTIONS AND SPECIAL DISTRICT MEETINGS**

**Questions and Propositions at Annual District Elections**

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

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

**Questions or Propositions to be Submitted at Special District Meetings**

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

Education Law Sections 2008 and 2035(2)

**SUBJECT: POWERS AND DUTIES OF THE BOARD**

The powers and duties of the Board of Education will be as conferred and prescribed by law. In general, the Board will have in all respects the management and control of the educational affairs of the District and will have all the powers necessary to exercise these powers expressly granted to it by the laws of New York State and the Commissioner of Education.

**Fundamental Responsibilities**

The most important function of the Board of Education is its legislative power over all District educational matters. Its resolutions have the effect of law in the operation of the School District. Its chief responsibility is the appointment of the Superintendent of Schools. Other basic responsibilities include:

- a) Formulation, in cooperation with the Superintendent of Schools, of goals consistent with the desires of the community and the needs of children, and to provide leadership in the attainment of these educational goals.
- b) Evaluation, on a continuing basis, of the District educational program.
- c) Establishment, maintenance, and necessary amendment of the policies which govern District operations.
- d) Development, with central office staff, of an annual budget.

**Education Law Sections 1709**

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

Adopted: 7/8/02  
Revised: 11/16/23

**SUBJECT: NOMINATION AND ELECTION OF BOARD OFFICERS**

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

The elected officers of the Board of Education are:

- a) President;
- b) Vice President;
- c) Secretary of the Board.

Education Law Sections 1701 and 2105(6)

Adopted: 7/8/02

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

The President's duties include the following:

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

Education Law Section 1701

Adopted: 7/8/02

By-Laws

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

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

Education Law Section 1701

Adopted: 7/8/02



By-Laws

**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 Reorganizational Meeting.

The following shall be appointed annually:

- a) District Clerk;
- b) District Treasurer;
- c) Deputy Treasurer;
- d) District Auditor (independent);
- e) Treasurer, High School and Middle School Extraclassroom Activities Funds.
- f) Audit Committee
- g) School Attorney;
- h) Claims Auditor, Internal Claims Auditor and Acting Internal Claims Auditor;
- i) Internal Auditor
- j) Official for Free and Reduced Meals
- k) Hearing Official for Free and Reduced Meals
- l) Section 75 Hearing Officers
- m) Others as deemed appropriate/necessary

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

- a) Census Enumerator;
- b) District Physician/ School Nurse Practitioner;
- c) Records Access Management Officer;
- d) Records Management Officer Advisory Board;

(Continued)

By-Laws

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

- e) Compliance Officer Title VII, Title IX/Section 504/ADA (Americans with Disabilities) for discrimination and harassment issues and Liaison for, McKinney-Vento Act (Homeless Children and Youth);
- f) Asbestos Hazard Emergency Response Act AHERA Local Educational Agency (LEA) Designee
- g) Exposure Control Coordinators (Chemical Hygiene Officers);
- h) Board of Registration for School Elections and Budget Votes
- i) Purchasing Agent and Substitute Purchasing Agents
- j) Dignity Act Coordinator – one (1) in each building
- k) Supervisors of Attendance
- l) Committee on Special Education / Committee on Preschool Special Education

**Designations**

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

- a) Petty Cash Fund(s);
- b) Official Newspaper(s);
- c) Official Bank Depositories;
- d) Official Bank Signatories;
- e) Investment Houses;
- f) Certifier of Payrolls
- g) School District Dentist;
- h) School District Ophthalmologist.
- i) Designated Educational official to receive court notification regarding a student's sentence/adjudication in certain criminal cases and juvenile delinquency proceedings;

(Continued)

By-Laws

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

- j) 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).

**Authorizations**

- a) Superintendent of Schools to approve budget transfers within limits prescribed by Commissioner's Regulation Section 170.2 and Board guidelines;
- b) Superintendent of Schools to apply for Grants in Aid (State and Federal) as appropriate;
- c) Superintendent of Schools to certify payroll;
- d) Establish mileage reimbursement rate in accordance with the rates established by the Internal Revenue Service (IRS);
- e) Persons Authorized to Open Bids;
- f) Workers' Compensation Trustee and Alternate Trustee;
- g) Assistant Principals can suspend students in the absence of the Principal
- h) Other(s) as deemed appropriate/necessary.

**Education Law Sections 305(31), 409-h, 1709 and 2503**

McKinney-Vento Homeless Education Assistance Act,  
Sections 722, as reauthorized by the No Child Left Behind Act of 2001  
29 Code of Federal Regulations (CFR) 1910.1450  
8 New York Code of Rules and Regulations (NYCRR) Part  
185  
21 New York Code of Rules and Regulations (NYCRR)  
Parts 1401, 9760

Adopted: 7/8/02

Revised: 6/12/06, 10/3/07, 7/10/12

**SUBJECT: DUTIES OF THE DISTRICT CLERK**

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

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

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

Education Law Section 2121  
Public Officers Law Section 104

Adopted: 7/8/02

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

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

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

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

By-Laws

**SUBJECT: DUTIES OF THE (EXTERNAL) INDEPENDENT AUDITOR**

The Board by law shall obtain an annual audit of its records by an independent certified public accountant or an independent public accountant. The independent accountant shall present the report of the annual audit to the Board and provide a copy of the audit to each Board member. The Board shall adopt a resolution accepting the audit report and file a copy of the resolution with the Commissioner. The District will also file the audit report with the Commissioner for a specific school year by October 15<sup>th</sup> of the following school year. In addition to the annual audit, the District shall be subject to State audits conducted by the State Comptroller.

**Request for Proposal Process**

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

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

Adopted: 7/8/02  
Revised: 2/28/06, 11/14/06

By-Laws

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

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

**Qualifications**

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

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

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

(Continued)

By-Laws

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

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

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

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

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

- a) Examine all claim forms with respect to the availability of funds within the appropriate codes;
- 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 New York Code of Rules and Regulations  
(NYCRR) Section 170.12(c)

Adopted: 7/8/02  
Revised: 2/28/06, 11/14/06



**SUBJECT: DUTIES OF THE EXTRACLASROOM ACTIVITIES FUNDS  
TREASURER (S)**

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

The Treasurer's duties include the following:

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

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

**SUBJECT: DUTIES OF THE SCHOOL ATTORNEY**

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

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

Adopted: 7/8/02

**SUBJECT: DUTIES OF THE SCHOOL PHYSICIAN**

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

Education Law Sections 902 and 913

**SUBJECT: DUTIES OF THE SCHOOL NURSE PRACTITIONER**

The Nurse Practitioner is a certified, registered professional nurse with additional educational preparation in the profession of preventive and primary health care services to students. The Nurse Practitioner shall be appointed by the Board of Education. The duties of the Nurse Practitioner will include but not be limited to the following:

- a) Serve as a Resource and Community Liaison.
- b) Perform comprehensive mandated examinations on students and employees and
  - 1. Identify other than normal findings;
  - 2. Collaborate with district physician;
  - 3. Facilitate appropriate referral for treatment and/or further evaluation; and
  - 4. Provide appropriate education for the purpose of health promotion and illness prevention.
- c) Administer immunizing agents to employees as indicated by OSHA regulations.
- d) Administer immunizing agents to students and employees in the event of a reported communicable disease outbreak as directed by the Nassau County Department of Health and the Center for Disease Control.
- e) Review and interpret physical examination and immunization reports submitted by outside health care providers and
  - 1. Identify abnormal findings;
  - 2. Collaborate with district physician;
  - 3. Facilitate appropriate referral and/or further evaluation; and
  - 4. Provide appropriate education for the purpose of health promotion and illness prevention.
- f) Examine student and/or staff with potential illness, injury and/or communicable diseases and
  - 1. Identify signs and symptoms of illness/injury;
  - 2. Collaborate with district physician; and
  - 3. Facilitate appropriate referral and action.

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**SUBJECT: DUTIES OF THE INTERNAL AUDITOR**

The Internal Auditor reports directly to the Board of Education.

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

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

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

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

NOTE: Refer Also to Policy #5562 -- Internal Audit Function

Adopted: 11/14/06

**SUBJECT: POLICY**

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

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

Policies must be placed on Board of Education Meeting Agendas in a four-stage process. At least two of the four stages must be at Regular Board of Education Meetings where the Public is permitted to make comments and/or pose questions to the Board regarding the policy. The sequence may or may not be completed in four meetings. At any one stage, it may take more than one meeting. The Board of Education reserves the right to make changes to policies without following this four-stage process.

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

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

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

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

Adopted: 7/8/2002, 1/14/2021

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**SUBJECT: EXECUTION OF POLICY: ADMINISTRATIVE REGULATIONS**

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

Adopted: 7/8/02

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

All Board of Education meetings must be open to the public except those portions of the meetings which qualify as executive sessions. In accordance with Section 102 of the Open Meetings Law, a "meeting" is defined as an official convening of a public body for the purpose of conducting public business, including the use of videoconferencing for attendance and participation by the members of the public body. A "public body" is defined as an entity of two (2) or more persons which requires a quorum to conduct public business, including committees and subcommittees. For a member of the Rockville Centre Board of Education to be considered in attendance at a Rockville Centre Board of Education meeting, they must be either physically present, at the specified location where the meeting is taking place, or participate remotely by videoconference. In the event that a board member intends to participate in a meeting via videoconference, the notice provided shall state that videoconference will be used, identify the locations for the meeting, and state that the public has the right to attend the meeting at any of the locations, including the site at which the member participates via videoconference. Reasonable efforts shall be made to ensure that all meetings are held in an appropriate facility which can adequately accommodate any and all members of the public who wish to attend.

In addition, the Board authorizes its members and the members of any and all committees of the Board now existing or hereafter established to use videoconferencing to participate in a public meeting from a location that is not open to the public in the manner authorized by Section 103-a provided that: (1) a minimum number of members are present to fulfill the Board's or the committee's quorum requirement in the same physical location(s) where the public can attend; (2) the members who are using videoconferencing can be seen, heard and identified while the open portion of the meeting is being conducted; and (3) where the members of the Board or committee who are using videoconferencing from a location(s) that is not open to the public experience an extraordinary circumstance, which is hereby defined to include: (a) a disability; (b) illness; (c) caregiving responsibilities; (d) isolation or quarantine as a result of an exposure to COVID-19 or any other communicable illness; or (e) any other significant or unexpected factor or event that precludes the member's physical attendance at the meeting. The Board will follow the procedures which are posted on the District's website.

If a meeting is scheduled at least a week in advance, notice of the time and place must be given to the news media and to the public by means of posting in one or more designated public locations, not less than seventy-two hours prior to the meeting. If a meeting is scheduled less than a week in advance, notice of the time and place must be given to the news media and posted in the same manner as described above, to the extent practicable and at a reasonable time prior to the meeting. When the District has the ability to do so, notice of the time and place of the meeting shall 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 on the District website at least 24 hours prior to the meeting.

Regular meetings of the Board of Education of Rockville Centre Union Free School District shall take place on the day and time designated by the Board except as modified at subsequent meetings of the Board.

It is the responsibility of the Superintendent of Schools to prepare the agenda and review it with the Board President for each meeting of the Board. The agenda for each meeting shall be prepared during the week prior to the meeting. The agenda shall be distributed to Board members at least three



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**SUBJECT: REGULAR BOARD MEETINGS AND RULES (QUORUM AND PARLIMENTARY PROCEDURE) (cont'd)**

days prior to a regular meeting where practical. Whenever the President or other members of the Board wish to bring a matter to the attention of the Board, such request should be made to the Superintendent of Schools so that the same can be placed on the agenda. Whenever individuals or groups wish to bring a matter to the attention of the Board, such request shall be addressed in writing to the Superintendent of Schools. The Superintendent of Schools shall present such matter to the Board.

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

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

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

**Recording of Meetings**

The Board recognizes that advances in technology allow public meetings to be photographed, broadcast, webcast and/or otherwise recorded, by means of audio or video, in a non-disruptive manner. To that end, the Board may adopt rules addressing the location of equipment and/or personnel used to photograph, broadcast, webcast and/or record such meetings to assure that its proceedings are conducted in an orderly manner. Such rules shall be conspicuously posted during the meeting and written copies provided, upon request, to meeting attendees.

Whenever possible, Board meetings will be livestreamed to facilitate the open communication of public business.

**Public Expression at Meetings**

Public expression at such meetings shall be encouraged and a specific portion of the agenda shall provide for this privilege of the floor. At its discretion, the Board may invite visitors to its meetings to participate in the Board's discussion of matters on the agenda.

The total amount of time allotment, unless otherwise decided by the Board of Education, for visitors' comments at Regular Board Meetings will be 25 minutes, and each speaker will be allotted three minutes.

**Quorum**

The quorum for any meeting of the Board shall require the presences of at least three (3) members. For a member of the Rockville Centre Board of Education to be considered in attendance at a Rockville Centre Board of Education meeting, they must be either physically present, at the specified location where the meeting is taking place, or participate remotely by videoconference. No

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**SUBJECT: REGULAR BOARD MEETINGS AND RULES (QUORUM AND PARLIMENTARY PROCEDURE) (cont'd)**

formal action shall be taken at any meeting at which a quorum is not present. When only a quorum exists, the Board shall act by unanimous vote unless otherwise required by the laws of the State of New York.

**Use of Parliamentary Procedure**

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

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

**NOTE:**

Refers also to Policy #1520 – Special Meeting of the Board of Education

#1730 – Executive Sessions

#5410 – Purchasing

#6215 – Employment of Relatives of Board of Education Members

Adopted: 7/8/02

Revised: 11/13/2007, 6/4/2012, 1/14/2021, 11/16/2022

**SUBJECT: AGENDA FORMAT**

For Regular Board Meetings, the following format is used:

- a) Call to order
- b) Possible Executive Session
- c) Pledge of Allegiance to the flag and Emergency Evacuation Procedures
- d) Opportunity for Students
- e) Acceptance of Gifts
- f) Superintendent Report.
- g) Items for Information
- h) Items for Discussion
- i) Opportunity for Superintendent
- j) Opportunity for Board Members
- k) Opportunity for Visitors
- l) Approval of Minutes
- m) Approval of Financial Reports.
- n) Receipt of Financial Reports
- o) Items for Action
- p) Possible Executive Session
- q) Adjournment

The agenda format shown above may be revised to fit the purpose of the meeting.

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

Adopted: 7/8/02  
Revised: 10/20/22

**SUBJECT: SPECIAL MEETINGS OF THE BOARD OF EDUCATION**

Special meetings of the Board of Education shall be held on call by any member of the Board. A reasonable and good faith effort shall be made by the Superintendent of Schools or the Board President, as the case may be, to give every member of the Board twenty-four hours' notice of the time, place and purpose of the meeting. All special meetings shall be held at a regular meeting place of the Board.

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

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

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**SUBJECT: NEWS MEDIA SERVICES AT BOARD MEETINGS**

Representatives of all media are invited to attend all public Board meetings. Meeting announcements, agendas, and summaries of the minutes for each Board meeting will be posted.

Adopted: 7/8/02

**SUBJECT: ANNUAL DISTRICT MEETING AND ELECTION/BUDGET VOTE**

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

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

The District Clerk shall give notice of the time and place of holding the Annual Meeting and Election/Budget Vote by publishing such notice four (4) times within seven (7) weeks preceding the meeting. The first publication of the notice must be at least forty-five (45) days prior to the meeting. Such notice must appear in two (2) newspapers, if there are two (2) newspapers which have a general circulation within the District, or one (1) newspaper, if there is one (1) newspaper with a general circulation within the District. The notice shall also contain such other information as required by law.

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

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

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

Adopted: 7/8/02  
Revised: 11/15/05

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

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

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

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

Education Law Sections 1716 and 2025

Adopted: 7/8/02

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**SUBJECT: ANNUAL REORGANIZATIONAL MEETING**

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

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

Education Law Section 1707

Adopted: 7/8/02



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**SUBJECT: QUORUM**

The quorum for any meeting of the Board shall be three (3) members. No formal action shall be taken at any meeting at which a quorum is not present. When only a quorum exists, the Board shall act by unanimous vote unless otherwise required by the laws of the State of New York.

General Construction Law Section 41

Adopted: 7/8/02

**SUBJECT: MINUTES**

Board meeting minutes will be maintained by the District Clerk, and will be limited to a brief, but complete, record of Board action.

The written record will be limited to:

- a) Time, place and date of meeting
- b) Board members present and absent
- c) Attendance of administrative staff, and District Clerk
- d) Motions and their dispositions, including a record of individual member votes
- e) Announcements by the Board President
- f) Action on minutes
- g) Name of the speaker and subject of any presentations, or discussion on policies or regulations.

The District Clerk will record on recording media the proceedings of the public portion of the Regular Board meetings when they are held in the High School or the Middle School. These recordings will be supplemental to the written minutes but not a permanent record and will be retained for a period of two years at which point they will be erased.

The original recording will be maintained by the District Clerk. Recording media may be duplicated in part or in total. Proper care must be taken not to destroy or mutilate the recording media during use of duplication.

The District Clerk will place in the Rockville Centre Public Library two loose-leaf copies of the approved written Board minutes and one copy in each of the District schools.

Written minutes of Board meetings will be available for discussion, correction, amendment, approval, or disapproval at the next regular meeting.

Minutes will not be read at the next regular meeting, provided written minutes were made available to all Board members prior to the motion to accept approval of minutes.

Public Officers Law Section 106

**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 a 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.

- 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 Article 14 of the Civil Service Law;
- f) Medical, financial, credit or employment history of any particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of any particular person or corporation;
- g) Preparation, grading or administration of examinations;
- h) Proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities, but only when publicity would substantially affect the value thereof.

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

Public Officers Law Article 7  
Education Law Section 3020-a

Adopted: 7/8/02

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(Section 2000)

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Internal Operations

**SUBJECT: NEW BOARD MEMBER ORIENTATION**

The introduction of Board Member-elects to the School District and their familiarization with its operation is a crucial educational process and an important Board responsibility. A satisfying introduction program will ultimately reward both Board Members and the whole District.

The Board of Education and the Administrative staff shall assist each new Board Member-elect to become familiar with and to understand the Board's functions, policies and procedures, and the School District's operation before taking office. The Board of Education will, therefore, provide orientation for Board Member-elects to include, but not limited to, the following:

Documents - to be presented at or before orientation session:

- a) Policy Handbook.
- b) Current and newly presented budget.
- c) Set of Board Minutes for the last three months.
- d) School Law published by New York State School Boards Association.
- e) School calendar.
- f) Copies of negotiated contracts.
- g) Future *Transmittals* to the Board.
- h) A copy of Becoming a Better Board Member, published by the National School Boards Association.
- i) List of pending litigation.
- j) A Parent's Guide to Special Education for Children Ages 5-21
- k) Robert's Rules of Order pamphlet.
- l) Copy of Education Law 1709.
- m) Open Meetings Law regarding executive sessions.
- n) Listing of Board of Education Committees and District Committees.
- o) Board Member-elect orientation outline.

Meeting and Visitations - opportunities will be available for:

- a) On-site introduction to all District administrators.
- b) Tour of District facilities.
- c) Attendance at the New York State School Boards Association Workshop for new School Board Members.
- d) Attendance and participation in discussions at all public Board meetings and executive sessions for the period between the election and the assumption of office at the invitation of the Board.

2023

2120

Internal Operations

**SUBJECT: USE OF PARLIAMENTARY PROCEDURE**

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

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

Adopted: 7/8/02  
Reviewed 9/7/23

2005 2130  
Internal Operations

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

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

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

Education Law Section 2102-a

Note: Refer also to: Policy 2150 - Travel Reimbursement  
Policy 2310 – Attendance by Board Members at  
Conferences, Conventions, and Workshops

Adopted: 2/28/06

Internal Operations

**SUBJECT: MEALS AND REFRESHMENTS**

The Board of Education recognizes that from time to time it may be appropriate to provide service of modest meals during a mealtime and/or refreshments at District meetings and/or events which are being held specifically during a mealtime for an educational purpose. Any expenditure made for such meals and/or refreshments should be appropriately documented with a receipt, itemized whenever possible, and submitted to the District's Business Office for the purposes of audit and possible reimbursement.

Examples of authorized categories of expenditures include, but are not limited to, refreshments for staff on Teacher Orientation Day at the beginning of each year and on Staff Recognition Day; refreshments for a Superintendent's Conference Day; community/district meetings at which school district business is conducted; during assessment day grading of tests; receptions for volunteers; and other meetings which occur during a mealtime at which district business is conducted.

The Board recognizes that each year there may be a limited number of instances where Board members are expected to participate by virtue of their Board office in activities of a combined business and social nature, where their participation is deemed by the Board to be in the best interest of the school district. These include, but are not limited to, district-wide events open to the school community, such as an annual PTA Recognition Dinner, where Board Members will serve as representatives of the Board to express the Board's appreciation for the efforts of parent volunteers and other honorees, and at retirement dinners for teacher retirees or administrative retirees where the presence of Board Members is essential to promotion of the goals of harmonious labor relations and for the expression of the Board's appreciation for past services by such retirees to the District and its students.

In such circumstances, the Board may designate those of its members whom it deems to be in the best interest of the District to attend such functions at District expense.

**Meals and Refreshments for Students During the School Day**

Food may be provided by the District to students during the school day when done in pursuit of specific school-related goals. Three programs within the School District are specifically authorized to use food for motivational and/or instructional purposes as part of their overall mission. These include the Special Education CORE program, Greenhouse, and the Middle School Family Consumer Science course. All other uses of food must be specifically authorized by a Principal or the Superintendent.

Adopted: 5/24/05

Revised: 4/24/07



Internal Operations

**SUBJECT: TRAVEL REIMBURSEMENT**

Members of the Board of Education, school officials and staff members shall be reimbursed for reasonable out-of-pocket expenses incurred while traveling for school related activities. Only expenses necessary to the purpose of the travel shall be reimbursable. Tax exemption certificates shall be issued and utilized only for official school related business.

The Board of Education authorizes the Superintendent or his/her designee to approve attendance by school officials and staff members to attend conferences or professional meetings for which they may be eligible for reimbursement of expenses under this policy.

To obtain reimbursement, the claimant must complete and sign an expense voucher, attach all receipts or other expense documentation, together with a copy of the approved conference attendance request form and evaluation report (if required), and submit the same to the Business Office.

Day Travel

When an employee engages in travel which does not result in overnight travel, transportation, meals and registration costs are eligible for reimbursement. Reimbursement for lodging is generally not permitted in these travel situations *unless it is necessary to complete school district business*.

Overnight Travel

Payment for overnight lodging is permitted for overnight travel which is necessary for the performance of school district business. Lodging costs shall be reimbursed at a rate not in excess of the rate charged by the convention/event hotel. When a Board of Education member or a school official or staff member engages in overnight travel, that individual may also be reimbursed for meals, registration costs, sundry expenses and incidental office expenses, as defined below, but not for personal expenses.

(Continued)

Internal Operations

**SUBJECT: TRAVEL REIMBURSEMENT (Cont'd.)**

Personal Vehicle

In certain instances, it may be appropriate for employees to use their personal vehicle for district-approved travel. Employees may be reimbursed for personal vehicle use at the prevailing IRS rate per mile. Tolls and parking may also be eligible for reimbursement. Repairs, maintenance and vehicle fluids are not reimbursable.

Rental Vehicle

Although the use of rental vehicles may be necessary when travel is required out of the area for school related purposes, rental vehicles are generally not permitted for local travel. Vehicle rental charges for travel out of the area must be paid directly by the Board of Education member or school official or staff member and submitted for reimbursement.

Airline and Railroad Travel (Long Distance or Overnight Travel)

Transportation by airline or railroad may be reimbursed for or paid for by the District only in connection with long distance or overnight travel for a school related purpose, meeting the conditions applicable to overnight lodging. The District shall carefully consider alternatives to overnight travel prior to authorization. The most economical and practical means of transportation should be selected. Additional factors, including the number of people traveling, luggage and materials to be transported, meeting schedules, Board of Education member or school officer or staff member health and safety, the cost of school officer or staff member time and the impact on the Board of Education member's or school official's or staff member's ability to efficiently conduct district-related business upon arrival, should also be considered when deciding on the most appropriate means of transportation.

1) Meals

2) Reimbursement for meal charges, including gratuities shall be at a maximum of \$50 per day. The cost of any alcohol shall not be reimbursed.

(Continued)

Internal Operations

**SUBJECT: TRAVEL REIMBURSEMENT (Cont'd.)**

Sundry Expenses

Conventions, Seminars, Conferences

Registration, workshop and other fees as itemized in the conference literature, must be reimbursed at actual cost, if not prepaid by the District. Cost for nonessential activities unrelated to official business are considered personal expenses and will not be paid by the District.

Tipping and Gratuities

Reimbursement for customary and reasonable tips and gratuities such as at lodging establishment, restaurants and for transportation services is permitted and, if possible, documentation should be provided. Tips or gratuities in excess of 20% or \$25.00 may be denied for reimbursement claims.

Miscellaneous Other Services

A Board of Education member or school officer or staff member, when traveling or under other circumstances, may be required to use fax, express mail, photocopying, postage, modem connection or other incidental office services. These expenses are allowable if for official school district purposes only. The Board of Education member or staff or school officer or staff member must document the date, time and purpose and provide receipts.

Parking and Traffic Violations

Any fines and/or penalties associated with a motor vehicle violation which were incurred during district-approved travel are not reimbursable.

Adopted: 5/24/05

Revised: 11/13/07; 2/2/23

Internal Operations

**SUBJECT: COMMITTEES OF THE BOARD**

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

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

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

**Audit Committee**

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

The Board of Education shall visit every school at least once annually.

**Education Law Section 1708 2116-c  
and 4601**

NOTE: Refer also to Policy 5572 – Audit Committee

Adopted: 7/8/02  
Revised: 2/28/06

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

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

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

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

Adopted: 7/8/02  
Revised: 5/31/23

Internal Operations

**SUBJECT: COMPENSATION AND EXPENSES**

The Board believes that continuing in-service training and development are important for its members. The Board, therefore, encourages the participation of all members at appropriate school board conferences, conventions and workshops which are believed to be of benefit to the School District.

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.

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 Board shall decide who shall represent it at various conferences.

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

Adopted: 7/8/02

Internal Operations

**SUBJECT: CONSULTANTS TO THE BOARD**

The Board may authorize the use of consultants as a means of providing the schools with valuable specialized services not required on a continuing basis.

Sufficient funds will be made available to attract competent authorities from various fields. However, the use of consultants from outside the school system who promote a particular commercial product is discouraged. When such consultants are used, it must be made clear to them that they are to perform as consultants and not as salespersons.

**Duties**

Consultants whether temporary, part-time, or full-time, will exercise no administrative authority over the work of District employees, but will act only as advisers in those fields in which they are qualified to offer expert assistance. All administrative supervision of employees will be by those District administrators to whom such responsibility has been specifically delegated.

In dealing with staff, consultants will communicate with and report to the Superintendent of Schools unless otherwise directed by the Superintendent of Schools.

Internal Operations

**SUBJECT: SCHOOL BOARD MEMBER ETHICS**

In accordance with article 18 of the General Municipal Law, Section 808(3), the Board of Education will appoint a Board of Ethics consisting of at least three members, the majority of whom are not officers or appointees of the School District and at least one elected or appointed member, at the Board of Education's Annual Reorganizational meeting in July. The members of the Board of Ethics shall serve at the pleasure of the Board of Education. The Board of Ethics will adopt such regulations as it feels necessary to fulfill its advisory function. It will report its findings to the Board of Education.

Adopted: 7/8/02  
Revised: 3/24/22



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## **POLICY**

3110  
1 of 2

Community Relations

### **SUBJECT: SCHOOL SPONSORED 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 of Schools prior to release. Copies of all final news releases will be sent to the Superintendent of Schools' Office.

As the official spokesperson, the Superintendent of Schools 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 of Schools and/or the District Clerk.

In addition, a periodic newsletter may be prepared and mailed to each resident of the School District. 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.

### **News Media Relations**

Newspaper publicity and radio and television communications constitute a large portion of the District's contact with large numbers of citizens.

The Superintendent of Schools' office will cooperate with the news media -- including newspapers, magazines, radio, and television stations -- serving as a clearinghouse for District information.

All representatives of the media will be given equal access to information about the schools. General releases of interest to the entire District will be made available to all media simultaneously. There will be no exclusive releases except as media representatives themselves initiate requests for information about particular programs, plans, or problems.

The Board will be kept informed by the Superintendent of Schools about the District's relations with the news media, and about items that are published or broadcast about the District.

(Continued)

## **POLICY**

3110  
2 of 2

### Community Relations

#### **SUBJECT: SCHOOL SPONSORED MEDIA (Cont'd.)**

##### **News Releases/Conferences and Interviews**

Because the school system is a public institution serving the educational needs of the community, it is important that information be disseminated concerning activities and problems in our schools. In order that this publicity be given wide coverage and be coordinated into a common effort and purpose, the following procedures will be followed in giving official information to the news media:

- a) The Board President will be the official Board spokesman, except as this duty is delegated to another Board member or the Superintendent of Schools. The Board President will make official news releases only with the knowledge of all Board members.
- b) News releases concerning the District schools and activities will be the responsibility of the Superintendent of Schools who will work in cooperation with the administrative staff.

While it is impossible to know how news releases will be treated by the press, every possible effort should be made to obtain coverage of school activities which will create and maintain a dignified and professionally responsible image for the school system.

The Board President and the Superintendent of Schools, in consultation with the Board, whenever possible, may grant interviews commenting on District policy and indicating the Board's expressed position in regard to specific problems or incidents. When another Board or staff member is in a position to provide the public and press with more complete information on a specific topic, he may be delegated the responsibility to do so.

Adopted: 7/8/02  
Revised: 12/9/08

## **POLICY**

2022

3120

Community Relations

### **SUBJECT: RELATIONS WITH THE MUNICIPAL GOVERNMENTS**

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

#### **Relations With Police Authorities**

Consistent with law, the Board will extend full cooperation to law enforcement agencies in the official exercise of their duties, consistent with careful protection of the rights of staff and students. This policy will apply during regular school hours and during scheduled school activities.

Police will be permitted to enter District buildings and grounds by consent of the Principal or his/her designee:

- a) to control a disturbance threatening life, health, or property, which the Principal has determined he/she cannot otherwise control, or
- b) to conduct an investigation or search of the premises at the Principal's request.

Police will not be permitted to enter District buildings and grounds for the purpose of questioning students, unless:

- a) the parents of those to be questioned have been notified by the Principal, given approval and been afforded an opportunity to be present, or the parents have given approval and designated someone or no one to be present on their behalf, or
- b) the student and the parent (or the parent's designee) have been advised by the police of the student's right to remain silent and his right to have an attorney present during the questioning.

Adopted: 7/8/02  
Revised: 11/3/22

## **POLICY**

2023

3130

Community Relations

### **SUBJECT: FLAG DISPLAY**

In keeping with State Education Law and Executive Law, the Board of Education accepts its duty to display the United States flag upon or near each public school building during school hours, or after sundown, if lit, weather permitting, and such other times as the statutes may require or the Board may direct. In addition, the flag must be displayed in each assembly room.

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

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

Adopted: 7/8/02

Revised:9/7/23

## **POLICY**

2023

3140

Community Relations

### **SUBJECT: COMMUNITY INVOLVEMENT IN DECISION MAKING**

District residents will be encouraged to take an active part in school affairs. Such persons may be invited by the District to act as advisors individually or in groups.

The Board and the staff will give due consideration to the advice they receive from individuals and community groups interested in the schools, especially those individuals and groups they have invited or created to advise them regarding selected problems, but the Board and staff members will use their own best judgment in arriving at decisions. The responsibility for final decisions rests with the Board.

Adopted: 7/8/02  
Reviewed: 9/7/23

## **POLICY**

2002

3141

Community Relations

### **SUBJECT: COMMUNITY CONSULTATION IN MAJOR CAPITAL IMPROVEMENTS**

The School Board will consult with neighboring residents when considering major capital improvements to its property. A major capital improvement will mean anything that significantly changes the structural appearance of the School District property or its original intended use.

The decision as to which improvement shall be considered significant shall be made by the Board of Education. A consultation shall mean the opportunity for the public within the neighborhood of the school to address the Board at a regularly scheduled public meeting after appropriate public notice to include a letter to those people most directly affected.

Adopted: 7/8/02



## **POLICY**

2002

3150

Community Relations

**SUBJECT: BEFORE-SCHOOL/AFTER-SCHOOL PROGRAM, PROJECT GREAT**

The Board of Education will operate an economically self-sustaining program, before and after-school for elementary school-age children who reside within and attend the Rockville Centre Union Free School District. Children may participate for two, three, four or five days depending upon family care needs. This child-care program, Project GREAT, is designed to meet the need for child-care in a caring, safe and pleasant environment. Students will have an opportunity to be involved in both educational and recreational activities.

Throughout the year recommendations will be made by either staff, parents, children or an advisory board and incorporated into a report/program summary for the Superintendent and the Members of the Board.

Chapter 460 of the Laws of 1984 amending Section 414 of the Education Law and Section 410-c of the Social Services Law

Adopted: 3/28/00

## **POLICY**

3160

Community Relations

### **SUBJECT: LIGHTING AT SOUTH SIDE HIGH SCHOOL ATHLETIC FIELD**

In order to maximize the availability of athletic fields and in consideration of the residents living within close proximity of the High School athletic fields, the District will adhere to the following schedule for lighting at the South Side High School athletic fields:

- **Lights will be used approximately six months out of the year.**
  - Lights will be utilized:
    - from the first day of school through the completion of the Fall sports season, approximately November 30<sup>th</sup> ; and
    - from the beginning of the Spring sports season, approximately March 1<sup>st</sup> through the end of school.
- **Lighting Curfew**
  - Practices**
    - Lights until 8 PM Monday through Friday.
    - No lights on Saturday and Sunday.
  - Games**
    - Lights until 8 PM Monday through Thursday.
    - Lights until 9 PM Friday.
    - On Mondays through Thursdays games will start as indicated below. All games must be played to their conclusion:
      - Lacrosse and Soccer contests will be scheduled to start no later than 6:00 PM;
      - Football and Softball contests will be scheduled to start no later than 5:00 PM.
    - On Fridays, games will start as indicated below. All games must be played to their conclusion:
      - Lacrosse and Soccer contests will be scheduled to start no later than 7:00 PM;
      - Football and Softball contests will be scheduled to start no later than 6:00 PM.
    - No evening contests will be played on Saturday or Sunday.
    - The Superintendent or his/her designee has the authority to extend the lighting schedule so a game may be concluded.

On days when practices or games are not scheduled or have been cancelled, lights will not be turned on. The Board of Education will consider applications from student and/or community groups to use the lights and fields for special events.

Adopted: 2/6/07

Revised: 2/3/16

## **POLICY**

3170

1 of 2

### **SUBJECT: MEMORIALS**

Community Relations

#### **PURPOSE**

The Rockville Centre Union Free School District recognizes that the loss of a student or staff member deeply impacts students, staff and families. The District also recognizes that memorials after a death may have other implications beyond honoring the life of the deceased. The purpose of this policy is to ensure that students, staff and families are supported throughout the grieving process. The District will support the wellbeing and mental health of all students, staff, and families as they honor the life of the deceased. Existing memorials established prior to the implementation of this policy will not be removed as a result of this policy

#### **DEFINITIONS**

- Memorials: Objects or activities of remembrance
- Living Memorials: A non-tangible memorial intended to be sustained over time.
- Postvention Team (PVT): An appointed group of staff members who develop and execute district-wide procedures for the handling of mental health needs in the recovery phase of a crisis situation needing grief support.
- Crisis: Any natural disaster or unexpected event that negatively affects a student, a staff member or the school community that usually involves serious emotional, psychological and/or physical injury or death.
- Impact: The magnitude of the potential loss or seriousness of the crisis.
- Memorialization: The process of preserving memories of people or events.

#### **GENERAL STATEMENT OF POLICY**

In recognition that schools are designed primarily to support learning, school buildings and grounds should not serve as a venue for the permanent memorialization of students or staff. Memorial activities at school need to be coordinated and approved through the Postvention Team (PVT), as well as building administration. The PVT will assist families and students in selecting memorial activities that are appropriate for school and assist students and staff in healthy bereavement. The building administration and PVT staff will be consulted in determining how to best meet the overall needs of students, staff, parents and community as a whole.

#### **MEMORIALS**

Approved living memorials include endowments, scholarships, or items with educational significance. Scholarship and endowment memorials may be established one time, or in the form of a perpetual award, with a description of the purpose of the endowment or scholarship.

Other permissible memorial activities include:

- Graduation Recognition: A member of the school administration may make reference to the deceased member of the graduating class during a speech, upon request or permission of the deceased student's family.

## **POLICY**

(Continued)

3170  
2 of 2

### **SUBJECT: MEMORIALS**

Community Relations

- ‘Pop-Up’ memorials - Temporary ‘Pop-Up’ memorials, as approved by the building administration and the PVT staff, may be displayed within the school building or on school grounds until the day of the funeral, or within one week following the death, after which time they will be given to the family by designated district officials.
- Approved Rockville Centre UFSD student organizations may contribute collected funds to living memorials.

### **PROHIBITED MEMORIAL ACTIVITIES**

- No physical or permanent memorials may be permitted, including but not limited to; use of physical and/or digital images at school sponsored events, naming of buildings/rooms, installing benches/gardens/trees, athletic venues, etc.
- Tribute pages in yearbooks will not be allowed.
- Memorials may not include the alteration, or discontinued use of school property.
- Memorials may not include the retirement of athletic jersey numbers.
- Selling and/or fundraising of memorial items during the school day is prohibited.
- Student Activity Funds cannot be used to support, finance, or fundraise for memorialization. Proceeds from District co-curricular events or contests cannot be donated to agencies for the sole purpose of memorialization, but should instead be used for living memorials as mentioned above.
- With the exception of aforementioned permissible activities, utilizing formal all-school or school-wide events, including Commencement, Homecoming festivities, Prom, and other thematic events or weeks to memorialize deceased students or staff is prohibited.
- Formal, school-wide recognition of significant dates related to the deceased shall not occur.
- While the District supports attending services as part of the bereavement process for students, it is recommended that they do so with family members. Therefore, the District will not provide transportation to and from services. Counseling and support services, including building level psychologists, social workers and school counselors, will be available throughout the bereavement process.

All organizations affiliated with the District must adhere to the terms of this policy.

Adopted: 7/1/2021

## **POLICY**

2023

3210

Community Relations

### **SUBJECT: VISITORS TO THE SCHOOL**

All visitors shall be required to report to the main office or other officially designated location. Visitations to classrooms for any purpose require permission in advance from the Building Principal in order to allow teachers the opportunity to arrange their schedules to accommodate such requests.

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

All visitors must comply with the District's Code of Conduct.

#### **Electronic Visitor Management System**

The District utilizes an electronic visitor management system (EVMS) in order to ensure the safety and welfare of its students, staff, and guests. When any visitor, including parents and volunteers, wishes to enter any school building during school hours, he or she must present a valid state or government issued photo ID, such as a valid driver's license. Once the visitor's ID is scanned, the EVMS will print a visitor's badge which must be worn throughout the duration of the visit. Visitors should return this badge at the end of their visit so that they may be checked out of the building in a timely fashion. Visitors who refuse to produce IDs may be asked to either wait in the school building lobby or to leave school premises.

Adopted: 7/8/02

Revised: 6/14/23

## **POLICY**

3220

Community Relations

### **SUBJECT: PUBLIC EXPRESSION AT MEETINGS**

The Board recognizes its responsibility to conduct District business in an orderly and efficient manner, and will, therefore, require reasonable control of public presentations to the Board.

The total amount of time allotted, unless otherwise stated by the Board of Education, for visitors' comments at regular Board meetings will be twenty-five minutes, and each speaker will be allotted three minutes.

A person wishing to address the Board must first be recognized by the Board President. The recognized speaker will state his/her name and address and proceed with his/her comments. The Board President may rule on such matters as the time allows for public comment or discussion, and the appropriateness of the subject presented. The Board as a whole will have the final decision regarding the President's rulings. The Board will not accept "name-calling," slanderous remarks, or inappropriate language; persons expressing such remarks will be ruled out of order. The public, in its comments, will be requested to refrain from making any direct references to students or staff members that could be considered critical of their performance or their character. Such references to individual students or staff members are inappropriate in a public forum and should instead be conducted in private conversation with appropriate members of the staff.

At regular Board meetings the agenda will include time for the hearing of visitors. At special Board meetings, audience participation may be permitted at the discretion of the Board President.

Adopted: 7/8/02  
Revised: 11/13/07

## **POLICY**

2002

3230

Community Relations

### **SUBJECT: PUBLIC COMPLAINTS**

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

If the complaint and related concerns are not resolved at this level to the satisfaction of the complainant, the complaint may be carried to the Superintendent of Schools and/or one of his/her assistants. Unresolved complaints at the building level will be reported to the Superintendent of Schools by the Building Principal. The Superintendent of Schools may require the statement of the complainant in writing.

If the complaint and related concerns are not resolved at the Superintendent of Schools level to the satisfaction of the complainant, the complaint may be carried to the Board of Education. Unresolved complaints at the Superintendent of Schools level must be reported to the Board of Education by the Superintendent of Schools. The Board of Education reserves the right to require prior written reports from appropriate parties.

## **POLICY**

2023

3240

Community Relations

### **SUBJECT: DISSEMINATION OF INFORMATION THROUGH STUDENTS**

District sponsored activities may be disseminated at the discretion of the Principals to or through the student body. Activities sponsored by anyone other than the District, must have the information they would like to have disseminated, reviewed and authorized by the Superintendent of Schools or his/her designee prior to distribution to the students.

Adopted: 7/8/02  
Revised: 5/31/23



Rockville Centre Union Free School District, Rockville Centre, NY

## **POLICY**

2002

3250

Community Relations

### **SUBJECT: ROCKVILLE CENTRE COUNCIL OF PTAs**

The Board of Education recognizes that the goal of the Rockville Centre Council of PTAs and all PTA units is to develop a united effort between educators and the general public to secure for every child in meeting the District's Mission Statement (see page (2) of this policy manual). Therefore, staff members and parents are encouraged to join the appropriate PTA units and to participate actively in its programs.

Adopted: 7/8/02

## **POLICY**

2002

3260

### Community Relations

#### **SUBJECT: COMMUNITY-BASED CLUBS AND ORGANIZATIONS**

The Board of Education recognizes that community-based clubs and organizations (“clubs”) may be created to promote community support and/or to raise funds for specific school activities or programs. These groups may not discriminate on the basis of sex, color, national origin, ethnic background, disability, religion or any other arbitrary criteria.

Rules and regulations will be established to govern the activities of community-based clubs and organizations. The Board further requires that:

- a) Any time a community-based club or organization uses the name of the District, or any language suggesting that the District has endorsed, sponsored or otherwise approved the club’s activities, the club must use the attached form (3260-F) to obtain prior approval by the Superintendent.
- b) Seek advance approval for any use of school facilities and/or equipment, follow the policy and procedures outlined in the Public Use of School Facilities and any accompanying regulations.
- c) Assume all financial responsibility for the organization, including but not limited to the provision of adequate insurance coverage, as appropriate. In addition, financial records must be maintained and made available, upon request, for Board and/or public inspection;
- d) Avoid interference with the decision-making of any student group.
- e) Understand and respect the authority of District employees in the administration of their duties.
- f) fundraising activities be approved in advance by the Superintendent of Schools or his/her designee; and
- g) groups wishing to make a contribution adhere to the District's policy and regulations regarding the acceptance of gifts. In addition, a representative of the organization must meet with the Superintendent, or designee.

The District cannot allow fundraising activities involving the participation of students during school hours. The solicitation of charitable donations cannot be intertwined with a school’s educational purpose.

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

NOTE: Refer also to Policy #3170 Memorials

Refer also to Policy #5230 Acceptance of Gifts, Grants and Bequests to the School District

Adopted: 7/8/02

Revised: 5/31/2022

## **POLICY**

2002

3271

Community Relations

### **SUBJECT: SOLICITATION OF CHARITABLE DONATIONS FROM SCHOOL CHILDREN**

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

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

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

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

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

NOTE: Refer also to Policy #7450 -- Fund Raising by Students.

Adopted: 7/8/02

Revised: 5/4/22

## **POLICY**

2002

3272  
1 of 2

Community Relations

### **SUBJECT: ADVERTISING IN THE SCHOOLS**

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

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

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

Unless specific permission has been granted by the Superintendent of Schools, Principals and teachers will not allow any agent or other person to exhibit in the schools any books or articles or apparatus; nor will they allow the distribution of any advertising matter, nor any circulars or other printed matter, nor the taking of photographs in the building or about the premises; and they will not allow any contribution for any purposes whatever to be taken in any school.

### **Dissemination of Materials Through the Schools**

Although the Board recognizes that many organizations sponsor activities that benefit District students, administrative and instructional time constraints require that there be limitation of the dissemination of materials through the schools. Therefore, only materials originating from the schools or approved by the Superintendent of Schools or his/her designee(s) will be distributed. In giving or denying approval, the Superintendent of Schools (or designee) will be guided by the following principles. Materials to be distributed must:

- a) contain no commercialism.

(Continued)

## **POLICY**

2002

3272  
2 of 2

Community Relations

### **SUBJECT: ADVERTISING IN THE SCHOOLS (Cont'd.)**

- b) be of potential benefit to the students to whom the material is directed.
- c) serve no partisan political purposes.

Except for material originating within the school system, a staff member will:

- a) send home no flyers unless the staff member has possession of a copy of the flyer approved and initialed by either the Superintendent of Schools or his/her designee.
- b) not attempt to secure telephone approval for distribution of material. The prohibition of telephone approval is necessary because there have been instances in which a person or organization has substituted flyers for those which were approved.

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

Adopted: 7/8/02

## **POLICY**

2002

3273

Community Relations

### **SUBJECT: SOLICITING FUNDS FROM SCHOOL PERSONNEL**

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

Adopted: 7/8/02

Revised: 5/4/22

## **POLICY**

3280  
1 of 3

Community Relations

### **SUBJECT: USE OF SCHOOL BUILDINGS, GROUNDS, AND OTHER PROPERTY BY NON-PROFIT, RESIDENT GROUPS**

It is the intent and policy of the Board to balance the interests of preserving school buildings, grounds and other property for the principle purpose of educating students within the District with the desire to permit specific uses of school buildings, grounds and other property by organizations and groups when such uses will not interfere with educational activities. This policy is intended to comply with Section 414 of New York State Education Law that authorizes, but does not require, school districts to open school facilities for certain types of activities. This policy is intended to create and preserve a limited public forum within all District buildings, grounds and other property.

In accordance with the provisions of this policy, the Superintendent of Schools shall establish reasonable regulations for the permissible community use of school buildings, grounds and other property and shall afford equal consideration to all eligible applicants.

In accordance with New York State Education Law, the following uses of school buildings, grounds and other property are acceptable:

- for the purpose of instruction in any branch of education, learning or the arts;
- for public library purposes;
- for holding social, civic and recreational meetings and entertainments and other uses pertaining to the welfare of the community;
- for meetings, entertainments, and occasions where admission fees are charged, when the proceeds are to be expended for an educational or charitable purpose;
- for polling places, for holding primaries and elections, and for the registration of voters, and for holding political meetings;
- for civic forums in accordance with the requirements of the New York State Education Law;
- for recreation, physical training, and athletics.

Approval of requests will be at the discretion of the Board of Education in accordance with the applicable provisions of law.

(Continued)

## **POLICY**

3280  
2 of 3

### Community Relations

#### **SUBJECT: USE OF SCHOOL BUILDINGS, GROUNDS, AND OTHER PROPERTY BY NON-PROFIT, RESIDENT GROUPS (Cont'd.)**

##### **Fees**

Fees shall be established as of July 1<sup>st</sup> each school year to cover costs to the School District for all activities in school buildings, on school grounds and for the use of other property during times when buildings are closed, including the summer months except:

- those conducted by school personnel that are specifically authorized to be exempt by the Board of Education;
- meetings of Parent-Teacher Associations;
- special events (one per year, per PTA) of the Parent-Teacher Associations and other formally established and Board of Education recognized parent groups, such as organization of the parents of school-based athletes, musicians, or science students;
- activities of groups with a majority of District residents as participants when the activities take place during open hours, Monday through Friday 6 PM to 11 PM and Saturday 9 AM to 6 PM (or until 11 PM for performing arts groups);
- activities of youth groups conducting youth activities with a majority of District residents as participants when the activities are being held using the athletic fields of the schools or in the school buildings, Monday through Friday 6 PM to 11 PM and Saturday 9 AM to 6 PM (or until 11 PM for performing arts groups);
- Fees for Sunday use of school facilities shall be established and charged to anyone using School District property on a Sunday, except for those groups specifically grandfathered herein to allow their continued Sunday use as approved for the 2006/2007 school year. The grandfathered groups are limited to RVC Basketball League, RVC Lacrosse Club, the RVC Guild for the Arts, and the Girl Scouts of Nassau County at the same amount of time allocated in the 2006/2007 school year, RVC Basketball League from 11:30 AM to 6:00 PM at South Side Middle School main and auxiliary gymnasiums from October 15 to March 30, and once a year at South Side High School main and auxiliary gymnasiums and the lunch room from 11:30 AM to 6:00 PM for an awards ceremony; RVC Lacrosse Club, once annually from 9:00 AM to 2:00 PM at South Side High School main gymnasium and cafeteria; RVC Guild for the Arts from 10:00 AM to 12:00 midnight for up to four annual performances at South Side Middle School or South Side High School; the Girl Scouts of Nassau County from 11:00 AM to 4:00 PM once annually.

These fees shall include building fees, security fees and custodial fees. A minimum of 4 hours shall be charged for custodial and security fees to all organizations and groups.



## **POLICY**

3280  
3 of 3

Community Relations

### **SUBJECT: USE OF SCHOOL BUILDINGS, GROUNDS, AND OTHER PROPERTY BY NON-PROFIT, RESIDENT GROUPS (Cont'd.)**

#### Building Fees:

A fee schedule shall be developed and updated as of July 1<sup>st</sup> each school year reflecting the current market value of the use of the District school buildings, school facilities and school grounds.

#### Security Fees:

The District shall require adequate security coverage for all organizations or groups having more than 75 participants. This coverage will be provided by District employees and the cost will be paid in full by the organization using the facility. The security fees shall be equivalent to the actual hourly rate of the employees assigned to cover the activity. There shall be a minimum of 4 hours charged to all organizations and groups. If services are rendered on a Saturday, time and a half rates will apply. If the services are rendered on a Sunday, double time rates will apply.

#### Custodial Fees:

The custodial fees shall be equivalent to the actual hourly rate of the employees assigned to cover the activity. There shall be a minimum of 4 hours charged to all organizations and groups. If services are rendered on a Saturday, time and a half rates will apply. If the services are rendered on a Sunday, double time rates will apply.

Adopted: 7/8/02

Revised: 8/2/05, 12/22/05, 10/3/07, 2/26/08, 12/11/12

## **POLICY**

3280.1  
1 of 2

Community Relations

**SUBJECT: USE OF SCHOOL BUILDINGS, GROUNDS, AND OTHER PROPERTY BY FOR-PROFIT AND NON-RESIDENT GROUPS**

In an effort to ease the tax burden on district residents, the Board of Education encourages the rental of school buildings, grounds, and other property at market rates by for-profit and non-resident organizations or groups for educational, civic and recreational purposes at times when they are not in use for school purposes or school related activities, or already reserved for use by non-profit, resident groups.

In accordance with the provisions of this policy, the Superintendent of Schools shall establish reasonable regulations for the permissible use of school buildings, grounds and other property and shall afford equal consideration to all eligible applicants.

Approval of requests will be at the discretion of the Board of Education in accordance with the applicable provisions of law.

Fees:

Fees shall be established to cover costs to the School District for all activities in school buildings, on school grounds and for the use of other property during times when buildings are closed, including the summer months. These fees shall include building fees, security fees and custodial fees and a minimum of 4 hours shall be charged to all organizations and groups.

Building Fees:

A fee schedule shall be developed and updated as of July 1<sup>st</sup> each school year reflecting the current market value of the use of the District school buildings, school facilities and school grounds.

Security Fees:

The District shall require adequate security coverage for all organizations or groups having more than 75 participants. This coverage will be provided by District employees and the cost will be paid in full by the organization using the facility. The security fees shall be equivalent to the actual hourly rate of pay of the employees assigned to cover the activity. There shall be a minimum of 4 hours charged to all organizations and groups. If services are rendered on a Saturday, time and a half rates will apply. If the services are rendered on a Sunday, double time rates will apply.

Custodial Fees:

The custodial fees shall be equivalent to the actual hourly rate of pay of the employees assigned to cover the activity. There shall be a minimum of 4 hours charged to all organizations and groups. If services are rendered on a Saturday, time and a half rates will apply. If the services are rendered on a Sunday, double time rates will apply.

# **POLICY**

3280.1

2 of 2

Community Relations

**SUBJECT: USE OF SCHOOL BUILDINGS, GROUNDS, AND OTHER  
PROPERTY BY FOR-PROFIT AND NON-RESIDENT GROUPS**

Application and Regulations:

For-profit and non-resident groups shall follow the same application process and regulations applicable to community groups who wish to use school district property.

Adopted: 10/3/07  
Revised: 12/11/12

## **POLICY**

3310

Community Relations

### **SUBJECT: PUBLIC ACCESS TO RECORDS**

Access to records of the District shall be consistent with the rules and regulations established by the State Committee on Open Government and shall comply with all the requirements of the New York State Public Officers Law Sections 87 and 89.

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

#### **Request for Records via E-mail**

If the District has the capability to retrieve electronic records, it must provide such records electronically upon request. The District shall accept requests for records submitted in the form of electronic mail and respond to such requests by electronic mail using the forms supplied by the District. This information shall be posted on the District website, clearly designating the e-mail address for purposes of receiving requests for records via this format.

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

Education Law Section 2116  
Public Officers Law Section 87 and 89.  
21 New York Code of Rules and Regulations  
(NYCRR) Parts 1401 and 9760

Adopted: 7/8/02  
Revised: 12/9/09

## **POLICY**

2002

3320

Community Relations

### **SUBJECT: CONFIDENTIALITY OF COMPUTERIZED INFORMATION**

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

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

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

Public Officers Law Sections 84 et seq.

Adopted: 7/8/02

# **CODE OF CONDUCT**

## Guidelines for Character Development and Student Support



**Rockville Centre Union Free School District  
128 Shepherd Street  
Rockville Centre, NY 11570**

*Approved by the Board of Education of the  
Rockville Centre Union Free School District  
2023/2024  
Policy #3410 – Revised 7/20/2023*

**The most up-to-date copy of the Code of Conduct can be found on the District website [www.rvcschools.org](http://www.rvcschools.org), under Board of Education, or by clicking [here](#).**

## Community Relations

**SUBJECT: UNLAWFUL POSSESSION OF A WEAPON UPON SCHOOL GROUNDS**

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

The term "weapon" means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or bodily injury.

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

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

Penal Law Sections 220.00(14), 265.01, 265.02(4),  
265.03, 265.05, and 265.06

NOTE: Refer also to Policy #7360 -- Weapons in School and The Gun-Free Schools Act.

Adopted: 7/8/02

## Community Relations

**SUBJECT: THREATS OF VIOLENCE IN SCHOOL**

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

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

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

All staff who are made aware of physical acts and/or threats of violence directed to students or staff are to report such incidents to the Building Principal/designee, who shall report such occurrences to the Superintendent of Schools. Local law enforcement agencies may be called as necessary upon the determination of the Superintendent of Schools/designee.

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

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

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

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

Adopted: 7/8/02



**SUBJECT: SEXUAL HARASSMENT**

**Overview**

The District is committed to creating and maintaining an environment which is free from harassment and discrimination. This policy addresses sexual harassment and gender discrimination in the workplace. It is intended to inform covered individuals of: their right to work in an environment that is free from sexual harassment and discrimination; what sexual harassment and discrimination look like; how they can prevent and report sexual harassment and discrimination; how they are protected from retaliation after taking action; and the general process for investigating a claim of sexual harassment and discrimination that falls under this policy. This policy is just one component of the District's overall commitment to maintaining a harassment and discrimination-free educational and work environment.

Under New York State Human Rights Law (NYSHRL), it is illegal for an employer to discriminate based on age, race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, marital status, status as a victim of domestic violence, or criminal history. These different identities impact an individual's perception and understanding of the world. For example, an individual's race, ability, or immigration status may impact their experience with gender discrimination in the workplace. While this policy is focused on sexual harassment and gender discrimination, the process for reporting and investigating discrimination based on other protected classes is generally the same. However, the exact process may vary depending on a number of factors including, but not limited to, who is involved. Other District policies and documents such as regulations, procedures, collective bargaining agreements, and the District's Code of Conduct detail the specific process for reporting and investigating discrimination based on other protected identities.

Sexual harassment is a form of workplace discrimination that subjects individuals to inferior conditions of employment due to their gender, gender identity, gender expression (perceived or actual), and/or sexual orientation. Sexual harassment is often viewed simply as a form of gender-based discrimination, but the District recognizes that discrimination can be related to or affected by other identities beyond gender.

Discrimination of any kind, including sexual harassment, is unlawful, a violation of District policy, and may subject the District to liability for the harm experienced by targets of discrimination. All individuals are required to work in a manner designed to prevent sexual harassment and discrimination in the workplace.

Harassers may also be individually subject to liability and supervisors who fail to report or act on harassment may be liable for aiding and abetting sexual harassment and discrimination. Employees at every level who engage in harassment or discrimination, including supervisory personnel who engage in harassment or discrimination or who allow such behavior to continue, will be subject to remedial and/or disciplinary action by the District.

(Continued)

**SUBJECT: SEXUAL HARASSMENT (CONT'D)**

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

Inquiries about this policy may be directed to the District's Civil Rights Compliance Officer(s) (CRCO(s)) and/or Title IX Coordinator(s).

**Scope and Application**

This policy applies to all instances of sexual harassment and gender discrimination perpetrated against a "covered individual" by anyone in the workplace, including a co-worker, supervisor, or third-party such as a non-employee, paid or unpaid intern, vendor, building security, visitor, volunteer, parent, or student. For purposes of this policy, a "covered individual" includes:

- a) Employees;
- b) Applicants for employment;
- c) Paid or unpaid interns; and
- d) Non-employees, which include anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or other person providing services pursuant to a contract in the workplace. These non-employees include persons commonly referred to as independent contractors, gig workers, and temporary workers. Also included are non-employees providing equipment repair, cleaning services, or any other service through a contract with the District.

Other District policies and documents such as regulations, procedures, collective bargaining agreements, and the District's Code of Conduct may address misconduct related to sexual harassment and may provide for additional, different, or more specific grievance procedures depending on a number of factors including, but not limited to, who is involved and where the alleged sexual harassment occurred. These documents must be read in conjunction with this policy.

The dismissal of a complaint under one policy or document does not preclude action under another related District policy or document.

(Continued)

**SUBJECT: SEXUAL HARASSMENT (CONT'D)**

**What Constitutes Sexual Harassment**

Sexual harassment is a form of gender-based discrimination that is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender. Sexual harassment is not limited to sexual contact, touching, or expressions of a sexually suggestive nature. Sexual harassment includes all forms of gender discrimination including gender role stereotyping and treating individuals differently because of their gender.

Understanding gender diversity is essential to recognizing sexual harassment because discrimination based on sex stereotypes, gender expression, and perceived identity are all forms of sexual harassment. The gender spectrum is nuanced, but the three most common ways people identify are cisgender, transgender, and non-binary. A cisgender person is someone whose gender aligns with the sex they were assigned at birth. Generally, this gender will align with the binary of male or female. A transgender person is someone whose gender is different than the sex they were assigned at birth. A non-binary person does not identify exclusively as a man or a woman. They might identify as both, somewhere in between, or completely outside the gender binary. Some may identify as transgender, but not all do. Respecting an individual's gender identity is a necessary first step in establishing a safe workplace.

Under NYSHRL, sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment. Harassment does not need to be severe or pervasive to be illegal. It can be any harassing behavior that rises above petty slights or trivial inconveniences. Every instance of harassment is unique to those experiencing it, and there is no single boundary between petty slights and harassing behavior. However, NYSHRL specifies that whether harassing conduct is considered petty or trivial is to be viewed from the standpoint of a reasonable victim of discrimination with the same protected characteristics. Generally, any behavior in which a covered individual is treated worse because of their gender (perceived or actual), sexual orientation, or gender expression is considered a violation of District policy. The intent of the behavior, for example, making a joke, does not neutralize a harassment claim. Not intending to harass is not a defense. The impact of the behavior on a person is what counts.

Sexual harassment includes any unwelcome conduct which is either directed at an individual because of that individual's gender identity or expression (perceived or actual), or is of a sexual nature when:

- a) The purpose or effect of this behavior unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment. The impacted individual does not need to be the intended target of the sexual harassment;
- b) Employment depends implicitly or explicitly on accepting such unwelcome behavior; or

(Continued)

**SUBJECT: SEXUAL HARASSMENT (CONT'D)**

- c) Decisions regarding an individual's employment are based on an individual's acceptance to or rejection of the behavior. These decisions can include what shifts and how many hours an employee might work, project assignments, as well as salary and promotion decisions.

There are two main types of sexual harassment:

- a) Hostile work environment which 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, gender identity, or gender expression. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory, or discriminatory statements which an employee finds offensive or objectionable, causes an employee discomfort or humiliation, or interferes with the employee's job performance.
- b) Quid pro quo harassment which occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions, or privileges of employment.

Any covered individual who feels harassed is encouraged to report the behavior so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be discrimination and is covered by this policy.

**Examples of Sexual Harassment**

The following describes some actions that may constitute unlawful sexual harassment and that are strictly prohibited. This list is just a sample of behaviors and should not be considered exhaustive. Any covered individual who believes they have experienced sexual harassment, even if it does not appear on this list, should feel encouraged to report it:

- a) Physical acts of a sexual nature, such as:
  - 1. Touching, pinching, patting, kissing, hugging, grabbing, brushing against another individual's body, or poking another individual's body; or
  - 2. Rape, sexual battery, molestation, or attempts to commit these assaults, which may be considered criminal conduct outside the scope of this policy.
- b) Unwanted sexual comments, advances, or propositions, such as:
  - 1. Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion, or other job benefits;

(Continued)

**SUBJECT: SEXUAL HARASSMENT (CONT'D)**

2. Subtle or obvious pressure for unwelcome sexual activities; or
  3. Repeated requests for dates or romantic gestures, including gift-giving.
- c) Sexually oriented gestures, noises, remarks or jokes, or questions and comments about a person's sexuality, sexual experience, or romantic history which create a hostile work environment. This is not limited to interactions in person. Remarks made over virtual platforms and in messaging apps when employees are working remotely can create a similarly hostile work environment.
- d) Sex stereotyping, which occurs when someone's conduct or personality traits are judged based on other people's ideas or perceptions about how individuals of a particular sex should act or look:
1. Remarks regarding an employee's gender expression, such as wearing a garment typically associated with a different gender identity; or
  2. Asking employees to take on traditionally gendered roles, such as asking a woman to serve meeting refreshments when it is not part of, or appropriate to, her job duties.
- e) Sexual or discriminatory displays or publications anywhere in the workplace, such as:
1. Displaying 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;
  2. This also extends to the virtual or remote workspace and can include having such materials visible in the background of one's home during a virtual meeting.
- f) Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, or gender expression, such as:
1. Interfering with, destroying, or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
  2. Sabotaging an individual's work;
  3. Bullying, yelling, or name-calling;
  4. Intentional misuse of an individual's preferred pronouns; or

(Continued)

**SUBJECT: SEXUAL HARASSMENT (CONT'D)**

5. Creating different expectations for individuals based on their perceived identities:
  - (a) Dress codes that place more emphasis on women's attire;
  - (b) Leaving parents/caregivers out of meetings.

**Who Can be a Target of Sexual Harassment?**

Sexual harassment can occur between any individuals, regardless of their sex or gender. Harassment does not have to be between members of the opposite sex or gender. This policy applies to all instances of sexual harassment perpetrated against a "covered individual" by anyone in the workplace, including a co-worker, supervisor, or third-party such as a non-employee, paid or unpaid intern, vendor, building security, visitor, volunteer, parent, or student.

Sexual harassment does not happen in a vacuum and discrimination experienced by an individual can be impacted by biases and identities beyond an individual's gender. For example:

- a) Placing different demands or expectations on black women employees than white women employees can be both racial and gender discrimination;
- b) An individual's immigration status may lead to perceptions of vulnerability and increased concerns around illegal retaliation for reporting sexual harassment; or
- c) Past experiences as a survivor of domestic or sexual violence may lead an individual to feel re-traumatized by someone's behaviors in the workplace.

Individuals bring personal history with them to the workplace that might impact how they interact with certain behavior. It is especially important for all employees to be aware of how words or actions might impact someone with a different experience than their own in the interest of creating a safe and equitable workplace.

**Where Can Sexual Harassment Occur?**

Unlawful sexual harassment is not limited to the physical workplace itself. Sexual harassment can occur on school property and at school functions which, for purposes of this policy, means a school-sponsored or school-authorized extracurricular event or activity regardless of where the event or activity takes place, including any event or activity that may take place virtually or in another state. It can occur while covered individuals are traveling for District business or at District or industry-sponsored events or parties. Calls, texts, emails, and social media usage by covered individuals can constitute unlawful workplace harassment, even if they occur away from school property, on personal devices, or during non-work hours. Accordingly, conduct or incidents of sexual harassment that create or foreseeably create a disruption within the District may be subject to this policy in certain circumstances.

(Continued)

**SUBJECT: SEXUAL HARASSMENT (CONT'D)**

Sexual harassment can occur when covered individuals are working remotely. Any behaviors outlined above that leave a covered individual feeling uncomfortable, humiliated, or unable to meet their job requirements constitute harassment even if the covered individual is working remotely when the harassment occurs. Harassment can happen on virtual meeting platforms, in messaging apps, and after working hours between personal cell phones.

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

Retaliation is unlawful and is any action by an employer or supervisor that punishes an individual upon learning of a harassment claim, that seeks to discourage a covered individual from making a formal complaint or supporting a sexual harassment or discrimination claim, or that punishes those who have come forward. Adverse actions need not be job-related or occur in the workplace to constitute unlawful retaliation. For example, threats of physical violence outside of work hours or disparaging someone on social media would be covered as retaliation under this policy.

Examples of retaliation may include, but are not limited to:

- a) Demotion, termination, denying accommodations, reduced hours, or the assignment of less desirable shifts;
- b) Publicly releasing personnel files;
- c) Refusing to provide a reference or providing an unwarranted negative reference;
- d) Labeling an employee as "difficult" and excluding them from projects to avoid "drama";
- e) Undermining an individual's immigration status; or
- f) Reducing work responsibilities, passing over for a promotion, or moving an individual's desk to a less desirable office location.

Retaliation is unlawful under federal, state, and (where applicable) local law. The NYSHRL protects any individual who has engaged in "protected activity." Protected activity occurs when a person has:

- a) Made a complaint of sexual harassment or discrimination, either internally or with any government agency;
- b) Testified or assisted in a proceeding involving sexual harassment or discrimination under the NYSHRL or any other anti-discrimination law;

(Continued)

**SUBJECT: SEXUAL HARASSMENT (CONT'D)**

- c) Opposed sexual harassment or discrimination by making a verbal or informal complaint, or by simply informing a supervisor, building principal, other administrator, or the CRCO of suspected harassment;
- d) Reported that a covered individual has been sexually harassed or discriminated against; or
- e) Encouraged a covered individual to report harassment.

The District prohibits all retaliation. Any individual that reports an incident of sexual harassment or discrimination, provides information, or otherwise assists in any investigation of a sexual harassment or discrimination complaint is protected from retaliation. No one should fear reporting sexual harassment or discrimination if they believe it has occurred. Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of sexual harassment or discrimination.

Any District employee who retaliates against anyone involved in a sexual harassment or discrimination investigation will face disciplinary action, up to and including termination. All covered individuals who believe they have been subject to retaliation should inform a supervisor, building principal, other administrator, or the CRCO.

All employees and covered individuals who believe they have been a target of retaliation may also seek relief from government agencies, as explained in this policy.

**Reporting Allegations of Sexual Harassment**

Anyone who experiences, witnesses, or becomes aware of potential instances of sexual harassment is encouraged to report the behavior to a supervisor, building principal, other administrator, or the CRCO. Covered individuals should not feel discouraged from reporting harassment because they do not believe it is bad enough or conversely because they do not want to see someone fired over less severe behavior. Just as harassment can happen in different degrees, potential discipline for engaging in sexual harassment will depend on the degree of harassment and could include education counseling, suspension, or termination.

Reports of sexual harassment may be made verbally or in writing. A written complaint form is posted on the District's website if a covered individual would like to use it, but the complaint form is not required. Individuals who are reporting sexual harassment on behalf of another individual may use the complaint form and note that it is being submitted on another individual's behalf. A verbal or otherwise written complaint (such as an email) on behalf of oneself or another individual is also acceptable.

(Continued)



**SUBJECT: SEXUAL HARASSMENT (CONT'D)**

Reports may be made to a CRCO in person, by using the contact information for a CRCO, or by any other means that results in a CRCO receiving the person's verbal or written report. This report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address, listed for a CRCO.

Reports of sexual harassment may also be made to any other District employee including a supervisor or building principal. All reports of discrimination and/or harassment must be immediately forwarded to the CRCO. Reports may also be forwarded to other District employees depending on the allegations.

District employees must comply with reporting requirements in any other applicable District policy or document.

Covered individuals who believe they have been a target of sexual harassment may at any time seek assistance in additional available forums, as explained in this policy.

**Supervisory Responsibilities**

Everyone must work toward preventing sexual harassment, but leadership matters. Supervisors, building principals, other administrators, and the CRCOs have a special responsibility to make sure employees feel safe at work and that workplaces are free from harassment and discrimination. All supervisors, building principals, and other administrators who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing or discriminatory behavior, or for any reason suspect that sexual harassment or discrimination is occurring, are required to report the suspected sexual harassment to the CRCO. If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity. If the District has not designated another CRCO, the Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

Supervisors, building principals, and other administrators should not be passive and wait for a covered individual to make a claim of harassment. If they observe such behavior, they must act.

Supervisors, building principals, and other administrators can be disciplined if they engage in sexually harassing or discriminatory behavior themselves. Supervisors, building principals, and other administrators, can also be disciplined for failing to report suspected sexual harassment or allowing sexual harassment to continue after they know about it.

While supervisors, building principals, and other administrators have a responsibility to report harassment and discrimination, they must be mindful of the impact that harassment and a subsequent investigation has on victims. Being identified as a possible victim of harassment and questioned about

(Continued)

**SUBJECT: SEXUAL HARASSMENT (CONT'D)**

harassment and discrimination can be intimidating, uncomfortable and re-traumatizing for individuals. Supervisors, building principals, and other administrators must accommodate the needs of individuals who have experienced harassment to ensure the workplace is safe, supportive, and free from retaliation for them during and after any investigation.

**Bystander Intervention**

Any individual witnessing harassment as a bystander is encouraged to report it. A supervisor, building principal, or other administrator that is a bystander to harassment is required to report it. There are five standard methods of bystander intervention that can be used when anyone witnesses harassment or discrimination and wants to help.

- a) A bystander can interrupt the harassment by engaging with the individual being harassed and distracting them from the harassing behavior;
- b) A bystander who feels unsafe interrupting on their own can ask a third-party to help intervene in the harassment;
- c) A bystander can record or take notes on the harassment incident to benefit a future investigation;
- d) A bystander might check in with the person who has been harassed after the incident, see how they are feeling and let them know the behavior was not ok; and
- e) If a bystander feels safe, they can confront the harassers and name the behavior as inappropriate. When confronting harassment, physically assaulting an individual is never an appropriate response.

Though not exhaustive, and dependent on the circumstances, the guidelines above can serve as a brief guide of how to react when witnessing harassment in the workplace.

**Grievance Process for Complaints of Sexual Harassment in the Workplace**

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. An investigation of any complaint, information, or knowledge of suspected sexual harassment will be prompt, thorough, equitable, and started and completed as soon as possible. Investigations will be kept confidential to the extent possible. Disclosure may, however, be necessary to complete a thorough investigation of the charges and/or notify law enforcement officials. All individuals involved, including those making a harassment claim, witnesses, and alleged harassers deserve a fair and impartial investigation.

(Continued)

**SUBJECT: SEXUAL HARASSMENT (CONT'D)**

The CRCO will generally oversee the District's investigation of all complaints of discrimination and/or harassment. In the event an anonymous complaint is filed, the District will respond to the extent possible.

District employees may be required to cooperate as needed in an investigation of suspected sexual harassment. The District recognizes that participating in a harassment investigation can be uncomfortable and has the potential to retraumatize a covered individual. Individuals receiving claims and leading investigations will handle complaints and questions with sensitivity toward participants.

While the process may vary from case to case, investigations will be done in accordance with the following steps. Upon receipt of a complaint, the CRCO:

- a) Will conduct a prompt review of the allegations, assess the appropriate scope of the investigation, and take any interim actions (for example, instructing the individual(s) about whom the complaint was made to refrain from communications with the individual(s) who reported the harassment), as appropriate.

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

- b) Will investigate all complaints of sexual harassment regardless of how those complaints are reported and treat all complaints with equal priority. For verbal complaints, the individual will be encouraged to complete, in writing, the complaint form. If the individual reporting prefers not to fill out the complaint form, a complaint form or equivalent documentation based on the verbal reporting will be prepared. The individual reporting the harassment will be provided a copy of the completed complaint form.
- c) Will take steps to obtain, review, and preserve documents sufficient to assess the allegations, including documents, emails, or phone records that may be relevant to the investigation. The CRCO will consider and implement appropriate document request, review, and preservation measures, including for electronic communications.
- d) Will seek to interview all parties involved, including any relevant witnesses. If a student is involved, the District will follow all applicable District policies and procedures regarding questioning students.
- e) Will create written documentation of the investigation (such as a letter, memo, or email), which contains the following:

(Continued)

**SUBJECT: SEXUAL HARASSMENT (CONT'D)**

1. A list of all documents reviewed, along with a detailed summary of relevant documents;
  2. A list of names of those interviewed, along with a detailed summary of their statements;
  3. A timeline of events;
  4. A summary of any prior relevant incidents disclosed in the investigation, reported or unreported;  
and
  5. The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- f) Will keep the written documentation and associated documents in a secure and confidential location.
- g) Will promptly notify the individual(s) who reported the harassment and the individual(s) about whom the complaint was made that the investigation has been completed and implement any corrective actions identified in the written document. Any corrective action taken will be in accordance with applicable law and regulation, as well as any applicable District policy, regulation, procedure, collective bargaining agreement, third-party contract, or other document such as the District's Code of Conduct.
- h) Will inform the individual(s) who reported the harassment of the right to file a complaint or charge externally as outlined in this policy.

Other District policies and documents address sexual harassment. All complaints will be handled in accordance with the applicable District policies and/or documents.

The determination as to which District policies and/or documents are applicable is fact specific, and the CRCO may work with other District staff such as the District's Title IX Coordinator(s) to determine which District policies and/or documents are applicable to the specific facts of the complaint.

**Annual Training**

The District will provide a sexual harassment prevention training program to all employees on an annual basis. The training will be interactive and will include:

- a) An explanation of sexual harassment consistent with guidance issued by the Department of Labor in consultation with the Division of Human Rights;
- b) Examples of conduct that would constitute unlawful sexual harassment;

(Continued)

**SUBJECT: SEXUAL HARASSMENT (CONT'D)**

- c) Information concerning the federal and state statutory provisions concerning sexual harassment and remedies available to victims of sexual harassment;
- d) Information concerning employees' rights of redress and all available forums for adjudicating complaints; and
- e) Information addressing conduct by supervisors and any additional responsibilities for such supervisors.

**Notification**

The District will provide this policy to all employees in-person or digitally through email upon hiring and will be posted prominently in all work locations. In addition to sending the policy through email, this policy will also be available on the District's website.

At the time of hiring and at every annual sexual harassment prevention training program, the District will provide each employee a notice containing this policy and the information presented at the District's sexual harassment prevention training program.

This notice will be provided in English and in the language identified by the employee as their primary language, provided that the New York State Department of Labor Commissioner has published a template of the model materials in that language.

The notice will be delivered in writing, either in print or digitally. The notice will either link to or include, as an attachment or printed copy, the policy and training materials.

**Legal Protections and External Remedies**

Sexual harassment is not only prohibited by the District, but it is also prohibited by state, federal, and, where applicable, local law.

The District's internal process outlined in the policy above is one way for covered individuals to report sexual harassment. Covered individuals may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, covered individuals may also seek the legal advice of an attorney.

In addition to those outlined below, individuals may have other legal protections.

(Continued)

**SUBJECT: SEXUAL HARASSMENT (CONT'D)**

New York State Division of Human Rights (NYS DHR)

The NYSHRL, NY Executive Law, Art. 15, Section 290 et seq., applies to all employers in New York State and protects covered individuals, regardless of immigration status. A complaint alleging violation of the NYSHRL may be filed either with the NYSDHR or in New York State Supreme Court.

Complaints of sexual harassment filed with NYSDHR may be submitted any time **within three years** of the harassment. If an individual does not file a complaint with NYSDHR, they can bring a lawsuit directly in state court under the NYSHRL, **within three years** of the alleged sexual harassment. An individual may not file with NYSDHR if they have already filed a NYSHRL complaint in state court.

Complaining internally to the District does not extend the time to file with NYSDHR or in court. The three years are counted from the date of the most recent incident of harassment.

Individuals do not need an attorney to file a complaint with NYSDHR, and there is no cost to file with NYSDHR.

NYSDHR will investigate the complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases receive a public hearing before an administrative law judge. If sexual harassment is found at the hearing, NYSDHR has the power to award relief. Relief varies, but it may include requiring the employer to take action to stop the harassment, or repair the damage caused by the harassment, including paying of monetary damages, punitive damages, attorney's fees, and civil fines.

NYSDHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. Individuals may call (718) 741-8400 or visit: [www.dhr.ny.gov](http://www.dhr.ny.gov).

Go to [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint with NYSDHR. The website has a digital complaint process that can be completed on a computer or mobile device from start to finish. The website has a complaint form that can be downloaded, filled out, and mailed to NYSDHR. The website also contains contact information for NYSDHR's regional offices across New York State.

Call the NYSDHR sexual harassment hotline at **1-800-HARASS-3 (1-800-427-2773)** for more information about filing a sexual harassment complaint. This hotline can also provide a referral to a volunteer attorney experienced in sexual harassment matters who can provide limited free assistance and counsel over the phone.

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**SUBJECT: SEXUAL HARASSMENT (CONT'D)**

The United States Equal Employment Opportunity Commission

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act, 42 USC Section 2000e et seq. An individual can file a complaint with the EEOC anytime within 300 calendar days from the most recent incident of 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. If the EEOC determines that the law may have been violated, the EEOC will try to reach a voluntary settlement with the employer. If the EEOC cannot reach a settlement, the EEOC (or the Department of Justice in certain cases) will decide whether to file a lawsuit. The EEOC will issue a Notice of Right to Sue permitting workers to file a lawsuit in federal court if the EEOC closes the charge, is unable to determine if federal employment discrimination laws may have been violated, or believes that unlawful discrimination occurred but does not file a lawsuit.

Individuals may obtain relief in mediation, settlement, or conciliation. In addition, 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 individual alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at [www.eeoc.gov](http://www.eeoc.gov), or via email at [info@eeoc.gov](mailto:info@eeoc.gov). To file a complaint with the United States Equal Employment Opportunity Commission, please visit <https://www.eeoc.gov/filing-charge-discrimination>.

If an individual filed an administrative complaint with the NYSDHR, then NYSDHR will automatically file the complaint with the EEOC to preserve the right to proceed in federal court.

**Title IX**

Title IX of the Education Amendments Act of 1972 prohibits discrimination on the basis of sex in education programs and activities that receive federal financial assistance. The United States Department of Education's Office for Civil Rights (OCR) enforces Title IX of the Education Amendments Act of 1972.

For more information about how to file a complaint, contact OCR at 800-421-3481 (TDD 800-877-8339) or visit: <https://www2.ed.gov/about/offices/list/ocr/docs/howto.html>. The website contains information about filing the complaint online, by mail, or by email.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city, or town in which they live to find out if a law exists.

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**SUBJECT: SEXUAL HARASSMENT (CONT'D)**

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. Those wishing to pursue criminal charges are encouraged to contact their local police department.

Title VII of the Civil Rights Act of 1964, 42 USC Section 2000e et seq.  
Title IX of the Education Amendments Act of 1972, 20 USC Section 1681 et seq.  
29 CFR Section 1604.11(a)  
34 CFR Subtitle B, Chapter I  
Civil Service Law Section 75-b  
New York State Human Rights Law, Executive Law Section 290 et seq.  
Labor Law Sections 201-g and 740

NOTE: Refer also to Policies #3420 -- Anti-Harassment in the School District  
#3421 -- Title IX and Sex Discrimination  
#6122 -- Complaints and Grievances by Employee

Adopted: 7/8/02

Revised: 11/15/2005, 10/17/2006, 7/24/2019, 4/8/2021; 2/15/23, 10/19/23



**ROCKVILLE CENTRE UNION FREE SCHOOL DISTRICT**  
**Rockville Centre, New York**  
**SEXUAL HARASSMENT**  
**FORMAL COMPLAINT FORM**

Name and position of complainant \_\_\_\_\_

Date of complaint \_\_\_\_\_

Name of alleged sexual harasser \_\_\_\_\_

Date of incident \_\_\_\_\_

Place of incident \_\_\_\_\_

Description of misconduct \_\_\_\_\_

\_\_\_\_\_

Name of witnesses (if any) \_\_\_\_\_

\_\_\_\_\_

Has the incident been reported before? \_\_\_\_\_

If yes: When? \_\_\_\_\_

To Whom? \_\_\_\_\_

What was the resolution? \_\_\_\_\_

\_\_\_\_\_

If not resolved, why not? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Supervisor/Compliance Officer Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Complainant Signature

\_\_\_\_\_  
Date

**ROCKVILLE CENTRE UNION FREE SCHOOL DISTRICT**  
**Rockville Centre, New York**  
**SEXUAL HARASSMENT**  
**FORMAL APPEAL FORM**

Name and position of complainant \_\_\_\_\_

Date of appeal \_\_\_\_\_

Date of original complaint \_\_\_\_\_

Name of alleged sexual harasser \_\_\_\_\_

Have there been any prior appeals? \_\_\_\_\_

If yes: When: \_\_\_\_\_

To Whom: \_\_\_\_\_

Description of decision being appealed \_\_\_\_\_

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

Why is the decision being appealed? \_\_\_\_\_

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

\_\_\_\_\_  
Supervisor/Compliance Officer Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Complainant Signature

\_\_\_\_\_  
Date

**POLICY**

**SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT**

**Overview**

The District is committed to the safety and security of its employees. Workplace violence presents a serious occupational safety hazard. The goal of this policy is to promote the safety and well-being of all people in the workplace.

Acts of violence against any employee where any work-related duty is performed will be thoroughly investigated and appropriate action will be taken, including involving law enforcement authorities when warranted. All employees are responsible for: helping to create an environment of mutual respect for each other, as well as students, parents, and other visitors; following all applicable policies; and for assisting in maintaining a safe and secure work environment.

This policy was developed in consultation with the authorized employee representative(s) and is designed to meet the requirements of New York State Labor Law.

**Definitions**

For purposes of this policy, the following definitions apply:

- a) "Authorized employee representative" means an employee authorized by the employees or the designated representative of an employee organization recognized or certified to represent the employees pursuant to Article 14 of the Civil Service Law, the Public Employees' Fair Employment Act.
- b) "Imminent danger" means any conditions or practices in any place of employment which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of the danger can be eliminated through the enforcement procedures.
- c) "Retaliatory action" means the discharge, suspension, demotion, penalization, or discrimination against any employee, or other adverse employment action taken against an employee in the terms and conditions of employment.
- d) "Serious physical harm" means 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 or a sexual offense as defined in Penal Law.
- e) "Serious violation" means a serious violation of the public employer workplace violence prevention program is the failure to:
  - 1. Develop and implement a program;

(Continued)

**POLICY**

**SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT (Cont'd.)**

- 2. Address situations which could result in serious physical harm.
  - f) "Supervisor" means any person within the District who has the authority to direct and control the work performance of an employee or who has the authority to take corrective action regarding the violation of a law, rule, or regulation to which an employee submits written notice.
  - g) "Workplace" means any location away from an employee's domicile, permanent or temporary, where an employee performs any work-related duty in the course of their employment by the District.

**What is Workplace Violence**

Workplace violence is any physical assault or acts of aggressive behavior occurring where an employee performs any work-related duty in the course of their employment including, but not limited to:

- a) An attempt or threat, whether verbal or physical, to inflict physical injury upon an employee;
- b) Any intentional display of force which would give an employee reason to fear or expect bodily harm;
- c) Intentional and wrongful physical contact with an employee without their consent that entails some injury;
- d) Stalking an employee with the intent of causing fear of material harm to the physical safety and health of the employee when the stalking has arisen through and in the course of employment.

Workplace violence may be committed by:

- a) Other employees;
- b) Former employees;
- c) Students;
- d) Parents;
- e) Visitors;
- f) Individuals who have no connection to the workplace, but enter to commit a robbery or other crime; or

(Continued)

**POLICY**

**SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT (Cont'd.)**

- g) An individual who has a personal relationship with an employee.

**Prohibited Conduct**

The District prohibits workplace violence and will not tolerate violence, threats of violence, or intimidating conduct in the workplace.

**Workplace Violence Prevention Advisory Committee**

The District will establish a Workplace Violence Prevention Advisory Committee that will meet periodically throughout the year. The purpose of the Workplace Violence Prevention Advisory Committee is to assist the District in coordinating its efforts to comply with its responsibilities related to workplace violence prevention, including overseeing the development and maintenance of the District's Workplace Violence Prevention Program (WVPP).

The Workplace Violence Prevention Advisory Committee will include:

- a) The Workplace Violence Prevention Coordinator;
- b) All authorized employee representatives;
- c) The Chief Emergency Officer.

It may also include one or more representatives from the following groups:

- a) District-wide school safety team;
- b) The building level emergency response team(s);
- c) District/building administrators;
- d) Teachers, including at least one special education teacher; and
- e) Other District staff.

Workplace Violence Prevention Coordinators

The District has designated the following District employees to serve as its Workplace Violence Prevention Coordinators:

- Assistant to the Superintendent for Human Resources 516-255-8957
- Director of Security 516-255-8957

(Continued)

**POLICY**

**SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT (Cont'd.)**

The Workplace Violence Prevention Coordinators convene and coordinate the activities and plans of the Workplace Violence Prevention Advisory Committee. The Workplace Violence Prevention Coordinators are also responsible for answering employee questions about this policy and related materials, as well as receiving workplace violence incident reports.

Authorized Employee Representatives

Authorized employee representatives will participate on the Workplace Violence Prevention Advisory Committee. Other responsibilities of the authorized employee representatives include, but are not limited to:

- a) Participating in the development and implementation of this policy.
- b) Evaluating the physical environment.
- c) Developing the WVPP.
- d) Reviewing workplace violence incident reports at least annually to identify trends in the types of incidents reported, if any.
- e) Reviewing the effectiveness of the mitigating actions taken.
- f) Reporting violations of the District's WVPP.

**Reporting Workplace Violence**

The District has established and implemented a reporting system for incidents of workplace violence. If there is a developing pattern of workplace violence incidents which may involve criminal conduct or a serious injury, the District will attempt to develop a protocol with the District Attorney or police to ensure that violent crimes committed against employees in the workplace are promptly investigated and appropriately prosecuted. The District will provide information on these protocols and contact information to employees who wish to file a criminal complaint after a workplace violence incident.

All employees and authorized employee representatives are responsible for providing written notice to a supervisor or a Workplace Violence Prevention Coordinator of any violent incidents, threatening behavior, including threats they have witnessed, received, or have been told that another person has witnessed or received. Reports of workplace violence must be made in writing. All reports must be immediately forwarded to the Workplace Violence Prevention Coordinators.

(Continued)

**POLICY**

**SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT (Cont'd.)**

Written notice is not required where imminent danger exists to the safety of a specific employee and the employee reasonably believes in good faith that reporting to a supervisor or a Workplace Violence Prevention Coordinator would not result in corrective action.

After the District receives notice, the District will be afforded a reasonable opportunity to correct the activity, policy, or practice. The District will immediately respond to all reported incidents of violence or threatening behavior upon notification.

In addition to complying with the reporting requirements in this policy, District employees must comply with all other applicable reporting requirements contained in any District policy, regulation, procedure, collective bargaining agreement, or other document such as the District's *Code of Conduct*.

**Inspections by the Commissioner of Labor**

At the Request of an Employee or Authorized Employee Representative

If the District has been given notice and opportunity to resolve the activity, policy, or practice and the employee or authorized employee representative still believes that a serious violation of the WVPP remains, or that an imminent danger exists, the employee or authorized employee representative may request an inspection by notifying the Commissioner of Labor of the alleged violation or danger. The notice and request will be in writing, describing with reasonable particularity the grounds for the notice, and be signed by the employee or authorized employee representative. A copy of the written notice will be provided by the Commissioner of Labor to the District or the person in charge no later than the time of inspection, except that on the request of the person giving the notice, the person's name and the names of individual employees or authorized employee representative will be withheld.

A District representative and an authorized employee representative will be given the opportunity to accompany the Commissioner of Labor during an inspection for the purpose of aiding the inspection. Where there is no authorized employee representative, the Commissioner of Labor will consult with a reasonable number of employees concerning matters of safety in the workplace.

The authority of the Commissioner of Labor to inspect a premises pursuant to an employee complaint will not be limited to the alleged violation contained in the complaint. The Commissioner of Labor may inspect any other area of the premises in which they have reason to believe that a serious violation of the workplace violence prevention law exists.

Initiated by the Commissioner of Labor

The Commissioner of Labor may inspect any premises occupied by the District if they have reason to believe that a violation of the workplace violence prevention law has occurred. The current Public Employee Safety and Health (PESH) administrative plan will be used for the enforcement of the workplace violence prevention law, including a general schedule of inspection, which provides a rational administrative basis for the inspection.

(Continued)

**POLICY**

**SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT (Cont'd.)**

**Workplace Risk Evaluation and Developing a Workplace Violence Prevention Program (WVPP)**

The District will engage in a process of workplace evaluation designed to identify the risks of workplace violence to which employees could be exposed.

The District will then develop and implement a written WVPP to prevent, minimize, and respond to any workplace violence. The Workplace Violence Advisory Committee, which includes all authorized employee representatives, will oversee and participate in the development of the WVPP. During the development process, the authorized employee representative(s) will provide input on those situations in the workplace that pose a threat of workplace violence.

The WVPP will include the following:

- a) A list of the risk factors identified in the workplace evaluation.
- b) The methods the District will use to prevent incidents of workplace violence. Examples include, but are not limited to:
  1. Making high-risk areas more visible to more people;
  2. Installing good external lighting;
  3. Using drop safes or other methods to minimize cash on hand;
  4. Posting signs stating that limited cash is on hand;
  5. Providing training in conflict resolution and nonviolent self-defense responses; and
  6. Establishing and implementing reporting systems for incidents of aggressive behavior.
- c) A hierarchy of controls to which the program will adhere as follows: engineering controls, work practice controls, and personal protective equipment (PPE).
- d) The methods and means by which the District will address each specific hazard identified in the workplace evaluation.
- e) A system designed and implemented by the District to report any workplace violence incidents that occur in the workplace. The reports must be in writing and maintained for the annual program review.
- f) A written outline or lesson plan for employee program training.

(Continued)



**POLICY**

**SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT (Cont'd.)**

- g) A plan for program review and update on at least an annual basis. This review and update will detail any mitigating steps taken in response to any incident of workplace violence.

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

The District will not take retaliatory action against any employee because the employee exercises any right accorded to them under this policy.

**Training**

At the time of hire and annually thereafter, all employees will participate in the District's workplace violence prevention training program.

**Notification**

This policy will be posted where notices to employees are typically posted. The District will make its WVPP available to employees, authorized employee representatives, and the Commissioner of Labor upon request and in the work area.

Whenever significant changes are made to the WVPP, the District will provide relevant information to affected employees.

Labor Law Section 27-b  
12 NYCRR Section 800.6

- NOTE: Refer also to Policies
- #3410 -- Code of Conduct
  - #3411 -- Prohibition of Weapons on School Grounds
  - #3412 -- Threats of Violence in School
  - #3420 -- Non-Discrimination and Anti-Harassment in the District
  - #3421 -- Title IX and Sex Discrimination
  - #5681 -- School Safety Plans
  - #5684 -- Use of Surveillance Cameras in the District on School Buses
  - #5690 -- Exposure Control Program
  - #3415 -- Sexual Harassment
  - #6122 -- Employee Grievances
  - #7350 -- Timeout and Physical Restraint
  - #7360 -- Weapons in School and the Gun-Free Schools Act

Adoption Date: 1/4/24

Community Relations

**SUBJECT: ANTI-HARASSMENT IN THE SCHOOL DISTRICT**

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

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

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

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

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

- a) Has the purpose or effect of substantially or unreasonably interfering with an individual's work performance or is used as a basis for employment decisions (including terms and conditions of employment) affecting such individual; and/or creates an intimidating, hostile or offensive work environment;

(Continued)

Community Relations

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

- b) Has the purpose or effect of substantially or unreasonably interfering with a student's academic performance or participation in an educational or , extracurricular or creates an intimidating, hostile or offensive learning environment; and/or effectively bars the student's access to an educational opportunity or benefit;
- c) Otherwise adversely affects the employment and/or educational opportunities and benefits provided by the District.

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

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

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

(Continued)

Community Relations

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

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

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

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

**Finding That Harassment Did Not Occur**

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

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

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

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Community Relations

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

**Knowingly Makes False Accusations**

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

**Privacy Rights**

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

**Development and Dissemination of Administrative Regulations**

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

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

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

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

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Community Relations

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

Age Discrimination in Employment Act,  
29 United States Code (USC) Section 621  
Americans With Disabilities Act,  
42 United States Code (USC) Section 12101 et seq.  
Prohibits discrimination on the basis of disability.  
Section 504 of the Rehabilitation Act of 1973,  
29 United States Code (USC) Section 794 et seq.  
Prohibits discrimination on the basis of disability.  
Title VI of the Civil Rights Act of 1964,  
42 United States Code (USC) Section 2000d et seq.  
Prohibits discrimination on the basis of race, color or  
national origin.  
Title VII of the Civil Rights Act of 1964,  
42 United States Code (USC) Section 2000e et seq.  
Prohibits discrimination on the basis of race, color,  
religion, sex or national origin.  
Title IX of the Education Amendments of 1972,  
20 United States Code (USC) Section 1681 et seq.  
Prohibits discrimination on the basis of sex.  
Civil Rights Law Section 40-c  
Prohibits discrimination on the basis of race, creed, color,  
national origin, sex, sexual orientation, marital status or  
disability.  
Education Law Section 2801 (1)  
Executive Law Section 290 et seq.  
Prohibits discrimination on the basis of age, race, creed,  
color, national origin, sex, sexual orientation, disability,  
military status, or marital status, or use of a recognized  
guide dog, hearing dog or service dog.  
Military Law Sections 242 and 243  
School District Conduct and Discipline Code

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

Adopted: 7/8/02  
Revised: 1/31/06, 11/14/06, 2/5/08, 9/2/09

Community Relations

**SUBJECT: TITLE IX AND SEX DISCRIMINATION**

**Overview**

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

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

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

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

**Scope and Application of Policy**

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

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

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

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Community Relations

**SUBJECT: TITLE IX AND SEX DISCRIMINATION (CONT'D)**

The dismissal of a formal complaint of sexual harassment under Title IX does not preclude action under another related District policy, procedure, collective bargaining agreement, or other document such as the District's *Code of Conduct*.

**What Constitutes Sex Discrimination Including Sexual Harassment**

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

Sex discrimination includes, but is not limited to, unequal treatment based upon one's sex and/or gender.

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

- a) An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct;
- b) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity;
- c) Sexual assault, meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
- d) Dating violence, meaning violence committed by a person:
  1. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
  2. Where the existence of such a relationship will be determined based on a consideration of the following factors:
    - (a) The length of the relationship;
    - (b) The type of relationship;
    - (c) The frequency of interaction between the persons involved in the relationship;

(Continued)



Community Relations

**SUBJECT: TITLE IX AND SEX DISCRIMINATION (CONT'D)**

- e) Domestic violence, meaning felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction; or
- f) Stalking, meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
  - 1. Fear for their safety or the safety of others; or
  - 2. Suffer substantial emotional distress.

**Title IX Coordinator**

The District will designate and authorize two District employee(s) to serve as its Title IX Coordinator(s). The Title IX Coordinator's name, title, office address, telephone number, and email address shall be noticed to students, staff members and the community via posting on the District's website, inside school buildings and any other place the Superintendent of Schools decides is helpful to disseminate this information.

The Title IX Coordinator(s), who must be referred to as such, will coordinate the District's efforts to comply with its responsibilities under Title IX. However, the responsibilities of the Title IX Coordinator(s) may be delegated to other personnel.

Where appropriate, the Title IX Coordinator(s) may seek the assistance of the District's Civil Rights Compliance Officer(s) (CRCO(s)) and/or Dignity Act Coordinator(s) (DAC(s)) in investigating, responding to, and remedying complaints of sex discrimination, including sexual harassment.

**Reporting Allegations of Sex Discrimination**

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

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

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Community Relations

**SUBJECT: TITLE IX AND SEX DISCRIMINATION (CONT'D)**

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

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

In addition to complying with this policy, District employees must comply with any other applicable District policy, procedure, collective bargaining agreement, or other document such as the District's *Code of Conduct*. This includes, but is not limited to, Policy #7380-- Dignity for All Students (DASA).

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

**Grievance Process for Complaints of Sex Discrimination Other than Sexual Harassment**

The District will provide for the prompt and equitable resolution of reports of sex discrimination other than sexual harassment. In responding to these reports, the Title IX Coordinator will utilize, as applicable, the grievance process set forth in Policy #3420 -- Anti- Harassment and Anti-Discrimination in the School District and any other applicable District policy, procedure, collective bargaining agreement, or other document such as the District's *Code of Conduct*.

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

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

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

(Continued)

Community Relations

**SUBJECT: TITLE IX AND SEX DISCRIMINATION (CONT'D)**

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

Definitions

- a) "Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to a District's Title IX Coordinator or any official of the District who has authority to institute corrective measures on behalf of the District, or to any District employee. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the District with actual knowledge is the respondent. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the District. "Notice" as used in this paragraph includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator as described in this policy.
- b) "Complainant" means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- c) Unless otherwise noted, "Days" means business days, but excludes any weekday during which the school is closed.
- d) "Formal complaint" means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the District investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the District with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by email, by using the contact information required to be listed for the Title IX Coordinator, and by any additional method designated by the District. As used in this paragraph, the phrase "document filed by a complainant" means a document or electronic submission (such as by email or through an online portal provided for this purpose by the District) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party, and must comply with the requirements of law and regulation.
- e) "Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
- f) "Supportive measures" means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has

(Continued)

Community Relations

**SUBJECT: TITLE IX AND SEX DISCRIMINATION (CONT'D)**

been filed. These measures are designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The District must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the District to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

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

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

- a) Complainants and respondents are treated equitably. This includes applying any provisions, rules, or practices incorporated into the District's grievance process, other than those required by law or regulation, equally to both parties.
- b) All relevant evidence is objectively evaluated, including both inculpatory and exculpatory evidence. Inculpatory evidence implicates or tends to implicate an individual in a crime or wrongdoing. Exculpatory evidence frees or tends to free an individual from blame or accusation.
- c) The Title IX Coordinator, investigator, decision-maker involved in the grievance process, or any person designated by the District to facilitate any informal resolution process does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
- d) Respondents are presumed not to be responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
- e) The grievance process, including any appeals or informal resolutions, is concluded within a reasonably prompt time frame and that the process is only temporarily delayed or extended for good cause. Good cause includes, but is not limited to, considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. Whenever the time frame is temporarily delayed or extended, written notice will be provided to all complainants and respondents of the delay or extension and the reasons for the action.
- f) The range of possible disciplinary sanctions and remedies that may be implemented by the District following any determination regarding responsibility are described to any known party.

(Continued)

Community Relations

**SUBJECT: TITLE IX AND SEX DISCRIMINATION (CONT'D)**

- g) The same standard of evidence is used to determine responsibility in all formal complaints.
- h) The procedures and permissible bases for an appeal are known to all complainants and respondents.
- i) The range of supportive measures available are known to all complainants and respondents.
- j) There is no requirement, allowance of, reliance on, or otherwise use of questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding the privilege has waived the privilege.
- k) The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the District and not on the parties.
- l) The Title IX Coordinator, the investigator, any decision-maker, or any other person participating on behalf the District does not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the District obtains that party's voluntary, written consent to do so for the grievance process. If the party is not an eligible student, as defined in FERPA as a student who has reached 18 years of age or is attending a post-secondary institution, the District will obtain the voluntary, written consent of a parent.
- m) The parties have an equal opportunity to present witnesses and other inculpatory and exculpatory evidence.
- n) Credibility determinations are not based on a person's status as a complainant, respondent, or witness.
- o) The ability of either party to discuss the allegations under investigation or to gather and present relevant evidence is not restricted.
- p) The parties are provided with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for any complainant or respondent in any meeting or grievance proceeding. However, the District may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.
- q) Written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, is provided to any party whose participation is invited or expected with sufficient time for the party to prepare to participate.

(Continued)

Community Relations

**SUBJECT: TITLE IX AND SEX DISCRIMINATION (CONT'D)**

- r) The parties are provided with equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the District does not intend to rely on in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.
- s) Any document sent to a minor or legally incompetent person is also sent to the party's parent or legal guardian.
- t) Any document sent to a party is also sent to the party's advisor, if known.

**After a Report of Sexual Harassment Has Been Made**

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

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

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

Requests for confidentiality or use of anonymous reporting may limit how the District is able to respond to a report of sexual harassment. Thus, requests for confidentiality will be subject to the District's Title IX obligations.

**Emergency Removal and Administrative Leave**

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

- a) Undertakes an individualized safety and risk analysis;
- b) Determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal; and

(Continued)

Community Relations

**SUBJECT: TITLE IX AND SEX DISCRIMINATION (CONT'D)**

- c) Provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.

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

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

**Filing a Formal Complaint**

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

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

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

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

The formal complaint form may be obtained from the District's Title IX Coordinator, the District's website, and available through social workers in each of the school buildings.

**Consolidation of Formal Complaints**

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

(Continued)

Community Relations

**SUBJECT: TITLE IX AND SEX DISCRIMINATION (CONT'D)**

Written Notice of Allegations

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

- a) The District's grievance process, including any informal resolution process; and
- b) The allegations of sexual harassment which will:
  1. Provide sufficient details known at the time and sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known;
  2. State that the respondent is presumed not to be responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
  3. Inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney;
  4. Inform the parties that they may inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint; and
  5. Include notice of any provision in any applicable District policy, procedure, collective bargaining agreement, or other document such as the District's *Code of Conduct* that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

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

Investigation of a Formal Complaint

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

It is anticipated that most investigations will be completed within twenty (20) working days after receiving a formal complaint. Should more time be required, the investigator will notify the Superintendent of Schools.

(Continued)



Community Relations

**SUBJECT: TITLE IX AND SEX DISCRIMINATION (CONT'D)**

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

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

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

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

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

**Dismissal of a Formal Complaint**

The District must investigate the allegations in a formal complaint. The District must dismiss a formal complaint under Title IX if the conduct alleged:

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

(Continued)

Community Relations

**SUBJECT: TITLE IX AND SEX DISCRIMINATION (CONT'D)**

- c) Did not occur against a person in the United States.

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

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

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

The dismissal of a formal complaint under Title IX does not preclude action under another related District policy, procedure, collective bargaining agreement, or other document such as the District's *Code of Conduct*.

**Informal Resolutions**

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

It is anticipated that most informal resolutions will be completed within 10 working days after receiving a notification/correspondence.

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

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

- a) Provide written notice to all known parties which details:
  - 1. The allegations in the formal complaint;

(Continued)

Community Relations

**SUBJECT: TITLE IX AND SEX DISCRIMINATION (CONT'D)**

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

**Hearings and Determination Regarding Responsibility**

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

The District's grievance process may, but is not required to, provide for a hearing. The determination as to whether a hearing will be provided will be made on a case-by-case basis. If a hearing is provided, the District will make all evidence subject to the parties' inspection and review available to give each party equal opportunity to refer to this evidence during the hearing, including for purposes of cross-examination.

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

- a) Submit written, relevant questions that a party wants asked of any party or witness within five (5) working days after the parties have received the investigative report;
- b) Provide each party with the answers given by any party or witness within seven (7) working days of receiving the questions; and
- c) Allow for additional, limited follow-up questions and responses from each party to occur within five (5) working days after the parties have received responses to their initial questions.

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

(Continued)

**SUBJECT: TITLE IX AND SEX DISCRIMINATION (CONT'D)**

The decision-maker(s) will issue a written determination regarding responsibility to the Title IX Coordinator, the Superintendent, and all parties simultaneously within ten (10) working days after all follow-up questions have been responded to or after the hearing, if one has been provided.

To reach this determination, the decision-maker(s) will use the preponderance of the evidence standard which is the standard of evidence that will be applied in all formal complaints of sexual harassment. This standard is understood to mean that the party with the burden of persuasion must prove that a proposition is more probably true than false meaning a probability of truth greater than 50 percent.

The written notice of the determination regarding responsibility will include:

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

**Finality of Determination Regarding Responsibility**

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

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

(Continued)

Community Relations

**SUBJECT: TITLE IX AND SEX DISCRIMINATION (CONT'D)**

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

Appeals

Either party may file an appeal from a determination regarding responsibility or from the District's dismissal of a formal complaint or any of its allegations. Appeals must be submitted in writing to the Title IX Coordinator within thirty (30) calendar days of the written notice of the determination regarding responsibility or dismissal of the formal complaint or any of its allegations.

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

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

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

Upon receipt of an appeal, the District will:

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

(Continued)

Community Relations

**SUBJECT: TITLE IX AND SEX DISCRIMINATION (CONT'D)**

- e) Provide the written decision simultaneously to the Title IX Coordinator, the Superintendent, and all parties within fifteen (15) working days after receiving the parties written statements in support of, or challenging, the outcome.

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

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

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

All complaints alleging retaliation will be handled in a manner consistent with the District's policies and procedures regarding the investigation of discrimination and harassment complaints, including Policy #3420 -- Non-Discrimination and Anti-Harassment in the District.

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

**Confidentiality**

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

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

(Continued)

Community Relations

**SUBJECT: TITLE IX AND SEX DISCRIMINATION (CONT'D)**

**Training**

The District will ensure that:

- a) All Title IX Coordinators, investigators, decision-makers, or persons who facilitate an informal resolution process receive training on:
  1. The definition of sexual harassment as defined in Title IX;
  2. The scope of the District's education program or activity;
  3. How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable; and
  4. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.
- b) All decision-makers receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about a complainant's sexual predisposition or prior sexual behavior are not relevant.
- c) All investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.
- d) All District employees receive training on mandatory reporting obligations and any other responsibilities that they may have relative to Title IX.

Materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process will not rely on sex stereotypes and will promote impartial investigations and adjudications of formal complaints of sexual harassment. Training materials will be made publicly available on the District's website.

**Notification**

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

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

**Recordkeeping**

For a period of seven years, the District will retain the following:

(Continued)

Community Relations

**SUBJECT: TITLE IX AND SEX DISCRIMINATION (CONT'D)**

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

(Continued)



Community Relations

**SUBJECT: TITLE IX AND SEX DISCRIMINATION (CONT'D)**

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

NOTE: Refer also to Policies #3420 -- Non-Discrimination and Anti-Harassment in the District  
#3415 -- Sexual Harassment  
#7380 -- Dignity for All Students  
#3410 - *Code of Conduct*

Adoption Date: 4/8/21

**SUBJECT: UNIFORM VIOLENT AND DISRUPTIVE INCIDENT SYSTEM**

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

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

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

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

**Reporting Guidelines**

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

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

Adoption: 9/21/05

## Community Relations

**SUBJECT: EMERGENCY CLOSINGS**

In the event it is necessary to close school for the day due to inclement weather or other emergency reasons, announcement thereof may be made over local radio and TV stations as well as posted on the District website designated by the Board of Education.

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

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

Adopted: 7/8/02

## COMMUNITY RELATIONS

**SUBJECT: EXTRAORDINARY CIRCUMSTANCES**

The District considers the safety of its students and staff to be of the utmost importance and is acutely aware that extraordinary circumstances such as widespread illness, natural disaster, or other emergency situation may make District premises unsafe or otherwise interrupt the District's ability to effectively operate.

In these circumstances, the District will follow its previously developed policies, procedures, and plans including, but not limited to, the District-wide school safety plan and building-level emergency response plan(s). To the extent that any District policy, procedure, or plan is in any way inconsistent with or conflicts with federal, state, or county law, regulation, or executive order released for the purpose of addressing the extraordinary circumstance, the federal, state, or county law, regulation, or executive order will govern. Additionally, the Board may adopt resolutions or take other actions as needed to respond to changes in federal, state, or county law, regulation, or executive order to provide further direction during an extraordinary circumstance.

Adopted: 11/05/2020

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Administration

**SUBJECT: ADMINISTRATIVE PERSONNEL**

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

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

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

Adopted: 7/8/02

Reviewed:5/31/23

Administration

**SUBJECT: ADMINISTRATIVE ORGANIZATION AND OPERATION**

The basic principles of Administrative Organization and Operation are:

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

Adopted: 7/8/02

Revised: 9/7/23

Administration

**SUBJECT: LINE RESPONSIBILITY**

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

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

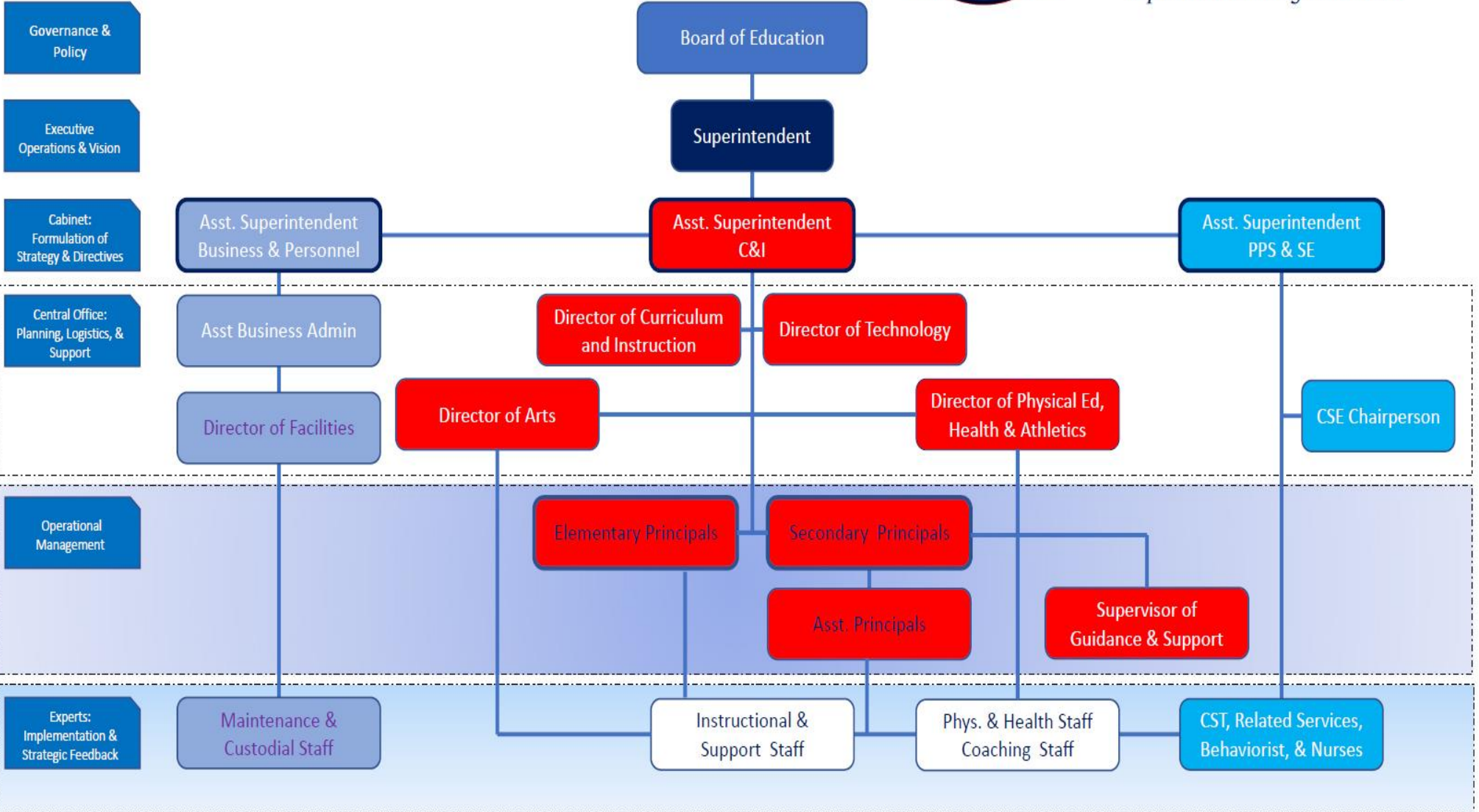
Adopted: 7/8/02



**ROCKVILLE CENTRE CENTRAL SCHOOL DISTRICT**



*Excellence in Education*  
**ROCKVILLE CENTRE SCHOOLS**  
*Operational Organization*



2023

4220

Administration

**SUBJECT: ABOLISHING AN ADMINISTRATIVE POSITION**

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

Education Law Section 3012

Adopted: 7/8/02

Reviewed:9/7/23

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

The Superintendent of Schools shall delegate to another administrator the authority and responsibility for making decisions and taking such actions as may be required during the absence of the Superintendent of Schools, and will also notify the Board of Education of such delegation.

Adopted: 7/8/02  
Revised: 11/3/22

Administration

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

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

Adopted: 7/8/02  
Revised: 5/31/23

Administration

**SUBJECT: USE OF COMMITTEES**

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

Adopted: 7/8/02

**SUBJECT: EVALUATION OF THE SUPERINTENDENT OF SCHOOLS**

The Board of Education will conduct an annual performance evaluation of the Superintendent. The procedures used to complete the evaluation are to be filed in the District Office, and to be made available for review by any individual, no later than September 10 each year.

**Purpose**

The Board recognizes the importance of implementing a program for the evaluation of the Superintendent of Schools for the following purposes:

- a) Improve the quality of the education received by the pupils served by the public schools.
- b) Promote professional excellence and improve the skills of the Superintendent of Schools.
- c) Provide a basis for the review of the performance of the Superintendent of Schools.

**Procedures**

- a) Self-evaluation Instrument

The Superintendent of Schools shall present a self-evaluation report to the Board of Education on or before April 15. This report shall contain the goals and objectives which are to be mutually adopted by the Board of Education and Superintendent of Schools no later than the Regular September Board of Education meeting and the Superintendent of Schools' evaluation to the extent of his/her success in accomplishing those goals.

The self-evaluation shall also contain the Superintendent of Schools' perceptions of the extent of accomplishment of the skills necessary for performance of the job description including, but not limited to:

1. Educational Leadership
  - (a) Curriculum and instructional skills including developing instructional priorities and program objectives.
  - (b) Pupil growth including review of available indicators of pupil progress.
  - (c) Identification and improvement of areas of district weakness.

Administration

**SUBJECT: EVALUATION OF THE SUPERINTENDENT OF SCHOOLS (Cont'd.)**

2. Administrative leadership skills including effective utilization of human, financial, and physical resources.
  3. Staff relation skills
  4. Business and financial skills
  5. Board relation skills
  6. Communication skills including parent, community relations
  7. Staff development skills
  8. Long-range planning skills
- b) Board of Education Evaluation of Superintendent of Schools
1. After receipt of Superintendent of Schools' self-evaluation, each Board member shall complete the appraisal instrument chosen by the Board which will, together with the Superintendent of Schools' self-evaluation, form the basis for discussion of the Superintendent of Schools' performance at the annual performance evaluation meeting of the Board of Education.
  2. A special meeting of all members of the Board of Education at which the Superintendent of Schools shall not be present will be held after April 15 for the purpose of reviewing the Superintendent of Schools' performance and preparing the annual written performance report based upon the areas contained in Section 2(a) of this Policy and the Superintendent of Schools' job description, Policy 4310.

In preparing this evaluation, the Board shall consider the following where applicable:

- (a) Was the task completed?
- (b) How well was it done?
- (c) Did it meet the needs of the organization?
- (d) Did the completion of the specific responsibility effectively utilize human, financial, and physical resources?
- (e) What external and/or system constraints existed which may have affected the completion, non-completion or quality of the task performed by the person being evaluated?

Administration

**SUBJECT: EVALUATION OF THE SUPERINTENDENT OF SCHOOLS (Cont'd.)**

3. Following the special meeting, a joint meeting of the entire Board of Education and the Superintendent of Schools shall be held to discuss the Superintendent of Schools' performance. At this meeting, the Superintendent of Schools will be informed of the range of individuals' appraisals, as well as be furnished with a copy of the written consensus evaluation.
4. At the next regularly scheduled Board of Education meeting, official action will be taken to formally adopt the written evaluation. The evaluation will be placed in the Superintendent of Schools' personnel file along with the Superintendent of Schools' self-evaluation and response, if any.

Adopted: 7/8/02  
Revised: 3/24/22; 11/3/22



**SUBJECT: EVALUATION OF ADMINISTRATIVE STAFF**

The Board shall direct the Superintendent of Schools, or his/her designee, to conduct an annual evaluation of all administrative personnel.

The purposes of this evaluation are:

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

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

Adopted: 7/8/02

Revised: 3/24/22

**SUBJECT: SUPERINTENDENT OF SCHOOLS**

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

(Continued)

**SUBJECT: SUPERINTENDENT OF SCHOOLS (Cont'd.)**

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

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

Adopted: 7/8/02

Administration

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

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

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

Education Law Section 1711

Adopted:7/8/02

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Non-Instructional/Business  
Operations

**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 the Board of Education, 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 of Schools will have overall responsibility for budget preparation, including the construction of and adherence to a budget calendar. Administrators will develop and submit budget requests for their particular areas of responsibility after seeking the advice and suggestions of staff members.

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

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

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

In accordance with Commissioner's Regulations, the budget will be presented in three (3) components which are to be voted upon as one (1) proposition: The law prescribes the types of items to be included in each component and further prescribes that all relevant costs be included in each 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)

Non-Instructional/Buisness  
Operations

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

(Continued)

Non-Instructional/Buisness  
Operations

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

- e) A Tax Exemption Report prepared in accordance with law (see subheading Tax Exemption Report).

The Board shall attest 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 four percent (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.

**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 Consumer Price Indexes, from January first of the prior school year to January first of the current school year as defined in Education Law.
- 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 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.

(Continued)

Non-Instructional/Buisness  
Operations

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

- 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, NYSED 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 sixty percent (60%) of the District's qualified voters present and voting.

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

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

**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.

(Continued)

Non-Instructional/Buisness  
Operations

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

Education Law Sections 1608(3)-(7), 1716(3)-(7),  
2022(2-a), 2023-a, and 2601-a(3) and (7)  
General Municipal Law Section 36  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 170.8 and 170.9  
State Education Department  
Handbook No. 3 on Budget

Adopted: 7/8/02

Revised: 10/3/07, 7/7/08, 10/20/09, 7/10/12

Non-Instructional/Business  
Operations

**SUBJECT: SCHOOL DISTRICT BUDGET HEARING**

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

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

**Dissemination of Budget Information**

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

Additionally, the Board will include notice of the availability of copies of the budget at least once during the school year in any District-wide mailing.

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

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

The Board of Education will also prepare and append to copies of the proposed budget a School District Report Card, pursuant to the Regulations of the Commissioner of Education, referencing measures of academic and fiscal performance. Additionally, the Board of Education shall also append to copies of the proposed budget a detailed statement of the total compensation

(Continued)

Non-Instructional/Business  
Operations

**SUBJECT: SCHOOL DISTRICT BUDGET HEARING (Con't)**

to be paid to various administrators as enumerated in law and/or regulation, and a Property Tax Report Card prepared in accordance with law and Commissioner's Regulations.

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

**Budget Notice**

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

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

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

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

(Continued)

Non-Instructional/Business  
Operations

**SUBJECT: SCHOOL DISTRICT BUDGET HEARING (Con't)**

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

**Notice of Budget Hearing/Availability of Budget Statement**

Education Law Sections 1608(2), 1716(2), 2003(1), 2004(1), 2023-a and 2601-a(2)

**Election and Budget Vote:**

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

**Budget Development and Attachments:**

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

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

Adopted: 7/8/02  
Revised: 7/10/12



Non-Instructional/Business  
Operations

**SUBJECT: BUDGET ADOPTION**

The Board of Education shall review the recommended budget of the Superintendent of Schools and shall seek public input and feedback regarding the recommended budget including, but not limited to, holding a public budget hearing not less than seven (7) nor more than fourteen (14) days prior to the Annual District Meeting and Election at which the budget vote is to occur. The Board may modify the recommended budget of the Superintendent of Schools 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.

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

The School District budget will be presented in three separately delineated components which are to be voted upon as one proposition: a program component, an administrative component, and a capital component. Additionally, the Board shall attach to the proposed budget those documents mandated pursuant to law and/or Commissioner's Regulations.

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

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

(Continued)

Non-Instructional/Business  
Operations

**SUBJECT: BUDGET ADOPTION (Cont'd.)**

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

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

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

Adopted: 7/8/02  
Revised: 7/10/12

**SUBJECT: ADMINISTRATION OF THE BUDGET**

The Superintendent of Schools, working in conjunction with the administrative staff, is responsible to the Board for the administration of the budget. This includes, but is not limited to:

- a) Acquainting District employees with the final provisions of the program budget and guiding them in planning to operate efficiently and economically within these provisions.
- b) Directing all District personnel to maintain the records of accounting control that are required by the New York State Uniform System of Accounts for School Districts, the Board of Education, and to follow such other procedures as are deemed necessary; and
- c) Keeping the various operational units informed through periodic reports as to the status of their individual budgets. Board approval is required prior to the expenditure of District funds.

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

Adopted: 7/8/02

Revised: 9/21/23

Non-Instructional/Business  
Operations

**SUBJECT: CONTINGENCY BUDGET**

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

If the original proposed budget is not approved by District voters at the Annual District Meeting and Election, the Board has the option of either resubmitting the original or revised budget for voter approval at a special meeting held at a later date; or the Board may, at that point, adopt a contingency budget. If the Board decides to submit either the original or a revised budget to the voters for a second time, and the voters do not approve the second budget submittal, the Board shall adopt a contingency budget and the tax levy cannot exceed the total tax levy of the prior year (0% levy growth).

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

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

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

Adopted: 7/8/02  
Revised: 11/15/05, 7/10/12

**SUBJECT: ABSENTEE BALLOTS**

The Board of Education authorizes the District Clerk to provide absentee ballots to qualified District voters. Absentee ballots shall be used for the election of School Board members, School District public library trustees, the adoption of the annual budget and School District public library budget and referenda.

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

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

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

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

An absentee ballot must reach the office of the District Clerk or Board designee not later than 5:00 p.m. on the day of the election/vote in order that his/her vote may be canvassed.

(Continued)

**SUBJECT: ABSENTEE BALLOTS (Cont'd.)**

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

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

Adopted: 7/8/02

2002

5210

Non-Instructional/Business  
Operations

**SUBJECT: REVENUES**

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

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

Adopted: 7/8/02

2002

5211

Non-Instructional/Business  
Operations

**SUBJECT: GATE RECEIPTS AND ADMISSIONS**

All employees are encouraged to participate in student activities and school events. Therefore, all employees of the Rockville Centre Union Free School District are to be admitted without charge to any School District sponsored event, excluding, however, the Saturday night performance of the musical production and the Saturday night performance of Red and Blue.

Adopted: 7/8/02  
Revised: 10/16/07



**SUBJECT: DISTRICT INVESTMENTS**

**Scope**

This investment policy applies to all moneys and other financial resources available for investment on its own behalf of any other entity or individual.

**Objectives**

The primary objectives of the Rockville Centre Union Free School District's investment activities are, in priority order:

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

**Delegation of Authority**

The governing Board's responsibility for administration of the investment program is delegated to the Treasurer who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on a data base or records incorporating description and amounts of investments, transaction dates, and other relevant information and regulate the activities of subordinate employees.

**Prudence**

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

(Continued)

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

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of principal as well as the probable income to be derived. All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

**Diversification**

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

**Internal Controls**

It is the policy of the Rockville Centre Union Free School District for all moneys collected by any officer or employee of the government to transfer those funds to the Treasurer within five (5) working days, or within the time period specified in law, whichever is shorter.

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

**Designation of Depositaries**

The banks and trust companies authorized for the deposit of monies up to the maximum amounts shall be designated annually at the Reorganizational Meeting. Any changes to those depositories or maximum amount limits during a school year shall be authorized at a regularly scheduled Board of Education Meeting.

**Collateralizing of Deposits**

In accordance with the provisions of General Municipal Law (GML), Section 10, all deposits of Rockville Centre Union Free School District, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured by a pledge of "eligible securities" with an aggregate "market value" as provided by General Municipal Law Section 10, equal to the aggregate amount of deposits from the categories designated in Appendix A to the policy.

(Continued)

Non-Instructional/Business  
Operations

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

**Safekeeping and Collateralization**

Eligible securities used for collateralizing deposits shall be held by a third party bank or trust company subject to security and custodial agreements.

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

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

**Permitted Investments**

As authorized by General Municipal Law Section 11, the Rockville Centre Union Free School District authorizes the Treasurer to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- a) Special time deposit accounts;
- b) Certificates of deposit;
- c) Obligations of the United States of America;
- d) Obligations guaranteed by agencies of the United States of America where the payment of Principal and interest are guaranteed by the United States of America;
- e) Obligations of the State of New York;
- f) Obligations issued pursuant to Local Finance Law (LFL) Section 24.00 or 25.00 (with approval of the State Comptroller) by any municipality, School District or District corporation other than the Rockville Centre Union Free School District;

(Continued)

Non-Instructional/Business  
Operations

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

- g) Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general State statutes governing such entities or whose specific enabling legislation authorizes investments;
- h) Obligations of Rockville Centre Union Free School District, but only with any moneys in a reserve fund established pursuant to General Municipal Law Sections 6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-l, 6-m, or 6-n.

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

**Authorized Financial Institutions and Dealers**

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

**Purchase of Investments**

The Treasurer is authorized to contract for the purchase of investments:

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

(Continued)

Non-Instructional/Business  
Operations

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

All purchased obligations, unless registered or inscribed in the name of the Rockville Centre Union Free School District, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the Rockville Centre Union Free School District by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law Section 10.

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

**Repurchase Agreements**

Repurchase agreements are authorized subject to the following restrictions:

- a) All repurchase agreements must be entered into subject to a Master Repurchase Agreement.
- b) Trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers.
- c) Obligations shall be limited to obligations of the United States of America and obligations guaranteed by agencies of the United States of America.
- d) No substitution of securities will be allowed.
- e) The custodian shall be a part other than the trading partner.

Non-Instructional/Business  
Operations

**Appendix A**  
**Schedule of Eligible Securities**

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

Adopted: 7/8/02  
Revised: 4/24/07, 11/17/11

Non-Instructional/Business  
Opportunities

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

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

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

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

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

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

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

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

(Continued)

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

Note: Refer to Policy # 6110 Code of Ethics For All Board Members and District Personnel  
Refer to Policy #3170 Memorials

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

Adopted: 7/8/02

Revised: 5/4/22



Non-Instructional/Business  
Operations

**SUBJECT: PROPERTY TAX EXEMPTIONS**

**Senior Citizens**

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

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

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

Real Property Tax Law Section 467

**Disabled Citizens**

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

(Continued)

Non-Instructional/Business  
Operations

**SUBJECT: PROPERTY TAX EXEMPTIONS (Cont'd.)**

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

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

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

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

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

(Continued)

Non-Instructional/Business  
Operations

**SUBJECT: PROPERTY TAX EXEMPTIONS (Cont'd.)**

**Volunteer Firefighters and Ambulance Workers**

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

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

Adopted: 7/8/02  
Revised: 2/28/06

Non-Instructional/Business  
Operations

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

**Sale of School Property**

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

**Disposal of District Personal Property**

Equipment

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

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

Textbooks

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

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

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

Education Law Section 1709(9) and (11)  
General Municipal Law Sections 51 and 800 et seq.

Adopted: 7/8/02

2002

5310

Non-Instructional/Business  
Operations

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

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

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

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

Adopted: 7/8/02  
Revised: 11/13/07

Non-Instructional/Business  
Operations

**SUBJECT: EXPENDITURES OF SCHOOL DISTRICT FUNDS**

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

Purchasing Agent shall authorize all Purchase Orders. Purchase Orders in excess of \$3,000 shall be authorized by a member of the Board Finance Committee.

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

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

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

Adopted: 7/8/02  
Revised: 3/19/07, 10/06/22

**SUBJECT: BUDGET TRANSFERS**

The Board may make transfers from one budgetary classification to another at their discretion as allowed by State law.

The Board has authorized the Superintendent of Schools to effect budget transfers (line items) to a maximum of \$3,000. The Board will be advised of these transfers on a monthly basis. Budget transfers beyond \$3,000 will require Board action for approval.

**Periodic Transfer of Funds**

Periodically during the fiscal year, budget categories will be examined and the year-end status of each estimated. As permitted by law, appropriate amounts will be transferred from those categories in which a surplus is anticipated into those in which a deficit is anticipated.

8 New York Code of Rules and Regulations  
(NYCRR) Section 170.2(1)  
Education Law Section 1718

Adopted: 7/8/02  
Revised: 3/6/19, 9/22/22

2002

5340

Non-Instructional/Business  
Operations

**SUBJECT: BORROWING OF FUNDS**

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

New York State Local Finance Law Section 20

Adopted: 7/8/02



5350

Non-Instructional/Business  
Operations

**SUBJECT: PAYROLL**

The Board of Education recognizes the importance of the payroll function to the effective administration of the district.

The Board directs the Superintendent to establish procedures to ensure the accuracy and integrity of the payroll system. Each year, at the annual Reorganization Meeting, the Board of Education will designate the individual responsible for certifying payrolls. A duly certified payroll is one that has been examined and approved by this individual.

It is the responsibility of the Assistant Superintendent of Business and Personnel and his/her staff to prepare all payrolls.

No person shall be added to the payroll unless approved by the Board of Education. No payment will be made to any employee prior to services being rendered.

Adopted: 8/27/19

Non-Instructional/Business  
Operations

**SUBJECT: PURCHASING**

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

**Competitive Bids and Quotations**

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

A bid bond may be required if considered advisable.

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

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

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

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

**Request for Proposal Process for the Independent Auditor**

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

**Procurement of Goods and Services**

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

(Continued)

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

- 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 (purchases pursuant to General Municipal Law, Article 5-A; State Finance Law, Section 162; State Correction Law, Section 184; or those circumstances or types of procurements set forth in (f) of this section), provide that alternative proposals or quotations for goods and services shall be secured by use of written request for proposals, written quotations, verbal quotations or any other method of procurement which furthers the purposes of General Municipal Law Section 104-b;
- c) Set forth when each method of procurement will be utilized;
- d) Require adequate documentation of actions taken with each method of procurement;
- e) Require justification and documentation of any contract awarded to other than the lowest responsible dollar offer, stating the reasons;
- f) Set forth any circumstances when, or the types of procurement for which, the solicitation of alternative proposals or quotations will not be in the best interest of the District.

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

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

(Continued)

**SUBJECT: PURCHASING (Cont'd.)  
'Piggybacking' Law - Exception to Competitive Bidding**

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

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

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

The 'piggybacking' amendment and the 'best value' amendment may not be combined to authorize a municipality to 'piggyback' onto a cooperative contract which was awarded on the basis of 'best value.' In other words, while a school district or BOCES may authorize the award of contracts on the basis of 'best value', it may not 'piggyback' onto a purchasing contract awarded by another agency on the basis of 'best value.'

**Alternative Formats for Instructional Materials**

Preference in the purchase of instructional materials will be given to vendors who agree to provide materials in a usable alternative format (i.e., any medium or format, other than a traditional print textbook, for presentation of instructional materials that is needed as an accommodation for each student with a disability, including students requiring Section 504 Accommodation Plans, enrolled in the School District). Alternative formats include, but are not limited to, Braille, large print, open and closed captioned, audio, or an electronic file in an approved format as defined in Commissioner's Regulations.

As required by federal law and New York State Regulations, the District has adopted the National Instructional Materials Accessibility Standard (NIMAS) to ensure that curriculum materials are available in a usable alternative format for students with disabilities. Each school district has the option of participating in the National Instructional Materials Access Center (NIMAC). Whether a district does or does not participate in NIMAC, the district will be responsible to ensure that each student who requires instructional materials in an alternate format will receive it in a timely manner and in a format that meets NIMAS standards. The New York State Education Department (NYSED) recommends that school districts choose to participate in NIMAC because this national effort to centralize the distribution of instructional materials in alternate formats will help guarantee timely provision of such materials to students.

(Continued)

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

For school districts, Boards of Cooperative Educational Services (BOCES), State-operated schools, State-supported schools and approved private schools that choose to participate in NIMAC, contracts with publishers executed on and after December 3, 2006 for textbooks and other printed core materials *must* include a provision that requires the publisher to produce NIMAS files and send them to the NIMAC (this will not add any cost to the contract).

For more information regarding NIMAC, including model contract language, Steps for Coordinating with NIMAC and an IDEA Part B Assurances Application, see website: <http://www.vesid.nysed.gov/specialed/publications/persprep/NIMAS.pdf>

**Computer Software Purchases**

Software programs designated for use by students in conjunction with computers of the District shall meet the following criteria:

- a) A computer program which a student is required to use as a learning aid in a particular class; and
- b) Any content-based instructional materials in an electronic format that are aligned with State Standards which are accessed or delivered through the internet and based on a subscription model. Such electronic format materials may include a variety of media assets and learning tools including video, audio, images, teacher guides, and student access capabilities as such terms are defined in Commissioner's Regulations.

**Environmentally Sensitive Cleaning and Maintenance Products**

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

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

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

(Continued)

**SUBJECT: PURCHASING (Cont'd.)  
Apparel and Sports Equipment Purchases**

Competitive Bidding Purchases

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

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

Non-Competitive Bidding Purchases

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

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

**Contracts for Goods, Services and Public Works**

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

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

Per General Municipal Law Section 103(5), upon the adoption of a resolution by a vote of at least three-fifths (3/5) of all Board members stating that for reasons of efficiency or economy there is need for standardization, purchase contracts for a particular type or kind of equipment, materials or supplies of more than twenty thousand dollars (\$20,000) may be awarded by the Board to the lowest responsible and qualified bidder furnishing the required security after advertisement for sealed bids in the manner provided in law. In addition, the Board is required to award all contracts for public works in excess of thirty-five thousand dollars (\$35,000) to the lowest responsible bidder after advertising for public sealed bids.

(Continued)

Non-Instructional/Business  
Operations

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

7 CFR 210.21, 215.14(a) and 220.16  
20 United States Code (USC) 1474(e) (3) (B)  
Education Law Sections 305(14), 409-i, 701, 751(2)(b), 1604, 1709,  
1950, 2503, 2554 and 3602  
General Municipal Law Articles 5-A, 18 and section 103  
State Finance Law Sections 162 and 163-b  
8 New York Code of Rules and Regulations (NYCRR) Sections 155,  
170.2, 200.2(b) (10), 200.2(c) (2) and 200.2(i)

Adopted: 7/8/02

Revised: 10/3/07, 10/2/08, 3/5/10, 1/4/11, 10/22/13

Non-Instructional/Business  
Operations

**SUBJECT: PROCUREMENT: UNIFORM GRANT GUIDANCE FOR FEDERAL AWARDS**

The District will follow all applicable requirements in the Uniform Grant Guidance (2 CFR Part 200) whenever it procures goods or services using federal grant funds awarded through formula and/or discretionary grants, including funds awarded by the United States Department of Education as grants or funds awarded to a pass-through entity, such as the New York State Education Department, for subgrants.

**Uniform Grant Guidance Requirements**

Under the Uniform Grant Guidance, the District will, among other things:

- a) Use its own documented procurement procedures which reflect applicable state, local and tribal laws and regulations, provided that the procurements conform to applicable federal law and the standards identified in the Uniform Grant Guidance.
- b) Establish and maintain effective internal controls that provide reasonable assurance that the District is managing the federal award in compliance with federal statutes, regulations, and the terms and conditions of the federal award. Internal controls means a process, implemented by the District, designed to provide reasonable assurance regarding the achievement of objectives in the following categories:
  - Effectiveness and efficiency of operations;
  - Reliability of reporting for internal and external use; and
  - Compliance with applicable laws and regulations.
- c) Comply with federal statutes, regulations, and the terms and conditions of the federal awards.
- d) Evaluate and monitor the District's compliance with statutes, regulations, and the terms and conditions of federal awards.
- e) Take prompt action when instances of noncompliance are identified, including noncompliance identified in audit findings.
- f) Take reasonable measures to safeguard protected personally identifiable information and other information the federal awarding agency or pass-through entity designates as sensitive or the District considers sensitive consistent with applicable federal, state, local, and tribal laws regarding privacy and obligations of confidentiality.
- g) Maintain oversight to ensure contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

(Continued)



Non-Instructional/Business  
Operations

**SUBJECT: PROCUREMENT: UNIFORM GRANT GUIDANCE FOR FEDERAL AWARDS (Cont'd.)**

- h) Maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of contracts.
- i) Have procurement procedures in place to avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase.
- j) Award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to matters such as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.
- k) Maintain records that sufficiently detail the history of the procurement including, but not limited to:
  - Rationale for the method of procurement;
  - Selection of contract type;
  - Contractor selection or rejection; and
  - The basis for the contract price.
- l) Use time and material contracts, only after a determination that no other contract is suitable and the contract includes a ceiling price that the contractor exceeds at its own risk.
- m) Conduct all procurement transactions in a manner providing full and open competition consistent with the standards of the Uniform Grant Guidance.
- n) Conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable federal statutes expressly mandate or encourage geographic preference.
- o) Have written procedures for procurement to ensure that all solicitations:
  - Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured; and
  - Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids.

(Continued)

Non-Instructional/Business  
Operations

**SUBJECT: PROCUREMENT: UNIFORM GRANT GUIDANCE FOR FEDERAL AWARDS (Cont'd.)**

- p) Ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition.
- q) Use one of the following methods of procurement, which include:
  - Micro-purchases;
  - Small purchase procedures;
  - Sealed bids;
  - Competitive proposals; and
  - Noncompetitive proposals.
- r) Have a written method for conducting technical evaluations of the proposals received and for selecting recipients.
- s) Take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.
- t) Include in all contracts made by the District the applicable provisions contained in Appendix II of the Uniform Grant Guidance -- Contract Provisions for Non-Federal Entity Contracts Under Federal Awards.
- u) The Simplified Acquisition Threshold is currently \$250,000 and will be adjusted upwards, periodically for inflation. The District will perform a cost or price analysis in connection with every procurement action in excess of that amount including contract modifications.
- v) The District will negotiate profit as a separate element of the price for each contract in which there is no price competition or where the procurement exceeds the Simplified Acquisition Threshold as defined above.
- w) The System for Award Management (SAM), provides a listing of persons or entities who are prohibited from being awarded Federal contracts. The District shall not award contracts to persons or entities listed on the government-wide exclusions in the System for Award Management.

2 CFR §§ 200.61, 200.303, 200.318, 200.319, 200.320, 200.321, 200.323, and 200.326  
2 CFR Part 200, App. II

NOTE: Refer also to Policies #5410 -- Purchasing  
#5421 -- Procurement of Goods and Services  
#5670 -- Records Management  
#6110 -- Code of Ethics for Board Members and All District Personnel  
# 2150 -- Conference/Travel Expense Reimbursement

Adoption Date: 11/1/18

**SUBJECT: COMPETITIVE BIDS AND QUOTATIONS**

The Superintendent of Schools will follow the statutory bidding procedures as set forth in General Municipal Law section 103 for all purchase contracts totaling \$20,000 or more and all public works contracts totaling \$35,000 or more during the fiscal year. Where purchases of quantities of like items or services will meet those limits during the fiscal year, competitive bidding shall be utilized as required by law.

No bid shall be accepted that does not conform to the specifications unless such specifications are waived by Board action. Contracts shall be awarded to the lowest responsible and qualified bidder furnishing the required security and who meets the requirements of the specifications. The Board shall have the right to accept or reject, in whole or in part, any bid in the best interest of the School District. Rules shall be developed by the administration for the competitive purchasing of goods and services.

The Superintendent of Schools may authorize purchases within the approved budget without competitive bidding if such purchases are required by public emergency or permitted by law.

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

General Municipal Law Section 103

Adopted: 7/8/02  
Revised: 10/3/07, 11/18/15

**SUBJECT: PROCUREMENT OF GOODS AND SERVICES**

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

- c) Assure the prudent and economical use of public moneys in the best interest of the taxpayer;
- d) Facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances; and
- e) Guard against favoritism, improvidence, extravagance, fraud and corruption.

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

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

(Continued)

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

1. Alternative format shall mean any medium or format for the presentation of instructional materials, other than a traditional print textbook, that is needed as an accommodation for a disabled student enrolled in the School District, including but not limited to Braille, large print, open and closed captioned, audio, or an electronic file in an approved format. Electronic file shall mean a file compatible with at least one alternative format conversion software program that is appropriate to meet the needs of the individual students.
  2. The District shall amend procurement policies pertaining to the purchase of instructional materials to provide a preference for vendors agreeing to provide instructional materials to the District in alternative format. Bidding specifications for instructional material will also reflect the preference.
  3. In situations where an electronic file is provided to a student, such file shall be provided to the student through the Special Education Department. The Special Education Department will then work in conjunction with District computer professionals and the manufacturer of the electronic file to convert the program to an accessible format. Such conversion shall occur within a reasonable amount of time of the electronic file being provided to the student.
  4. The Special Education Department shall, upon completion of annual review for a student requiring instructional materials in alternative formats for the upcoming year, take reasonable steps to ensure that such instructional materials are ordered and present in the District prior to the stated of the next school year.
  5. Ordering timelines for the District shall be concurrent with the timelines reflected by law and regulation for implementation of an IEP or 504 plan.
  6. In cases where a student enrolls during the school year, the District shall apply the timelines under law and regulation for implementing an IEP when ordering alternative format instructional materials.
- h) Give consideration that no apparel goods are purchased or rented for use by any District school, department, office, or school-sponsored group unless manufacture of the apparel has been under conditions which meet the following standards:

(Continued)

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

1. Rights

- (a) The company responsible for the manufacture of the apparel respects workers' rights to speak out about working conditions without fear or retaliation and to form unions of their own choosing without employer resistance.
- (b) The company complies with all laws, regulations and applicable standards governing the workplace.
- (c) Subcontractors involved in the manufacture of the apparel do not use child labor, forced labor, or corporal punishment.
- (d) The company does not discriminate in hiring, promotion, or compensation on the basis of race, national origin, religion, gender, sexual preference, union affiliation, or political.

2. Compensation

Wage and benefit levels paid to workers involved in the manufacture of the apparel must be sufficient to meet basic needs and provide some discretionary income for a family appropriate to their community (a living wage).

3. Safety and Health

Subcontractors provide a safe and healthy work environment.

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

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

General Municipal Law, Sections 103(1)(5) and 104-b

Adopted: 7/8/02

Non-Instructional/Business  
Operations

**SUBJECT: USE OF CREDIT CARDS**

The Board of Education authorizes the use of District credit cards by certain District Officials and/or employees to pay for actual and necessary expenses incurred in the performance of work-related duties and to purchase goods for the District. All such credit cards shall be in the name of the School District.

A list of those persons issued or permitted to use a District credit card shall be maintained in the Office of the Assistant Superintendent for Business, and reported to the Board each year at the Organizational Meeting.

The District shall establish a credit line not to exceed \$3,000 for each card given to officials and/or employees and an aggregate limit of \$62,000 for all cards issued to the District. The exception to this would be for the Assistant Superintendent for Curriculum and Instruction whose credit line would not exceed \$25,000 to be used to cover purchases for books from international vendors and other emergency textbook purchases and for the Assistant Superintendent for Business and Personnel whose credit line would not exceed \$25,000 to be used to cover purchases of textbooks/workbooks for Rockville Centre students attending non-public schools in and out of the district. These expenditures will be pre-approved by the Board of Education through the normal budget requisition process.

The relationship between the District and the credit card company shall be such that the District preserves its rights under law to dispute claims or charges. In addition, the Board will ensure that any claim shall be paid only after each claim has been audited and allowed.

Users must take proper care of these credit cards and take all responsible precautions against damage, loss or theft. Any damage, loss or theft must be reported immediately to the Office of the Assistant Superintendent for Business in writing and to the institution issuing the credit card.

Failure to take proper care of the credit card and/or failure to report damage, loss or theft of the credit card as required by this policy may subject the employee to financial liability.

District credit cards may only be used for legitimate School District business expenditures. Purchases that are unauthorized, illegal, represent a conflict of interest, are personal in nature or violate the intent of this policy may result in credit card revocation and further action by the District or appropriate law enforcement authorities and may include discipline of the employee in accordance with law and applicable collective bargaining agreements, if any.

(Continued)

Non-Instructional/Business  
Operations

**SUBJECT: USE OF CREDIT CARDS (Cont'd.)**

Users must submit detailed documentation, including itemized receipts for authorized expenses which have been incurred in connection with school district related business for which a District credit card has been used.

The Superintendent of Schools, in conjunction with the Assistant Superintendent for Business shall establish regulations to implement this policy.



**SUBJECT: CONTRACTS FOR SERVICES AND MATERIALS**

No contracts for services or materials shall be made by individuals or organizations in the school that involve expenditures without first securing approval for such contract through a purchase order from the Purchasing Agent.

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

Upon the adoption of a resolution by a vote of at least three-fifths of all Board members stating that for reasons of efficiency or economy there is need to standardization, purchase contracts for a particular type or kind of equipment, materials or supplies of more than ten thousand dollars may be awarded by the Board to the lowest responsible and qualified bidder furnishing the required security after advertisement for sealed bids in the manner provided by law.

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

Revised: 5/24/05, 9/21/05

5510

Non-Instructional/Business  
Operations

**SUBJECT: ACCOUNTING OF FUNDS**

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

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

Treasurer, Budget and Revenue status reports shall be provided to the Board of Education on a monthly basis. Audit reports should be approved by the Board of Education.

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

Education Law Section 2116-a

Adopted: 7/8/02

**SUBJECT: ELECTRONIC OR WIRE TRANSFER OF FUNDS**

**Electronic or Wire Transfers**

Procedures will be implemented specifying who is authorized to initiate, approve, transmit, record, review and reconcile electronic transactions. At least two individuals will be involved in each transaction. Authorization and transmitting functions will be segregated and whenever possible the recording function will be delegated to a third individual.

The District will enter into written wire transfer security agreements for District bank accounts which will include established procedures for authenticating wire transfer orders.

All wire transfers must be authorized by the District Treasurer. Dual approval controls will be established for non-routine wire transfer orders.

The Internal Auditor will periodically confirm that wire transfers have appropriate signatures, verification and authorization of proper personnel.

Education Law Section 2116-a  
General Municipal Law Section 5-9

Adopted: 10/20/09

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Non-Instructional/Business  
Operations

**SUBJECT: FUND BALANCE AND RESERVES**

**Purpose**

The Board of Education recognizes that the maintenance of a fund balance is essential to the preservation of the financial integrity of the school district and is fiscally advantageous for both the district and the taxpayer. This policy establishes goals and provides guidance concerning the desired level of year-end fund balance to be maintained by the district.

**Definitions**

Fund balance is a measurement of available financial resources and represents the difference between total assets and total liabilities in each fund.

Governmental Accounting Standards Board (“GASB”) Statement No. 54 distinguishes fund balance classifications based on the relative strength of the constraints that control the purposes for which specific amounts can be spent. Beginning with the most binding constraints, fund balance amounts will be reported by the District in the following classifications:

Nonspendable – amounts that cannot be spent because they are in a nonspendable form (e.g., inventory) or legally or contractually required to be maintained intact (e.g., principal of a permanent fund).

Restricted – amounts limited by external parties, or legislation (e.g., grants or donations).

Committed – Amounts constrained to specific purposes by a government itself using its highest level of decision-making authority (ie: Board of Education); to be reported as committed, amounts cannot be used for any other purpose unless the District takes the same highest-level action to remove or change the constraint.

Assigned – Amount intended to be used for a specific purpose; intent can be expressed by the Board of Education or by an official or body to which the Board delegates the authority.

Unassigned – Amounts available for consumption or not restricted in any manner. These amounts are reported only in the General Fund.

**Guidelines**

The fund balance of the School District’s General Fund has been accumulated to provide stability and flexibility and to respond to unexpected adversity and/or opportunities.

The target is to maintain an unassigned fund balance of 4 % of the estimated annual operating expenditures for the ensuing fiscal year.

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Non-Instructional/Business  
Operations

**SUBJECT: FUND BALANCE AND RESERVES (Cont'd.)**

The School District's basic goal is to maintain annual expenditure increases at a growth rate, and to limit expenditures to anticipated revenue in order to maintain a balanced budget. The decision to retain an unrestricted fund balance of 4 % of the expected expenditures stems from the need to support normal operating costs for the District and provide fiscal stability.

The order by which the District will spend restricted and unrestricted (unassigned) fund balance will be evaluated on an annual basis based on the current financial conditions. Reserves currently existing in the District include:

Unemployment Insurance Reserve – used to reserve funds for reimbursement to the State Unemployment Insurance Fund for unemployment insurance payments made to claimants..

Retirement Contribution Reserve - used for the purpose of financing retirement contributions. This reserve is evaluated on an annual basis by reports received from the New York State Employees' Retirement System.

Reserve for Employee Benefit Accrued Liability - used to reserve funds for the payment of accrued employee benefit due an employee upon termination of the employee's service. This reserve is evaluated by the Business Office on an annual basis based on reports provided by the financial accounting system.

**Delegation of Responsibility**

The Superintendent or designee shall be responsible for the enforcement of this policy.

References: School Code – 24 P. S. Sec. 2-218, Sec. 6-688

Adopted: 11/15/11

Rockville Centre Union Free School District, Rockville Centre, NY  
**POLICY**

(Per Independent Auditor)

**SUBJECT: EXTRACLASSROOM ACTIVITIES FUND**

An extraclassroom activity fund shall be established for activities conducted by students whose financial support is raised other than by taxation or through charges of the Board of Education.

Each extraclassroom activity shall have a faculty advisor appointed by the Building Principal. All extraclassroom faculty advisors shall be approved by the Board of Education. The Building Administrator (usually the building principal or assistant principal), shall maintain an up to date register of all extraclassroom activities that are approved or discontinued. A Central Treasurer shall oversee all financial aspects of extraclassroom activities. The annual District audit will include all extraclassroom activity funds.

All funds in the extraclassroom activities fund shall be kept according to the financial procedures illustrated by Finance Pamphlet No. 2, the 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.

Proper books will be kept and all moneys deposited in appropriate accounts as set up by the Board of Education. These accounts shall be subject to audit. All transactions involving extraclassroom funds shall be on a cash basis and no accounts shall remain unpaid at the end of the school year. Funds shall be invested in accordance with the Board of Education's Fiscal Management Policy on the "Investment of District Funds".

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 shall be responsible for filing the periodic sales tax returns for the extraclassroom activity funds.

Funds of discontinued extraclassroom activities, those inactive for one (1) 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, shall set up procedures for receipt and payment from the extraclassroom activities fund in their respective buildings.

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

Refer also to Policy #5620 -- Inventories  
#5621 -- Accounting of Fixed Assets

Adopted: 7/8/2002  
Revised: 1/14/2021

Non-Instructional/Business  
Operations

**SUBJECT: PETTY CASH FUNDS AND CASH IN SCHOOL BUILDINGS**

**Petty Cash Funds**

A petty cash fund of not more than two hundred dollars (\$200) shall be maintained in various District Offices and one hundred dollars (\$100) in each school building. Payments from petty cash funds may be made for materials, supplies or services only when payment is required upon delivery. At the time of reimbursement, an itemized statement of expenditures, together with substantiating receipts, shall be submitted. Such accounts shall be authorized by Board resolution at their annual meeting.

A start-up petty cash fund for the lunch program registers shall be established in each school building at the start of each school year in the following amounts and shall be used as working capital throughout the year. The funds shall be re-paid to the District at the end of the school year:

Covert, Hewitt, Riverside, Watson, Wilson Elementary Schools: \$40 each.  
South Side Middle School: \$150.  
South Side High School: \$201.

Appropriate regulations shall be developed for implementation of this policy.

**Cash In School Buildings**

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

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

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

Adopted: 7/8/02  
Revised: 10/3/07, 10/28/08



2023

5540

Non-Instructional/Business  
Operations

**SUBJECT: PUBLICATION OF THE DISTRICT'S ANNUAL FINANCIAL STATEMENT**

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

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

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

Adopted: 7/8/02  
Reviewed: 1/18/23

**SUBJECT: USE OF FEDERAL FUNDS FOR POLITICAL EXPENDITURES**

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

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

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

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

Supplementing OMB Circular A-133

Compliance Supplement for Single Audit of  
State and Local Governments (revised June 27,  
2003)

OMB Circular A-87 Cost Principles for State,  
Local and Indian Tribal Governments (revised  
May 10, 2004)

NOTE: Refer also to Policy #6430 -- Employee Activities.

Adopted: 7/8/02  
Revised: 1/18/23

Non-Instructional/Business Operations

**SUBJECT: ALLEGATIONS OF FRAUD**

**Reporting and Investigations of Allegations of Fraud**

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

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

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

(Continued)

**Non-Instructional/Business**

**Operations                    SUBJECT: ALLEGATIONS OF FRAUD (Cont'd.)**

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

**Protection of School Employees who Report Information Regarding Illegal or Inappropriate Financial Practices**

Any employee of the School District who has reasonable cause to believe that the fiscal practices or actions of an employee or officer of the District violates any local, state, federal law or rule and regulation relating to the financial practices of the District, and who in good faith reports such information to an official of the District, or to the Office of the State Comptroller, Office of Medicaid Inspector General, the Commissioner of Education, or to law enforcement authorities, shall have immunity from any civil liability that may arise from the making of such report. Further, neither the School District, nor employee or officer thereof, shall take, request, or cause a retaliatory action against any such employee who makes such a report.

The Board also prohibits any retaliatory behavior directed against any witnesses and/or any other individuals who participate in the investigation of an allegation of illegal or inappropriate fiscal practices or actions. Follow-up inquiries shall be made to ensure that no reprisals or retaliatory behavior has occurred to those involved in the investigation. Any act of retaliation is prohibited and subject to appropriate disciplinary action by the District.

**Knowingly Makes False Accusations**

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

[Civil Service Law Section 75-b](#)

Adopted: 3/22/05  
Revised: 2/28/06, 10/3/07, 2/23/10

Non-Instructional/Business Operations

**SUBJECT: BOARD AUDIT COMMITTEE**

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

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

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

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

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

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

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

(Continued)

Non-Instructional/Business Operations

**SUBJECT: BOARD AUDIT COMMITTEE (Cont'd.)**

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

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

The responsibilities of the Audit Committee include the following:

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

(Continued)

Non-Instructional/Business Operations

**SUBJECT: BOARD AUDIT COMMITTEE (Cont'd.)**

**Corrective Action Plan**

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

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

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

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

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

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

(Continued)

Non-Instructional/Business Operations

**SUBJECT: BOARD AUDIT COMMITTEE (Cont'd.)**

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

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

Adopted: 2/28/06  
Revised: 3/19/07



Non-Instructional/Business Operations

**SUBJECT: INTERNAL AUDIT FUNCTION**

No later than July 1, 2006 the District shall establish an internal audit function as enumerated in law to be in operation no later than December 31, 2006. Such function shall include:

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

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

Personnel or entities performing the internal audit function shall report directly to the Board.

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

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

Adopted: 2/28/06

Revised: 3/19/07

Non-Instructional/Business Operations

**SUBJECT: STAFF USE OF CELL PHONES**

The Board of Education recognizes that certain District employees are required to carry cellular telephones in order to meet their job responsibilities.

The Superintendent of Schools shall develop procedures to ensure the implementation of this policy.

Adopted: 5/24/05

**SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION**

The School District values the protection of private information of individuals in accordance with applicable law and regulations. Further, the District is required to notify affected individuals when there has been or is reasonably believed to have been a compromise of the individual's *private information* in compliance with the Information Security Breach and Notification Act and Board policy.

- a) "*Private information*" shall mean **\*\*personal information** in combination with any one or more of the following data elements, when either the personal information or the data element is not encrypted or encrypted with an encryption key that has also been acquired:
1. Social security number;
  2. Driver's license number or non-driver identification card number; or
  3. Account number, credit or debit card number, in combination with any required security code, access code, or password which would permit access to an individual's financial account.

"*Private information*" does not include publicly available information that is lawfully made available to the general public from federal, state or local government records.

**\*\*"Personal information"** shall mean any information concerning a person which, because of name, number, symbol, mark or other identifier, can be used to identify that person.

- b) "*Breach of the security of the system,*" shall mean unauthorized acquisition or acquisition without valid authorization of computerized data which compromises the security, confidentiality, or integrity of personal information maintained by the District. Good faith acquisition of personal information by an employee or agent of the District for the purposes of the District is not a breach of the security of the system, provided that private information is not used or subject to unauthorized disclosure.

**Examples of Determining Factors**

In determining whether information has been acquired, or is reasonably believed to have been acquired, by an unauthorized person or person without valid authorization, the District may consider the following factors, among others:

- a) Indications that the information is in the physical possession and control of an unauthorized person, such as a lost or stolen computer or other device containing information; or
- b) Indications that the information has been downloaded or copied; or

(Continued)

Non-Instructional/Business  
Operations

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

- c) Indications that the information was used by an unauthorized person, such as fraudulent accounts opened or instances of identity theft reported.

**Notification Requirements**

- a) For any computerized data owned or licensed by the School District that includes private information, the District shall disclose any breach of the security of the system following discovery or notification of the breach to any New York State resident whose private information was, or is reasonably believed to have been, acquired by a person without valid authorization. The disclosure to affected individuals shall be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement, or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system. The District shall consult with the State Office of Cyber Security and Critical Infrastructure Coordination (CSCIC) to determine the scope of the breach and restoration measures.
- b) For any computerized data maintained by the District that includes private information which the District does not own, the District shall notify the owner or licensee of the information of any breach of the security of the system immediately following discovery, if the private information was, or is reasonably believed to have been, acquired by a person without valid authorization.

The notification requirement may be delayed if a law enforcement agency determines that such notification impedes a criminal investigation. The required notification shall be made after the law enforcement agency determines that such notification does not compromise the investigation.

**Methods of Notification**

The required notice shall be directly provided to the affected persons by one of the following methods:

- a) Written notice;
- b) Electronic notice, provided that the person to whom notice is required has expressly consented to receiving the notice in electronic form; and a log of each such notification is kept by the District when notifying affected persons in electronic form. However, in no case shall the District require a person to consent to accepting such notice in electronic form as a condition of establishing any business relationship or engaging in any transaction;
- c) Telephone notification, provided that a log of each such notification is kept by the District when notifying affected persons by phone; or

(Continued)

Non-Instructional/Business  
Operations

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

- d) Substitute notice, if the District demonstrates to the State Attorney General that the cost of providing notice would exceed \$250,000, or that the affected class of subject persons to be notified exceeds 500,000, or that the District does not have sufficient contact information. Substitute notice shall consist of **all** of the following:
1. E-mail notice when the District has an e-mail address for the subject persons;
  2. Conspicuous posting of the notice on the District's website page, if the District maintains one; and
  3. Notification to major statewide media.

Regardless of the method by which notice is provided, the notice shall include contact information for the notifying District and a description of the categories of information that were, or are reasonably believed to have been, acquired by a person without valid authorization, including specification of which of the elements of personal information and private information were, or are reasonably believed to have been, so acquired.

In the event that any New York State residents are to be notified, the District shall notify the State Attorney General, the Consumer Protection Board, and the State Office of Cyber Security and Critical Infrastructure Coordination as to the timing, content and distribution of the notices and approximate number of affected persons. Such notice shall be made without delaying notice to affected New York State residents.

In the event that more than 5,000 New York State residents are to be notified at one time, the District shall also notify consumer reporting agencies, as defined pursuant to State Technology Law Section 208, as to the timing, content and distribution of the notices and approximate number of affected persons. Such notice shall be made without delaying notice to affected New York State residents. A list of consumer reporting agencies shall be compiled by the State Attorney General and furnished upon request to school districts required to make a notification in accordance with Section 208(2) of the State Technology Law, regarding notification of breach of security of the system for any computerized data owned or licensed by the District that includes private information.

[State Technology Law Sections 202 and 208](#)

Adopted: 1/16/07

Non-Instructional/Business  
Operations

**SUBJECT: INSURANCE**

The objective of the Board of Education is to obtain the best possible insurance at the lowest possible cost, and to seek advice from an Insurance Appraisal Service to determine that adequate coverage is being provided regarding fire, boiler, general liability, bus and student accident insurance.

The Board will purchase with District funds the type and amount of insurance appropriate to protect itself as a corporate body, its individual members, its appointed officers, and its employees from financial loss arising out of any claim, demand, suit or judgment by reason of alleged negligence or other act resulting in accidental bodily injury to any person or accidental damage to the property of any person within or without the school buildings while the above-named insureds are acting in the discharge of their duties within the scope of their employment and/or under the direction of the Board. Such purchase will take into account the price of insurance, appropriate deductibles, and other relevant factors.

The Board shall carry insurance to protect the District's real and personal property against loss or damage. This property shall include school buildings, the contents of such buildings, school grounds and automobiles.

The Board may also purchase liability insurance to pay damages assessed against Board members and District employees acting in the discharge of their respective duties, within the scope of their employment and/or under the direction of the Board.

All insurance policies, along with an inventory of the contents of the building, should be kept in a fireproof depository or with the appropriate insurance agent for safekeeping and referral purposes. The Superintendent of Schools shall review the District's insurance program annually and make recommendations to the Board if more suitable coverage is required.

Public Officers Law Section 18  
General Municipal Law Sections 6-n and 52  
Education Law Sections 1709(8) and (26) and (34-b),  
3023, 3028, and 3811

Adopted: 7/8/02  
Revised: 1/18/23

Non-Instructional/Business Operations

**SUBJECT: FIXED ASSET INVENTORIES, ACCOUNTING AND TRACKING**

The Superintendent of Schools or his/her designee will maintain a continuous and accurate inventory of equipment owned by the District in accordance with applicable rules, standards, procedures, and best practices. Fixed assets are, generally, long-term, tangible resources intended to be continuously held or used, and may include land, buildings, improvements, machinery, and equipment.

All fixed assets purchased and received by the District will be checked, logged, and stored through an established procedure.

The School Business Official will account for assets on an annual basis according to applicable rules, standards, procedures, and best practices. These accounts will serve to:

- d) Maintain an inventory of assets;
- e) Establish accountability;
- f) Determine replacement costs; and
- g) Determine and provide appropriate insurance coverage.

The Board will establish a dollar threshold as a basis for considering which fixed assets are to be depreciated. This threshold will ensure that at least 80% of the value of these assets is reported. The threshold will not be greater than \$5,000. Standard methods and averaging conventions will be used in assessing, capitalizing, and depreciating fixed assets.

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

- a) Date of acquisition;
- b) Description;
- c) Serial or other identification number;
- d) Any funding source and percentage contributed by the source;
- e) Vendor;
- f) Cost or value;
- g) Location and use;

Non-Instructional/Business Operations

**SUBJECT: FIXED ASSET INVENTORIES, ACCOUNTING AND TRACKING**

- h) Asset type;
- i) Condition and estimated useful life;
- j) Replacement cost;
- k) Current value;
- l) Salvage value;
- m) Sale price and date and method of disposition; and
- n) Responsible official.

All fixed assets will be labeled. Any discrepancies between an inventory and the District's property records should be traced, explained, and documented.

**Management of Assets Acquired Under a Federal Government Grant or Subgrant**

The District will comply with the U.S. Department of Education regulations governing the use, management, and disposition of all equipment acquired through a federal government grant.

**Equipment Purchased with Extraclassroom Funds**

Title to all equipment acquired with extraclassroom activity funds will reside with the District and be carried as an insurable asset on its list of insurable values. This equipment will be tagged as District property but is available for exclusive use by the extraclassroom activity club acquiring it.

34 CFR Parts 74-99, 200

SED Finance Pamphlet, The Safeguarding, Accounting, and Auditing of Extraclassroom Activity Funds, 2015

Uniform System of Accounts for School Districts (Fiscal Section)

Adopted: 7/8/02

Revised: 1/18/23



Non-Instructional/Business  
Operations

**SUBJECT: ACCOUNTING OF FIXED ASSETS**

The School Business Official shall be responsible for accounting for general fixed assets according to the procedures outlined by the Uniform System of Accounts for School Districts. These accounts will serve to:

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

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

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

- a) Date of acquisition;
- b) Description;
- c) Cost or value;
- d) Location;
- e) Responsible official;
- f) Estimated useful life;
- g) Date and method of disposition.

(Continued)

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

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

**Capitalization of Assets**

- Equipment items that cost more than \$2,000 will be capitalized and depreciated for GASB 34 reporting purposes.
- Equipment items costing less than \$2,000 shall be expenses for GASB 34 reporting purposes.
- All non-equipment capital assets costing in excess of \$15,000 shall be capitalized and depreciated for GASB 34 reporting purposes.
- All non-equipment capital assets costing less than \$15,000 shall be expensed for GASB 34 reporting purposes.

For financial reporting purposes, fixed assets with a service life of more than two years following the date of acquisition will be capitalized. Useful lives will be determined in the year of purchase based on general guidelines obtained from professional organizations and the assets present condition. The district will use the straight-line method of depreciation and depreciation expense will be calculated beginning in the year of acquisition.

Non-Instructional/Business Operations

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

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

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

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

**Construction and Remodeling of School Facilities**

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 Regulations of the Commissioner of Education. Relevant documentation regarding all new buildings must be formally submitted to the State Education Department no matter the size or cost. The New York State Education Department 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 School District shall be submitted to the Commissioner consistent with applicable law.

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

For remodeling or construction projects, the District shall assure compliance with the requirements of the State Uniform Fire Prevention and Building Code and Commissioner's Regulations, and shall retain the services of an architect or engineer licensed to practice in New York State as required by law or regulation.

**Inspections**

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

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

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.

**Comprehensive Public School Building Safety Program (Rescue)**

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

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

- a) A five (5) year capital facilities plan which will include an appraisal of the following: the educational philosophy of the District, with resulting administrative organization and program requirements; present and projected student enrollments; space use and State-rated student capacity of existing facilities; the allocation of instructional space to meet the current and future education program and service needs, and to serve students with disabilities in settings with nondisabled peers; priority of need of maintenance, repair or modernizations of existing facilities, including consideration of the obsolescence and retirement of certain facilities; and the provisions of additional facilities.

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

- b) A District-wide building inventory, which will include information pertaining to each building including, but not limited to:
  - 1. Type of building, age of building, size of building;
  - 2. Rated capacity, current enrollment;
  - 3. List of energy sources and major systems (lighting, plumbing, electrical, heating); and
  - 4. Summary of triennial Asbestos Inspection reports.
  
- c) A building condition survey shall be conducted for all occupied school buildings once every five (5) years by a team that includes at least one (1) licensed architect or engineer.
  
- d) A District-wide monitoring system which includes:
  - a. Establishing a Health and Safety Committee;
  - b. Development of detailed plans and a review process of all inspections;
  - c. 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/renovation project is taking place. These procedures will include:
  - 1. Notification to parents, staff and the community at least two (2) months in advance of a construction project of \$10,000 or more to be conducted in a school building while the building is occupied; provided, however, that in the case of emergency construction projects, such notice shall be provided as far in advance of the start of construction as is practicable;
  - 2. Ensuring 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 walkthrough 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.

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

**Board of Education Inspection of Facilities**

As required by law, the Board of Education will do an annual inspection of all school facilities.

Fire Inspection: 8 New York Code of Rules and Regulations (NYCRR) Section 155.4

Education Law Section 807-a

Health Inspection: Education Law Section 906

Asbestos Inspection: Education Law, Article 9-A

40 Code of Federal Regulations (C.F.R.)

Part 763, Subpart E

Plans and Specifications:

Education Law Sections 408, 408-a and 409

8 New York Code of Rules and Regulations

(NYCRR) Sections 155.1 and 155.2

Structural Safety Inspections:

Education Law Sections 409-d, 409-e, 3602, and 3641(4)

8 New York Code of Rules and Regulations

(NYCRR) Sections 155.1, 155.41 and 155.6

Adopted: 7/8/02

Revised: 1/18/23

2002

5631

Non-Instructional/Business  
Operations

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

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

The management of hazardous waste from its point of generation to the ultimate disposal is regulated through specific Federal and State laws.

The Board directs the Superintendent of Schools to adopt rules to insure District implementation of applicable Federal and State laws pertaining to the identification, transportation, treatment, storage, and disposal of hazardous wastes.

Environmental Protection Agency  
40 Code of Federal Regulations (C.F.R.) 261 and 262  
6 New York Code of Rules and Regulations  
(NYCRR) Part 371

Adopted: 7/8/02

Non-Instructional/Business  
Operations

**SUBJECT: PEST MANAGEMENT AND PESTICIDE USAGE**

The Board of Education is committed to maintaining the integrity of school buildings and grounds while protecting the health and safety of students and staff and maintaining a productive learning environment.

Structural and landscape pests can pose significant problems for people and property. Weeds and infestations can destroy playing fields and playgrounds and more importantly, cause severe allergic reactions. Pesticides can pose risks to people, property, and the environment. It is therefore the policy of the School District to incorporate Integrated Pest Management (IPM) practices for control of weeds, structural and landscape pests. The objective of this program is to provide necessary pest control while using the least toxic approach to all pests, weeds and infestations.

**Pest/Pesticide Management**

The District will manage weeds and pests to:

- a) Reduce any potential human health hazard or threat to public safety.
- b) Prevent loss or damage to school structures or property.
- c) Prevent pests from spreading into the community, or to plant and animal populations beyond the site.
- d) Enhance the quality of life for students, staff, and others.

**Integrated Pest Management (IPM) Coordinator**

An IPM Coordinator will be appointed by the Superintendent of Schools. The coordinator's responsibilities will include the following:

- a) Recording all pest sightings by school staff and students.
- b) Recording all pesticide use and utilizing the least toxic approach.
- c) Meeting with a local pest control expert, such as a pesticide contractor to share information on what pest problems are present in the school.
- d) Assuring that all of the expert's recommendations on maintenance and sanitation are carried out where feasible.

(Continued)



Non-Instructional/Business  
Operations

**SUBJECT: PEST MANAGEMENT AND PESTICIDE USAGE (Cont'd.)**

- e) Assuring that pesticide use is done when school is not in session or when the area can be completely secured against access by school staff and students for a standard seventy-two (72) hours, or as required by the pesticide being used.
- f) Notifying parents, staff and neighbors of any applications of pesticides who opt-in to receive forty-eight (48) hours before they occur. The IPM Coordinator will serve as the District's Pesticide Representative.

**Pesticide Use on Common Areas**

Pesticides will not be used on playgrounds, turf, athletic or playing fields, in effect, all lawn areas of the school. In these common areas where children gather and play, pesticide alternatives will be used whenever possible and effective. The prohibition does not apply to indoor use or the application to building structures.

An exception may be made for emergency applications of pesticide only when approved in advance by the School Board. The Board may consult with the local Health Department on public health related emergency determinations. They may also consult with the Department of Environmental Conservation (DEC) for environmental emergency determinations. Emergency determinations should only be sought for one-time pesticide application in a specific situation, which presents a true emergency. The guidance document from DEC provides clarification on emergency determinations. It can be found at:

[http://www.dec.ny.gov/docs/materials\\_minerals\\_pdf/guidancech85.pdf](http://www.dec.ny.gov/docs/materials_minerals_pdf/guidancech85.pdf)

Some types of pesticides and alternatives, those deemed safe in federal regulation, may be allowable on playing fields and playgrounds in certain circumstances.

**Fertilizer Use**

New requirements and restrictions regarding the use of phosphorus fertilizers on school grounds have been developed. Chapter 205 of the Laws of 2010 dictates the requirements which must be adhered to regarding grounds maintenance starting on January 1, 2012.

- a) Fertilizer use is prohibited between December 1 and April 1 annually.
- b) The use of fertilizers is prohibited within twenty (20) feet of any surface water except:

(Continued)

Non-Instructional/Business  
Operations

**SUBJECT: PEST MANAGEMENT AND PESTICIDE USE (Cont'd.)**

1. Where a continuous natural vegetation buffer, at least ten (10) feet wide, separates lawn and water.
  2. Where a spreader guard, deflector shield or drop spreader is used, then the application may not occur within three feet of any surface water.
- c) The use of phosphorus fertilizers are prohibited on lawns or other non-agricultural turf with the following exceptions:
1. The use of phosphorus fertilizers are needed to establish a new lawn; or
  2. A soil test shows that phosphorus fertilizers are needed for growth.
- d) Fertilizer cannot be used on any impervious surfaces and if such an application occurs, it must be cleaned immediately and legally applied or placed in an appropriate container.

**Notification**

The District's IPM Coordinator or designated Pesticide Representative will give prior written notice of all pesticide applications to anyone who has asked to receive such notice. The District will maintain a list of those people who wish to opt-in to receive forty-eight (48) hour notice before pesticide applications and will ensure that a system is developed to deliver such notice in a timely fashion to all affected. The notification system may be by mail or email, and will ensure that a back-up method is available to notify those for whom the regular system is unworkable. The name and contact information for the District Pesticide Representative will be made available to all requesting it.

Sample forms for forty-eight (48) hour prior notification can be obtained at:

[http://www.p12.nysed.gov/facplan/documents/PesticideNeighborNotificationGuidelineforSchools\\_091001.pdf](http://www.p12.nysed.gov/facplan/documents/PesticideNeighborNotificationGuidelineforSchools_091001.pdf)

The District must also provide additional written notification to all parents and staff three (3) times per year to inform them of any pesticide applications that have occurred: within ten (10) days of the end of the school year, within two (2) school days of the end of winter recess and within two (2) days of the end of spring recess.

(Continued)

Non-Instructional/Business  
Operations

**SUBJECT: PEST MANAGEMENT AND PESTICIDE USAGE (Cont'd.)**

**Recordkeeping**

Records of pesticide use will be maintained on site for three (3) years. Records will be completed on the day of pesticide use. In addition, pest surveillance records will be maintained to help verify the need for pesticide treatments. Annual reports of any applications must be sent to DEC.

Education Law Sections 409-k, 409-h  
Environmental Conservation Law Sections 17-2103, 33-0303  
40 Code of Federal Regulations (CFR) Part 152.25  
7 United States Code Section 136(mm), 136q(h)(2) (FIFRA)  
NYCRR Part 155.4(d)(2)

Adopted: 1/19/11  
Revised: 9/19/11

**SUBJECT: NAMING NEW FACILITIES**

Naming a school is a matter of importance and deserves the thoughtful attention of the Board and administration.

School names may be geographic in nature. That is, bearing the name of the community that will be served or the name of a street. The name of a school may be that of a person whose name will serve as an inspiration of students and the community. The names of persons who have attained local or national prominence, especially in the fields of education, science, art, or statesmanship, will be considered.

After considering the viewpoints of community members, the Board will make the final selection of the name for a new facility. A new school will be named as soon as its construction has been a financial reality, the site has been selected, and the architect appointed. A prompt decision will advance community solidarity and will avoid confusion in recordkeeping for the new facility.

Schools will not be renamed unless the current name becomes obsolete due to a change in a geographic place name or for some other compelling reason.

**SUBJECT: SMOKING/TOBACCO USE**

**School Grounds**

Tobacco use shall not be permitted and no person shall use tobacco on school grounds. According to Public Health Law Article 13-E and Pro-Children Act of 2001, tobacco use is also prohibited within one hundred (100) feet of the entrances, exits, or outdoor areas of any public or private elementary or secondary schools. However, this shall not apply to smoking in a residence, or within the real property boundary lines of such residential real property. For purposes of this policy, "school grounds" means any building, structure, and surrounding outdoor grounds, including entrances or exits, contained within the District's elementary or secondary school's legally defined property boundaries as registered in the County Clerk's Office; as well as all District vehicles, including vehicles used to transport children or school personnel.

For purposes of this policy, tobacco use is defined to include any lighted or unlighted cigarette, cigar, cigarillo, pipe, bidi, clove cigarette, spit/spitless tobacco and any other smoking or tobacco product, (smokeless, dip, chew, snus and/or snuff) in any form.

The use of e-cigarettes and any other products containing nicotine, except for current FDA-approved smoking cessation products, are also prohibited.

**Off-School Grounds**

Tobacco use is prohibited by students at any school-sponsored event or activity off school grounds or in any vehicle owned by the District.

**Other Areas or Facilities**

In those other areas or facilities not governed by the smoking prohibition as authorized by the federal Pro-Children Act of 1994, the District shall adhere to the New York State Clean Indoor Air Act (Public Health Law Article 13-E) as newly revised by the Pro-Child Act of 1994.

**Posting/Notification of Policy**

In compliance with the New York State Clean Indoor Air Act, the District will prominently post its Smoking/Tobacco Use policy and signs prohibiting **all** forms of tobacco product use in District buildings and other appropriate locations; and will supply a copy upon request to any current or prospective employee.

(Continued)

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

**Prohibition of Tobacco Promotional Items/Tobacco Advertising**

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

- a) On school grounds;
- b) In school vehicles;
- c) At school-sponsored events, including those that take place off school premises and in another state;
- d) In school publications;
- e) On clothing, shoes, accessories, gear, and school supplies in accordance with the District *Code of Conduct* and applicable collective bargaining agreements.

This prohibition of tobacco promotional items shall be implemented in accordance with the *Code of Conduct* and applicable collective bargaining agreements.

In addition, tobacco advertising is also prohibited in all school-sponsored publications and at all school sponsored events.

Safe and Drug-Free Schools and Communities Act, 20  
United States Code (USC) Section 7101 et seq.  
Pro-Children Act of 2001, as amended by the No Child  
Left Behind Act of 2001, 20 United States Code (USC)  
Sections 7181-7184  
Education Law Sections 409, 2801(1) and 3020-a  
Public Health Law Article 13-E

NOTE: Refer also to Policies #3280 – [Use of Facilities, Materials and Equipment](#)  
#7320 – [Alcohol, Tobacco, Drugs, and Other Substances \(Students\)](#)  
#8211 – [Prevention Instruction](#)  
*District Code of Conduct on School Property*

Adopted: 7/8/02  
Revised: 2/1/11, 7/15/14

**SUBJECT: ENERGY/WATER CONSERVATION AND RECYCLING OF SOLID WASTE**

Energy/Water Conservation

The Board of Education recognizes the importance of energy and water conservation and is committed to the analysis, development, and initiation of conservation measures throughout the District for the purpose of reducing energy consumption, particularly in these times of declining levels of natural energy resources and increasing cost of these resources. The Board will maintain an aggressive and responsive program to reduce consumption of energy by its facilities and to provide education on the conservation of energy.

The District will comply with the Property Maintenance Code of New York State, part of the New York State Uniform Fire Prevention and Building Code, which requires that indoor occupiable work space be maintained at a minimum temperature of 65 degrees from September 14 to May 31 during the period the spaces are occupied. There are exceptions for areas of vigorous physical activities such as gymnasiums as well as processing spaces such as coolers and freezers. However, by law, code or regulation there is no maximum temperature specified. Ventilation requirements only require fresh air, not cool air-conditioning.

**Recycling**

The Superintendent of Schools will develop a program for the source separation and segregation of recyclable or reusable materials in the District. This District-wide recycling plan shall include:

- a) A conservation education program to teach students about their social responsibility for preserving our resources, and involvement of all students and personnel in a comprehensive effort to reduce, reuse and recycle waste materials;
- b) A concerted effort to purchase recycled items and biodegradable rather than non-biodegradable products;
- c) Separation of waste into appropriate categories for the purpose of recycling, including mercury-added consumer products; and
- d) A cooperative effort with community recycling programs.

Environmental Conservation Law Sections 27-2101-27-2115  
General Municipal Law Section 120-aa  
19 New York Code of Rules and Regulations  
(NYCRR) Sections 1220-1226

Adopted: 7/8/02  
Revised: 3/2/05, 11/5/07

Non-Instructional/Business  
Operations

**SUBJECT: SCHOOL FOOD SERVICE PROGRAM (LUNCH AND BREAKFAST)**

**School Food Service Program (Lunch and Breakfast)**

The Board has entered into an agreement with the New York State Education Department to participate in the National School Lunch Program and School Breakfast Program to receive commodities and subsidies from the US Department of Agriculture. In return, the District provides free and reduced-price meals to elementary and secondary students in the schools of the District and serves meals that meet federal requirements. The District ensures that a student whose parent/persons in parental relation has unpaid meal charges is not shamed or treated differently than a student whose parent/persons in parental relation does not have unpaid meal charges.

The purpose of this policy is to ensure compliance with federal requirements for the USDA Child Nutrition Program and to provide oversight and accountability for the collection of outstanding student meal balances to ensure that the student is not stigmatized, distressed, or embarrassed. The Superintendent or his/her designee shall have the responsibility to carry out the rules of the School Lunch and Breakfast Programs. The determination of which students are eligible is the responsibility of the Reviewing and Verification Official or the Office of Temporary and Disability Assistance (OTDA) of the Department of Social Services. Appeals regarding eligibility should be submitted to the Hearing Official of the District.

Free or reduced price meals may be allowed for qualifying students attending District schools upon receipt of a written application from the student's parent or guardian or a "Direct Certification" letter from the New York State Office of Temporary and Disability Assistance (OTDA). Applications will be provided by the School District to all families.

School officials must also determine eligibility for free/reduced-price meals by using the Direct Certification Matching Process, a data set supplied by the Office of Temporary and Disability Assistance, and made available by the State Education Department. Any student residing in a household receiving federal assistance through Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance to Needy Families (TANF) or Medicaid is automatically eligible for free meals. There is no need for eligible families to complete further applications. The School District shall notify parents or guardians of such eligibility, giving them the opportunity to decline free meals if they so choose.

Procedures for the administration of the free and reduced-price meal program of this School District will be the same as those prescribed in current state and federal laws and regulations.

**Access to Meals**

At the Middle School and High School, breakfast and lunch are served. Currently, due to a very low participation rate, breakfast is not served at the Elementary schools. Participation rates will be reviewed every three years and breakfast may be served if rates deem it warranted.

- a) **Free meal benefit eligible students** will be allowed to receive a free meal of their choice each day. A la carte items or other similar items must be paid/prepaid.

(Continued)



**SUBJECT: SCHOOL FOOD SERVICE PROGRAM (LUNCH AND BREAKFAST) (Cont'd.)**

- b) **Reduced meal benefit 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 persons in parental relation has specifically provided written permission to the District to withhold a meal. A la carte items or other similar items must be paid/prepaid.
- c) **Full pay students** will pay for meals at the District's published paid meal rate each day. The charge meals offered to students will be reimbursable meals available to all students, unless the student's parent/persons in parental relation has specifically provided written permission to the District to withhold a meal. A la carte items or other similar items must be paid/prepaid.

**Parent Notification**

Parents/persons in parental relations will be notified that a student's meal card or account balance is exhausted and has accrued unpaid meal charges within 5 days of the charge and then every 5 days thereafter.

**Parent Outreach**

- a) Staff will communicate with parent/persons in parental relations with five or more unpaid meal charges to determine eligibility for free or reduced price meals.
- b) Staff will make two documented attempts to reach out to parent/persons in parental relations to complete a free/reduced meal application.
- c) Staff will contact the parent/persons in parental relation to offer assistance with the completion of a free/reduced meal application to determine if there are other issues within the household causing the student to have insufficient funds, offering any other assistance that is appropriate.

**Minimizing Student Distress**

- a) Staff will not publicly identify or stigmatize any student in line for a meal or discuss any outstanding meal debt in the presence of any other students.
- b) Staff will not take any action directed at a student to collect unpaid meal charges. Staff will deal directly with parent/persons in parental relations regarding unpaid meal charges.

**Ongoing Eligibility Certification**

- a) Staff will conduct direct certification through the New York Student Identification System (NYSSIS) or using SED Roster Upload at least monthly to maximize free eligibility.
- b) Staff will provide parents/persons in parental relations with free and reduced price application and instructions at the beginning of each school year in the school enrollment packet.
- c) If the District uses an electronic meal application, it will provide an explanation of the process in the school enrollment packet and instructions on how to request a paper application at no cost.
- d) The District will provide at least two additional free and reduced price applications throughout the school year to families identified as owing meal charges.

(Continued)

Non-Instructional/Business  
Operations

**SUBJECT: SCHOOL FOOD SERVICE PROGRAM (LUNCH AND BREAKFAST) (Cont'd.)**

- e) The District will use its administrative prerogative to complete an application on a student's behalf judiciously, and only after using exhaustive efforts to obtain a completed application from the student's parent/persons in parental relation. The District will complete the application using only available information on family size and income that falls within approvable guidelines.
- f) The District will coordinate with the foster, homeless, migrant, and runaway coordinators at least monthly to certify eligible students.
- g) 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 Director of Food Service to make sure such students receive free school meals, in accordance with federal law.

**Prepaid Accounts**

Details regarding payment options are available on the District's webpage at [www.rvcschools.org](http://www.rvcschools.org). Students, parent/persons in parental relation may pay for meals in advance on the District website>Lunch Program>Online Payment or with a check made payable to the 'Rockville Centre School Lunch Program' and delivered to your child's school. Funds should be maintained in accounts to minimize the possibility that a student may be without meal money on any given day. Any remaining funds for a particular student will be carried over to the next school year.

To obtain a refund for a withdrawn or graduating student, a written or e-mailed request for a refund of any money remaining in the student's account must be submitted. Students who are graduating at the end of the year will be given the option to transfer any remaining money, through a written request, to a sibling's account.

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

**Child Nutrition Program/Prepayment Meals**

Although not required by law, because of the District's participation in the Child Nutrition Program, the Board of Education approves the establishment of a system to allow a student to prepay meals. The Board authorizes the Superintendent and/or his/her designee to develop rules which address:

- a) What can be charged;
- b) The system used for identifying and recording charged meals;
- c) The system used for collection of repayments; and
- d) The District will provide details regarding payment methods on its website.

**Charging Meals**

- a) The only item permitted to be charged is a complete meal. A la carte items such as beverages and snacks may not be charged;
- b) The District's point-of-sale system will track all charges and payments;

(Continued)

Non-Instructional/Business  
Operations

**SUBJECT: SCHOOL FOOD SERVICE PROGRAM (LUNCH AND BREAKFAST) (Cont'd.)**

- c) If a student comes to school without a lunch, and has exceeded the maximum reimbursable-meal limit, the District may provide a reimbursable meal (that is available to all students) so that he or she does not go hungry that day;
- d) As appropriate, District administration may contact Social Services to report a student's consistent failure to arrive at school with a meal.

**Restriction of Sweetened Foods in School**

The sale of sweetened foods will be prohibited from the beginning of the school day until the end of the last scheduled meal period.

Sweetened foods consist of sweetened soda water, chewing gum, candy, including hard candy, jellies, gum, marshmallow candies, fondant, licorice, spun candy, candy coated popcorn, and water ices except those which contain fruit or fruit juices.

**Food Substitutions for Children with Disabilities**

Federal regulations governing the operation of Child Nutrition Programs, Part B of the Individuals with Disabilities Education Act, and Section 504 of the Rehabilitation Act of 1973, require that children with disabilities be offered the opportunity to participate in all academic and non-academic activities including the school nutrition programs. The District will make reasonable accommodations to those children with disabilities whose disabilities restrict their diets, such as providing substitutions and/or modifications in the regular meal patterns. Such meal substitutions for students with disabilities will be offered at no extra charge. A student with a disability must be provided substitutions in food when that need is supported by a statement, signed by a physician, attesting to the need for the substitutions and recommending alternate foods.

However, the school food service is not required to provide meal services (for example, School Breakfast Program) to students with disabilities when the meal service is not normally available to the general student body, unless a meal service is required under the student's individualized education program (IEP) or Section 504 Accommodation Plan as mandated by a physician's written instructions.

**Food Substitutions for Non-Disabled Children**

Though not required, the District will also allow substitutions for non-disabled children who are unable to consume the regular meal because of medical or other special dietary needs if the request is supported by a statement signed by a recognized medical authority.

The District may also allow substitutions for fluid milk with a non-dairy beverage that is nutritionally equivalent (as established by the Secretary of Agriculture) to fluid milk and meets nutritional standards for students who are unable to consume fluid milk because of medical or other special dietary needs if the request is supported by a statement, signed by a recognized medical authority, or by the student's parent/persons in parental relation.

(Continued)

Non-Instructional/Business  
Operations

**SUBJECT: SCHOOL FOOD SERVICE PROGRAM (LUNCH AND BREAKFAST) (Cont'd.)**

**HACCP-Based Food Safety Program**

Schools participating in the National School Lunch and/or School Breakfast programs are required to implement a food safety program based on Hazard Analysis and Critical Control Point (HACCP) principles. The District must develop a written food safety program for each of its food preparation and service facilities that is based on *either* traditional HACCP principles *or* the "Process Approach" to HACCP. (The "Process Approach" simplifies traditional HACCP by grouping foods according to preparation process and applying the same control measures to all menu items within the group, rather than developing an HACCP plan for each item.) Regardless of the implementation option that is selected, the District's written food safety program must also include: critical control points and critical limits; monitoring procedures; corrective actions; verification procedures; recordkeeping requirements; and periodic review and food safety program revision.

**School District Nutrition Committee**

In accordance with Education Law, the District has established a Nutrition Committee. The Committee may include parents/guardians, students, school district staff, and food service staff. The District will, to the extent practicable, give notice to all who are on the Committee, the minutes of prior meetings, and other regular forms of written communication as to the scheduled dates of all meetings of the Nutrition Committee.

The Committee will study all facets of the current nutritional policies of the District including, but not limited to:

- a) The goals of the District to promote health and proper nutrition;
- b) Menu criteria;

In addition, the Committee shall consider recommendations and practices of other districts and nutrition studies.

Child Nutrition and WIC Reauthorization Act of 2004, PL 108-265  
Child Nutrition Act 1966, 42 USC Section 1771 et seq.  
Richard B. Russell National School Lunch Act 1946, 42 USC Section 1751 et seq.  
Section 504 of the Rehabilitation Act of 1973, 29 USC Section 794 et seq.  
Individuals with Disabilities Education Act (IDEA), 20 USC Sections 1400-1485  
7 CFR Parts 15B, 210 and 220  
Education Law Sections 902(b), 915, 918, 1604(28), 1709(22), 1709(23) and 2503(9)(a)  
8 NYCRR Sections 200.2(b)(1) and 200.2(b)(2)  
Social Services Law Section 95

Adopted: 7/8/02

Revised: 11/15/05, 12/11/13, 12/6/17, 10/17/18

Non-Instructional/Business  
Operations

**SUBJECT: DISTRICT WELLNESS POLICY**

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.

**DISTRICT WELLNESS & NUTRITION COMMITTEES**

The District has established a Wellness Program consisting of two committees; the Wellness Committee and the Nutrition Committee. Collectively these committees meet four (4) times per year to develop the District's proposed local Wellness Program, making such policy recommendations for review and adoption by the Board of Education. The District will actively seek members for the Committees through the use of email, newsletters and the District website. The Committees shall include representatives from the following groups:

- a) Parents and caregivers;
- b) Students;
- c) Physical Education and/or Health teachers;
- d) School health professional;
- e) District food service program representative;
- f) School Board;
- g) School administrators;
- h) Classroom teachers;
- i) Supplemental Nutrition Assistance Program Education (SNAP-ED) coordinators; and
- j) Members of the public.

The District Wellness & Nutrition Committees will assess current activities, programs and policies available in the District; identify specific areas of need within the District; develop the policy; and provide mechanisms for implementation, evaluation, revision and updating of the policy. The Wellness & Nutrition Committees are established to represent the local community's perspective in developing the Wellness Program for the District. The District's Director of Physical Education, Health & Athletics and the Director of Food Services (the Coordinators) are responsible for the implementation and oversight of the District's Wellness Program. They will convene the Committees, serve as liaisons with community agencies and facilitate the development of updates to this Wellness Policy. They will also work to ensure each school's compliance with this Wellness Policy.

(Continued)

Non-Instructional/Business  
Operations

**SUBJECT: [DISTRICT WELLNESS POLICY \(Cont'd.\)](#)**

**WELLNESS POLICY IMPLEMENTATION, MONITORING, ACCOUNTABILITY, AND COMMUNITY ENGAGEMENT**

The District will develop and maintain an implementation plan to manage and coordinate the execution of this Wellness Policy. It also includes specific goals and objectives for nutrition standards for all foods and beverages available on the school campus, food and beverage marketing, nutrition promotion and education, physical activity, physical education, and other school-based activities that promote student wellness. In developing these goals, the District will review and consider evidence-based strategies and techniques.

**ANNUAL NOTIFICATION OF POLICY**

The District will inform families and the general public each year, via the District website and/or District-wide communications, of information about this Wellness Policy, including, but not limited to: its implementation status, its content, and any updates to the policy. The District will endeavor to share as much information as possible about its schools' nutrition environment. Each year, the District will also publicize the name and contact information of the District officials leading and coordinating the District's Wellness and Nutrition Committees, as well as information on how the community may get involved with these committees.

**TRIENNIAL ASSESSMENTS**

At least once every three years beginning with the 2018-2019 school year, the District will assess its compliance with this Wellness Policy. The triennial assessment will measure the implementation of this Wellness Policy, and include an assessment of:

- a) The extent to which schools in the District are in compliance with this Wellness Policy;
- b) The extent to which this Wellness Policy compares to model local school wellness policies; and
- c) A description of the progress made in attaining the goals of this Wellness Policy.

The Coordinators are responsible for managing the District's triennial assessment. The District will actively notify the public of the availability of the triennial assessment results. This Wellness Policy will be updated, at a minimum, every three years based on the results of the triennial assessment. This Wellness Policy may also be updated as District priorities change, community needs change, wellness goals are met, new health science, information and technology emerge, and/or new Federal or State guidance or standards are issued.

(Continued)

Non-Instructional/Business  
Operations

**SUBJECT: [DISTRICT WELLNESS POLICY \(Cont'd.\)](#)**

### **COMMUNITY INVOLVEMENT, OUTREACH, AND COMMUNICATIONS**

The District is committed to being responsive to community input, which begins with awareness of this Wellness Policy. On an annual basis, the District will make this Wellness Policy available to families and the public. The District will also annually inform families of its content and updates to this Wellness Policy. The District will make this information available via the District website and/or District-wide communications. The District will use these same means to inform families and the public on how to become involved with and support this Wellness Policy, as well as about the results of the triennial assessment.

### **RECORDKEEPING**

The District will retain records to document compliance with the requirements of this Wellness Policy. Documentation maintained includes, but is not limited to:

- a) The written Wellness Policy;
- b) Documentation demonstrating that this Wellness Policy has been made available to the public;
- c) Documentation of efforts to review and update this Wellness Policy, including an indication of who is involved in the update and methods the District uses to make stakeholders aware of their ability to participate on the District Wellness Committee;
- d) Documentation demonstrating compliance with the annual public notification requirements;
- e) The most recent triennial assessment on the implementation of this Wellness Policy; and
- f) Documentation demonstrating that the most recent triennial assessment results have been made available to the public.

### **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:

### **School Meals**

The District is committed to promoting student health and reducing childhood obesity by:

- a) Serving meals that meet or exceed nutrition requirements established by local, state, and Federal statutes and regulations;
- b) Providing all students time to consume meals;
- c) Promoting healthy food and beverage choices;
- d) Preparing meals that are appealing and attractive to students;
- e) Serving meals in clean and pleasant settings;

(Continued)

Non-Instructional/Business  
Operations

**SUBJECT: [DISTRICT WELLNESS POLICY \(Cont'd.\)](#)**

- f) Having lunch coincide with the recess period in the elementary schools to better support learning and healthy eating; and
- g) Encouraging student participation in federal Child Nutrition Programs.

Child Nutrition Programs aim to improve the diet and health of school children, help mitigate childhood obesity, model healthy eating to support the development of lifelong healthy eating patterns and support healthy choices while accommodating cultural food preferences and special dietary needs.

In compliance with the federal Child Nutrition Program, all District schools participate in the National School Lunch Program and the Middle School and High School also participate in the School Breakfast Program. 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).

#### **Staff Qualifications and 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.

#### **Water**

To promote hydration, free, safe, unflavored drinking water will be available to all students and staff throughout the school day and throughout every school campus. The District will make drinking water available where school meals are served during meal times.

#### **Foods and Beverages Provided, But Not Sold, to Students During the School Day**

The District is committed to ensuring that foods and beverages available to students on the school campus during the school day support healthy eating. The foods and beverages provided, but not sold to students on the school campus during the school day (e.g. classroom parties or classroom snacks brought by parents) will be monitored by classroom teachers with consideration for student allergies and nutritional value.

#### **Food and Beverages Marketing in Schools**

All foods and beverages marketed or promoted to students on the school campus during the school day will meet the USDA Smart Snacks in School nutrition standards. Food marketing commonly includes oral, written, or graphic statements made for the purpose of promoting the sale of a food or beverage product.

#### **NUTRITION PROMOTION AND EDUCATION**

The District will provide nutrition education to facilitate the voluntary adoption of healthy eating habits and other nutrition-related behaviors conducive to health and well-being.

(Continued)



Non-Instructional/Business  
Operations

**SUBJECT: [DISTRICT WELLNESS POLICY \(Cont'd.\)](#)**

Classroom teaching:

Students will understand and recognize the relationship between behaviors and healthy development. They will understand ways to promote health and demonstrate and practice positive health behaviors. The topics of body image, weight management and eating disorders are currently included in the comprehensive K-12 health education curriculum teacher training:

The District-wide physical education and health teachers currently participate in professional development workshops offered by the consortium of Nassau County BOCES. The topic of nutrition has been infused into the physical education curriculum and is also included in the Districtwide K-12 health education curriculum. Staff development for other teachers is ongoing.

Physical Activity:

The District will provide opportunities for every student to develop the knowledge and skills for specific physical activities, to maintain physical fitness, to regularly participate in physical activity, and to understand the short-term and long-term benefits of a physically active and healthy lifestyle.

- a) Physical education graduation requirements:
  - o Each student entering the High School will complete eight (8) semesters of physical education which equates to 2 credits.
- b) Physical education class requirements:
  - o All students in grades 1-12 will participate in a rigorous physical education program three (3) days in a 6-day cycle for 40 minutes in duration.
  - o The teacher to student ratio at all grade levels is 1:30.
- c) Students are recommended for Adaptive Physical Education by the Committee on Special Education (CSE). Adaptive activities are prescribed and implemented based on the individual needs of students. Student/teacher ratios for Adaptive Physical Education groups are assigned by CSE and are based on student needs.
- d) The District's health and physical education curricula are developed using the State standards. Tenured health and physical education teachers are required to complete 10 hours of professional development each year. Non-tenured health and physical education teachers are required to complete 14 hours of professional development each year. Coaches will attend workshops or conferences periodically when offered.

Other School-based Activities

The District wishes to establish a school environment that presents consistent wellness messages and is conducive to healthy eating and physical activity for all. In order to present a coordinated school approach where District decision-making related to nutrition and physical activity encompasses all aspects of the school, the Wellness Committee may determine that the following standards are necessary to achieve this goal:

(Continued)

Non-Instructional/Business  
Operations

**SUBJECT: DISTRICT WELLNESS POLICY (Cont'd.)**

- a) Federal School Meal Programs:  
The District will participate to the maximum extent practicable in available Federal school meal programs; School Breakfast Program, National School Lunch Program (including after-school snacks).
- b) Access to school nutrition programs:  
The District will provide all children an opportunity to participate in school breakfast and lunch programs. The food service program provides a system that does not disclose whether the meal is prepaid, free or reduced priced.
- c) Meal environment:  
Meals are provided in the best available environment based on each individual school's facilities. These areas are cleaned and sanitized daily. Food service staff continue to promote healthy eating habits.
- d) Before and After-school programs for students:  
The District offers before and after school child care for students. These programs provide an opportunity for students to take advantage of healthy and nutritional meals and/or snacks.
- e) Community involvement:  
The community will be notified of the District's Wellness Policy through the District newsletter and the annual District calendar.

**NUTRITION GUIDELINES**

The District Nutrition Committee will work with the food service vendors on what nutrition standards will be established for all foods available on school campus during the school day based upon the unique needs of the student body and the community. The goal is to encourage healthy lifelong eating habits by providing foods that are high in nutrients, low in fat and added sugars, and of moderate portion size.

**Nutritional Values of Foods and Beverages**

- a) Reimbursable school meals served at school will minimally meet the program requirements and nutrition standards of the National School Lunch Program.
- b) Food of minimal nutritional value on the school campus will be limited and replaced with more nutritional options when determined by the Wellness Committee.
- c) Nutrition information for products sold on campus will be readily available near the point of purchase.

(Continued)

Non-Instructional/Business  
Operations

**SUBJECT: DISTRICT WELLNESS POLICY (Cont'd.)**

Food or beverage contracts

The District may participate in a vending machine contract. All vending machines that are not supplied by the food service provider shall not be operational until the food service hours have ended. Nutritional options shall be provided at all vending machine locations.

**ASSURANCE**

Guidelines for reimbursable school meals shall not be less restrictive than applicable Federal regulations and guidance issued pursuant to the Child Nutrition Act and the Richard B. Russell National School Lunch Act, as those regulations and guidance apply to schools.

42 USC. §§ 1758, 1758b

7 CFR. §§ 210.10, 210.11, 210.18, 210.31, and 220.8

USDA, SP 24-2017, Local School Wellness Policy: Guidance and Q&As (Apr. 6, 2017)

81 Fed. Reg. 50,151 (July 29, 2016) (codified at 7 C.F.R. pts. 210 & 220)

Education Law § 915

8 NYCRR § 135.4

Memorandum from N.Y. St. Educ. Department on Smart Snacks Standards and Fundraisers (Sept. 16, 2014)

Adopted: 6/20/06, 10/17/18

Non-Instructional/Business  
Operations

**SUBJECT: RECORDS MANAGEMENT**

A records management officer shall be designated by the Superintendent of Schools, subject to the approval of the Board of Education. Such records management officer shall coordinate the development of and oversee a program for the orderly and efficient management of records, including the legal disposition or destruction of obsolete records, and be given the authority and responsibility to work with other local officials at all levels in the development and maintenance of the records management program.

In addition, a Records Advisory Board shall be created and reappointed at the Reorganizational Meeting to assist in establishing and supporting the records management program. The District's legal counsel, the fiscal officer, and the Superintendent of Schools/designee may comprise the Advisory Board.

**Retention and Disposition of Records**

The Superintendent of Schools shall retain records for such a period and dispose of them in the manner described in Records Retention and Disposition Schedule ED-1, established pursuant to Part 185, Title VIII of the Official Compilation of Codes, Rules and Regulations of the State of New York and Article 57-A of the Arts and Cultural Affairs Law.

8 New York Code of Rules and Regulations  
(NYCRR) Section 185  
Public Officers Law Section 65-b  
Local Government Records Act of 1987

Adopted: 7/8/02

Non-Instructional/Business  
Operations

**SUBJECT: DISPOSAL OF CONSUMER REPORT INFORMATION AND RECORDS**

In accordance with the Federal Trade Commission's (FTC) "Disposal Rule," and in an effort to protect the privacy of consumer information, reduce the risk of fraud and identity theft, and guard against unauthorized access to or use of the information, the School District will take appropriate measures to properly dispose of sensitive information (i.e., personal identifiers) contained in or derived from consumer reports and records. Any employer who uses or possesses consumer information for a business purpose is subject to the Disposal Rule. According to the FTC, the standard for proper disposal of information derived from a consumer report is flexible, and allows the District to determine what measures are reasonable based on the sensitivity of the information, the costs and benefits of different disposal methods, and changes in technology.

The term "*consumer report*" shall include information obtained from a consumer reporting company that is used - or expected to be used - in establishing a consumer's eligibility for employment or insurance, among other purposes. The term "*employment purposes*" when used in connection with a consumer report means a report used for the purpose of evaluating a consumer for employment, promotion, reassignment or retention as an employee.

The FTC Disposal Rule defines "*consumer information*" as "any record about an individual, whether in paper, electronic, or other form, that is a consumer report or is derived from a consumer report. Consumer information also means a compilation of such records. Consumer information does not include information that does not identify individuals, such as aggregate information or blind data."

**Information Covered by the Disposal Rule**

The FTC has not included a rigid definition of the kinds of information that would be considered to identify particular individuals. In accordance with FTC guidance, there are a variety of personal identifiers beyond simply a person's name that would bring information within the scope of the Disposal Rule, including, but not limited to, a social security number, driver's license number, phone number, physical address, and e-mail address. Depending upon the circumstances, data elements that are not inherently identifying can, in combination, identify particular individuals.

**"Proper" Disposal**

The FTC Disposal Rule defines "*dispose*," "*disposing*," or "*disposal*," as:

- a) "The discarding or abandonment of consumer information," or
- b) "The sale, donation, or transfer of any medium, including computer equipment, upon which consumer information is stored."

(Continued)

**SUBJECT: DISPOSAL OF CONSUMER REPORT INFORMATION AND RECORDS  
(Cont'd.)**

The District will utilize disposal practices that are reasonable and appropriate to prevent the unauthorized access to - or use of - information contained in or derived from consumer reports and records. Reasonable measures to protect against unauthorized access to or use of consumer information in connection with District disposal include the following examples. These examples are not exclusive or exhaustive methods for complying with the Disposal Rule.

- a) Burning, pulverizing, or shredding of papers containing consumer information so that the information cannot practicably be read or reconstructed.
- b) Destroying or erasing electronic media containing consumer information so that the information cannot practicably be read or reconstructed.
- c) After due diligence, entering into and monitoring compliance with a contract with another party engaged in the business of record destruction to dispose of material, specifically identified as consumer information, in a manner consistent with the Disposal Rule. In this context, due diligence could include:
  1. Reviewing an independent audit of the disposal company's operations and/or its compliance with the Disposal Rule;
  2. Obtaining information about the disposal company from several references or other reliable sources;
  3. Requiring that the disposal company be certified by a recognized trade association or similar third party;
  4. Reviewing and evaluating the disposal company's information security policies or procedures; or
  5. Taking other appropriate measures to determine the competency and integrity of the potential disposal company.
- d) For persons (as defined in accordance with the Fair Credit Reporting Act) or entities who maintain or otherwise possess consumer information through their provision of services directly to a person subject to the Disposal Rule, monitoring compliance with policies and procedures that protect against unauthorized or unintentional disposal of consumer information, and disposing of such information in accordance with examples a) and b) above.

(Continued)

Non-Instructional/Business  
Operations

**SUBJECT: DISPOSAL OF CONSUMER REPORT INFORMATION AND RECORDS  
(Cont'd.)**

### **Implementation of Practices and Procedures**

The Board delegates to the Superintendent/designee(s) the authority and responsibility to review current practices regarding the disposal of consumer information; and to implement such further reasonable and appropriate procedures, including staff training as necessary, to ensure compliance with the FTC's Disposal Rule.

[The Fair Credit Reporting Act](#)  
[15 United States Code \(USC\) Section 1681 et seq.](#)  
[The Fair and Accurate Credit Transactions Act of 2003](#)  
[Public Law 108-159](#)  
[Federal Trade Commission Disposal of Consumer](#)  
[\*\*Report Information and Records\*\*](#)  
[\*\*16 Code of Federal Regulations \(CFR\) Part 682\*\*](#)

Adopted: 1/31/06

Non-Instructional/Business  
Operations

**SUBJECT: DATA NETWORKS AND SECURITY ACCESS**

The District values the protection of private information of individuals in accordance with applicable law, regulations, and best practice. Accordingly, District officials and Information Technology (IT) staff will plan, implement, and monitor IT security mechanisms, procedures, and technologies necessary to prevent improper or illegal disclosure, modification, or denial of sensitive information in the District Computer System (DCS). Similarly, such IT mechanisms and procedures will also be implemented in order to safeguard District technology resources, including computer hardware and software. District network administrators may review District computers to maintain system integrity and to ensure that individuals are using the system responsibly. Users should not expect that anything stored on school computers or networks will be private.

In order to achieve the objectives of this policy the Board of Education entrusts the Superintendent, or his/her designee, to:

- a) Inventory and classify personal, private, and sensitive information on the DCS to protect the confidentiality, integrity, and availability of information;
- b) Develop password standards for all users including, but not limited to, how to create passwords and how often such passwords should be changed by users to ensure security of the DCS;
- c) Ensure that the "audit trail" function is enabled within the District's network operating system, which will allow the District to determine on a constant basis who is accessing the DCS, and establish procedures for periodically reviewing such audit trails;
- d) Develop procedures to control physical access to computer facilities, data rooms, systems, networks, and data to only authorized individuals; such procedures may include ensuring that server rooms remain locked at all times and the recording of arrival and departure dates and times of employees and visitors to and from the server room;
- e) Establish procedures for tagging new equipment purchases as they occur, relocating assets, updating the inventory list, performing periodic physical inventories, and investigating any differences in an effort to prevent unauthorized and/or malicious access to these assets;
- f) Periodically grant, change, and terminate user access rights to the overall networked computer system and to specific software applications and ensure that users are given access based on, and necessary for, their job duties;

(Continued)



Non-Instructional/Business  
Operations

**SUBJECT: DATA NETWORKS AND SECURITY ACCESS (Cont'd.)**

- g) Limit user access to the vendor master file, which contains a list of vendors from which District employees are permitted to purchase goods and services, to only the individual who is responsible for making changes to such list, and ensure that all former employees' access rights to the vendor master list are promptly removed;
- h) Determine how, and to whom, remote access should be granted, obtain written agreements with remote access users to establish the District's needs and expectations, as appropriate, and monitor and control such remote access;
- i) Deploy software to servers and workstations to identify, prevent and eradicate malicious software attacks such as viruses and malware;
- j) Develop a disaster recovery plan appropriate for the size and complexity of District IT operations to ensure continuous critical IT services in the event of any sudden, catastrophic event, including, but not limited to fire, computer virus or deliberate or inadvertent employee action.
- k) Develop plans to address any items not specifically addressed above to reasonably assure the protection of the District's IT assets and data.

Non -Instructional/Business Operations

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA**

The District is committed to maintaining the privacy and security of student data and teacher and principal data and will follow all applicable laws and regulations for the handling and storage of this data in the District and when disclosing or releasing it to others, including, but not limited to, third-party contractors. The District adopts this policy to implement the requirements of Education Law Section

2-d and its implementing regulations, as well as to align the District's data privacy and security practices with the National Institute for Standards and Technology Framework for Improving Critical Infrastructure Cybersecurity (Version 1.1).

**Definitions**

As provided in Education Law Section 2-d and/or its implementing regulations, the following terms, as used in this policy, will mean:

- a) "Breach" means the unauthorized acquisition, access, use, or disclosure of student data and/or teacher or principal data by or to a person not authorized to acquire, access, use, or receive the student data and/or teacher or principal data.
- b) "Building principal" means a building principal subject to annual performance evaluation review under the provisions of Education Law Section 3012-c.
- c) "Classroom teacher" means a teacher subject to annual performance evaluation review under the provisions of Education Law Section 3012-c.
- d) "Commercial or marketing purpose" means the sale of student data; or its use or disclosure for purposes of receiving remuneration, whether directly or indirectly; the use of student data for advertising purposes, or to develop, improve, or market products or services to students.
- e) "Contract or other written agreement" means a binding agreement between an educational agency and a third-party, which includes, but is not limited to, an agreement created in electronic form and signed with an electronic or digital signature or a click-wrap agreement that is used with software licenses, downloaded, and/or online applications and transactions for educational technologies and other technologies in which a user must agree to terms and conditions prior to using the product or service.
- f) "Disclose" or "disclosure" means to permit access to, or the release, transfer, or other communication of personally identifiable information by any means, including oral, written, or electronic, whether intended or unintended.

(Continued)

Non -Instructional/Business Operations

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (CONT'D)**

- g) "Education records" means an education record as defined in the Family Educational Rights and Privacy Act and its implementing regulations, 20 USC Section 1232g and 34 CFR Part 99, respectively.
- h) "Educational agency" means a school district, board of cooperative educational services (BOCES), school, or the New York State Education Department (NYSED).
- i) "Eligible student" means a student who is eighteen years or older.
- j) "Encryption" means methods of rendering personally identifiable information unusable, unreadable, or indecipherable to unauthorized persons through the use of a technology or methodology specified or permitted by the Secretary of the United States Department of Health and Human Services in guidance issued under 42 USC Section 17932(h)(2).
- k) "FERPA" means the Family Educational Rights and Privacy Act and its implementing regulations, 20 USC Section 1232g and 34 CFR Part 99, respectively.
- l) "NIST Cybersecurity Framework" means the U.S. Department of Commerce National Institute for Standards and Technology Framework for Improving Critical Infrastructure Cybersecurity (Version 1.1). A copy of the NIST Cybersecurity Framework is available at the Office of Counsel, State Education Department, State Education Building, Room 148, 89 Washington Avenue, Albany, New York 12234.
- m) "Parent" means a parent, legal guardian, or person in parental relation to a student.
- n) "Personally identifiable information (PII)," as applied to student data, means personally identifiable information as defined in 34 CFR Section 99.3 implementing the Family Educational Rights and Privacy Act, 20 USC Section 1232g, and, as applied to teacher or principal data, means personally identifying information as this term is defined in Education Law Section 3012-c(10).
- o) "Release" has the same meaning as disclosure or disclose.
- p) "Student" means any person attending or seeking to enroll in an educational agency.
- q) "Student data" means personally identifiable information from the student records of an educational agency.
- r) "Teacher or principal data" means personally identifiable information from the records of an educational agency relating to the annual professional performance reviews of classroom teachers or principals that is confidential and not subject to release under the provisions of Education Law Sections 3012-c and 3012-d.

(Continued)

Non -Instructional/Business Operations

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (CONT'D)**

- s) "Third-party contractor" means any person or entity, other than an educational agency, that receives student data or teacher or principal data from an educational agency pursuant to a contract or other written agreement for purposes of providing services to the educational agency, including but not limited to data management or storage services, conducting studies for or on behalf of the educational agency, or audit or evaluation of publicly funded programs. This term will include an educational partnership organization that receives student and/or teacher or principal data from a school district to carry out its responsibilities pursuant to Education Law Section 211-e and is not an educational agency, and a not-for-profit corporation or other nonprofit organization, other than an educational agency.
- t) "Unauthorized disclosure" or "unauthorized release" means any disclosure or release not permitted by federal or state statute or regulation, any lawful contract or written agreement, or that does not respond to a lawful order of a court or tribunal or other lawful order.

**Data Collection Transparency and Restrictions**

As part of its commitment to maintaining the privacy and security of student data and teacher and principal data, the District will take steps to minimize its collection, processing, and transmission of PII. Additionally, the District will:

- a) Not sell PII nor use or disclose it for any marketing or commercial purpose or facilitate its use or disclosure by any other party for any marketing or commercial purpose or permit another party to do so.
- b) Ensure that it has provisions in its contracts with third-party contractors or in separate data sharing and confidentiality agreements that require the confidentiality of shared student data or teacher or principal data be maintained in accordance with law, regulation, and District policy.

Except as required by law or in the case of educational enrollment data, the District will not report to NYSED the following student data elements:

- a) Juvenile delinquency records;
- b) Criminal records;
- c) Medical and health records; and
- d) Student biometric information.

Nothing in Education Law Section 2-d or this policy should be construed as limiting the administrative use of student data or teacher or principal data by a person acting exclusively in the person's capacity as an employee of the District.

(Continued)

Non -Instructional/Business Operations

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (CONT'D)**

**Chief Privacy Officer**

The Commissioner of Education has appointed a Chief Privacy Officer who will report to the Commissioner on matters affecting privacy and the security of student data and teacher and principal data. Among other functions, the Chief Privacy Officer is authorized to provide assistance to educational agencies within the state on minimum standards and best practices associated with privacy and the security of student data and teacher and principal data.

The District will comply with its obligation to report breaches or unauthorized releases of student data or teacher or principal data to the Chief Privacy Officer in accordance with Education Law Section 2-d, its implementing regulations, and this policy.

The Chief Privacy Officer has the power, among others, to:

- a) Access all records, reports, audits, reviews, documents, papers, recommendations, and other materials maintained by the District that relate to student data or teacher or principal data, which includes, but is not limited to, records related to any technology product or service that will be utilized to store and/or process PII; and
- b) Based upon a review of these records, require the District to act to ensure that PII is protected in accordance with laws and regulations, including but not limited to requiring the District to perform a privacy impact and security risk assessment.

**Data Protection Officer**

The Superintendent's designee will be appointed to serve as the District's Data Protection Officer. The Data Protection Officer is responsible for the implementation and oversight of this policy and any related procedures including those required by Education Law Section 2-d and its implementing regulations, as well as serving as the main point of contact for data privacy and security for the District.

The District will ensure that the Data Protection Officer has the appropriate knowledge, training, and experience to administer these functions. The Data Protection Officer may perform these functions in addition to other job responsibilities. Additionally, some aspects of this role may be outsourced to a provider such as a BOCES, to the extent available.

(Continued)

Non -Instructional/Business Operations

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (CONT'D)**

**District Data Privacy and Security Standards**

The District will use the National Institute for Standards and Technology Framework for Improving Critical Infrastructure Cybersecurity (Version 1.1) (Framework) as the standard for its data privacy and security program. The Framework is a risk-based approach to managing cybersecurity risk and is composed of three parts: the Framework Core, the Framework Implementation Tiers, and the Framework Profiles. The Framework provides a common taxonomy and mechanism for organizations to:

- a) Describe their current cybersecurity posture;
- b) Describe their target state for cybersecurity;
- c) Identify and prioritize opportunities for improvement within the context of a continuous and repeatable process;
- d) Assess progress toward the target state; and
- e) Communicate among internal and external stakeholders about cybersecurity risk.

The District will protect the privacy of PII by:

- a) Ensuring that every use and disclosure of PII by the District benefits students and the District by considering, among other criteria, whether the use and/or disclosure will:
  1. Improve academic achievement;
  2. Empower parents and students with information; and/or
  3. Advance efficient and effective school operations.
- b) Not including PII in public reports or other public documents.

The District affords all protections under FERPA and the Individuals with Disabilities Education Act and their implementing regulations to parents or eligible students, where applicable.

**Third-Party Contractors**

**District Responsibilities**

The District will ensure that whenever it enters into a contract or other written agreement with a third-party contractor under which the third-party contractor will receive student data or teacher or principal data from the District, the contract or written agreement will include provisions requiring that confidentiality of shared student data or teacher or principal data be maintained in accordance with law, regulation, and District policy.

(Continued)

Non -Instructional/Business Operations

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (CONT'D)**

In addition, the District will ensure that the contract or written agreement includes the third-party contractor's data privacy and security plan that has been accepted by the District.

The third-party contractor's data privacy and security plan must, at a minimum:

- a) Outline how the third-party contractor will implement all state, federal, and local data privacy and security contract requirements over the life of the contract, consistent with District policy;
- b) Specify the administrative, operational, and technical safeguards and practices the third-party contractor has in place to protect PII that it will receive under the contract;
- c) Demonstrate that the third-party contractor complies with the requirements of 8 NYCRR Section 121.3(c);
- d) Specify how officers or employees of the third-party contractor and its assignees who have access to student data or teacher or principal data receive or will receive training on the laws governing confidentiality of this data prior to receiving access;
- e) Specify if the third-party contractor will utilize subcontractors and how it will manage those relationships and contracts to ensure PII is protected;
- f) Specify how the third-party contractor will manage data privacy and security incidents that implicate PII including specifying any plans to identify breaches and unauthorized disclosures, and to promptly notify the District;
- g) Describe whether, how, and when data will be returned to the District, transitioned to a successor contractor, at the District's option and direction, deleted or destroyed by the third-party contractor when the contract is terminated or expires; and
- h) Include a signed copy of the Parents' Bill of Rights for Data Privacy and Security.

**Third-Party Contractor Responsibilities**

Each third-party contractor, that enters into a contract or other written agreement with the District under which the third-party contractor will receive student data or teacher or principal data from the District, is required to:

- a) Adopt technologies, safeguards, and practices that align with the NIST Cybersecurity Framework;
- b) Comply with District policy and Education Law Section 2-d and its implementing regulations;

(Continued)

Non -Instructional/Business Operations

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (CONT'D)**

- c) Limit internal access to PII to only those employees or subcontractors that have legitimate educational interests (i.e., they need access to provide the contracted services);
- d) Not use the PII for any purpose not explicitly authorized in its contract;
- e) Not disclose any PII to any other party without the prior written consent of the parent or eligible student:
  - 1. Except for authorized representatives of the third-party contractor such as a subcontractor or assignee to the extent they are carrying out the contract and in compliance with law, regulation, and its contract with the District; or
  - 2. Unless required by law or court order and the third-party contractor provides a notice of the disclosure to NYSED, the Board, or the institution that provided the information no later than the time the information is disclosed, unless providing notice of the disclosure is expressly prohibited by law or court order;
- f) Maintain reasonable administrative, technical, and physical safeguards to protect the security, confidentiality, and integrity of PII in its custody;
- g) Use encryption to protect PII in its custody while in motion or at rest; and
- h) Not sell PII nor use or disclose it for any marketing or commercial purpose or facilitate its use or disclosure by any other party for any marketing or commercial purpose or permit another party to do so.

Where a third-party contractor engages a subcontractor to perform its contractual obligations, the data protection obligations imposed on the third-party contractor by law and contract apply to the subcontractor.

**Cooperative Educational Services through a BOCES**

The District may not be required to enter into a separate contract or data sharing and confidentiality agreement with a third-party contractor that will receive student data or teacher or principal data from the District under all circumstances.

For example, the District may not need its own contract or agreement where:

- a) It has entered into a cooperative educational service agreement (CoSer) with a BOCES that includes use of a third-party contractor's product or service; and

(Continued)



Non -Instructional/Business Operations

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (CONT'D)**

- b) That BOCES has entered into a contract or data sharing and confidentiality agreement with the third-party contractor, pursuant to Education Law Section 2-d and its implementing regulations, that is applicable to the District's use of the product or service under that CoSer.

To meet its obligations whenever student data or teacher or principal data from the District is received by a third-party contractor pursuant to a CoSer, the District will consult with the BOCES to, among other things:

- a) Ensure there is a contract or data sharing and confidentiality agreement pursuant to Education Law Section 2-d and its implementing regulations in place that would specifically govern the District's use of a third-party contractor's product or service under a particular CoSer;
- b) Determine procedures for including supplemental information about any applicable contracts or data sharing and confidentiality agreements that a BOCES has entered into with a third-party contractor in its Parents' Bill of Rights for Data Privacy and Security;
- c) Ensure appropriate notification is provided to affected parents, eligible students, teachers, and/or principals about any breach or unauthorized release of PII that a third-party contractor has received from the District pursuant to a BOCES contract; and
- d) Coordinate reporting to the Chief Privacy Officer to avoid duplication in the event the District receives information directly from a third-party contractor about a breach or unauthorized release of PII that the third-party contractor received from the District pursuant to a BOCES contract.

**Click-Wrap Agreements**

Periodically, District staff may wish to use software, applications, or other technologies in which the user must "click" a button or box to agree to certain online terms of service prior to using the software, application, or other technology. These are known as "click-wrap agreements" and are considered legally binding "contracts or other written agreements" under Education Law Section 2-d and its implementing regulations.

District staff are prohibited from using software, applications, or other technologies pursuant to a click-wrap agreement in which the third-party contractor receives student data or teacher or principal data from the District unless they have received prior approval from the District's Data Privacy Officer or designee.

The District will develop and implement procedures requiring prior review and approval for staff use of any software, applications, or other technologies pursuant to click-wrap agreements.

(Continued)

Non -Instructional/Business Operations

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (CONT'D)**

**Parents' Bill of Rights for Data Privacy and Security**

The District will publish its Parents' Bill of Rights for Data Privacy and Security (Bill of Rights) on its website. Additionally, the District will include the Bill of Rights with every contract or other written agreement it enters into with a third-party contractor under which the third-party contractor will receive student data or teacher or principal data from the District.

The District's Bill of Rights will contain all required elements including:

- a) A student's PII cannot be sold or released for any commercial purposes;
- b) Parents have the right to inspect and review the complete contents of their child's education record;
- c) State and federal laws protect the confidentiality of PII, and safeguards associated with industry standards and best practices, including but not limited to encryption, firewalls, and password protection, must be in place when data is stored or transferred;
- d) A complete list of all student data elements collected by the state is available for public review at the following website <http://www.nysed.gov/student-data-privacy/student-data-inventory> or by writing to the Office of Information and Reporting Services, New York State Education Department, Room 865 EBA, 89 Washington Avenue, Albany, New York 12234; and
- e) Parents have the right to have complaints about possible breaches of student data addressed. Complaints should be directed in writing to Privacy Complaint, Chief Privacy Officer, New York State Education Department, 89 Washington Avenue, Albany, New York 12234. Complaints may also be submitted using the form available at the following website <http://www.nysed.gov/student-data-privacy/form/report-improper-disclosure>.

The Bill of Rights will also include supplemental information for each contract the District enters into with a third-party contractor where the third-party contractor receives student data or teacher or principal data from the District. The supplemental information must be developed by the District and include the following information:

- a) The exclusive purposes for which the student data or teacher or principal data will be used by the third-party contractor, as defined in the contract;
- b) How the third-party contractor will ensure that the subcontractors, or other authorized persons or entities to whom the third-party contractor will disclose the student data or teacher or principal data, if any, will abide by all applicable data protection and security requirements, including but not limited to those outlined in applicable laws and regulations (e.g., FERPA; Education Law Section 2-d);

(Continued)

Non -Instructional/Business Operations

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (CONT'D)**

- c) The duration of the contract, including the contract's expiration date, and a description of what will happen to the student data or teacher or principal data upon expiration of the contract or other written agreement (e.g., whether, when, and in what format it will be returned to the District, and/or whether, when, and how the data will be destroyed);
- d) If and how a parent, student, eligible student, teacher, or principal may challenge the accuracy of the student data or teacher or principal data that is collected;
- e) Where the student data or teacher or principal data will be stored, described in a manner as to protect data security, and the security protections taken to ensure the data will be protected and data privacy and security risks mitigated; and
- f) Address how the data will be protected using encryption while in motion and at rest.

The District will publish on its website the supplement to the Bill of Rights (i.e., the supplemental information described above) for any contract or other written agreement it has entered into with a third-party contractor that will receive PII from the District. The Bill of Rights and supplemental information may be redacted to the extent necessary to safeguard the privacy and/or security of the District's data and/or technology infrastructure.

**Right of Parents and Eligible Students to Inspect and Review Students' Education Records**

Consistent with the obligations of the District under FERPA, parents and eligible students have the right to inspect and review a student's education record by making a request directly to the District in a manner prescribed by the District.

The District will ensure that only authorized individuals are able to inspect and review student data. To that end, the District will take steps to verify the identity of parents or eligible students who submit requests to inspect and review an education record and verify the individual's authority to do so.

Requests by a parent or eligible student for access to their student's education records must be directed to the District and not to a third-party contractor. The District may require that requests to inspect and review education records be made in writing.

The District will notify parents annually of their right to request to inspect and review their child's education record including any student data stored or maintained by the District through its annual FERPA notice. A notice separate from the District's annual FERPA notice is not required.

The District will comply with a request for access to records within a reasonable period, but not more than 45 calendar days after receipt of a request.

(Continued)

Non -Instructional/Business Operations

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (CONT'D)**

The District may provide the records to a parent or eligible student electronically, if the parent consents. The District must transmit the PII in a way that complies with laws and regulations. Safeguards associated with industry standards and best practices, including but not limited to encryption and password protection, must be in place when education records requested by a parent or eligible student are electronically transmitted.

**Complaints of Breach or Unauthorized Release of Student Data and/or Teacher or Principal Data**

The District will inform parents, through its Parents' Bill of Rights for Data Privacy and Security, that they have the right to submit complaints about possible breaches of student data to the Chief Privacy Officer at NYSED. In addition, the District has established the following procedures for parents, eligible students, teachers, principals, and other District staff to file complaints with the District about breaches or unauthorized releases of student data and/or teacher or principal data:

- a) All complaints must be submitted to the District's Data Protection Officer in writing.
- b) Upon receipt of a complaint, the District will promptly acknowledge receipt of the complaint, commence an investigation, and take the necessary precautions to protect PII.
- c) Following the investigation of a submitted complaint, the District will provide the individual who filed the complaint with its findings. This will be completed within a reasonable period of time, but no more than 60 calendar days from the receipt of the complaint by the District.
- d) If the District requires additional time, or where the response may compromise security or impede a law enforcement investigation, the District will provide the individual who filed the complaint with a written explanation that includes the approximate date when the District anticipates that it will respond to the complaint.

These procedures will be disseminated to parents, eligible students, teachers, principals, and other District staff.

The District will maintain a record of all complaints of breaches or unauthorized releases of student data and their disposition in accordance with applicable data retention policies, including the Records Retention and Disposition Schedule ED-1 (1988; rev. 2004).

**Reporting a Breach or Unauthorized Release**

The District will report every discovery or report of a breach or unauthorized release of student data or teacher or principal data within the District to the Chief Privacy Officer without unreasonable delay, but no more than ten calendar days after the discovery.

(Continued)

Non -Instructional/Business Operations

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (CONT'D)**

Each third-party contractor that receives student data or teacher or principal data pursuant to a contract or other written agreement entered into with the District will be required to promptly notify the District of any breach of security resulting in an unauthorized release of the data by the third-party contractor or its assignees in violation of applicable laws and regulations, the Parents' Bill of Rights for Student Data Privacy and Security, District policy, and/or binding contractual obligations relating to data privacy and security, in the most expedient way possible and without unreasonable delay, but no more than seven calendar days after the discovery of the breach.

In the event of notification from a third-party contractor, the District will in turn notify the Chief Privacy Officer of the breach or unauthorized release of student data or teacher or principal data no more than ten calendar days after it receives the third-party contractor's notification using a form or format prescribed by NYSED.

**Investigation of Reports of Breach or Unauthorized Release by the Chief Privacy Officer**

The Chief Privacy Officer is required to investigate reports of breaches or unauthorized releases of student data or teacher or principal data by third-party contractors. As part of an investigation, the Chief Privacy Officer may require that the parties submit documentation, provide testimony, and may visit, examine, and/or inspect the third-party contractor's facilities and records.

Upon the belief that a breach or unauthorized release constitutes criminal conduct, the Chief Privacy Officer is required to report the breach and unauthorized release to law enforcement in the most expedient way possible and without unreasonable delay.

Third-party contractors are required to cooperate with the District and law enforcement to protect the integrity of investigations into the breach or unauthorized release of PII.

Upon conclusion of an investigation, if the Chief Privacy Officer determines that a third-party contractor has through its actions or omissions caused student data or teacher or principal data to be breached or released to any person or entity not authorized by law to receive this data in violation of applicable laws and regulations, District policy, and/or any binding contractual obligations, the Chief Privacy Officer is required to notify the third-party contractor of the finding and give the third-party contractor no more than 30 days to submit a written response.

If after reviewing the third-party contractor's written response, the Chief Privacy Officer determines the incident to be a violation of Education Law Section 2-d, the Chief Privacy Officer will be authorized to:

- a) Order the third-party contractor be precluded from accessing PII from the affected educational agency for a fixed period of up to five years;
- b) Order that a third-party contractor or assignee who knowingly or recklessly allowed for the breach or unauthorized release of student data or teacher or principal data be precluded from accessing student data or teacher or principal data from any educational agency in the state for a fixed period of up to five years;

(Continued)

Non -Instructional/Business Operations

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (CONT'D)**

- c) Order that a third-party contractor who knowingly or recklessly allowed for the breach or unauthorized release of student data or teacher or principal data will not be deemed a responsible bidder or offeror on any contract with an educational agency that involves the sharing of student data or teacher or principal data, as applicable for purposes of General Municipal Law Section 103 or State Finance Law Section 163(10)(c), as applicable, for a fixed period of up to five years; and/or
- d) Require the third-party contractor to provide additional training governing confidentiality of student data and/or teacher or principal data to all its officers and employees with reasonable access to this data and certify that the training has been performed at the contractor's expense. This additional training is required to be performed immediately and include a review of laws, rules, and regulations, including Education Law Section 2-d and its implementing regulations.

If the Chief Privacy Officer determines that the breach or unauthorized release of student data or teacher or principal data on the part of the third-party contractor or assignee was inadvertent and done without intent, knowledge, recklessness, or gross negligence, the Chief Privacy Officer may make a recommendation to the Commissioner that no penalty be issued to the third-party contractor.

The Commissioner would then make a final determination as to whether the breach or unauthorized release was inadvertent and done without intent, knowledge, recklessness or gross negligence and whether or not a penalty should be issued.

**Notification of a Breach or Unauthorized Release**

The District will notify affected parents, eligible students, teachers, and/or principals in the most expedient way possible and without unreasonable delay, but no more than 60 calendar days after the discovery of a breach or unauthorized release of PII by the District or the receipt of a notification of a breach or unauthorized release of PII from a third-party contractor unless that notification would interfere with an ongoing investigation by law enforcement or cause further disclosure of PII by disclosing an unfixed security vulnerability. Where notification is delayed under these circumstances, the District will notify parents, eligible students, teachers, and/or principals within seven calendar days after the security vulnerability has been remedied or the risk of interference with the law enforcement investigation ends.

Notifications will be clear, concise, use language that is plain and easy to understand, and to the extent available, include:

- a) A brief description of the breach or unauthorized release, the dates of the incident and the date of discovery, if known;
- b) A description of the types of PII affected;

(Continued)

Non -Instructional/Business Operations

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (CONT'D)**

- c) An estimate of the number of records affected;
- d) A brief description of the District's investigation or plan to investigate; and
- e) Contact information for representatives who can assist parents or eligible students that have additional questions.

Notification will be directly provided to the affected parent, eligible student, teacher, or principal by first-class mail to their last known address, by email, or by telephone.

Where a breach or unauthorized release is attributed to a third-party contractor, the third-party contractor is required to pay for or promptly reimburse the District for the full cost of this notification.

**Annual Data Privacy and Security Training**

The District will annually provide data privacy and security awareness training to its officers and staff with access to PII. This training will include, but not be limited to, training on the applicable laws and regulations that protect PII and how staff can comply with these laws and regulations. The District may deliver this training using online training tools. Additionally, this training may be included as part of the training that the District already offers to its workforce.

**Notification of Policy**

The District will publish this policy on its website and provide notice of the policy to all its officers and staff.

Education Law § 2-d  
8 NYCRR Part 121

Adoption Date: 9/24/2020

**SUBJECT: SAFETY AND SECURITY**

The Board of Education of the Rockville Centre Union Free School District hereby declares that it is the policy of this School District to provide a safe and secure environment to all those persons, students, staff and visitors, who lawfully enter upon District property or who travel in District vehicles for the purposes of the District.

It shall be the responsibility of the Superintendent of Schools to establish and carry out written regulations that will:

- a) Identify those staff members who will be responsible for the effective administration of the regulations;
- b) Provide staff time and other necessary resources for the effective administration of the regulations;
- c) Establish periodic written review of the activities of the staff to insure compliance with applicable laws and regulations;
- d) Provide an on-going mechanism for the effective review of safety and security concerns of the staff, students and affected public;
- e) Provide for reports to the Board of Education regarding the significant aspects of safety and security of the District.

Labor Law Section 27-a

**Student Safety**

All staff who are made aware of physical and/or verbal threats to students must immediately report these threats against students to the next level of supervisory authority for prompt action. The immediate supervisor must then inform the Superintendent of Schools/designee, including any action taken, after learning of such threats to students.

The District shall disseminate this policy to all employees in order to ensure staff awareness.

**Hazard Communication Standard**

All personnel shall be provided with applicable training to comply with the New York State "Right-to-Know" Law and the Hazard Communication Standard.

(Continued)



**SUBJECT: SAFETY AND SECURITY (Cont'd.)**

The Superintendent of Schools/designee shall maintain a current record of the social security numbers of every employee who handles toxic substances.

Rules and regulations will be developed to insure District implementation of this policy which shall include awareness information, employee training and record keeping.

New York State Labor Law Section 27-a  
12 New York Code of Rules and Regulations  
(NYCRR) Part 820 Article 28  
Occupational Safety and Health  
Administration (OSHA)  
29 Code of Federal Regulations (C.F.R.) 1910.1200

Adopted: 7/8/02

Non-Instructional/Business  
Operations

**SUBJECT: SCHOOL SAFETY PLANS**

The District considers the safety of its students and staff to be of utmost importance and is keenly aware of the evolving nature of threats to schools. As such, it will address those threats accordingly through appropriate emergency response planning.

The District-Wide and Building-Level School Safety Plans will be reviewed by the appropriate school safety team on at least an annual basis and updated as needed. The Board will make the District-Wide School Safety Plan available for public comment at least 30 days prior to its adoption. The District-Wide School Safety Plan may only be adopted by the Board after at least one public hearing that provides for the participation of school personnel, parents, students and any other interested parties. The District-Wide School Safety Plan will designate the Superintendent or designee as the chief emergency officer responsible for coordinating communication between school staff, law enforcement and first responders, and for ensuring staff understanding of this plan. Similarly, the Superintendent will be responsible for ensuring the completion and yearly updating of Building-Level Safety Plans.

**District-Wide School Safety Plan**

District-Wide School Safety Plan means a comprehensive, multi-hazard school safety plan that covers all school buildings of the School District, addresses crisis intervention, emergency response and management, and the provision of remote instruction during an emergency school closure, at the District level and has the contents as prescribed in Education Law and Commissioner's Regulations.

The District-Wide School Safety Plan will be developed by the District-Wide School Safety Team appointed by the Board of Education. The District-Wide school safety team will include, but not be limited to, representatives of the School Board, teachers, administrators, parent organizations, school safety personnel and other school personnel. The District-wide school safety team will consider, as part of their review of the comprehensive District-wide school safety plan, the installation of a panic alarm system.

The Plan will further address, among other items as set forth in Education Law and Commissioner's regulations, how the District will respond to implied or direct threats of violence by students, teachers, other school personnel as well as visitors to the schools, including threats by students against themselves (e.g. suicide) and an emergency remote instruction plan.

**Building-Level School Safety Plans**

Building-Level School Safety Plan means a building-specific school emergency response plan that addresses crisis intervention, emergency response and management at the building level and has the contents as prescribed in Education Law and Commissioner's Regulations. As part of this plan, the District will define the chain of command in a manner consistent with the National Incident Management System (NIMS)/Incident Command System (ICS).

(Continued)

Non-Instructional/Business  
Operations

**SUBJECT: SCHOOL SAFETY PLANS – (Continued)**

The Building-Level Plan will be developed by the building-level emergency response team. The building-level emergency response team is a building-specific team appointed by the Building Principal, in accordance with regulations or guidelines prescribed by the Board of Education. The building-level team may include, but not be limited to, representatives of teachers, administrators, parent organizations, school safety personnel, other school personnel, community members, local law enforcement officials, local ambulance or other emergency response agencies, and any other representatives the School Board deems appropriate.

**Training Requirement**

The District will submit certification to the New York State Education Department that all District and school staff have received annual training on the emergency response protocols in their buildings. They will also receive training on mental health and violence prevention. New employees hired after the start of the school year will receive training within 30 days of hire, or as part of the District's existing new hire training program, whichever is sooner.

**Filing/Disclosure Requirements**

The District will file a copy of its comprehensive District-Wide School Safety Plan and any amendments thereto with the Commissioner of Education no later than thirty (30) days after their adoption. A copy of each Building-Level School Safety Plan and any amendments thereto will be filed with the appropriate local law enforcement agency and with the state police within thirty (30) days of its adoption. Building-Level Plans will be confidential and will **not** be subject to disclosure under the Freedom of Information Law (FOIL) or any other provision of law.

Homeland Security Presidential Directives - HSPD-5, HSPD-8  
Homeland Security Act of 2002, 6 United States Code (USC) Section 101  
Education Law Section §§ 807 2801-a  
Public Officers Law Article 6  
8 New York Code of Rules and Regulations  
(NYCRR) Section 155.17

Adopted: 7/8/02  
Revised: 11/13/07, 1/9/19, 2/15/23

**SUBJECT: CRISIS RESPONSE**

When a crisis arises no school system is immune to the negative, physical or mental effect on its students, staff and the local community. Immediate, effective and responsible management and communication can address the crisis and maintain a District's integrity and credibility. Therefore, the District shall develop and maintain a unified position by:

- a) Identifying a crisis response team to develop a plan and maintain a strong, ongoing communications program in each school. This is the foundation for long range success.
- b) Identifying a media spokesperson who will be briefed on all details. This spokesperson shall be the Superintendent of Schools or his/her designee. Only this spokesperson shall talk to and maintain a timely flow of information to the media.

The Superintendent of Schools/designee shall be responsible for informing staff of the crisis plan that is to be developed by both administration and the crisis response team.

Non-Instructional/Business  
Operations

**SUBJECT: CARDIAC AUTOMATED EXTERNAL DEFIBRILLATORS (AEDs) IN PUBLIC SCHOOL FACILITIES**

The Rockville Centre School District shall provide and maintain on-site in each *instructional school facility* functional cardiac automated external defibrillator (AED) equipment as defined in Public Health Law Section 3000-b for use during emergencies. Each such facility shall have sufficient automated external defibrillator equipment available to ensure ready and appropriate access for use during emergencies in quantities and types as deemed by the Commissioner of Education, in consultation with the Commissioner of Health. Determination of the quantity and placement of AEDs must be made with consideration of at least the factors enumerated in Commissioner's Regulations. *An instructional school facility means a building or other facility maintained by the School District where instruction is provided to students pursuant to its curriculum.*

Whenever an *instructional School District facility* is used for a school-sponsored or school-approved curricular or extracurricular event or activity and whenever a *school-sponsored athletic contest* is held at any location, the public school officials and administrators responsible for such school facility or athletic contest shall ensure that AED equipment is provided on-site and that there is present during such event, activity or contest at least one staff person who is trained in accordance with Public Health Law in the operation and use of an AED. *School-sponsored or school-approved curricular or extracurricular events or activities means events or activities of the School District that are, respectively, associated with its instructional curriculum or otherwise offered to its students. A school-sponsored athletic contest means an extra class intramural athletic activity of instruction, practice and competition for students in grades 4 through 12 consistent with Commissioner's Regulations Section 135.4.*

Where a *school-sponsored competitive athletic event* is held at a site other than a School District facility, School District officials shall assure that AED equipment is provided on-site by the sponsoring or host district and that at least one staff person who is trained, in accordance with Public Health Law, in the operation and use of the AED is present during such athletic event. *A school-sponsored competitive athletic event means an extra class interscholastic athletic activity of instruction, practice and competition for students in grades 7 through 12 consistent with Commissioner's Regulations Section 135.4.*

School District facilities and District staff responsible for carrying out the duties enumerated in Education Law Section 917 are deemed a "public access defibrillation provider" as defined pursuant to Public Health Law Section 3000-b and subject to the Public Health Law requirements and limitations.

Therefore, it is the policy of our School District to provide proper training requirements for District AED users, to ensure the immediate calling of 911 and/or the community equivalent ambulance dispatch entity whenever the AED is used, to ensure ready identification of the location of the AED units as enumerated in the District's Public Access Defibrillation Collaborative Agreement.

(Continued)

Non-Instructional/Business  
Operations

**SUBJECT: CARDIAC AUTOMATED EXTERNAL DEFIBRILLATORS (AEDs) IN  
PUBLIC SCHOOL FACILITIES (Cont'd.)**

The District will provide for regular maintenance and checkout procedures of the AED unit(s) which meet or exceed manufacturer's recommendations. Appropriate documentation will be maintained in accordance with law and/or regulation. Further, the District will participate in the required Quality Improvement Program as determined by the Regional Emergency Medical Services Council.

Pursuant to Public Health Law Sections 3000-a and 3000-b, the School District (as a public access defibrillation provider), or any employee or other agent of the School District who, in accordance with the provisions of law, voluntarily and without expectation of monetary compensation renders emergency medical or first aid treatment using an AED to a person who is unconscious, ill or injured, shall not be liable for damages for injury or death unless caused by gross negligence.

Education Law Section 917  
Public Health Law Sections 3000-a and 3000-b  
8 New York Code of Rules and Regulations  
(NYCRR) Section 136.4

Adopted: 12/19/02

**SUBJECT: USE OF SURVEILLANCE CAMERAS IN THE SCHOOL DISTRICT**

The Board of Education recognizes its responsibility to promote and foster school safety and ensure a safe and effective learning environment. After having carefully considered and balanced the rights of privacy with the District's duty to promote discipline, health, welfare and safety of staff and students, as well as that of the general public who has occasion to use school facilities, the Board supports the use of surveillance cameras when necessary in its schools, its buses and/or on school grounds. District surveillance cameras will only be utilized in public areas where there is no "reasonable expectation of privacy." Audio recordings shall not be utilized by the School District officials; such prohibition does not preclude the use of audio recordings by law enforcement officials in accordance with their official duties and/or as otherwise authorized by law.

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

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

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

Any video recording used for surveillance purposes in school buildings, school buses and/or on school property, shall be the sole property of the District; and the Superintendent or his/her designee will be the custodian of such recordings.

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Non-Instructional/Business  
Operations

**SUBJECT: USE OF SURVEILLANCE CAMERAS IN THE SCHOOL DISTRICT (Cont'd.)**

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

**Signage/Notification Regarding Use of Surveillance Cameras in School Buildings, School Buses and/or on School Grounds**

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

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

Adopted: 7/1/04



**SUBJECT: EXPOSURE CONTROL PROGRAM**

The District shall establish an exposure control program designed to prevent and control exposure to bloodborne pathogens. According to the New York State Department of Labor's Division of Safety and Health and OSHA standards, the program shall consist of:

- a) Guidelines for maintaining a safe, healthy school environment to be followed by staff and students alike.
- b) Written standard operating procedures for blood/body fluid clean-up.
- c) Appropriate staff education/training.
- d) Evaluation of training objectives.
- e) Documentation of training and any incident of exposure to blood/body fluids.
- f) A program of medical management to prevent or reduce the risk of pathogens, specifically hepatitis B and HIV.
- g) Written procedures for the disposal of medical waste.
- h) Provision of protective materials and equipment for all employees who perform job-related tasks involving exposure or potential exposure to blood, body fluids or tissues.

Occupational Safety and Health Administration (OSHA)  
29 Code of Federal Regulations (C.F.R.) 1910.10:30

**SUBJECT: COMMUNICABLE DISEASES**

If a student in the public schools is found to have symptoms of any communicable or infectious disease reportable under the public health law that imposes a significant risk of infection of others in the school, he/she shall be excluded from the school and sent home immediately. The School District Nurse Practitioner shall immediately notify a local public health agency of any disease reportable under the public health law.

Following absence on account of illness or from unknown cause, the School District Nurse Practitioner may examine each student returning to a school without a certificate from a local public health officer, a duly licensed physician, physician assistant, or nurse practitioner.

The School District Nurse Practitioner, or other health professionals acting upon direction or referral of the School District Nurse Practitioner, may make evaluations of teachers and any other school employees, school buildings and premises as, in their discretion, they may deem necessary to protect the health of the students and staff.

Regulations and procedures will be developed for dealing with communicable diseases in ways that protect the health of both students and staff while minimizing the disruption of the education process.

Education Law Section 906  
8 New York Code of Rules and Regulations (NYCRR)  
Section 136.3(h) and 136.3(i)

Adopted: 7/8/02  
Revised: 1/4/11

**SUBJECT: HUMAN IMMUNODEFICIENCY VIRUS (HIV) RELATED ILLNESSES**

The Board of Education contends that a student shall not be denied the right to attend school or continue his/her education nor shall an employee be denied the right to continue his/her employment who has been diagnosed or identified as having a positive blood test for the antibodies to the Human Immunodeficiency Virus (HIV). The Board further contends that under current law and regulations, the disclosure of confidential HIV-related information shall be strictly limited.

Administrative regulations and procedures shall be developed and implemented by the administration based on recommendations from the New York State Education Department and from consultation with appropriate professional and medical staff in the District.

The Superintendent of Schools shall also establish protocols for routine sanitary procedures for dealing with the cleaning and handling of body fluids in school, with special emphasis placed on staff awareness.

Confidentiality: Public Health Law,  
Article 27-F

**SUBJECT: TRANSPORTATION PROGRAM**

It is the intent of the Board of Education to comply with the letter and spirit of the New York State Education Law; with the regulations of the Department of Motor Vehicles and of the Department of Transportation and with the Commissioner of Education's regulations and decisions pertinent to student transportation, and these shall govern any questions not covered by specific declaration of policy herein.

The purposes of the transportation program are to transport students to and from school, to transport them for extracurricular activities, to transport them on field trips, and to transport those requiring special services.

The Board of Education recognizes and assumes the responsibility for all aspects of the transportation of children wherein the health and safety of students are involved, for the Board of Education has a legal obligation to safeguard the welfare of bus-riding children.

Education Law Sections 3602(7) and 3635 et seq.

Adopted:7/8/02

Non-Instructional/Business  
Operations

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**SUBJECT: STUDENT TRANSPORTATION SERVICES**

Transportation will be by private contract vehicles to and from the school the student eligible for transportation legally attends, unless otherwise authorized by the Superintendent of Schools. Transportation shall be provided from home to the school and from school to home at bus stops designated by the School District.

**Transportation for Non-Disabled Children Within the District**

The Board requires no written request for transportation of non-disabled children attending public or non-public schools within the District.

- a) Eligible Riders - District children residing at certain distances who are of School District public school age and who are attending a state-approved school are eligible. Children who are ineligible are not permitted to board the buses.
- b) Distance Limits for Eligibility - Children attending grades kindergarten through six who reside eight-tenths (0.8) of a mile and further are eligible for transportation. Children attending grades seven through twelve who reside one and three-tenths (1.3) miles and further are eligible.

**Transportation for Non-Disabled Children Outside the District**

Written requests for transportation of non-disabled children attending non-public schools outside the District must be submitted to the transportation office by April 1 of each year. The application must specify the non-public school to which transportation is requested. Only one transportation application per child is allowed with the following exception:

If a child is denied acceptance into the school specified on the application, a new application may be submitted to the transportation office within thirty days of the denial or April 1, whichever comes later.

Evidence acceptable to the School District that the application for acceptance was denied will be required.

(Continued)

Non-Instructional/Business  
Operations

**SUBJECT: STUDENT TRANSPORTATION SERVICES (Cont'd.)**

- a) Late Requests – For requests received after April 1, the type of transportation service to be provided will consist of contract bus if a child can be accommodated with no additional cost incurred by the District for such contract bus type of service.
- b) Eligible Riders – District children residing at certain distances, who are of school age as defined in Education Law and School District Policy 7130 and who are attending a state-approved non-public school Children who are ineligible are not permitted to board the buses.
- c) Distance Limits for Eligibility – Transportation will be provided up to a maximum of fifteen miles (15) from home to school measured by the same method described below, to a designated bus stop, as are within the District measurements. For schools to which public carrier reimbursement is provided, the designated bus stop will be the nearest public bus stop to the school. For other schools, the bus stop will be as designated by the Superintendent of Schools.

If a student attends a school greater than fifteen (15) miles, the School District will provide for the cost of the first fifteen miles using public transportation. If no public transportation is available, no transportation will be provided.

(Continued)

Non-Instructional/Business  
 Operations

**SUBJECT: STUDENT TRANSPORTATION SERVICES**

<u>DETERMINATION OF DISTANCE FROM HOME TO SCHOOL FOR                  BUS TRANSPORTATION OF STUDENTS</u>	
The designated points for measuring the distance for the bus transportation of students are as follows:	
<u>SCHOOL</u>	<u>DESIGNATED POINT</u>
<u>South Side High School</u>	Midpoint of bus platform at colonnade
<u>South Side Middle School</u>	Midpoint of bus receiving door at western end of building
<u>Covert School</u>	Midpoint of sidewalk leading from front door where it intersects street curb line
<u>Hewitt School</u>	On Hempstead Avenue, 325 feet north of the midpoint of DeMott Avenue at the west curb
<u>Riverside School</u>	Midpoint of sidewalk leading from front door where it intersects street curb line
<u>Watson School</u>	Midpoint of sidewalk leading from the Centre Avenue exit where it intersects street curb line
<u>Wilson School</u>	Midpoint of sidewalk leading from front door where it intersects the curb line on Buckminster Road
<u>St. Agnes Cathedral Elementary School</u>	Northwest corner of Quealy Place and Clinton Avenue

(Continued)

Non-Instructional/Business  
Operations

**SUBJECT: STUDENT TRANSPORTATION SERVICES**

**Transportation for Students with Disabilities**

As required by the state, the Superintendent of Schools will arrange for transportation for students with disabilities who are of public school age. No application is required for this service.

Students with disabilities in the District shall be transported up to fifty (50) miles (one way) from their home to the appropriate special service or program, unless the Commissioner certifies that no appropriate nonresidential special service or program is available within fifty (50) miles. The Commissioner may then establish transportation arrangements.

Student Information

Any mode of transportation used on a regular basis to transport students with a disability on a regularly scheduled route shall, upon written consent of the parent or person in parental relation, have maintained on such mode of transportation the following information about each student being transported:

- a) Student's name;
- b) Nature of the student's disability;
- c) Name of the student's parent, guardian or person in a position of loco parentis (person in parental relation) and one or more telephone numbers where such person can be reached in an emergency; and/or
- d) Name and telephone number of any other person designated by such parent, guardian or person in a position of loco parentis as a person who can be contacted in an emergency.

Such information shall be used solely for the purpose of contacting such student's parent, guardian, person in a position of loco parentis, or designee in the event of an emergency involving the student, shall be kept in a manner which retains the privacy of the student, and shall not be accessible to any person other than the driver or a teacher acting in a supervisory capacity. In the event that the driver or teacher is incapacitated, such information may be accessed by any emergency service provider for such purpose.

Such information shall be updated as needed, but at least once each school year and shall be destroyed if parental consent is revoked, the student no longer attends such school, or the disability no longer exists.

Herein the term "disability" shall mean a physical or mental impairment that substantially limits one or more of the major life activities of the student, whether of a temporary or permanent nature.

(Continued)



Non-Instructional/Business  
Operations

**SUBJECT: TRANSPORTATION OF STUDENTS (Cont'd.)**

Fire Extinguishers

School buses manufactured on or after January 1, 1990 fueled with other than diesel fuel and used to transport three (3) or more students who use wheelchairs or other assistive mobility devices or with a total capacity of more than eight (8) passengers and used to transport such students shall be equipped with an automatic engine fire extinguishing system.

School buses manufactured on or after September 1, 2007 fueled with diesel fuel and used to transport three (3) or more students who use wheelchairs or other assistive mobility devices or with a total capacity of more than eight (8) passengers used to transport such students shall be equipped with an automatic engine fire extinguishing system.

The purchase of automatic engine fire extinguishing systems for school buses used to transport such students shall be deemed a proper school district expense.

**Transportation of Non-Resident Students**

Non-resident families must provide their own transportation.

**Other Transportation**

Other transportation for children of School District public age will be considered on a case-by-case basis or may be arranged by the Superintendent of Schools in special cases as follows even though these are not required by state law:

- a) Public transportation will be provided to a Board designated vocational school beyond fifteen miles. Transportation for vocational students will also be granted, if attendance at vocational classes outside the District for a student is recommended by a District Principal and the Guidance Department, and if funds are available.
- b) The District will provide transportation to students who are temporarily physically disabled due to injury or illness. Medical documentation is required in these cases.

**Types of Service**

- a) Public carrier reimbursement may be provided except in cases where the total distance students would have to walk in order to use public carrier transportation exceeds the distance established for transportation to school within the District. In such cases, other arrangements will be made by the Superintendent of Schools.
- b) If transportation is by contract bus to an out-of-District non-public school, one round trip will be provided Mondays through Fridays for the regular school programs.

(Continued)

Non-Instructional/Business  
Operations

**SUBJECT: STUDENT TRANSPORTATION SERVICES (Cont'd.)**

- c) Late bus service (no later than 6:30 p.m.) may be provided for South Side Middle School and South Side High School and each out-of-district school having fifteen or more students in attendance, however, in no case will late bus service be provided unless ten students request late bus transportation at that out-of-district school or if such transportation is provided by an entity other than the Rockville Centre Union Free School District at no cost to it. In the event such late bus transportation is provided by an entity other than the Rockville Centre Union Free School District, the Rockville Centre Union Free School District will be bound to said entity's determination and has no control over said entity's decision to provide or not to provide such transportation to Rockville Centre students. The decision regarding time of late bus transportation will be determined by the out-of-district schools: Chaminade, Bishop Kellenberg, and Sacred Heart Academy. Requests for late bus transportation to other schools must be submitted to the Board for their evaluation and approval. No contract late bus will be provided for students whose parents have elected the public carrier reimbursement method.

**Transportation to School Sponsored Events**

Where the District has provided transportation to students enrolled in the District to a school sponsored field trip, extracurricular activity or any other similar event, it shall provide transportation back to either the point of departure or to the appropriate school in the District unless

- The parent or legal guardian of a student participating in such event has provided the District with written notice consistent with District policy, authorizing an alternative form of return transportation for such student or unless intervening circumstances make such transportation impractical.
- In cases where alternative transportation has been requested and permission granted by the School District, the parent or guardian providing transportation will be expected to be at the designated location for pick up of their child within 10 minutes of the scheduled time. If the parent is not there within 10 minutes, the child will be returned with the rest of the students.
- The parent or guardian requesting permission for alternate transportation will be required to submit a request in writing at least a week in advance of departure.
- In cases where intervening circumstances make transportation of a student back to the point of departure or to the appropriate school in the District impractical, a representative of the School District shall remain with the student until such student's parent or legal guardian has been contacted and informed of the intervening circumstances which make such transportation impractical; and the student has been delivered to his/her parent or legal guardian.

(Continued)

Non-Instructional/Business  
Operations

**SUBJECT: STUDENT TRANSPORTATION SERVICES (Cont'd.)**

**Transportation in Personal Vehicles**

Personal cars of teachers and staff shall not be used to transport students except in the event of extenuating circumstances and authorized by the administration.

If school transportation is provided, participating students will not be permitted to drive themselves or other students to athletic events or practices or other school-sponsored events. Parents or legal guardians may pick up their students from an athletic event or practices or other school-sponsored events upon submission of a permission form provided by and submitted to the Athletic Office for athletic events or the main office for other school-sponsored events. The parent or legal guardian may pick up his/her own child.

If school transportation is not provided for students who participate on the varsity golf team, members of the team may be transported by individuals who are properly licensed by the State of New York only if permission has been granted in writing on a form provided by the School District, either drive to or from the event. Parents must indicate on the form either any properly licensed driver or state the specific drivers who are authorized to transport their child.

The driver's automobile insurance will be primary for any claim. The School District's insurance is secondary.

Education Law Sections 1604, 1709, 1804, 1903, 1950,  
2503, 2554, 2590-e, 3621(15), 3623-a(2c), 3635, 4401(4),  
4404 and 4405  
Vehicle and Traffic Law Section 375(20)(1) and 375(21-i)

NOTE: Refer also to Policy #7580/7580R -- Education of Homeless Children and Youth

Adopted: 7/8/02  
Revised: 10/20/05, 2/28/06, 1/16/07

Non-Instructional/Business  
Operations

**SUBJECT: SPECIAL USE OF SCHOOL BUSES**

The Superintendent of Schools will arrange for transportation to physical education activities as needed to carry on the school program, and within the limits of the approved funds and Board approved regulations.

Transportation for field trips and interscholastic athletic events will be arranged by Principals acting in accordance with Board approved and administrative regulations.

Other special transportation cases will be decided by the Board upon presentation and recommendation by the Superintendent of Schools.

**SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND  
OTHER SAFETY-SENSITIVE EMPLOYEES**

In accordance with federal regulations, employees in safety-sensitive positions as defined in regulations, including school bus drivers who are required to have and use a commercial drivers license (CDL), are now subject to random testing for alcohol, marijuana, cocaine, amphetamines, opiates (including heroin), and phencyclidine (PCP). The District shall adhere to federal law and regulations requiring the implementation of a drug and alcohol testing program for such employees in safety-sensitive positions.

The District shall either establish and manage its own program, by contract, or through a consortium for the provision of alcohol and drug testing of employees in safety-sensitive positions. Safety-sensitive employees (SSE), including school bus drivers who drive a vehicle which is designed to transport 16 or more passengers (including the driver), shall be subject to this requirement.

Federal regulations require that the District test school bus drivers and other SSEs for alcohol and drugs at the following times:

- a) Drug testing will be conducted after an offer to hire, but before actually performing safety-sensitive functions for the first time. Such pre-employment testing will also be required when employees transfer to a safety-sensitive position.
- b) Safety-sensitive employees are also subject to a random drug and/or alcohol test on an unannounced basis just before, during or just after performance of safety-sensitive functions.
- c) In addition, testing will be ordered if a trained supervisor has a "reasonable suspicion" that an employee has engaged in prohibited use of drugs and/or alcohol.
- d) There will also be post accident testing conducted after accidents on employees whose performance could have contributed to the accidents.
- e) Finally, return-to-duty and follow-up testing will be conducted when an individual who has violated the prohibited alcohol and/or drug conduct standards returns to performing safety-sensitive duties. Follow-up tests are unannounced and at least 6 tests must be conducted in the first 12 months after an employee returns to duty. Follow-up testing may be extended for up to 60 months following return-to-duty.

All employee drug and alcohol testing will be kept confidential and shall only be revealed without the driver's consent to the employer, a substance abuse professional, drug testing laboratory, medical review officer and any other individual designated by law.

(Continued)

**SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND  
OTHER SAFETY-SENSITIVE EMPLOYEES (Cont'd.)**

The following alcohol and controlled substance-related activities are prohibited by the Federal Highway Administration's drug use and alcohol misuse rules for drivers of commercial motor vehicles and other SSEs:

- a) Reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration of 0.04 or greater.
- b) Being on duty or operating a commercial motor vehicle (CMV) while the driver possesses alcohol, unless the alcohol is manifested and transported as part of a shipment. This includes the possession of medicines containing alcohol (prescription or over-the-counter), unless the packaging seal is unbroken.
- c) Using alcohol while performing safety-sensitive functions.
- d) Using alcohol 4 hours or less before duty.
- e) When required to take a post-accident alcohol test, using alcohol within eight hours following the accident or prior to undergoing a post-accident alcohol test, whichever comes first.
- f) Refusing to submit to an alcohol or controlled substance test required by post-accident, random, reasonable suspicion or follow-up testing requirements.
- g) Reporting for duty or remaining on duty, requiring the performance of safety-sensitive functions, when the SSE uses any controlled substance. This prohibition does not apply when instructed by a physician who has advised the SSE that the substance does not adversely affect the SSE's ability to safely operate a CMV.
- h) Reporting for duty, remaining on duty or performing a safety-sensitive function, if the SSE tests positive for controlled substances.

Drivers and other SSEs who are known to have engaged in prohibited behavior with regard to alcohol misuse or use of controlled substances are subject to disciplinary action and penalties pursuant to District policy and collective bargaining agreements, as well as the sanctions provided for in federal law. SSEs who have engaged in such prohibited behavior shall not be allowed to perform safety-sensitive functions until they are:

- a) Evaluated by a substance abuse professional (SAP).

(Continued)

**SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND  
OTHER SAFETY-SENSITIVE EMPLOYEES (Cont'd.)**

- b) Complete any requirements for rehabilitation as set by the District and the SAP.
- c) Pass a return-to-duty test with the result below 0.02 if the conduct involved alcohol, or a controlled substance test with a verified negative result if the conduct involved controlled substance use.
- d) The SSE shall also be subject to unannounced follow-up alcohol and controlled substance testing. The number and frequency of such follow-up testing shall be as directed by the SAP, and consist of at least 6 tests in the first 12 months.

The Superintendent of Schools shall ensure that each SSE receives a copy of District policy, educational materials that explain the requirements of the alcohol and drug testing regulations, and any regulations and/or procedures developed by the District with respect to meeting those requirements. The Superintendent of Schools or his/her designee shall ensure that a copy of these materials is distributed to each SSE, who shall sign for receipt of all of the above documents, as well as other appropriate personnel, prior to the start of alcohol and controlled substance testing as well as at the beginning of each school year or at the time of hire for any safety-sensitive employees. Representatives of applicable collective bargaining units shall be notified of the availability of this information.

The Superintendent of Schools or his/her designee shall arrange for training of all supervisors who may be utilized to determine whether "reasonable suspicion" exists to test a driver for prohibited conduct involving alcohol or controlled substance use/abuse.

Any violation of this policy and/or District procedures, and applicable federal and state laws by a covered employee shall be grounds for disciplinary action including, but not limited to, fines, suspension, and/or discharge in a manner consistent with District policy, collective bargaining agreements and applicable law.

Omnibus Transportation Employee Testing Act  
of 1991 (P.L.102-143)  
49 United States Code (U.S.C.) Section 521(b)  
49 Code of Federal Regulations (C.F.R.)  
Parts 40, 382, 391, 392 and 395

Adopted: 7/8/02

**SUBJECT: QUALIFICATIONS OF BUS DRIVERS**

A person shall be qualified to operate a bus only if such person:

- a) Is at least twenty-one (21) years of age;
- b) Obtains a driving record from the appropriate agency in every state in which the person resided, worked, and/or held a driver's license or learner's permit during the preceding three (3) years;
- c) Has passed the annual bus driver physical examination administered pursuant to Regulations of the Commissioner of Education and the Commissioner of Motor Vehicles. In no case shall the interval between physical examinations exceed a thirteen-month (13) period;
- d) Is not disqualified to drive a motor vehicle under Vehicle and Traffic Law Sections 509-c and 509-cc and any other provisions of Article 19-A;
- e) Has on file at least three (3) statements from three (3) different persons who are not related to the driver/applicant pertaining to the moral character and to the reliability of such driver/applicant;
- f) Has completed, or is scheduled to complete, State Education Department safety programs as required by law;
- g) Is in compliance with federal law and regulations, as well as District policy and/or regulations, as it pertains to meeting the standards governing alcohol and controlled substance testing of bus drivers if and when applicable;
- h) Has taken and passed a physical performance test at least once every two (2) years and/or following an absence from service of sixty (60) or more consecutive days from his/her scheduled work duties; and
- i) Is in compliance with all other laws and regulations for operating a school bus, including licensing and training requirements.

(Continued)



**SUBJECT: QUALIFICATIONS OF BUS DRIVERS (Cont'd.)**

**Special Requirements For New Bus Drivers**

Before employing a new bus driver, the Superintendent or his/her designee shall:

- a) Require such person to pass a physical examination within four (4) weeks prior to the beginning of service;
- b) Obtain a driving record from the appropriate agency in every state in which the person resided, worked, and/or held a driver's license or learner's permit during the preceding three (3) years;
- c) Investigate the person's employment record during the preceding three (3) years;
- d) Require such person to submit to the mandated fingerprinting procedures/criminal history background check;
- e) Request the Department of Motor Vehicles to initiate a driving record abstract check; and
- f) Require that newly hired bus drivers take and pass the physical performance test, as mandated by Commissioner's Regulations, before they transport students.

Before a vendor/contract Bus Company employs a new bus driver, the Superintendent or his/her designee shall be entitled to:

- a) Require such person to pass a physical examination within four (4) weeks prior to the beginning of service;
- b) Obtain a driving record from the appropriate agency in every state in which the person resided, worked, and/or held a driver's license or learner's permit during the preceding three (3) years;
- c) Investigate the person's employment record during the preceding three (3) years;
- d) Require such person to submit to the mandated fingerprinting procedures/criminal history background check;

(Continued)

**SUBJECT: QUALIFICATIONS OF BUS DRIVERS (Cont'd.)**

- e) Request the Department of Motor Vehicles to initiate a driving record abstract check; and
- f) Require that newly hired bus drivers take and pass the physical performance test, as mandated by Commissioner's Regulations, before they transport students.

**Occasional Drivers**

Under Commissioner's Regulations, an occasional driver is defined as a certified teacher employed by a school district or Board of Cooperative Educational Services (BOCES) who is not primarily employed as a school bus driver or substitute bus driver on either a full-time or part-time basis. Occasional drivers used for other than regular routes are not required to fulfill the training required for regular school bus drivers.

Omnibus Transportation Employee Testing Act of 1991, (Public Law 102-143)  
49 United States Code (USC) Section 521(b)  
49 Code of Federal Regulations (CFR) Parts 40, 382, 391, 392 and 395  
Education Law Section 3624  
Vehicle and Traffic Law Sections 509-c, 509-cc and Article 19-A  
8 New York Code of Rules and Regulations (NYCRR) Section 156.3  
15 New York Code of Rules and Regulations (NYCRR) Part 6

NOTE: Refer also to Policy #5730 -- Drug and Alcohol Testing For School Bus Drivers and Other Safety-Sensitive Employees

Adopted: 11/13/07  
Revised: 3/26/09

## Personnel

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Personnel

**SUBJECT: CODE OF ETHICS FOR ALL BOARD MEMBERS AND DISTRICT PERSONNEL General Provisions**

Pursuant to the provisions of Section 806 of the General Municipal Law, the Board of Education of the Rockville Centre Union Free School District (the "District") recognizes that there are rules of ethical conduct for members of the Board and employees of the District that must be observed if a high degree of moral conduct is to be obtained in the District. It is the purpose of this policy to promulgate these rules of ethical conduct for the Board members and employees of the District. These rules shall serve as a guide for official conduct of the Board members and employees of the District. The rules of ethical conduct of this policy, as adopted, will not conflict with, but shall be in addition to any prohibition of Article Eighteen of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of Board members and employees.

**Standards of Conduct**

Every Board member and/or employee of the District will be subject to and abide by the following standards of conduct:

- a) **Gifts.** Pursuant to Section 805-a of the General Municipal Law, no person will, directly or indirectly, solicit any gift or accept or receive any gift having a value of seventy-five dollars or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended or expected to influence him/her in the performance of official duties or was intended as a reward for any official action on his/her part.
- b) **Confidential Information.** No person will disclose confidential information acquired by him/her in the course of his/her official duties or use such information to further his/her personal interest. Disclosure by the Board of Education officers and employees of information obtained or matters properly discussed in Executive Session is specifically prohibited.

**Disclosure of Interest in Contracts**

Except as permitted by law, no person may have an interested in any contract with the District when he or she, individually, or as a member of the Board, has the power or duty to: negotiate, prepare, authorize, or approve the contract or authorize or approve payment under the contract; audit bills or claims under the contract; or appoint an officer or employee who has any of these powers or duties.

(Continued)

## Personnel

Likewise, unless permitted by law, no chief fiscal officer, treasurer, or his deputy or employee, may have an interest in a bank or trust company designated as a depository, paying agent, registration agent, or the investment of funds of the District.

No employee, officer, or agent will participate in selecting, awarding, or administering a contract supported by a federal award, if he or she has a real or apparent conflict of interest. These conflicts could arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization that employs or is about to employ any of these parties has a financial or other interest in or a tangible personal interest benefit from a firm considered for a contract. Employees, officers and agents will not solicit or accept gratuities, favors, or anything of monetary value from contractors or parties to subcontractors. The District may, however, set standards for situations where the financial interest is not substantial or the gift is an unsolicited item or nominal value.

“Interest” as used in this policy, means a direct or indirect pecuniary or material benefit accruing to a District officer or employee as the result of a contract with the District. A District officer or employee will be considered to have an interest in the contract or: his or her spouse, minor children and dependents, except a contract of employment with the District; a firm, partnership or association of which he or she is a member or employee; a corporation of which he/she is an officer, director or employee; and a corporation any stock of which is owned or controlled directly or indirectly by his or her.

The provisions of the preceding four paragraphs should not be construed to preclude the payment of lawful compensation and necessary expenses of any District officer or employee in one or more positions of public employment, the holding of which is not prohibited by law.

- c) Representation before one's own agency. He/she shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he/she is an officer, member or employee or of any municipal agency over which he/she has jurisdiction or to which he/she has the power to appoint any member, officer or employee.
- d) Representation before any agency for a contingent fee. He/she shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of his/her municipality, whereby his/her

(Continued)

Personnel

**SUBJECT: CODE OF ETHICS FOR ALL DISTRICT PERSONNEL (Cont'd.)**

compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of services rendered.

- e) Disclosure of interest in resolution. To the extent that he/she knows thereof, a member of the Board of Education or employee of the Rockville Centre Union Free School District, whether paid or unpaid, who participates in the discussion or gives official opinion to the Board of Education on any resolution before the Board of Education shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he/she has in such resolution.
- f) Investments in conflict with official duties. He/she shall not invest or hold any investment directly or indirectly in any financial, business, commercial, or other private transaction, that creates a conflict with his/her official duties.
- g) Private employment. He/she shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his/her official duties.
- h) Future employment. He/she shall not, after the termination of service or employment with the School District, appear before any board or agency of the Rockville Centre Union Free School District in relation to any specific case, proceeding, or application in which he/she personally participated during the period of his/her service or employment or which was under his/her active consideration.
- i) Membership in Organizations/Committees. A Board Member may be involved as a volunteer, officer or employee in a charitable organization which has a relationship with the District. If a Board Member is a board member, officer or employee of a charitable organization that Board Member must disclose such relationship in writing to the District, and the Board member must recuse him/herself from any discussions or votes relating to the charitable organization which may come before the Board. When participating in the activities of the charitable organization, the Board member will not disclose any confidential information learned in the course of his/her official duties or use such information to further personal interests. Additionally, the Board Member will not make representations on behalf of the District unless specifically authorized to do so by the Board.



(Continued)

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Personnel

**SUBJECT: CODE OF ETHICS FOR ALL DISTRICT PERSONNEL (Cont'd.)**

**Legal Remedies**

**District Officers**

In accordance with the Penal Law 60.27(5), if a District officer is convicted of a violation against the District under Penal Law Article 155 relating to larceny, the courts may require an amount of restitution up to the full amount of the offense or reparation up to the full amount of the actual out-of-pocket loss suffered by the District.

**Board Members and Employees**

**Nothing herein shall be deemed to bar or prevent the timely filing by a present or former Board member or employee of any claim, account, demand or suit against the Rockville Centre Union Free School District, or any agency thereof on behalf of himself/herself or any member of his/her family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.**

**Distribution/Posting of Code of Ethics**

The Superintendent of the Rockville Centre Union Free School District shall cause a copy of this code of ethics to be distributed to every Board member and employee of the School District within thirty (30) days after the effective date of this resolution. Each Board member and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his/her office or employment. The Superintendent of Schools shall also cause a copy of Article 18 of the General Municipal Law to be kept posted in each building in the District in a place conspicuous to its Board members and employees. Failure to distribute any such copy of this code of ethics or failure of any Board member or employee to receive such copy, as well as failure to post any such copy of General Municipal Law, Article 18, shall have no effect on the duty of compliance with such code or Article 18, nor with the enforcement of provisions thereof.

(Continued)

Personnel

**SUBJECT: CODE OF ETHICS FOR ALL DISTRICT PERSONNEL (Cont'd.)**

**Penalties**

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this code may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

**Effective Date**

This resolution shall take effect immediately.

Education Law Section 410  
General Municipal Law, Article 18  
General Municipal Law, Section 803  
**Labor Law 201-d**  
Penal Law Article 155 and Section 60.27(5)

Adopted: 7/8/02  
Revised: 11/16/04, 11/13/07, 3/9/22

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Personnel

**SUBJECT: STAFF CONFLICT OF INTEREST**

Ensuring that the District is not denied the services of capable and highly motivated individuals, eliminating any possible question of impropriety in personnel practices, and avoiding criticism of the Board, administration or individuals involved, are of the utmost importance. Therefore, any potential District employee who is related by blood or marriage to any District administrator will have his or her employment reviewed and approved by the Board prior to the offering or accepting of such employment.

Adopted: 7/8/02

## Personnel

**SUBJECT: TESTING MISCONDUCT AND MANDATORY REPORTING REQUIREMENTS**

School District employees are expressly prohibited from: engaging in testing misconduct, as that term is described in the Regulations of the Commissioner of Education; assisting in the engagement of, or soliciting another to engage in testing misconduct; and/or the knowing failure to report testing misconduct. When committed by an employee of the School District in a position for which a teaching or school leader certificate is required, such actions or inactions will be deemed to raise a reasonable question of moral character under Part 83 of the Commissioner's Regulations. A School District employee in a position for which a teaching or school leader certificate is not required who, commits an unlawful act in respect to examination and records, will be subject to disciplinary action by the Board of Education in a manner consistent with New York State law and regulation.

School District employees will report to the State Education Department any known incident of testing misconduct by a certified educator or any known conduct by a non-certified individual involved in the handling, administration or scoring of state assessments in violation of New York State law. Such report will be made in accordance with directions and procedures established by the Commissioner for the purpose of maintaining the security and confidential integrity of State assessments.

The School District will not dismiss or take other disciplinary or adverse action against an employee because he/she submitted a report regarding testing misconduct to the State Education Department. Any such adverse action by an individual holding a teaching or school leader certificate will be deemed to raise a reasonable question of moral character under Part 83 of the Commissioner's Regulations and may be referred to the Office of School Personnel Review and Accountability at the State Education Department.

8 NYCRR Section 102.4

Adopted: 2/4/15

Personnel

**SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY**

It is the policy of this District to provide, through a positive and effective program, equal opportunities for employment, retention and advancement of all people regardless of race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, age, gender identity and expression, marital status, veteran status, military status, disability, predisposing genetic characteristics, or use of recognized guide dog, hearing dog or service dog, or domestic violence victim status.

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

The term "military status" means a person's participation in the military service of the United States or the military service of the state including, but not limited to, the armed forces of the United States, the army national guard, the air national guard, the New York naval militia, the New York guard, and such additional forces as may be created by the federal or state government as authorized by law.

Provisions will be provided for the publication and dissemination, internally and externally, of this policy to insure its availability to interested citizens and groups.

. Administration shall establish grievance procedures that provide for the prompt and equitable resolution of complaints alleging discrimination. Those intending to file a grievance due to alleged discrimination must follow the grievance procedure as established by the District.

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

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

**Posting Requirement of Correction Law Article 23-A**

The District shall post, in a place accessible to employees and in a visually conspicuous manner, a copy of Article 23-A of the Correction Law and any regulations promulgated under that statute. Article 23-A addresses the licensure and employment of persons previously convicted of one or more criminal offences.

(Continued)

Personnel

**SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY (Cont'd.)**

Age Discrimination in Employment Act, 29 United State Codes (USC) Section 621  
The Americans With Disabilities Act, 42 United States Code (U.S.C.) Section 12101 et  
seq.

Prohibits Discrimination on the basis of disability.

Genetic Information Nondiscrimination Act of 2008 (GINA) Public Law 110-223

Prohibits discrimination in the workplace based upon genetic information

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

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

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

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

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

Education Amendments of 1972, Title IX , 20 United States Code (U.S.C.) Section 1681  
et seq.

Prohibits discrimination on the basis of sex.

Civil Rights Law Section 40-c

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

Civil Service Law Section 75-B

New York Executive Law Section 290 et seq.

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

Adopted: 7/8/02  
Revised: 12/16/03, 2/7/12

## Personnel

**SUBJECT: COMPLAINTS AND GRIEVANCES BY EMPLOYEES**

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

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

**Complaints and Grievances Coordinator**

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

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

The Title IX/Section 504/ADA Coordinator shall also be responsible for handling complaints and grievances regarding discrimination based on race, color, creed, religion, national origin, political affiliation, age, veteran or marital status, use of a guide, hearing or service dog, or domestic violence victim status.

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

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## Personnel

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

Section 504 of the Rehabilitation Act of 1973,  
29 United States Code (U.S.C.) Section 794 et seq.  
The Americans With Disabilities Act,  
42 United States Code (U.S.C.) Section 12101 et seq.  
Prohibits discrimination on the basis of disability.  
Title IX of the Education Amendments of 1972,  
20 United States Code (U.S.C.) Section 1681 et seq.  
Prohibits discrimination on the basis of sex.  
New York State Executive Law Section 290 et seq.  
Prohibits discrimination on the basis of age, race, creed,  
color, national origin, sex, disability or marital status.  
Age Discrimination in Employment Act,  
29 United States Code (U.S.C.) Section 621.  
Military Law Sections 242 and 243  
Education Law 801-a

Adopted: 7/8/02  
Revised: 11/15/10



**SUBJECT: EVALUATION OF PERSONNEL****All Staff Members**

The administration will undertake a continuous program of supervision and evaluation of all personnel, including support staff, in the District. The primary purposes of the evaluations will be to encourage and promote improved performance and to make decisions about the occupancy of positions.

**Teachers and Administrators**

The District is committed to supporting the development of effective teachers and administrators. To this end, the District will provide procedures for the evaluation of all professional staff. The District will develop an Annual Professional Performance Review (APPR) plan/educator evaluation plan in accordance with applicable laws, Commissioner's Regulations, and Rules of the Board of Regents. The primary purposes of this evaluation are:

- a) To encourage and promote improved performance;
- b) To guide professional development efforts; and
- c) To provide a basis for evaluative judgments by designated school officials.

**Disclosure of APPR/Educator Evaluation Ratings**

The Commissioner is required to disclose professional performance review data for teachers and principals on the New York State Education Department (NYSED) website and in any other manner to make such data widely available to the public. Such public disclosure of final quality ratings and composite effectiveness scores will be suitable for research, analysis and comparison of APPR data for teachers and principals across the state.

Upon request, the District shall release to parents/legal guardians the final quality ratings and composite effectiveness scores for teachers and principals to which their student is currently assigned. The District's obligation to disclose this information is limited to those teachers and building principals subject to Education Law 3012-d. The District will provide notice to parents/legal guardians of their right to obtain such information and the methods by which the data can be obtained. Upon request, parents/legal guardians will receive an oral or written explanation of the composite effectiveness scoring ranges for final quality ratings and be offered the opportunity to understand such scores in the context of teacher evaluation and student performance. When a request for this information is received, reasonable efforts will be made to verify that it is a bona fide request by a parent/legal guardian entitled to review the data.

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Personnel

**SUBJECT: EVALUATION OF PERSONNEL (Cont'd.)**

Annual professional performance reviews of individual teachers and principals shall not be subject to disclosure under the Freedom of Information Law (FOIL).

Education Law Section 3012-d  
Public Officers Law Article 6  
8 NYCRR Subpart 30-3  
8 NYCRR Sections 80-1.1 and 100.2(o)

Adoption Date: 7/8/02  
Revised: 8/7/13, 4/16/24

## Personnel

**SUBJECT: HEALTH EXAMINATIONS**

All teachers initially appointed to probationary positions shall obtain a physical examination. When such examination is made by the school physician the cost of such examination shall be borne by the District. A teacher, however, may elect to have a health examination at his/her own expense by a physician of his/her own choice.

The Board reserves the right to request a health examination at any time during employment, at School District expense, in order to determine the physical and mental capacity of an employee to perform his/her duties.

Support staff personnel initially appointed to positions may be requested to obtain physical examinations at the expense of the School District. The physical examination is to be obtained from the school physician.

All bus drivers and substitute bus drivers shall have yearly physical examinations. Each bus driver initially employed by the School District shall have a physical examination within the four (4) weeks prior to the beginning of service. In no case shall the interval between physical examinations exceed a twelve (12) month period.

Annual or more frequent examinations of any employee may be required, when, in the judgment of the school physician and the Superintendent of Schools, such procedure is deemed necessary.

The final acceptance or rejection of a medical report with reference to the health of an employee lies within the discretion of the Board. The decision of the physician designated by the Board as the determining physician shall take precedence over all other medical advice.

All medical and health related information will be kept in accordance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

Education Law Section 913  
Bus Drivers: 8 New York Code of Rules and  
Regulations (NYCRR) Section 156.3(2)  
Rules and Regulations of the Commissioner of  
Motor Vehicles Section 5.09-b  
Cafeteria Workers: State Sanitary Code

Adopted: 7/8/02  
Revised: 8/2/05

## Personnel

**SUBJECT: ALCOHOL, DRUGS AND OTHER SUBSTANCES**

The Board of Education, recognizing that students are often influenced by teachers and other members of a school's staff, impresses upon staff members the importance of maintaining a high level of professionalism appropriate to their position, which, in turn, shall set a positive example for students.

The Board, therefore, prohibits the consumption, sharing and/or selling, use and/or possession of illegal drugs (including prescription drugs for which the employee does not have a prescription), counterfeit and designer drugs, misuse of over the counter drugs or alcoholic beverages in the workplace, or when the effects of such drugs and/or alcohol use may impair an employee's job performance. Under no circumstances does the above language preclude an employee to properly consume/use prescription drugs which are prescribed to the employee and/or over the counter medication.

Information about any drug and alcohol counseling and/or rehabilitation programs shall be made available to employees. Data will also include the range of penalties, (consistent with local, state and federal law), up to and including termination of employment and referral for prosecution that will be imposed on employees who have transgressed the terms of this policy.

Additionally, confidentiality shall be insured as required by state and federal law.

The Superintendent of Schools shall biennially review the drug and alcohol abuse prevention program to determine its effectiveness and support appropriate modifications, as needed.

Education Law Sections 913, 1711(5)(e), and 3020-a  
Civil Service Law Section 75  
Drug-Free Schools and Communities Act  
Amendment of 1989  
(Public Law 101-226)  
20 United States Code (U.S.C.) Section 3171 et seq.

Adopted: 7/8/02  
Revised: 7/10/23

## Personnel

**SUBJECT: DRUG-FREE WORKPLACE**

It shall be the general policy of the Board of Education to affirm that all programs in the District that receive Federal funds shall guarantee that their workplaces are free of controlled substances. For purposes of this policy "Controlled substance" will be defined as stated in 21 U.S.C. 812 and as further defined in regulation at 21 Code of Federal Regulations (C.F.R.) 1308.11 through 1308.15. An acknowledgment form shall be signed by the Superintendent of Schools indicating that the District is in full compliance with the Drug-Free Workplace Act. This policy shall guarantee that not only Federally funded programs, but the entire District is free of controlled substances.

"Workplace" is defined as a school building or other school premises; any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities; off school property during any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the School District.

The Board of Education directs the administration to develop regulations to comply with this policy, and further supports such actions and activities of the administration as shall be required to maintain a drug-free workplace.

Drug-Free Workplace Act  
(Public Law 100-690)  
34 Code of Federal Regulations (C.F.R.) Part 85

Adopted: 7/8/02

Revised:7/10/23

**SUBJECT: PROFESSIONAL GROWTH/STAFF DEVELOPMENT**

It is the policy of the District that attention be given to in-service, pre-service, and other staff development programs which are believed to be of benefit to the School District and its students. The Superintendent of Schools, in consultation with the appropriate administrative staff and/or teacher committees, is directed to arrange in-service programs and other staff development opportunities which will provide for the selection of subjects pertinent to the curriculum in the schools, to build from these subjects those topics or courses for in-service or staff development which will help employees acquire new methods of performing their job responsibilities or help staff improve on those techniques which are already being used in the schools, with the objective of improving professional competencies.

It is recommended that administration develop meaningful in-service and/or staff development programs which will achieve the following:

- a) Contribute to the instructional program of the schools;
- b) Contribute to improved education for students;
- c) Achieve state mandates;
- d) Enhance the professional competencies and/or instructional abilities of staff members.

The Board of Education, therefore, encourages all employees to improve their competencies beyond that which they may obtain through the regular performance of their assigned duties. Opportunities should be provided for:

- a) Planned in-service programs, courses, seminars, and workshops offered both within the School System and outside the District.
- b) Visits to other classrooms and schools, as well as attendance at professional meetings, for the purpose of improving instruction and/or educational services.

(Continued)

Personnel

**SUBJECT: PROFESSIONAL GROWTH/STAFF DEVELOPMENT/DISTRICT MEETINGS (Cont'd.)**

- c) Orientation/re-orientation of staff members to program and/or organizational changes as well as District expectations.

Attendance at such professional development programs must be directly linked to the duties and responsibilities comprising the job description of the employee. Consequently, employees are encouraged to participate in the planning of staff development programs designed to meet their specific needs.

Members of the staff are also encouraged to continue their formal education as well as to attend their respective work-related workshops, conferences and meetings.

Funds for participating at such conferences, conventions, and other similar professional development programs will be budgeted for by the Board of Education on an annual basis. Reimbursement to District staff for all actual and necessary registration fees, expenses of travel, meals and lodging, and all necessary tuition fees incurred in connection with attendance at conferences and the like will be in accordance with established regulations for conference attendance and expense reimbursement.

The Superintendent of Schools or his/her designee has authority to approve release time and expenses for staff members' attendance at professional training conferences, study councils, in-service courses, workshops, summer study grants, school visitations, professional organizations and the like within budgetary constraints.

A conference request form/course approval form must be submitted by the employee and approved by the designated administrator prior to the employee's attendance at such conference or other professional development program.

**MEETING EXPENSES**

The District regularly holds various types of meetings including, but not limited to, Rockville Centre staff members, PTA, residents, visitors from other school districts, professional organizations. At these meetings the District may provide, where appropriate, supplies, materials, equipment, and food.

Education Law Section 1604(27)  
General Municipal Law Section 77-b and 77-c

Adopted: 11/16/04  
Revised: 12/14/04

Personnel

**SUBJECT: SAFETY OF STUDENT (FINGERPRINTING CLEARANCE OF NEW HIRES)**

Unless otherwise authorized in accordance with law and regulation, the District shall not employ or utilize a prospective school employee, unless such prospective school employee has been granted a "full" clearance for employment by the State Education Department (SED). The School District shall require a prospective school employee who is not in the SED criminal history file to be fingerprinted for purposes of a criminal history record check by authorized personnel of the designated fingerprinting entity. For purposes of this provision of law, the term "criminal history record" shall mean a record of all convictions of crimes and any pending criminal charges maintained on an individual by the Division of Criminal Justice Services (DCJS) and the Federal Bureau of Investigation (FBI). The District shall, however, obtain the applicant's consent to the criminal history records search.

The District shall utilize SED's Web-based application known as TEACH for instantaneous access to important information about certification and fingerprinting. Through TEACH, SED provides an individual with the ability to apply for fingerprint clearance for certification and/or employment and view the status of his/her fingerprint clearance request. Through TEACH, the School District is able, among other applications, to submit an online request for fingerprint clearance for a prospective employee, view the status of a fingerprint clearance request, and determine whether a subsequent arrest letter has been issued.

**Safety of Students**

The District will develop internal building and/or program procedures to help ensure the safety of students who have contact with an employee holding conditional appointment or emergency conditional appointment. Such procedures will address the safety of students in the classroom, students attending off-campus activities under the supervision of the School District, and students participating in extracurricular and/or co-curricular activities (including sports and athletic activities).

Safety procedures to be addressed include, but are not limited to, the following: supervision of the employee holding conditional appointment/emergency conditional appointment as determined appropriate by the applicable building/program administrator; and periodic visitations by the building/program administrator to the classroom, program and/or activity assigned to the employee holding conditional appointment/emergency conditional appointment.

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Personnel

**SUBJECT: SAFETY OF STUDENTS (FINGERPRINTING CLEARANCE OF NEW HIRES)  
(Cont'd.)**

**Access to TEACH**

Information regarding fingerprinting of new hires, including relevant laws and regulations, frequently asked questions (FAQs), an up-to-date chart for "Who Must be Fingerprinted", and instructions on the fingerprinting process are found on [www.higherednysed.gov/tcert/ospra](http://www.higherednysed.gov/tcert/ospra). To request access to TEACH, e-mail [TEACHHELP@mail.nysed.gov](mailto:TEACHHELP@mail.nysed.gov).

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Correction Law Article 23-

Education Law Sections 305(30), 305(33), 1604, 1709, 1804, 1950, 2503, 2554, 2590-h, 2854, 3004-b and 3004-c, and 3035

Executive Law Section 296(16)

Social Services Law Article 5, Title 9-B

8 New York Code of Rules and Regulations  
(NYCRR) Section 80-1.11 and Part 87

Adopted: 7/8/02

Revised: 2/5/08, 11/15/10, 7/10/12

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Personnel

**SUBJECT: CERTIFIED PERSONNEL**

The Board of Education shall, upon the recommendation of the Superintendent of Schools, create, abolish, maintain and/or consolidate positions involving certified persons as necessary for the proper and efficient achievement of its goals.

All assignments and transfers shall be made in accordance with the provisions of law, Board of Education policies, and the employee's negotiated agreement.

8 New York Code of Rules and Regulations  
(NYCRR) Part 30  
Education Law Sections 2510 and 3013

Adopted: 7/8/02

Revised:9/7/23

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Personnel

**SUBJECT: RECRUITMENT**

The District will attempt to employ the best-qualified personnel for any position.

Professional personnel shall be recruited and selected by, or at the direction of, the Superintendent of Schools, who shall recommend appointment to the Board of Education.

The District shall provide equal opportunity in employment for all qualified persons in accordance with Federal and State legislation.

Education Law Section 3012

Adopted: 7/8/02

Personnel

**SUBJECT: CERTIFICATION AND QUALIFICATIONS**

- a) In accordance with applicable statutes, Rules of the Board of Regents, and Regulations of the Commissioner of Education, each employee whose employment requires certification or other licensure shall inform the Superintendent of Schools immediately of any change in the status of his/her certification or licensure. The changes shall include, but not be limited to, the granting, revocation, upgrading, expiration, conversion and/or extension of these documents as to their periods of validity or their titles.
- b) The original certificates and/or licenses must be presented for examination and copying in the office of the Superintendent of Schools as soon as they are available to the employee. The copies will be maintained in the Superintendent of Schools' files in support of the legitimate employment of each affected employee. The failure of any such employee to possess the required certification or other licensure may result in the discharge of that employee.
- c) Whether or not the District verifies an individual's certification or licensure does not waive the responsibility of the employee to maintain what is required for his/her assignment.

**Qualifications of Teachers**

- a) The District must ensure that all newly hired teachers in Title I programs who teach core academic subjects are highly qualified per Regulations of the Commissioner of Education. The term "core academic subjects" means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography. A "highly qualified" teacher is one who has obtained full state certification as a teacher, or has passed the state teacher licensing examination, holds a license to teach in the state and has at least a bachelor's degree, and also must show subject matter competency in the subjects they teach.
- b) The District is also required to provide to teachers who are not new to the profession the opportunity to meet the NCLB requirement to be highly qualified, in part, through passing a High Objective Uniform State Standard of Evaluation (HOUSSE). HOUSSE shall be an evaluation, prescribed by the New York State Education Department and conducted locally either during a pre-employment review or at the time of an Annual Professional Performance Review (APPR), that enables a teacher who is beyond the first year of teaching to demonstrate subject matter competency in all core academic subjects that the teacher teaches. The evaluation shall be based upon objective, coherent information as prescribed by the department, and shall include, but not be limited to, information on the teacher's education, credentials, professional experience, and professional development.

(Continued)

Personnel

**SUBJECT: CERTIFICATION AND QUALIFICATIONS (Con't)**

- c) The District must ensure that all persons applying for a teaching certificate or license as a special education teacher or instructor or a school administrator who works in special education, shall, in addition to all the other certification or licensing requirements, have completed course work or training in area of children with autism. The course work or training shall be obtained from an institution or provider which has been approved by the State Education Department to provide such course work or training in the needs of autistic children. The Commissioner of Education is authorized and empowered to certify all teachers, administrators and instructors in the area of autistic needs.

**Parent Notification**

In accordance with the federal No Child Left Behind Act, the District is required to provide parents, upon request, with specific information about the professional qualifications of their children's classroom teachers. The following shall be provided by the District upon such requests:

- a) If the teacher has met New York State qualifications and licensing criteria for the grade levels and subject areas he/she teaches;
- b) Whether the teacher is teaching under emergency or other provisional status through which the State qualification or licensing criteria have been waived;
- c) The teacher's college major; whether the teacher has any advanced degrees and, if so, the subject of the degrees; and
- d) If the child is provided services by any instructional aides or similar paraprofessionals and, if so, their qualifications.

All requests shall be honored in a timely manner.

Education Law Sections 3001, 3001-a, 3004  
3006, and 3008  
8 New York Code of Rules and Regulations  
(NYCRR), , Subparts 80-1, 80-2, 80-3, 100.2 (dd) and  
100.2 (o)  
34 Code of Federal Regulations (CFR) Sections  
200.55 and 200.56  
20 United States Code (USC) Section 7801 (23)

Adopted: 7/8/02  
Revised: 8/2/05, 1/8/08

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Personnel

**SUBJECT: INCIDENTAL TEACHING**

The Superintendent of Schools may assign a teacher to teach a subject not covered by such a teacher's certification or license for a period not to exceed five classroom hours a week, when no certified or qualified teacher is available after extensive and documented recruitment, and provided that approval of the Commissioner of Education is obtained in accordance with the requirements as enumerated in Commissioner's Regulations.

Not later than twenty (20) business days after such an assignment, the Superintendent of Schools shall submit for approval an application, in a form satisfactory to the Commissioner, containing the following information:

- a) Evidence of extensive recruitment of a teacher certified in the appropriate area;
- b) The name and certification status of the teacher given such assignment.
- c) The subject which the teacher is being assigned to teach on an incidental basis and the total number of classes in such subject being taught on an incidental basis;
- d) The qualification of the teacher to teach such subject on an incidental basis;
- e) The specific reasons why an incidental assignment is necessary;
- f) The anticipated duration of the incidental teaching assignment; and
- g) The number of applications, approved or pending, for authorization to make incidental teaching assignments in the same certification area for which the current authorization is being sought.

To be approved, such application shall demonstrate to the satisfaction of the Commissioner that an incidental teaching assignment is necessary, that the teacher assigned is the best qualified to teach the subject on an incidental basis, and that the requirements of the Commissioner's Regulations have been met.

The Commissioner will issue a determination within twenty (20) business days of receipt of the District's application.

In the event that the application is disapproved or to obtain renewal of such approval in any subsequent year, the Superintendent of Schools shall comply with enumerated requirements per Commissioner's Regulations.

8 New York Code of Rules and Regulations  
(NYCRR) Section 80-5.3

Adopted: 7/8/02

Personnel

**SUBJECT: PROFESSIONAL CERTIFICATION: 175 HOURS OF PROFESSIONAL DEVELOPMENT REQUIREMENT**

All District employees who hold professional teaching certificates for classroom teaching are required to complete professional development hours to maintain the validity of their certificates. Professional certificate holders must complete 175 hours every five (5) years. The five-year professional development period commences on July 1 after the effective date of the triggering certificate, and each subsequent five-year period thereafter. Each professional development year of the five-year cycle of professional development begins on July 1 and ends the following June 30. The professional development requirement may be completed at any time during the five-year professional development period.

Decisions regarding content, delivery and providers of such professional development are within the purview of the School District and shall be made within the context of the District Professional Development Plan. The Professional Development Plan shall describe how the School District will provide teachers it employs holding a professional certificate with opportunities to maintain such certificates in good standing based upon successfully completing 175 hours of professional development every five (5) years in accordance with Commissioner's Regulations.

If the professional certificate holder wishes to maintain the validity of his/her New York State professional certificate, he/she must satisfy the professional development requirement. If the certificate holder teaches less than ninety (90) days in a given school year for any reason, including an approved leave, the required hours are reduced by ten percent (10%) for each school year during which this is the case.

**District Recordkeeping Responsibilities**

If the School District provides professional development to teachers in its schools, or professional development is provided by other entities on behalf of the District, the District must maintain a record of professional development completed by its teachers who are required to complete this requirement. Such records shall include those items enumerated in Commissioner's Regulations Section 100.2(dd)(5):

- a) The name of the professional certificate holder;
- b) His/her teacher certification identification number;
- c) The title of the program;
- d) The number of hours completed; and
- e) The date and location of the program.

(Continued)

Personnel

**SUBJECT: PROFESSIONAL CERTIFICATION: 175 HOURS OF PROFESSIONAL DEVELOPMENT REQUIREMENT**

These records shall be retained by the District for at least seven (7) years from the date of completion of the professional development by the professional certificate holder and shall be available for review by the State Education Department (SED).

**District Reporting Responsibilities**

Annually, the School District must report to the New York State Education Department (SED) Office of Higher Education's Office of Teaching Initiatives (OTI) the number of all approved professional development hours completed by each teacher who is employed by the District and subject to the professional development requirement, regardless of the professional development provider.

All hours of completed professional development reported by Districts will become part of the certificate holder's certification record maintained by OTI. Teachers with professional certificates must complete the required number of hours of professional development every five (5) years for their certificates to remain valid.

The School District is required to report professional development hours for its employees online directly via the Web-based computer system TEACH (Teacher Education and Certification Help).

**Certificate Holder Responsibilities**

All professional certificate holders must keep records of all of their approved professional development activities/programs/coursework, regardless of the provider, for at least seven (7) years from the date of completion of the program and shall be available for review by SED. Such records shall include those items enumerated in Commissioner's Regulations Section 80-3.6(f):

- a) The title of the program;
- b) The number of hours completed;
- c) The sponsor's name and any identifying number;
- d) Attendance verification; and
- e) The date and location of the program.

While it is the responsibility of the District to report hours, it is in the interest of every professional certificate holder to verify that their professional development hours are reported and that their individual record is complete. It is recommended that professional certificate holders develop their personal professional development plan in consultation with the District, and obtain District approval before commencing any professional development activities.

8 New York Code of Rules and Regulations (NYCRR)  
Subpart 80-3 and Section 100.2(dd)

Adopted: 1/8/08



Personnel

**SUBJECT: MENTORING PROGRAMS FOR FIRST-YEAR TEACHERS**

Effective February 2, 2004, all new teachers in the School District holding an initial certificate must complete a mentored teaching experience within their first year of employment as a teacher. Also effective February 2, 2004, the District must incorporate the design and planning of such mentored experiences for all first-year teachers in its employ into the District Professional Development Plans.

The purpose of the mentoring program is to provide support for new teachers in order to ease the transition from teacher preparation to practice, thereby increasing the retention of teachers, and to increase the skills of new teachers in order to improve student achievement in accordance with the New York State learning standards. The Professional Development Plan shall describe how the District will provide a mentoring program for teachers who must participate in a mentoring program to meet the teaching experience requirement for the professional certificate as prescribed by Commissioner's Regulations.

The mentoring program shall be developed and implemented consistent with any collective bargaining obligation required by Article 14 of the Civil Service Law (i.e., the Taylor Law); however, Commissioner's Regulation does not impose a collective bargaining obligation that is not required by the Taylor Law.

In accordance with Commissioner's Regulations, the Professional Development Plan shall describe the following elements of the mentoring program:

- a) The procedure for selecting mentors, which shall be published and made available to staff of the District and, upon request, to members of the public;
- b) The role of mentors, which shall include but not be limited to providing guidance and support to the new teacher;
- c) The preparation of mentors, which may include but shall not be limited to the study of the theory of adult learning, the theory of teacher development, the elements of the mentoring relationship, peer coaching techniques, and time management methodology;
- d) Types of mentoring activities, which may include but shall not be limited to modeling instruction for the new teacher, observing instruction, instructional planning with the new teacher, peer coaching, and orienting the new teacher to the school culture; and

(Continued)

Personnel

**SUBJECT: MENTORING PROGRAMS FOR FIRST-YEAR TEACHERS (Cont'd.)**

- e) Time allotted for mentoring.

**Confidentiality of Mentor-New Teacher Interaction**

The information obtained by a mentor through interaction with the new teacher while engaged in the mentoring activities of the program shall not be used for evaluating or disciplining the new teacher unless:

- a) Withholding such information poses a danger to the life, health, or safety of an individual including, but not limited to, students and staff of the school; or
- b) Such information indicates that the new teacher has been convicted of a crime, or has committed an act which raises a reasonable question as to the new teacher's moral character; or
- c) The District has entered into an agreement, negotiated pursuant to Article 14 of the Civil Service Law whose terms are in effect, that provides that the information obtained by the mentor through interaction with the new teacher while engaged in the mentoring activities of the program may be used for evaluating or disciplining the new teacher.

**Exemptions to above Mentoring Requirements**

Pursuant to Commissioner's Regulations, teachers holding initial certificates who have two (2) or more prior years of teaching experience do not need to be provided a mentored experience as enumerated in this policy.

**Recordkeeping Requirements**

The School District shall maintain documentation of the implementation of the mentoring program described in the Professional Development Plan for at least seven (7) years from the date of completion of the mentoring activity; and it shall be available for review by the State Education Department. Such documentation will include the information enumerated in Commissioner's Regulations.

Education Law Sections 3004 and 3006  
8 New York Code of Rules and Regulations (NYCRR)  
Sections 52.21(b)(3)(xvi) and (xvii), 80-3.4(b)(2),  
80-5.13, 80-5.14, and 100.2(dd)

Adopted: 7/1/04

Personnel

**SUBJECT: SAFE MENTORING ACT**

In accordance with the Safe Mentoring Act, to ensure the safety of students involved in the District's mentoring program, the District will obtain a criminal history record check from the Division of Criminal Justice Services (DCJS) for each prospective employee as well as prospective volunteer mentors who are involved in any District mentoring program and who may engage in unsupervised activities with youth or in activities with youth in a setting without constant District or parental/guardian oversight.

**Definitions**

- a) "Prospective employee" shall mean a person being considered for employment by a mentoring program.
- b) "Prospective mentor" shall mean an individual who is currently applying to volunteer to help a child or a group of children in a mentoring program for a period of time. Such help shall include, but not be limited to, being a positive role model for youth, building relationships with youth, and providing youth with academic assistance and exposure to new experiences and examples of opportunity that enhance the ability of children to become responsible adults.
- c) A "criminal history record" shall mean a record of all convictions of crimes and any pending criminal charges maintained on an individual by the DCJS and the Federal Bureau of Investigation (FBI).
- d) "Mentoring program" shall mean a formalized program operated by an educational institution or school district that matches youth with adult volunteers with the purpose of providing such youth with positive role models to enhance their development.

**Prospective School Employees**

All prospective school employees (as enumerated pursuant to Commissioner's Regulations, 8 New York Code of Rules and Regulations Section 80-1.11 and Part 87) must already receive clearance from the State Education Department (SED) in accordance with existing procedures. However, all other requirements of the Safe Mentoring Act apply to prospective school employees who are being considered for employment by a mentoring program.

The District shall require that a criminal history record check be conducted for any "prospective employee" not otherwise defined as a "prospective school employee" per Commissioner's Regulations in accordance with Social Services Law Section 390-e and District procedures.

**Prospective Volunteer Mentors**

Volunteers, however, are not "covered" by such regulations, and "prospective mentors" (i.e., defined as applicants for volunteer work in a mentoring role/program) will be subject to the requirements of Social Services Law Section 390-e and District procedures.

(Continued)

Personnel

**SUBJECT: SAFE MENTORING ACT (Cont'd.)**

**Fees for Fingerprinting**

Both the DCJS and the FBI impose a processing fee. The fees for the criminal history record search shall be an amount equal to the fees established by DCJS and the FBI for processing the criminal history information request. In addition, the entity that actually takes the fingerprints may impose a fee. The fees shall be payable to OCFS and paid by money order, check or certified check by the District.

Unless otherwise authorized by the Board of Education, the prospective employee and/or prospective volunteer mentor shall pay such fees.

**Waiver by Custodial Parent/Guardian**

A custodial parent/guardian may sign a waiver authorizing a mentor to work with his/her child regardless of a criminal charge or crime related to a mentor, unless the crime was a felony, not just a sex offense or a crime against a child. No waiver is permitted in the case of a sex offense or a crime against a child. This waiver process may only be initiated upon the consent of the prospective mentor, and be on a form developed by the OCFS. Where applicable, the District may notify a custodial parent/guardian of his/her waiver right, but a waiver shall only be authorized by a custodial parent or guardian.

**Confidentiality**

The criminal history record shall be confidential pursuant to applicable federal and state laws, rules and regulations, and shall not be published or in any way disclosed to persons other than authorized personnel, unless otherwise authorized by law.

**Parental Disclosure**

The District will provide each custodial parent/guardian of every child participating in its mentoring program a description of the kind of criminal background checks conducted on prospective employees and prospective volunteer mentors in accordance with law.

[Social Services Law Section 390-e](#)  
[Correction Law Sections 752 and 755](#)  
[Executive Law Section 837\(8-a\)](#)  
8 New York Code of Rules and Regulations (NYCRR)  
Section 80-1.11 and Part 87

Adopted: 5/29/08

**SUBJECT: PROBATION AND TENURE**

The Board will comply with all applicable laws and regulations regarding probation and tenure. Any updates to applicable laws and regulations, whether temporary or permanent, will supersede any conflicting language in this policy. As a result, different probationary and tenure rules may apply for teachers or building principals in certain circumstances.

**Probation**

Generally, teachers, all other members of the teaching staff, principals, administrators, supervisors, and all other members of the supervising staff will be appointed by the Board upon the recommendation of the Superintendent for a probationary period of four years.

The probationary period will not exceed three years for teachers previously appointed to tenure in any district or BOCES within the state, provided that the teacher was not dismissed from that district or BOCES as a result of charges brought pursuant to Education Law Section 3020-a or 3020-b and met the required annual professional performance review (APPR) rating in their final year of service there.

Additionally, up to two years of service as a regular substitute teacher may be applied toward probationary service. (This is sometimes referred to as Jarema Credit.)

The probationary period will not exceed three years for principals, administrators, supervisors, or other members of the supervising staff appointed on or after June 1, 2020 who were previously appointed to tenure as an administrator within an authorized administrative tenure area in any district or BOCES within the state provided that the individual was not dismissed from that district or BOCES as a result of charges brought pursuant to Education Law Section 3020-a or 3020-b.

During the probationary period, a staff member will be given assistance in adjusting to the new position, but the essential qualifications for acceptable performance will be assumed because the staff member attained the required certification or license.

A staff member's appointment may be discontinued at any time during their probationary period upon the recommendation of the Superintendent and by majority vote of the Board.

Any staff member not recommended for tenure appointment will be notified in writing by the Superintendent no later than 60 days before their probationary period expires.

**Tenure**

At the expiration of the probationary period or within six months prior, the Superintendent will make a written report to the Board recommending for appointment to tenure those who have been found competent, efficient, and satisfactory and, in the case of teachers and building principals, those who have received APPR ratings of effective or highly effective in at least three of the preceding four years, exclusive of any breaks in service.

**SUBJECT: PROBATION AND TENURE**

If a teacher or building principal receives an APPR rating of ineffective in their final probationary year after receiving APPR ratings of effective or highly effective in the preceding probationary years, they will not be eligible for tenure. However, the Board may extend that teacher's or building principal's probationary time by an additional year. The teacher or building principal may be eligible for immediate tenure if they successfully appeal the ineffective rating.

The Board may then—by a majority vote—appoint to tenure any or all of the persons recommended by the Superintendent.

A teacher or building principal will remain on probationary status until the end of the school year in which they have received APPR ratings of effective or highly effective for at least three of the four preceding school years, exclusive of any breaks in service. During this time, the Board may grant tenure contingent upon a teacher's or building principal's receipt of a minimum APPR rating in the final year of their probationary period. If the contingency is not met after all appeals are exhausted, the grant of tenure will be void and unenforceable and the teacher's or building principal's probationary period may be extended for an additional year in accordance with law.

**Resolutions Making Appointments**

Each Board resolution making a probationary appointment or an appointment on tenure will specify:

- a) The name of the appointee;
- b) The tenure area or areas in which the professional will devote a substantial portion of their time;
- c) The date probationary service or service on tenure commences in each area;
- d) The expiration date of the appointment, if made on a probationary basis. For appointments of classroom teachers and building principals, the resolution must state that:
  1. To receive tenure, the individual must receive composite or overall APPR ratings of effective or highly effective in at least three of the four preceding years; and
  2. If the teacher or building principal receives an ineffective composite or overall APPR rating in their final year of probation, they will not be eligible for tenure at that time; and
- e) The certification status of the appointee in reference to the position to which the individual is appointed.

Education Law §§ 2509, 2573, 3012, 3012-d, 3014, and 3031  
8 NYCRR § 30-1.3

Adopted: 7/8/02  
Revised: 3/9/23

2002

6213.1

Personnel

**SUBJECT: DISCIPLINING OF A TENURED TEACHER OR CERTIFIED PERSONNEL**

Tenured teachers and certain certified personnel may be subject to disciplinary charges that are set forth in Section 3012 of the Education Law.

Procedures for a hearing regarding these disciplinary measures will be in accordance with Section 3020-a of the Education Law and/or in accordance with applicable contractual provisions.

Education Law Sections 3012 and 3020-a

Adopted: 7/8/02

## Personnel

**SUBJECT: PROFESSIONAL STAFF: SEPARATION**

If the Superintendent of Schools will be submitting to the Board a negative recommendation for tenure or a recommendation to discontinue the services of a probationary professional staff member, the Superintendent of Schools must give the probationary employee thirty (30) days notice prior to the Board meeting at which such recommendation will be considered. If a majority of the Board accepts the recommendation and votes to dismiss, the professional staff member must then be given a written notice at least thirty (30) days prior to the effective date of termination of services. The District will adhere to all other statutory timeframes.

The Board shall expect any professional staff member desiring to terminate his/her services to provide the Board with a minimum of thirty (30) days notice before the effective termination date.

When possible, a professional staff member shall make every effort to terminate employment at the end of the school year. Resignations must be in writing and include the effective date.

Education Law Sections 2509, 3012, 3019A and 3031

Adopted: 7/8/02  
Revised: 3/22/05



2002

6215

Personnel

**SUBJECT: EMPLOYMENT OF RELATIVES OF BOARD OF EDUCATION MEMBERS**

The appointment of a teacher who is related by bloodline or legal process (including marriage) to any member of the Board of Education shall be subject to the consent of two-thirds of the members of the Board of Education to be determined at a Board meeting and to be entered upon the proceedings of the Board.

The Board shall take the same stance in the hiring of professional staff other than teachers.

Education Law Section 3016  
General Municipal Law Sections 800-809

Adopted: 7/8/02

## Personnel

**SUBJECT: TEMPORARY PERSONNEL**

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

**Student Teachers**

The Rockville Centre Union Free School District shall cooperate with teacher training institutions in the placement of student teachers in order to provide beginning teachers with the best possible student teaching experience.

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

**Substitute Teachers**

A substitute teacher qualified to teach in the Rockville Centre Union Free School District shall be employed, whenever possible, by the Superintendent of Schools in the absence of a regular teacher. It is recognized that fully certified persons will not always be available for employment as substitute teachers.

The Board of Education shall annually establish the ordinary rate for per diem substitute teachers.

8 New York Code of Rules and Regulations  
(NYCRR) Section 80.36  
Education Law Section 3023

Adopted: 7/8/02

2002

6310

Personnel

**SUBJECT: APPOINTMENT - SUPPORT STAFF**

The probationary period for all new civil service employees shall be for the maximum period established by the local Civil Service Commission.

The time, place and conditions of employment shall be assigned by the Superintendent of Schools. The duties for each Civil Service employee shall be clearly defined.

Civil Service Law Section 63

Adopted: 7/8/02

2002

6320

Personnel

**SUBJECT: EMPLOYMENT OF TEACHER AIDES**

In accordance with Regulations of the Commissioner, the Board of Education may employ aides to assist in the daily operation of the school through non-teaching duties.

The duties and responsibilities to be assumed by aides shall be outlined by the Superintendent of Schools.

Persons employed as aides shall be responsible to the Building Principal and/or his/her designated representatives.

8 New York Code of Rules and Regulations  
(NYCRR) Section 80.33(a)

Adopted: 7/8/02

## Personnel

**SUBJECT: MAINTAINING DISCIPLINE AND CONDUCT**

All personnel employed by the District are responsible for maintaining student discipline and appropriate conduct during school hours or at extracurricular events on and off school property.

School property shall mean in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus as defined in Vehicle and Traffic Law Section 142. A school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state.

Education Law Section 2801(1)

Adopted: 7/8/02

Revised: 1/8/08

## Personnel

**SUBJECT: EMPLOYEE PERSONNEL RECORDS AND RELEASE OF INFORMATION****Personnel Records**

Administrative regulations will be developed to implement the terms of this policy to maintain a personnel file for each teacher, administrator and support staff member employed by the District.

Regulations and procedures will be developed addressing the inspection by District employees of their personnel files.

**Release of Personnel Information**

All steps should be taken to protect the privacy of the employees of the Board of Education. To ensure the individual's privacy, directory or confidential information should not be shared with a third party except in the following situations:

- a) When members of the Board of Education need information from the employee's personnel record to aid them in performing their legal responsibilities in such matters as appointments, assignments, promotions, demotions, remuneration, discipline, dismissal or to aid in the development and implementation of personnel policies.
- b) When the employee grants permission.

Procedures for obtaining consent for release of records to third parties shall be developed by the administration.

**Release of Information Concerning Former Employees**

The District shall not release information concerning the employment records, personnel file or past performance of a former employee, unless such information is required to be disclosed by law. Only the initial and final dates of employment and the position held shall be provided through a written response to a written request. The former employee may authorize the release of any additional information.

8 New York Code of Rules and Regulations  
(NYCRR), Part 84  
Public Officers Law Section 87

Adopted: 7/8/02

**SUBJECT: EMPLOYEE ACTIVITIES****Political Activities**

The Board of Education recognizes the right of its employees, as citizens, to engage in political activities and to exercise their constitutionally protected rights to address matters of public concern.

However, a District employee's constitutional rights to raise matters of public concern are limited when the speech or action occurs on school grounds and/or during school times. When such speech or action occurs on school grounds and/or during school time, the Board of Education can impose reasonable restrictions on the time, place and manner of the speech or action, and can further regulate the content of such speech when it materially imperils the efficient operation of the school.

Teachers may not use their classrooms or school surroundings as a means to promote their personal political views and beliefs. However, teachers are encouraged to address issues of current events for their instructional and informational value to students, to invite public and/or political figures to visit the classroom as a community resource, and to motivate students to participate in the political process.

**Solicitations by Staff Personnel**

Staff members shall not be engaged in advertising or commercial solicitations on school time, except as authorized by the Superintendent of Schools and/or designee.

NOTE: Refer also to Policy #5550 -- Use of Federal Funds for Political Expenditures.

Adopted: 7/8/02

**SUBJECT: NEGOTIATIONS****Legal Status**

The legal status for negotiations is the Public Employees' Fair Employment Law (Taylor Law), Article 14 of the Civil Service Law.

Organizations recognized for the purposes of collective bargaining include:

- a) Rockville Centre Teachers' Association;
- b) Rockville Centre Administrator's Association;
- c) Rockville Centre Office Staff Association;
- d) Civil Service Employees' Association;
- e) Rockville Centre Teachers Aides' Association;
- f) Rockville Centre Nurses' Association.

Adopted: 7/8/02



Personnel

**SUBJECT: NON-BARGAINING UNIT EMPLOYEES**

	Office Staff Association Contract*							CSEA Contract**			
	Secretary to Superintendent	Staff Asst/Sec to Board/ District Clerk	Personnel Assistant	Assistant Business Manager	Principal Account Clerk	Secretaries to Asst Supts.	Food Service Coordinator	Director of Facilities	Maintenance Supervisor	AV Technician	AV Helper
Vacation	Yes	Yes	Yes	Yes	Yes	Yes	Yes	22	Yes	Yes	Yes
Sick Days	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Sick Day Accrual	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Holidays	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Personal Days	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Floating Holidays	No	No	No	No	No	No	No	1	1	1	1
Jury Duty	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Bereavement Days	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Defined Work Day	No	No	No	No	Yes	Yes	No	No	Yes	Yes	Yes
Length of Year	11 months	11 months	11 months	11 months	11 months	11 months	11 months	12 months	12 months	12 months	12 months
Recess Work Days***	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A	N/A	N/A	N/A
Summer Work Week	Monday-Thursday	Monday-Thursday	Monday-Thursday	Monday-Thursday	Monday-Thursday	Monday-Thursday	Monday-Thursday	Monday-Thursday	Monday-Thursday	Monday-Thursday	Monday-Thursday
Overtime	No	No	No	No	Yes	Yes	No	No	Yes	Yes	Yes
Longevity	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Health Insurance	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Health Insurance Reimbursement	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Dental Insurance	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Life Insurance	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Benefit Trust Fund	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A	N/A	N/A	N/A
Vision Insurance	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Terminal Pay	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Health Insurance Into Retirement	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Leave of Absence/ Child Care Leave	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Educational Stipend	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Perfect Attendance	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes
Student Discipline/Personal/Property Protection	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Uniform Allowance	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Yes	Yes	Yes	Yes
Merit Pay	N/A	N/A	N/A	N/A	N/A	N/A	N/A	No	Yes	No	No
*Eligibility for benefits will be defined pursuant to terms and conditions outlined in Office Staff Association contract.											
**Eligibility for benefits will be defined pursuant to terms and conditions outlined in CSEA contract.											
*** Confidential/non-bargaining unit employees may work at a per diem rate over the three recesses and Summer Fridays, schedule to be approved by Superintendent. If worked, up to four of these days will be added to each confidential/non-bargaining unit employee's base salary on June 30 of each year.											
Adopted: 10/20/05											
Revised: 4/20/10, 2/8/11, 4/17/13, 10/21/15, 11/21/16, 10/3/18											

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added to each confidential/non-bargainin		
Adopted: 10/20/05		
Revised: 4/20/10, 2/8/11, 4/17/13, 10		

Rockville Centre Union Free School District, Rockville Centre, NY  
**POLICY**

2002 6450

Personnel

**SUBJECT: THEFT OF SERVICES OR PROPERTY**

The theft of services or property from the District by an employee will result in immediate disciplinary action that can lead to dismissal or other penalty, and shall not preclude the filing of criminal or civil charges by the District.

Adopted: 7/8/02

2002

6460

Personnel

**SUBJECT: JURY DUTY**

A District employee called for jury duty shall receive his/her full day's pay from the School District plus mileage from the State. No employee shall be entitled to receive the per diem allowance for any regularly scheduled workday on which jury duty is rendered if on such a day his/her wages are not withheld on account of such service.

Judiciary Law Section 521(b)

Adopted: 7/8/02

**SUBJECT: STAFF ACCEPTABLE USE POLICY**

The Board will provide staff with access to various computerized information resources through the District's computer system (DCS) consisting of software, hardware, computer networks, wireless networks/access, and electronic communication systems. This may include access to electronic mail, on-line services, and the Internet. It may also include the opportunity for staff to have independent access to the DCS from their home or other remote locations, and/or to access the DCS from their personal devices. All use of the DCS and the wireless network, including independent use off school premises and use on personal devices, will be subject to this policy and any accompanying regulations.

The Board encourages staff to make use of the DCS to explore educational topics, conduct research, and contact others in the educational world. The Board anticipates that staff access to various computerized information resources will both expedite and enhance the performance of tasks associated with their positions and assignments. To that end, the Board directs the Superintendent or designee(s) to provide staff with training in the proper and effective use of the DCS.

Staff use of the DCS is conditioned upon written agreement by the staff member that use of the DCS will conform to the requirements of this policy and any regulations adopted to ensure acceptable use of the DCS. These agreements will be kept on file in the District Office.

Generally, the same standards of acceptable staff conduct which apply to any aspect of job performance will apply to use of the DCS. Employees are expected to communicate in a professional manner consistent with applicable District policies and regulations governing the behavior of school staff. Electronic mail and telecommunications will not be utilized to share confidential information about students or other employees.

Access to confidential data is a privilege afforded to District employees in the performance of their duties. Safeguarding this data is a District responsibility that the Board takes very seriously. Consequently, District employment does not automatically guarantee the initial or ongoing ability to use mobile or personal devices to access the DCS and the information it may contain.

This policy does not attempt to articulate all required and/or acceptable uses of the DCS; nor is it the intention of this policy to define all inappropriate usage. Administrative regulations will further define general guidelines of appropriate staff conduct and use as well as proscribed behavior.

District staff will also adhere to the laws, policies, and rules governing computers including, but not limited to, copyright laws, rights of software publishers, license agreements, and rights of privacy protected by federal and state law.

Staff members who engage in unacceptable use may lose access to the DCS and may be subject to further discipline under the law and in accordance with applicable collective bargaining agreements. Legal action may be initiated against a staff member who willfully, maliciously, or unlawfully damages or destroys property of the District.

(Continued)

Personnel

**SUBJECT: STAFF ACCEPTABLE USE POLICY (Cont'd.)**

**Social Media Use by Employees**

The District recognizes the value of teacher and professional staff inquiry, investigation and communication using new technology tools to enhance student learning experiences. The District also realizes its obligations to teach and ensure responsible and safe use of these new technologies. Social media, including social networking sites (SNS), have great potential to connect people around the globe and enhance communication. Therefore, the Board encourages the use of District-approved social media tools and the exploration of new and emerging technologies to supplement the range of communication and educational services.

Public social media networks or SNS are defined to include: websites, Web logs (blogs), wikis, social networks, online forums, virtual worlds, video sites, and any other social media generally available to the District community which do not fall within the District's electronic technology network (e.g., Facebook, MySpace, Twitter, LinkedIn, Flickr, Vine, Instagram, SnapChat, etc.). The definition of District approved password-protected social media tools are those that fall within the District's electronic technology network or which the District has approved for educational use. Within these internal forums, the District has greater authority and ability to protect minors from inappropriate content and can limit public access.

The use of social media (whether public or internal) can generally be defined as Official District Use, Professional/Instructional Use and Personal Use. Personal use of social media or SNS by employees during District time or on District-owned equipment is *prohibited on a limited basis*. In addition, employees are encouraged to maintain the highest levels of professionalism when communicating, whether using District devices or their own personal devices, in their professional capacity as educators. They have a responsibility to address inappropriate behavior or activity on these networks, including requirements for mandated reporting and compliance with all applicable District policies and regulations.

**Confidentiality, Private Information and Privacy Rights**

Confidential or private data, including, but not limited to, protected student records, employee personal identifying information, and District assessment data, will only be loaded, stored, or transferred to District-owned devices which have encryption and/or password protection. This restriction, designed to ensure data security, encompasses all computers and devices within the DCS, any mobile devices, including flash or key drives, and any devices that access the DCS from remote locations. Staff will not use email to transmit confidential files in order to work at home or another location.

(Continued)

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Personnel

**SUBJECT: STAFF ACCEPTABLE USE POLICY (Cont'd.)**

In addition, staff will not leave any devices unattended with confidential information visible. All devices must be locked down while the staff member steps away from the device, and settings enabled to freeze and lock after thirty (30) minutes.

Staff data files and electronic storage areas will remain District property, subject to District control and inspection. The Technology Director may access all staff data files and communications without prior notice to ensure system integrity and that users are complying with requirements of this policy and any accompanying regulations. Staff should not expect that information stored on the DCS will be private.

Adopted: 7/8/02  
Revised: 11/16/2022

Personnel

**SUBJECT: COMPUTER RESOURCES AND DATA MANAGEMENT**

The purpose of this policy is to address the varied uses of administrative computer resources in the School District. The Board of Education recognizes that computers are a powerful and valuable tool and as such are an integral part of administering and managing the schools' resources, including the compilation of data and recordkeeping for personnel, students, finances, supplies and materials. This policy outlines the Board's expectations specifically with regard to the District's system.

**General Provisions**

The Superintendent or his/her designee who will oversee the use of District computer resources. The Superintendent or his/her designee will prepare in-service programs for the training and development of District staff in computer skills, appropriate use of computers and for the incorporation of computer use in administrative areas.

The Superintendent or his/her designee, working in conjunction with the designated purchasing agent for the District, , will be responsible for the purchase and distribution of administrative computer software throughout the District.

The Superintendent and/or his/her designee shall establish regulations governing the use and security of the district administrative computer resources. The security and integrity of the District's administrative computer network and data is a serious concern to the Board and the District will make every reasonable effort to maintain the security of the system. All users of the District's administrative computer resources shall comply with this policy and regulation, as well as the District's Acceptable Use of District Computer Networks, Policy number 6470. Failure to comply may result in disciplinary action, as well as suspension and/or revocation of computer access privileges.

All users of the District's administrative computer resources must understand that use is a privilege, not a right, and that use entails responsibility. Users of the District's computer network must not expect, nor does the District guarantee, privacy for electronic mail (e-mail) or any use of the District's computer network. The District reserves the right to access and view any material stored on district equipment or any material used in conjunction with the District's computer network.

(Continued)

Personnel

**SUBJECT: COMPUTER RESOURCES AND DATA MANAGEMENT (Cont'd)**

**Management of Computer Records**

The board recognizes that since District data is managed by computer, it is critical to exercise appropriate control over computer records, including financial, personnel and student information. The Superintendent and/or his/her designee and the District's business official, shall establish regulations and procedures governing management of computer records. The regulations will address:

- Passwords,
- System Administration,
- Separation of duties,
- Remote access,
- Data back-up (including archiving of e-mail); and
- Disaster recovery plans.

**Review and Dissemination**

Since computer technology is a rapidly changing area, it is important that this policy be reviewed periodically by the Board and the District's external auditor. The regulation governing appropriate computer use will be distributed annually to staff and students and will be included in both employee and student handbooks.

<u>Cross-Ref:</u>	5510	Accounting of Funds
	5410	Purchasing
	5671	Disposal of Consumer Report Information & Records

Adopted: 6/24/08  
Reviewed: 11/16/2022



**SUBJECT: USE OF EMAIL IN THE DISTRICT**

**Overview**

Email is a valuable tool that allows for quick and efficient communication. However, careless, unacceptable, or illegal use of email may place the District and members of its community at risk. Use of email in the District must be consistent with the District's educational goals and comply with federal and state laws and regulations, as well as all applicable District policies, regulations, procedures, collective bargaining agreements, and other related documents such as the District's *Code of Conduct*. This includes, but is not limited to, this policy and the District's policies on non-discrimination and anti-harassment, protecting the personal information of District employees and students, acceptable use, and record management.

District-related emails are most secure and best managed when District email services are used. Accordingly, the District's email services should be used for all District-related emails, including emails in which students or student issues are involved. Personal email accounts should not be used to conduct District-related business. Further, District email accounts should not be used as any individual's primary personal email address.

**Scope and Application of Policy**

This policy applies to all District employees and any individual assigned a District email address to conduct District-related business (authorized user).

**Sending Emails with Personal, Private, and Sensitive Information**

Personal, private, and sensitive information (PPSI) is any information to which unauthorized access, disclosure, modification, destruction, use, or disruption of access or use could have or cause a severe impact on critical District functions, employees, students, third parties, or other individuals or entities. For purposes of this policy, PPSI includes, but is not limited to:

- a) District assessment data;
- b) Protected student records;
- c) Information subject to laws protecting personal information such as Family Educational Rights and Privacy Act (FERPA), Individuals with Disabilities Act (IDEA), Health Insurance Portability and Accountability Act (HIPAA);
- d) Social security numbers;
- e) Driver's license or non-driver identification card numbers;
- f) Credit or debit card numbers;
- g) Account numbers;

(Continued)

**SUBJECT: USE OF EMAIL IN THE DISTRICT** (Cont'd.)

- h) Passwords; and
- i) Access codes.

The failure to follow proper security protocols when emailing PPSI increases the risk that unauthorized individuals could access and misuse PPSI.

\*District employees and authorized users may not send or forward emails that include:

- a) PPSI without building principal or supervisor authorization. Additional precautions, such as encrypting the email in a District-approved method, should be taken when sending any emails containing PPSI.
- b) Lists or information about District employees without building principal or supervisor authorization.
- c) Attachments with file names that may disclose PPSI. Files containing PPSI should be password protected and encrypted. File protection passwords should not be transmitted via email. District employees and authorized users will not use cloud-based storage services (such as Dropbox or OneDrive) to transmit files with PPSI without previous District approval or consulting with a building principal or supervisor.
- d) Comments or statements about the District that may negatively impact it.

Any questions regarding the District's protocols for sending emails with PPSI or what information may or may not be emailed should be directed to a supervisor.

**Receiving Suspicious Emails**

Social engineering attacks are prevalent in email. In a social engineering attack, an attacker uses human interaction (social skills) to obtain confidential or sensitive information.

Phishing attacks are a form of social engineering. Phishing attacks use fake email messages pretending to represent a legitimate person or entity to request information such as names, passwords, and account numbers. They may also deceive an individual into opening a malicious webpage or downloading a file attachment that leads to malware being installed.

Malware is malicious software that is designed to harm computer systems. Malware may be inadvertently installed after an individual opens an email attachment, downloads content from the Internet, or visits an infected website.

(Continued)

Personnel

**SUBJECT: USE OF EMAIL IN THE DISTRICT** (Cont'd.)

Before responding to any emails, clicking on any hyperlinks, or opening any attachments, District employees and authorized users should review emails for indicators of suspicious activity. These indicators include, but are not limited to:

- a) Attachments that were not expected or make no sense in relation to the email message;
- b) When the recipient hovers the mouse over a hyperlink that is displayed in the email, the link to the address is for a different website;
- c) Hyperlinks with misspellings of known websites;
- d) The sender is not someone with whom the recipient ordinarily communicates;
- e) The sender's email address is from a suspicious domain;
- f) Emails that are unexpected, unusual, or have bad grammar or spelling errors; and
- g) Emails asking the recipient to click on a link or open an attachment to avoid a negative consequence or to gain something of value.

\*District employees and authorized users should forward suspicious emails to [suspicious@rvcschool.org](mailto:suspicious@rvcschool.org) for scanning and evaluation.

**No Expectation of Privacy**

District employees and authorized users should have no expectation of privacy for any email messages they create, receive, or maintain on their District email account. The District has the right to monitor, review, and audit each District employee's and authorized user's District email account.

**Accessing District Email Services on Personal Devices**

In the event a District employee or authorized user loses a personal device that has been used to access the District's email service, that District employee or authorized user should notify the District's IT staff so that measures can be taken to secure the email account.

**Personal Use**

The District's email services are intended for District-related business only. Incidental or limited personal use of the District's email services is allowed so long as the use does not interfere with job performance. However, District employees and authorized users should have no expectation of privacy in this email use.

(Continued)

**SUBJECT: USE OF EMAIL IN THE DISTRICT** (Cont'd.)

The District's email services should not be used to conduct job searches, post personal information to bulletin boards, blogs, chat groups, and list services, etc. without authorization from a building principal or supervisor.

It is prohibited to use the District's email services for:

- a) Illegal purposes;
- b) Transmitting threatening, obscene, discriminatory, or harassing materials or messages;
- c) Personal gain or profit;
- d) Promoting religious or political causes; and/or
- e) Sending spam, chain letters, or any other type of unauthorized widespread distribution of unsolicited mail.

Personal email accounts or services (Yahoo, Gmail, etc.) should not be accessed via the District Computer System (DCS) without authorization from a building principal or supervisor.

**Confidentiality Notice**

A standard confidentiality notice will automatically be added to each email as determined by the District.

**Training**

District employees and authorized users will receive ongoing training related to the use of email in the District. This training may cover topics such as:

- a) What is expected of users, including the appropriate use of email with students, parents, and other individuals to avoid issues regarding harassment and/or charges of fraternization;
- b) How to identify suspicious emails, as well as what to do after receipt of a suspicious email;
- c) Emailing PPSI;
- d) How to reduce risk to the District;
- e) Cost of policy non-compliance;
- f) Permanence of email, including how email is never truly deleted, as the data can reside in many different places and in many different forms; and

(Continued)

**SUBJECT: USE OF EMAIL IN THE DISTRICT** (Cont'd.)

- g) How users should have no expectation of privacy when using the DCS or any District email service.

**Notification**

The District will provide annual notification of this policy and any corresponding regulations to all District employees and authorized users. The District will then require that all employees and authorized users acknowledge that they have read, understood, and will comply with the policy and regulations.

**Records Management and Retention**

The same laws and business records requirements apply to email as to other forms of written communication.

Email will be maintained and archived in accordance with Retention and Disposition Schedule for New York Local Government Records (LGS-1) and as outlined in any records management policies, regulations, and/or procedures.

Additionally, emails may be subject to disclosure under the Freedom of Information Law (FOIL), a court action, an audit, or as otherwise required or permitted by law or regulation.

**Disciplinary Measures**

Failure to comply with this policy and any corresponding regulations or procedures may subject a District employee and authorized user to discipline such as loss of email use, loss of access to the DCS, and/or other disciplinary action up to and including termination. When applicable, law enforcement agencies may be contacted.

The District's IT staff may report inappropriate use of email by a District employee or authorized user to the District employee or authorized user's building principal or supervisor who may take appropriate action which may include disciplinary measures.

NOTE: Refer also to Policies #3320 -- Confidentiality of Computerized Information  
#3420 -- Non-Discrimination and Anti-Harassment in the District  
#5670 -- Records Management  
#6410 -- Staff Acceptable Use Policy  
#8271 -- Internet Safety/Internet Content Filtering

Adoption Date: 1/31/12  
Revised: 11/16/22

Personnel

**SUBJECT: TUTORING/COACHING/PROFESSIONAL SERVICES FOR A FEE, REMUNERATION AND/OR CONSIDERATION**

In order to safeguard the integrity of the educational and related services provided to our students and to further avoid potential conflicts of interest, the Board adopts Policy 6480. When Rockville Centre School District employees engage in outside tutoring, coaching or providing professional services for private compensation, the following rules must be followed:

**Tutoring**

1. No employee may tutor a student or sibling of that student who is currently in such employee's class or is listed on such employee's class roster at any point in the current school year. The school year is defined as July 1 - June 30.
2. An employee who seeks to tutor a Rockville Centre School District student enrolled in another employee's class must complete and file Form 6480F-1 and file such form with the Building Principal and Superintendent of Schools. The employee will not engage in private tutoring of any School District student until approved by the Superintendent of Schools or his/her designee.
3. If private tutoring is approved, the employee shall not utilize any District resources in conducting private tutoring.
4. No employee may tutor for compensation on school grounds at any time and tutoring must not occur during the employee's contractual workday.
5. No employee shall solicit District parents or students for compensated tutoring services.
6. Tutoring, as used in this policy, shall also apply to related services such as counseling, speech, physical therapy, occupational therapy, etc.
7. Such rules for tutoring shall not apply when an employee is providing services in accordance with District authorized homebound instruction.

**Music Instruction**

1. No employee may provide professional services such as music instruction for compensation to a student currently in his or her class, or program, or is listed on such employee's class roster at any point during the current school year. The school year is defined as July 1 - June 30.
2. An employee who seeks to provide private music instruction to a Rockville Centre School District student enrolled in another employee's class must complete and file Form 6480F-2 and file such form with the Director of the Arts and Superintendent of Schools. The employee will not engage in private music instruction of any School District student until approved by the Superintendent of Schools or his/her designee.

(Continued)

Personnel

**SUBJECT: TUTORING/COACHING/PROFESSIONAL SERVICES FOR A FEE, REMUNERATION AND/OR CONSIDERATION**

3. If private music instruction is approved, the employee shall not utilize District resources in conducting the private music instruction
4. Private music instruction for compensation may not occur on school grounds at any time and may not occur during the employee's contractual workday.
5. No employee shall solicit District parents or students for compensated music instruction.
6. Such rules shall not apply when an employee is providing services in accordance with District authorized homebound instruction.

Teachers and/or staff members are sometimes in a position to select students for a distinction, an honor or a performing group to the exclusion of one or more other students. If the teacher and/or staff member has ever privately tutored or instructed such student(s), the teacher and/or staff member must establish a blind and/or other appropriate selection process with their respective supervisor. In cases where a blind selection process is not feasible, the teacher and/or staff member must recuse him or herself from the selection process. These circumstances, when they arise, must be brought to the attention of the building Principal or Music/Arts Director and the Superintendent of Schools.

**Coaching**

1. No individual who receives compensation as a coach for the Rockville Centre School District at any time during the year, shall privately or semi-privately train age-eligible student(s) for direct or indirect compensation.
2. Any coach paid by the Rockville Centre School District, who owns or is hired by an outside club or organization to coach a non-Rockville Centre School District club, AAU or travel team that has age-eligible potential Rockville Centre School District athletes, must notify and be approved by the District Athletic Director and Superintendent of Schools by completing form 6480F-3 once the team has been assigned to the District coach by the outside club or organization and before the Rockville Centre School District season begins. If approved, and deemed necessary, an alternative selection process will be created by the District Athletic Director. The alternative selection process will include objective criteria for the selection of the Rockville Centre School District team.
3. No employee shall utilize District resources to conduct private coaching or training for compensation.
4. A Rockville Centre School District paid coach who is hired by an outside sporting program as a director, coach or counselor for a camp or clinic, which has open enrollment in which District students 6<sup>th</sup> grade or above participate, must provide notice via email of said relationship to the Athletic Director upon assignment of participants.

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Personnel

**SUBJECT: TUTORING/COACHING/PROFESSIONAL SERVICES FOR A FEE, REMUNERATION AND/OR CONSIDERATION**

5. A coach who is paid as a District coach by the Rockville Centre School District, is permitted to utilize school resources for off season workouts or clinics if they are not being paid for said services and facility use is approved through the District Athletic Director.
6. Youth clinics organized by High School coaches and athletes, where there is a participant fee but the coaches and student-athletes do not get paid and funds are utilized for their sport-specific program, is permitted to utilize school facilities once approved by District Athletic Director.
7. No Rockville Centre School District compensated coach shall solicit District parents or students for compensated coaching and/or training services.

**Employee Awareness:**

Staff members in violation of this policy may be subject to discipline, including but not limited to proceedings under Education Law Section 3020-a, or Civil Service Law Section 75.

The District must notify all employees of amendments made to this policy within one month of the adoption. The District must provide all new employees notice of this policy at the time of hire.

Adopted: 7/8/02  
Revised: 11/16/04, 5/1/2012, 9/10/20



Personnel

**SUBJECT: HEALTH INSURANCE**

Health insurance for certified and support staffs shall be in accordance with their respective negotiated agreements.

**Continuation of Medical Insurance Coverage at Termination of Employment**

Under the provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), employees and their dependents are eligible to continue their insurance coverage for up to thirty-six (36) months when termination of their insurance is due to a reduction in their hours worked, or upon their resignation or termination of their employment.

Under COBRA, employees generally may continue their group health insurance coverage for up to eighteen (18) months. In addition, with the exception of those in self-funded or self-insured plans, employees who have exhausted their federal COBRA coverage may extend their coverage for up to an additional eighteen (18) months, for a total period of thirty-six (36) months, under New York Insurance law.

Dependents of employees are eligible to continue their insurance for up to thirty-six (36) months upon occurrence of one (1) of the following events:

- a) Death of the covered employee; or
- b) Divorce or legal separation from the covered employee; or
- c) An employee becomes eligible for Medicare and ceases to participate in the employer-sponsored plan; or
- d) The dependents of a covered employee have not reached the maximum age and criteria for dependent coverage.

Those who are eligible to continue coverage have up to sixty (60) days to complete the Continuation of Coverage Election Form. They must pay the full cost of their premium plus administrative costs incurred by the District.

***Health Insurance Into Retirement***

For health insurance to be continued into retirement, persons employed after July 1, 1976 must have had ten (10) full years or more of active service by retirement date.

(Continued)

Personnel

**SUBJECT: HEALTH INSURANCE (Cont'd)**

American Recovery and Reinvestment Act of 2009,  
Public Law 111-5 Consolidated Omnibus Budget  
Reconciliation Act of 1985  
Insurance Law Section 3221 (m)(4)(5) and (6)

Adopted: 7/8/02  
Revised: 10/26/04, 1/18/12

2002

6520

Personnel

**SUBJECT: WORKERS' COMPENSATION**

Employees injured in the performance of their duties are covered by Workers' Compensation Insurance. Employees shall report work-related injuries immediately to their immediate supervisor. Delay in reporting, if necessary, must be justified to the satisfaction of the Board of Education and/or the insurance agency.

Reimbursement for Workers' Compensation Insurance benefits shall be in accordance with their respective negotiated agreements.

Education Law Sections 1604(31),  
1709(34) and 2503(10)

Adopted: 7/8/02

2002

6530

Personnel

**SUBJECT: PAYROLL DEDUCTIONS**

Payroll deductions may be made when authorized by employees or when required by law or negotiated agreements.

Education Law Section 1709

Adopted: 7/8/02

**SUBJECT: DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS AND EMPLOYEES**

**Liability Protection Pursuant to Education Law**

The Board of Education recognizes its statutory obligation to indemnify School District employees (and in certain circumstances, Board of Education members and volunteers) pursuant to the provisions of Sections 3023, 3028 and 3811 of the Education Law. For the purposes of this policy, the term "employee" shall be as defined in the applicable statute(s).

The District shall not be subject to the duty to defend unless the employee, within the time prescribed by statute, delivers appropriate notice of the claim to the Board of Education.

- a) For purposes of Education Law Section 3811, the employee must give written notice within five (5) days after service of process upon him/her. The statute mandates only written notice of the claim to the Board of Education; however, submission of relevant legal documents by the employee to the Board is also encouraged.
- b) For purposes of Education Law Sections 3023 and 3028, the employee must deliver the original or a copy of the relevant legal documents to the Board within ten (10) days after service of process upon him/her.

The District will provide legal defense and/or indemnification for all damages, costs, and reasonable expenses incurred in the defense of an action or proceeding if authorized pursuant to statute and provided that the alleged action or omission which occurred or allegedly occurred is covered by the appropriate statute(s). Furthermore, the District will not be required to provide indemnification protection and/or legal defense unless the employee was, at the time of the alleged incident, acting in the discharge of his/her duties within the scope of his/her employment or authorized volunteer duties and/or under the direction of the Board of Education.

**Public Officers Law Section 18**

The Board of Education hereby also confers the benefits of Section 18 of the New York State Public Officers Law upon the "employees" of the District, as defined in Section 18 of the Public Officers Law; and the District assumes the liability for the costs incurred in accordance with the provisions of Section 18. The benefits accorded to District employees under Section 18 of the Public Officers Law shall supplement and be available in addition to defense or indemnification protection conferred by other enactments or provisions of law.

(Continued)

**SUBJECT: DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS AND EMPLOYEES (Cont'd.)**

The term "employees" shall include members of the Board of Education; the Superintendent of Schools; District officers; District employees; volunteers expressly authorized to participate in a District sponsored volunteer program; or any other person holding a position by election, appointment or employment in the service of the District, whether or not compensated. The term "employee" shall also include a former employee, his/her estate or judicially appointed representative.

Pursuant to the provisions of Section 18 of the Public Officers Law, and upon compliance by the employee with the requirements of this statute, the District shall provide for the defense of the employee in any civil action or proceeding, state or federal, arising out of any alleged act or omission which occurred or allegedly occurred while the employee was acting within the scope of his/her public employment or duties. Furthermore, the District shall indemnify and save harmless its employees in the amount of any judgment obtained against such employees in a state or federal court, or in the amount of any settlement of a claim, provided that the act or omission from which such judgment or claim arose occurred while the employee was acting within the scope of his/her public employment or duties. However, in the case of a settlement, the duty to indemnify and save harmless shall be conditioned upon the approval of the amount of the settlement by the Board of Education.

The duty to defend and/or indemnify and save harmless, in accordance with Section 18 of the Public Officers Law, shall be conditioned upon the delivery by the employee to the School District attorney or to the Superintendent of Schools a written request to provide for his/her defense, together with the original or a copy of any summons, complaint, process, notice, demand or pleading within ten (10) days after he/she is served with such document. Pursuant to Section 18, the full cooperation of the employee in the defense of such action or proceeding and in the defense of any action or proceeding against the District based upon the same act or omission, and in the prosecution of any appeal, shall also be required as a condition for the District's duty to defend and/or indemnify and save harmless to exist.

**Exceptions to Liability Coverage**

Indemnification coverage and/or provision of legal defense by the District will not apply unless the actionable claim is of the type covered by the statute(s) and/or is not otherwise exempt from coverage pursuant to law. Additionally, indemnification coverage and/or the duty to provide a defense shall not arise where such action or proceeding is brought by or on behalf of the School District.

Public Officers Law Section 18  
Education Law Sections 1709(26) and (34-b),  
2560, 3023, 3028, and 3811  
General Municipal Law Sections 6-n and 52

Adopted: 7/8/02  
Reviewed: 11/16/23

Personnel

**SUBJECT: LEAVES OF ABSENCE**

In general, leaves of absence will be administered by the Superintendent of Schools. The Board reserves the right to grant leaves of absence for purposes or under conditions not contemplated or considered in the policy statement. Under laws and rules governing such action, the Board may undertake appropriate disciplinary action where a leave of absence is falsely requested or improperly used. Except by permission of the Superintendent of Schools, as expressed in writing, the purpose or conditions of a leave of absence may not be altered. The District will not discriminate or retaliate against an employee for requesting or obtaining any leave of absence under this Policy.

**Leaves of absence, contractual, et al:**

1. Employees who are members of a negotiating unit:

Authorization is granted to approve requests for leaves of absence submitted in accordance with provisions of contracts in effect between the District and each bargaining unit.

2. Employees who are not members of a negotiating unit:

Authorization is granted to approve requests for leaves of absence submitted by such employees where such requests are consistent with provisions of contracts in effect between the District and the bargaining unit most compatible with the employment status of the employee.

3. Employees who are under contract to the District:

Authorization is granted to implement provisions for leaves of absence contained in each such contract.

**Leaves of absence, unpaid, not covered above:**

1. Subject to limitations enumerated in this policy statement, authorization is granted for the following unpaid leaves of absence.

- (a) For a period of time not to exceed one (1) school year for approved graduate study, such leave to include any required internship experience.

Personnel

**SUBJECT: LEAVES OF ABSENCE (Cont'd.)**

(b) At the expiration of a paid sick leave of absence, to extend such a leave of absence for a period of time not to exceed the end of the school year next succeeding the school year in which the paid leave of absence commenced.

2. Unpaid leaves of absence shall not be used to extend vacation periods, to take vacations, to engage in other occupations, or to provide additional personal leaves, except that the Superintendent of Schools shall have discretion, where circumstances warrant, to approve leaves of absence for such purposes.
3. Unpaid leaves of absence shall not be granted unless the services of a substitute employee, satisfactory in the discretion of the Superintendent of Schools, can be secured.
4. Except where it interferes with an employee's legal or contractual rights, the timing of unpaid leaves of absence will be granted at the convenience of the District.

**Other leaves of absence:**

1. Emergency Service Volunteer Leave

Upon presentation of a written request from the American Red Cross and with the approval of the Superintendent, employees certified by the American Red Cross as disaster volunteers shall be granted leave from work with pay for up to twenty (20) days in any calendar year to participate in specialized disaster relief operations. This leave shall be provided without loss of seniority, compensation, sick leave, vacation leave or other overtime compensation to which the volunteer is otherwise entitled.

2. Screenings for Cancer

Employees shall be granted up to four (4) hours of paid leave on an annual basis to undertake a screening for cancer. This leave shall be excused leave and shall not be charged against any other leave to which the employee is entitled.

3. Blood donation

The District must either, at its option:

- a. Grant three hours of unpaid leave of absence in any 12month period to an employee who seeks to donate blood off-premises. The leave may not exceed three hours unless agreed to by the Superintendent or designee; or



Personnel

**SUBJECT: LEAVES OF ABSENCE (Cont'd.)**

- b. Allow its employees without use of accumulated leave time to donate blood during work hours at least two times per year at a convenient time and place set by the Superintendent or designee, including allowing an employee to participate in a blood drive at the District.

Leave taken by employees at a District-designated donation alternative (such as a District-sponsored blood drive at the workplace) must be paid leave that is provided without requiring the employee to use accumulated vacation, personal, sick, or other leave time.

Additional leaves for the purpose of blood donation under any other provision of law will not be prevented.

4. Bone Marrow donation

Employees seeking to undergo a medical procedure to donate bone marrow will be granted leaves to do so, the combined length of the leaves to be determined by the physician, but may not exceed twenty-four (24) work hours unless agreed to by the Superintendent/designee. The District shall require verification for the purpose and length of each leave requested by the employee for this purpose.

Additional leaves for the purpose of bone marrow donation under any other provision of law will not be prevented.

5. Nursing Mothers (Breastfeeding/Lactation)

The District will provide reasonable unpaid break time or permit the use of paid break time or meal time to allow an employee to express breast milk for their nursing child each time the employee has reasonable need to express breast milk for up to three years following childbirth.

Upon employee request, the District will designate a room or other location to be used by the employee to express breast milk which will be in close proximity to the work area, well lit, shielded from view, and free from workplace or public intrusion. The location will, at a minimum, contain a chair, a working surface, nearby access to clean running water, and an electrical outlet. The location will not be a restroom or toilet stall. The District will provide access to refrigeration for the purposes of storing expressed milk.

If the sole purpose of the location is not dedicated for use by employees to express breast milk, the location will be made available to employees when needed and will not be used for any other purpose while in use. The District will provide notice to all employees as soon as practicable when the location has been designated for use by employees to express breast milk.

Personnel

**SUBJECT: LEAVES OF ABSENCE (Cont'd.)**

At the employee's option, the District will allow the employee to work before or after their normal shift to make up the amount of time used during the unpaid break time(s) so long as the additional time requested falls within the District's normal work hours.

The District will provide a written notification regarding the rights of nursing employees to express breast milk in the workplace to each employee upon hire, annually thereafter, and to employees returning to work following the birth of a child. This notice will be based on a written policy developed by the Commissioner of Labor and will at a minimum:

1. Inform employees of their rights pursuant to law;
2. Specify how a request may be submitted to the District for a room or other location for use by an employee to express breast milk;
3. Require the District to respond to requests within a reasonable time frame that is not to exceed five business days.
  
6. Witnesses or Victims of Crimes

The District will grant an unpaid leave of absence to an employee, who is a victim of or a witness to a criminal offense, that is required or chooses to appear as a witness, consult with the district attorney, or exercise their rights as provided in the Criminal Procedure Law, the Family Court Act, and the Executive Law.

To use this leave, the employee must provide notice of the need for leave at any time prior to the actual day of leave. The District is permitted to ask the party who sought the attendance or testimony of the employee to provide verification of the employee's service. Employees will not be penalized or discharged for absences by reason of a required appearance as a witness in a criminal proceeding, or consultation with the district attorney, or exercising their rights as provided under the law.

7. Victims of Domestic Violence

Unless the absence would cause an undue hardship to the District, the District will provide reasonable accommodations to employees who are victims of domestic violence who must be absent from work for a reasonable time in accordance with law.

An employee availing themselves of this leave must provide the District with reasonable advance notice, unless providing this notice is not feasible. An employee unable to provide reasonable advance notice must, within a reasonable time after the absence, provide a certification to the District when requested.

(Continued)

Personnel

**SUBJECT: LEAVES OF ABSENCE (Cont'd.)**

To the extent allowed by law, the District will maintain the confidentiality of any information related to an employee's status as a victim of domestic violence.

8. Military Leave

The District will comply with state and federal laws regarding military leave and reemployment.

9. Jury Duty

As provided by law, any employee who is summoned to serve as a juror and who notifies the District to that effect prior to their term of service will not, on account of absence by reason of jury service, be subject to discharge or penalty. The District will ensure that all absences for this purpose are granted in accordance with law and the terms of any applicable collective bargaining agreement.

10. Voting

Employees who are registered voters and have four consecutive hours either between the opening of the polls and the beginning of their working shift, or between the end of their working shift and the closing of the polls, will be deemed to have sufficient time to vote and will therefore not be eligible for paid leave to vote in any election.

Employees who are registered voters, and do not have sufficient time outside of their working hours to vote in any election, may without loss of pay for up to two hours, take so much time off as will, when added to their voting time outside of their working hours, enable them to vote. The employee will be allowed time off for voting only at the beginning or the end of their working shift, as the District may designate, unless otherwise mutually agreed.

Employees requiring working time off to vote must notify the District not more than ten or less than two working days before the day of the election.

The District must post a notice informing employees of their right to leave in order to vote not less than ten working days before an election and until polls close on election day. This notice will be conspicuously posted in a place where it can be seen by employees as they come and go to their place of work.

Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 United States Code (USC) Sections 4301-4333; Civil Service Law Sections 71-73, 159-b and 159-c; Education Law Sections 1709(16), 3005, 3005-a and 3005-b;

**SUBJECT: LEAVES OF ABSENCE (Cont'd.)**

General Municipal Law Section 92-c; Labor Law Sections 202-a, 202-c, 202-i and 202-j; Military Law Sections 242 and 243

Adopted: 7/8/02

Revised: 2/28/06, 12/9/08, 1/18/24

Personnel

**SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)/MILITARY LEAVES OF ABSENCE**

In accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) and State Law, the School District, upon advance notice by the employee, shall grant leaves of absence for service in the uniformed services and/or military duty (hereinafter referred to as “military service” or “military duty”) to its employees who are ordered to duty or volunteer for qualifying military service. The employee’s notice may be either verbal or written. No advance notice is required if military necessity prevents the giving of notice; or the giving of notice is otherwise impossible or unreasonable under all the circumstances.

**Employment Rights**

Time during which an employee is absent pursuant to military leave shall not constitute an interruption of continuous employment in the School District and no such employee shall be subjected, directly or indirectly, to any loss or diminution of service time; increment; vacation or holiday privileges; or any other right or privilege, by reason of such absence; nor shall any employee be prejudiced by reason of such absence with reference to continuation in employment, reemployment, reinstatement, transfer, or promotion.

**Salary/Compensation**

Every employee shall be paid his/her salary or other compensation for any and all periods of absence while engaged in the performance of ordered military duty, and while going to and returning from such duty. This payment of salary/compensation shall not exceed a total of 30 days or 22 working days, whichever is greater, in any one calendar year; and not exceeding 30 days or 22 working days, whichever is greater, in any one continuous period of such absence.

The employee must be permitted, upon request, to use any accrued vacation, annual, or similar leave with pay during the period of military service in order to continue his/her civilian pay. The School District may not require the employee to use accrued leave.

The employee is not entitled to use accrued sick leave during the period of military service, unless the District allows employees to use sick leave for any reason or allows other similarly situated employees on comparable furlough or leave of absence to use accrued paid sick leave.

(Continued)

Personnel

**SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS  
ACT (USERRA)/MILITARY LEAVES OF ABSENCE**

**Employee Benefits**

Health Plan Coverage

If the employee has coverage under a health plan in connection with his/her employment with the District, the employee must be permitted to elect to continue the coverage for a certain period of time as designated in law.

When the employee is performing military service, he/she is entitled to continuing coverage for himself/herself (and dependents if the plan offers dependent coverage) under a health plan in connection with the employment. The plan must allow the employee an opportunity to continue coverage for a period of time that is the lesser of:

- a) The 24-month period beginning on the date on which the employee's absence for the purpose of performing military service begins; or
- b) The period beginning on the date on which the employee's absence for the purpose of performing military service begins, and ending on the date on which the employee fails to return from service or apply for a position of reemployment.

Health plan administrators may develop reasonable requirements addressing how continuing coverage may be elected, consistent with the terms of the plan and [USERRA's](#) exceptions to the requirement that the employee give advance notice of military service. Further, health plan administrators may develop reasonable procedures for employee payment to continue coverage, consistent with [USERRA](#) and the terms of the plan.

Pension/Retirement Plans

While on military duty, any School District employee who is a member of any pension or retirement system may elect to contribute to such pension or retirement system the amount which he/she would have contributed had such employment been continuous. Upon making such contribution, the employee shall have the same rights in respect to membership in the retirement system as he/she would have had if the employee had been present and continuously engaged in the performance of his/her position. To the extent that such contributions are paid, absence while engaged in the performance of military duty shall be counted in determining the length of total service under such pension or retirement system.

(Continued)

Personnel

**SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)/MILITARY LEAVES OF ABSENCE (Cont'd.)**

Alternatively, employees will have an opportunity to make up contributions to the pension or retirement system upon return to employment in the District in accordance with law and the individual employee's pension/retirement system.

Time during which an employee is absent on military duty shall not constitute an interruption of continuous employment, but such time shall not be counted or included in determining the length of total service in the pension or retirement system unless such employee contributes to the pension or retirement system the amount he/she would have been required to contribute if the employee had been continuously employed during the period of military duty.

**Reemployment/Restoration Rights ("Escalator Principle")**

Per [USERRA](#), as a general rule, the employee is entitled to reemployment in the job position that he/she would have attained with reasonable certainty if not for the absence due to military service. The position to which the returning service member should be restored has become known as the "escalator position." The escalator principle requires that the employee be reemployed in a position that reflects with reasonable certainty the pay, benefits, seniority, and other job benefits that he/she would have attained if not for the period of military service.

Depending on the circumstances/intervening events, the escalator principle may cause an employee to be reemployed in a higher or lower position, transferred, laid off, or even terminated.

The employee must be qualified for the reemployment position. The District shall make reasonable efforts to help the employee become qualified to perform the duties of this position. The District is not required to reemploy the employee on his/her return from military service if the employee cannot, after reasonable efforts by the District, qualify for the appropriate reemployment position.

Per State law, an employee restored to his/her position after the termination of military duty shall be entitled to the rate of compensation he/she would have received had the employee remained in his/her position continuously during the period of military duty; and the employee shall be deemed to have rendered satisfactory and efficient service in the job position during the period of military leave of absence. Further, the employee shall not be subjected directly or indirectly to any loss of time service, increment, or any other right or privilege; nor shall an employee be prejudiced in any way with reference to promotion, transfer, reinstatement or continuance in employment.

All other rights, benefits, and responsibilities of a District employee serving in the military shall be in accordance with law, regulations, and/or the applicable contract/collective bargaining agreement.

(Continued)

Personnel

**SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)//MILITARY LEAVES OF ABSENCE (Cont'd.)**

Probationary Service

Public Employees in General

If a public employee (with the exception of the probationary service of "teachers" as described below) enters military duty before the expiration of the probationary period in any position to which he/she may have been appointed, or to which he/she may thereafter be appointed or promoted, the time such employee is absent on military duty shall be credited as satisfactory service during this probationary period.

1

Teachers/Supervisory Staff

In any case where a "teacher" (as defined in [State Education Law Section 3101](#), the term "teacher" encompasses a broad category of full-time members of the teaching and supervisory staff of the District, and is not limited to "instructional" employees) enters military duty before the expiration of the probationary period to which he/she may have been appointed, the time the "teacher" is absent on military duty shall be credited as satisfactory service during this probationary period. If the end of such probationary service occurs while the "teacher" is on military duty or within one year following the termination of military duty, the period of the probationary service may be extended by the Board of Education for a period not to exceed one year from the date of termination of military duty. However, in no event shall the period of probationary service in the actual performance of teaching services extend beyond that required by the School District at the time of the "teacher's" entry into military service.

**Collective Bargaining Agreements/Contracts/Plans/Practices**

In accordance with [USERRA](#), any State or local law, contract, agreement, policy, plan, or practice that establishes an employment right or benefit that is more beneficial than, or is in addition to, a right or benefit under USERRA, such greater employment right or benefit will supersede

**Notice of Rights and Duties**

The District shall provide a notice of the rights, benefits and obligations of employees and the District under USERRA. The District may provide the notice by posting it where employee notices are customarily placed. The District may also provide notice to its employees in other ways that will minimize cost while ensuring that the full text of the notice is provided (e.g., by handing or mailing out the notice, or distributing the notice via electronic mail).

(Continued)



Personnel

**SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS  
ACT (USERRA)//MILITARY LEAVES OF ABSENCE (Cont'd.)**

The U.S. Department of Labor has developed and made available on its web site <http://www.dol.gov/vets/programs/userra/poster.pdf>, a poster for use by private and State employers (including school districts) that can be posted in order to comply with the notification mandate.

The Uniformed Services Employment and  
Reemployment Rights Act of 1994 (USERRA)  
38 United States Code (USC) Sections 4301-4334  
20 Code of Federal Regulations (CFR) Part 1002  
Military Law Section 242, et. al.  
Military Law Section 243, et. al.

Adopted: 8/2/05  
Revised: 1/8/08

Personnel

**SUBJECT: FAMILY AND MEDICAL LEAVE ACT**

Consistent with the Federal Family and Medical Leave Act of 1993, the Board of Education recognizes the right of eligible employees to unpaid family and medical leave for up to twelve (12) weeks during any twelve (12) month period. For the purposes of family and medical leave, the twelve-month period necessary for eligibility shall be computed on a rolling period backward. The Board shall ensure that all eligible employees who use such leave shall have their health benefits continued during the leave, shall not have any previously accrued benefits altered and except as otherwise authorized by law, shall be returned to an equivalent position according to established Board practices, policies and collective bargaining agreements.

To be eligible for family or medical leave, an employee must have been employed for at least twelve months and have worked at least 1,250 hours during the prior twelve months.

Family leave shall be provided when a son or daughter is born to the employee or one is placed with the employee for adoption or foster care. Medical leave shall be provided in order for the employee to take care of a spouse or child, or parent who has a serious health condition or when the employee has a serious health condition rendering him/her unable to perform the functions of the employee's job.

An eligible employee may elect, or the District may require, an employee to accrue paid vacation days or personal leave for purposes of a family leave. An employee may elect, or the District may require, an employee to use accrued vacation days and/or personal leave for purposes of a medical leave.

The employee shall notify the District of his/her request for leave, if foreseeable, at least thirty (30) days prior to the date when the leave is to begin. If such leave is not foreseeable, then the employee shall give such notice as is practical. The District may require a certification from a health care provider if medical leave is requested. When an employee returns following a leave, he/she must be returned to the same or equivalent position of employment, except as otherwise authorized by law. The Superintendent of Schools or designee may reassign a teacher consistent with the teacher's agreement to a different grade level, building, or other assignment consistent with the employee's certification and tenure area.

The Board shall ensure that family and medical leave, consistent with the Family and Medical Leave Act, is provided to all eligible employees. This policy is a brief summary of the legal requirements of the Act and is intended to be consistent with all the provisions of the Act.

The District shall include a notice stating the pertinent provisions of the Family and Medical Leave Act, including information concerning enforcement of the law, in the employment kit that each employee receives when hired.

Adopted: 7/8/02  
Updated 2/06

Family and Medical Leave Act of 1993  
Public Law 103-3  
29 Code of Federal Regulations (C.F.R.) Part 825

## PERSONNEL

### **SUBJECT: REMOTE WORKING**

Generally, the District believes that its goals and objectives are best served when employees work in-person on District premises. However, the District recognizes that, in certain circumstances, remote working or telecommuting may be advantageous to both the employee and the District. It may also be necessary in the event of an extraordinary circumstance such as widespread illness, natural disaster, or other emergency situation.

When making decisions about remote working, the District will take into consideration any applicable laws, regulations, collective bargaining agreements, or existing policies and procedures. This policy will be superseded by any conflicting law, regulation, or collective bargaining agreement.

#### **Remote Working Arrangements**

Remote working is not an entitlement or a District-wide benefit. The ability to work remotely is completely at the discretion of the District. Staff requiring work place accommodations for documented medical conditions, may seek such accommodations by contacting the ADA Compliance Officer. Except where specifically provided by an applicable collective bargaining agreement, employees will not be permitted to file a grievance as a result of a denial of their request to work remotely.

Upon request, an employee's supervisor, in conjunction with the Superintendent or designee, may grant an employee a full-time, part-time, or short-term remote work arrangement provided that the employee's work is able to be performed remotely and the employee has consistently demonstrated the ability to effectively work independently.

#### **Extraordinary Circumstances**

In the event of an extraordinary circumstance such as widespread illness, natural disaster, or other emergency situation, it may be necessary to establish remote working arrangements for some or all employees. In these circumstances, the District will notify employees of whether they are expected to work at home full-time, part-time, or not at all. The District retains the right to change the remote working arrangement for any employee at any time.

#### **Continuity of Work**

Unless specifically agreed upon, working remotely will not alter an employee's work schedule, job duties, compensation, benefits, or any other term and condition of employment. Further, while working remotely, employees will be required to remain available during their normal workhours via email, phone, or other means. Failure to respond in a reasonable time frame may result in discipline and/or termination of the remote work arrangement.

(Continued)

PERSONNEL

**SUBJECT: REMOTE WORKING (Cont'd.)**

**Compliance with District Policies, Procedures and Code of Conduct**

District employees who are working remotely are required to comply with any and all applicable District policies, procedures, and other related documents as they normally would if they were working on District premises. Examples include, but are not limited to, the District's policies and procedures on non-discrimination and anti-harassment, protecting the personal information of District employees and students, acceptable use, and copyright. Engaging in prohibited conduct may result in disciplinary action as warranted.

Adoption Date: 11/05/2020

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Students

**SUBJECT: ATTENDANCE**

The Board of Education recognizes that regular school attendance is a major component of academic success. Through implementation of this policy, the Board expects to reduce the current level of unexcused absences, tardiness, and early departures (referred to in this policy as "ATEDs"), encourage full attendance by all students, maintain an adequate attendance record-keeping system, identify patterns of student ATEDs and develop effective intervention strategies to improve school attendance.

**Notice**

To be successful in this endeavor, it is imperative that all members of the school community are aware of this policy, its purpose, procedures and the consequences of non-compliance. To ensure that students, parents, teachers and administrators are notified of and understand this policy, the following procedures shall be implemented:

- a) At the secondary level, the attendance policy will be included in the student agendas. At the elementary level, a letter will be sent home with students outlining procedures for reporting student absences.
- b) In addition, the Parent Guide, which is mailed to each family at the start of each school year, will include a plain language summary of this policy.
- c) When a student is absent, tardy, or leaves early from class or school without excuse, designated staff member(s) will notify the student's parent(s) of the specific ATED.
- d) The District will meet with faculty and staff at the beginning of each school year to review the attendance policy and any amendments thereto and to clarify individual roles in its implementation.

**Excused and Unexcused Absences**

Excused ATEDs are defined as absences, tardiness, and early departures from class or school due to personal illness, illness or death in the family, impassable roads or weather, religious observance (see Policy #8360 -- Religious Expression in the Public Schools), quarantine, required court appearances, attendance at health clinics, approved college visits, approved cooperative work programs, military obligations, or such other reasons as may be approved. Patterns of lateness or absenteeism may require verification by a health professional. All other ATEDs are considered unexcused absences.

All ATEDs must be accounted for. It is the responsibility of the parents/persons in parental relations to notify the school office within 24 hours of the ATED and to provide a written excuse upon the student's return to school.

(Continued)

Students

**SUBJECT: ATTENDANCE (Cont.d)**

**General Procedures/Data Collection**

- a) For New York State Department of Education (NYSED) reporting purposes, classroom attendance shall be recorded for all students K-12 on a subject by subject basis. Therefore, attendance shall be taken during each class period at all schools.
- b) The nature of an ATED shall be coded on a student's record.
- c) Student ATED data shall be available to and must be reviewed by the Principal or his/her designee on a regular basis.
- d) Where additional information is received that requires corrections to be made to a student's attendance records, such correction will be made immediately. Notice of such a change will be sent to appropriate school personnel subject to applicable confidentiality rules.
- e) Where consistent with other school practices, teachers and staff shall detain students in the hallways who are absent from a class period without excuse and refer the students to the appropriate administrator.
- f) Continuous monitoring will be conducted to identify students who are absent, tardy, or leave class or school early.

**Attendance Incentives**

The District will design and implement systems to acknowledge a student's efforts to maintain or improve school attendance. Age appropriate positive reinforcement of exemplary attendance patterns should be evident at all levels and reinforced through appropriate incentives.

**Disciplinary Consequences**

Unexcused ATEDs will result in disciplinary action consistent with the District's Code of Conduct and student discipline guidelines outlined in the student agendas at the secondary level. Those penalties may include, for example, detention or in-school suspension. High School and Middle School students who are absent for more than half the day may not return for extracurricular activities without the approval of an administrator. This includes sports, practices, games, performances, clubs etc.

In addition, designated staff member(s) will contact the student's parents/persons in parental relations and the student's guidance counselor. Such staff member(s) shall remind parents/persons in parental relations of the attendance policy, explain the ramifications of unexcused ATEDs, stress the importance of class attendance and discuss appropriate intervention strategies to correct the situation.

(Continued)

Students

**SUBJECT: ATTENDANCE (Cont'd.)**

**Attendance/Grade Policy**

The Board of Education recognizes an important relationship between class attendance and student performance. Consequently, at each marking period a student's final grade may be based on classroom participation as well as performance on homework, tests, papers, projects, etc.

Students are expected to attend all scheduled classes. Consistent with the importance of classroom participation, unexcused ATEDs may affect a student's class participation grade for the marking period.

At the high school level, any student with more than nine unexcused ATEDs for one-half year or eighteen (18) unexcused ATEDs for a full year may not receive credit for that course. However, students with properly excused ATEDs may make up the work for each ATED, and those ATEDs will not count toward the minimum attendance standard.

To ensure that parents and students are aware of the implications of this minimum attendance requirement, the teacher or other designated staff member(s) will advise the student and contact the parents/persons in parental relations by telephone and/or in writing prior to the student reaching nine (9) or eighteen (18) unexcused ATEDs.

In implementing the policy set forth above, students who are unable to attend school or a class on a given date due to their participation in a school-sponsored activity (i.e., music lessons, field trips) may arrange with their teachers to make up any work missed. This also applies to any student who is absent, tardy or leaves early from school or a class due to illness or any other excused reason.

All students with an excused ATED are expected upon their return to consult with their teachers regarding missed work.

Only those students with excused ATEDs will be given the opportunity to make up a test or other missed work and/or turn in a late assignment for inclusion in their final grade. Make up opportunities must be completed by a date specified by the student's teacher for the class in question.

(Continued)

Students

**SUBJECT: ATTENDANCE (Cont'd.)**

**Annual Review**

The Board of Education requires the review of building-level student attendance records and, if such records show a decline in student attendance, the Board shall review this comprehensive attendance policy and make any revisions to the plan it deems necessary to improve student attendance.

Education Law Sections 1709, 3024, 3025,  
3202, 3205-3213 and 3225  
New York Code of Rules and  
Regulations (NYCCR)  
Sections 104.1 and 175.6

Adopted: 7/8/02  
Revised: 7/1/03, 12/9/08, 2/24/16

**SUBJECT: RELEASED TIME OF STUDENTS**

No student may be released from school to anyone other than the parent, guardian or child protective services personnel and law enforcement officers pursuant to law, unless the individual's name seeking release of the student appears on a list provided by the parent or guardian.

Written requests from the parent/guardian for the release of students generally will be honored. Parents are urged to make appointments with physicians, dentists, special tutors, etc., after school hours. The appropriate time and reason for absence shall be recorded on the attendance record, using the procedures mandated by the State.

The Building Principal shall assume this responsibility or shall designate an individual to review and approve all requests.

8 New York Code of Rules and Regulations  
(NYCRR) Section 109.2

Adopted: 7/8/02  
Revised: 12/7/22



**SUBJECT: STUDENT DISMISSAL PRECAUTIONS**

Students who are not involved in an after-school activity will be expected to leave the building promptly. Students who do participate in an after-school activity will report to such activity promptly and will be prepared to go home directly after the activity's conclusion.

The administration will develop and maintain any regulations or procedures necessary to ensure proper supervision and safety of students at regular dismissal.

Early Dismissal

Except in emergency cases, a student who wishes to be excused during the school day will be required to submit advance written request from a parent or guardian. In addition, the student will comply with any early dismissal procedures developed by the administration for his individual school.

Late Dismissal

In the event of imminent or present storm, staff may be instructed to hold students beyond regular dismissal time. If the storm delays students departure for a considerable time, parents or emergency contacts will be contacted, if possible.

Adopted:7/8/02

Reviewed: 12/7/22

Students

**SUBJECT: AGE OF ENTRANCE**

**Kindergarten**

Students who are legal residents of the School District and who reside with parents or guardians within the School District at the time of the opening day of school must be five (5) years of age or more on December 1st in order to register for kindergarten.

**Other Grades**

Admission of children to other grades shall involve a consideration of both chronological age and the readiness of the children to do the work of those grades.

**Proof of Age**

A student's birth certificate or other satisfactory evidence of age shall be presented at the time of initial registration. The child shall be entered under his/her legal name.

**From Other Schools**

Pupils entering the Rockville Centre Public Schools, who will be 6 years of age after December 1st of the school year, will be admitted to first grade on a trial placement basis under the following conditions:

a) A written statement from the Principal or director of the school where the child completed kindergarten recommending placement in the first grade and indicating successful completion of one year in a registered kindergarten, is submitted and accepted by the Superintendent of Schools or such designee.

b) By October 15th, the Principal, the first-grade teacher, and a pupil personnel staff member will make an evaluation of the student's progress. If it should be determined that the student's progress in grade one is not satisfactory, the child will be placed in the kindergarten program.

Education Law Sections 1712, 3202 and 3212

Adopted: 7/8/02  
Revised: 5/27/03,4/4/24

**SUBJECT: SCREENING OF NEW SCHOOL ENTRANTS**

The Board of Education shall provide for the screening of every new entrant to school to determine which students may have disabilities, may be gifted or may be of limited English proficiency. A new entrant means a pupil entering the New York State public school system for the first time, or re-entering a New York State public school with no available record of a prior screening. Such diagnostic screening shall be conducted:

- a) By persons appropriately trained or qualified;
- b) In the student's native language, where possible, if the language of the home is other than English;
- c) In the case of new entrants, prior to the school year, if possible, but no later than December 1 of the school year of entry or within fifteen (15) days of transfer of a student into a New York State public school should the entry take place after December 1 of the school year.

In the case of students who score below the state reference point on New York State assessment tests, within thirty (30) days of the availability of the test scores.

Such screening shall include, but not be limited to the following:

- a) A physical examination by a physician/nurse practitioner or submission of a health certificate in accordance with Sections 901, 903, and 904 of the Education Law, including proof of immunization as required by Section 2164 of the Public Health Law. Vision screening services will be provided to all new admissions within six months of enrollment or by such other date prescribed by the Commissioner of Education.
- b) An assessment of motor development, of receptive and expressive language development, articulation skills, and cognitive ability in the student's native language, if the language of the home is not English.

No screening examination for vision, hearing or scoliosis condition is required where a student, parent, or person in parental relation objects on the grounds that such examination conflicts with their genuine and sincere religious beliefs.

If such screening indicates a possible disability, a referral shall be made to the Committee on Special Education (CSE) no later than fifteen (15) calendar days after completion of such diagnostic screening.

(Continued)

Students

**SUBJECT: SCREENING OF NEW SCHOOL ENTRANTS**

If such screening indicates a child identified as possibly being of limited English proficiency, such child shall be referred for further evaluation in accordance with the Regulations of the Commissioner of Education to determine determine eligibility for appropriate transitional bilingual or free-standing ESL programs.

**Reporting to Parents**

Parents/guardians of children to be screened shall receive information in advance regarding the purpose of screening, the areas to be screened and the referral process. The information shall be communicated either orally or in writing in the parents' primary language(s). This information will be provided during the registration interview.

Parents/guardians have the right to request information regarding their child's performance during screening. They shall have access to the screening results and obtain copies upon request.

**Confidentiality of Information**

The Board of Education's policy and administrative regulations in accordance with the Family Educational Rights and Privacy Act of 1974 shall apply to all information collected about a child through the screening program. In accordance with the policy and regulations, parents shall be informed of their right to privacy, their right to access to the records and their right to challenge those records should they be inaccurate, misleading or otherwise inappropriate.

Family Educational Rights and Privacy Act of 1974  
20 United States Code (USC) Section 1232(g)  
Education Law Sections 901, 903, 904, 905, 914 and 3208(5)  
8 New York Code of Rules and Regulations  
(NYCRR) Part 117, 142.2 and 154

NOTE: Refer also to Policies #7512 – Student Physical  
#8240 – Instructional Programs: Physical Education

Adopted: 7/8/02  
Revised: 3/22/05

Students

**SUBJECT: ENTITLEMENT TO ATTEND -- AGE AND RESIDENCY**

All persons residing within the District who are between the ages of five (5) years and twenty-one (21) years and who have not received a high school diploma are entitled to enroll in the District.

A student who becomes six years of age on or before the first of December in any school year shall be required to attend full-time instruction from the first day that the District schools are in session of such school year, and a student who becomes six years of age after the first of December in any school year shall be required to attend full-time instruction from the first day of session in the following school year. The Rockville Centre School District will require all students, unless otherwise employed, to attend full-time instruction until the last day of the school year in which the student turns sixteen (16) years of age. This rule notwithstanding, the Rockville Centre Board of Education reiterates its commitment that all students should remain in school until they have graduated with a diploma. The residence of children dwelling within the District boundaries shall be established in a manner consistent with State Law and the Regulations of the Commissioner.

Evidence of a prospective student's age and residency must be presented in such form as is permitted by state and federal law and regulation.

**Determination of Student Residency**

"Residence," for purposes of this policy, is established by a child's physical presence as an inhabitant within the District and his/her intent to reside in the District.

A child's residence is usually determined by the residence of the custodial parent. Where a child's parents live apart, the child can have only one legal residence. In cases where parents have joint custody, the child's time is essentially divided between two households, and both parents assume responsibility for the child, the decision regarding the child's residency lies ultimately with the family. Where parents claim joint custody, but do not produce proof of the child's time being divided between both households, residency will be determined on the basis of the child's physical presence and intent to remain within the District.

The presumption that a child resides with his/her parents or legal guardians may be rebutted upon demonstration that custody of such child has been totally and permanently transferred to another individual. The District will not acknowledge living arrangements with persons other than a child's parents or legal guardians which are made for the sole purpose of taking advantage of the District's schools.

(Continued)

Students

**SUBJECT: ENTITLEMENT TO ATTEND -- AGE AND RESIDENCY (Cont'd.)**

The presumption that a child resides with his/her parents or legal guardians may also be rebutted upon demonstration that such child is an emancipated minor. To establish emancipation, a minor may submit documentation of his/her means of support, proof of residency, and an explanation of the circumstances surrounding the student's emancipation, including a description of the student's relationship with his/her parents or persons in parental relationship.

Notwithstanding the foregoing, all determinations of student residency will be made consistent with applicable state and federal laws and regulations.

**Undocumented Children**

The District is mindful that undocumented children are entitled to attend the District's schools, provided they meet the age and residency requirements established by state law. Consequently, the District will not request or require on any enrollment or registration form, in any meeting, or in any other form of communication, any documentation and/or information regarding or tending to reveal the immigration status of a child, a child's parent(s) or the person(s) in parental relation. In the event the District is required to collect such information, the District will do so after the child has been enrolled. In no instance will such information be required as a condition of enrollment or continued attendance.

**Children of Activated Reserve Military Personnel**

Students temporarily residing outside the boundaries of the District, due to relocation necessitated by the call to active military duty of the student's parent or person in parental relationship, will be allowed to attend the public school that they attended prior to the relocation. However, the District is **not** required to provide transportation between a temporary residence located outside the District and the school the child attends.

**Homeless Children**

Determinations regarding whether a child is entitled to attend the District's schools as a homeless child or youth will be made in accordance with Section 100.2(x) of the Commissioner's regulations, as well as applicable District policy and regulation.

Education Law Sections 3202,  
3205, and 3218  
8 NYCRR Sections 100.2(x) and (y)  
Family Court Act Section 657

Adopted: 7/8/02  
Revised: 5/24/04, 5/27/15

Students

**SUBJECT: NON-RESIDENT STUDENTS**

Nonresident students will not be accepted into the District Schools except for:

- a) Children moving out of the District may upon application to the Superintendent of Schools or his/her designee, be permitted to finish the school year if the time in which they are to be a nonresident is less than three months. If a move takes place after the opening of school, graduating seniors will be permitted to complete the year. Transportation will be the responsibility of the parents.
- b) A child whose parents and/or guardians plan to move into the District, in which case the child may be admitted if the parent and/or guardian presents a contract to purchase or rent a home in the District which will be occupied as a residence within 45 calendar days.
- c) Special education students who may be accepted onto the roster of specifically designated special education program for children with disabilities when enrollment permits, pursuant to contract with other School Districts which contracts shall provide for termination of attendance when the needs of the District so require. The sending District will be charged tuition. The tuition charges will be determined each year in accordance with a formula provided by the New York State Education Department and will be adopted by Board action. Tuition charges will be due and payable semi-annually, ten (10) days from date of bill. The Superintendent of Schools may exclude from school any nonresident student whose tuition is unpaid thirty (30) days from date of bill.
- d) Under special requirements regarding summer programs.
- e) In accordance with Section 625 of the November 1996 Illegal Immigration Reform and Immigrant Responsibility Act, which is an amendment to United States Immigration Law, foreign students may not attend public elementary schools (kindergarten through grade eight) in F-1 student status. Therefore, F-1 visas cannot be issued for study in such schools. This law does not pertain to students in visa categories J, F2, H4, 1.2 B2, or any other nonimmigrant visa status allowing elementary or secondary school attendance.
- f) Foreign exchange students in grades nine through twelve under F-1 visa status who will be spending the school year in the Rockville Centre School District with a host family must be charged the full unsubsidized per capita cost (per pupil cost). Only foreign students participating in a recognized Student Exchange Program under a J-1 Visa may attend District schools without payment of tuition. The administration is authorized to file with the U.S. Department of Homeland Security the forms necessary for the monitoring of non-immigrant foreign students during the course of their stay in the District in accordance with the Student and Exchange Visitor Information System (SEVIS).

(Continued)

Students

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

Education Law Sections 1709(13), 2045 and 3202  
8 New York Code of Rules and Regulations  
(NYCRR) Section 174.2  
8 United States Code (USC) Chapter 12

Adopted: 7/8/02  
Revised: 8/2/05, 11/14/06



Students

**SUBJECT: EDUCATIONAL SERVICES FOR MARRIED/PREGNANT STUDENTS**

**Married Students**

The Board of Education will comply with state law in reference to married students attending school.

**Pregnant Students**

Students who are pregnant are covered by the Compulsory Education Law and will be provided instruction as required by the New York State Education Law. The Superintendent of Schools, or his/her designee, is directed to consult with the school physician and the student's personal physician in determining the form of instruction.

The form of instruction may be any of the following or a combination of the following:

- a) Remain in school with provisions for special instruction, scheduling, and counseling where needed.
- b) Receive home instruction.
- c) Attend BOCES programs.

Education Law Sections 1604(20), 3202-1, 3205-1,  
4401-1, and 4402-2

Adopted: 7/8/02  
Revised: 2/28/06

## STUDENTS

### **SUBJECT: REMOTE LEARNING**

#### **Use of Remote Learning in the District**

The District may offer remote or distance learning to students at certain times including, but not limited to, independent study, enrichment courses, and in the event of an extraordinary circumstance such as widespread illness, natural disaster, or other emergency situation.

When making decisions about remote learning, the District will consult with students, parents, teachers, administrators, community members, and other stakeholders as appropriate. The District will also ensure that it is complying with applicable teaching and learning requirements.

#### Extraordinary Circumstances

In the event of an extraordinary circumstance that requires long-term and widespread use of remote learning, a plan will be developed that outlines how the District will accomplish remote learning. This plan will outline the number of students involved, modes of remote learning, asynchronous and synchronous learning opportunities, internet and device access among students, and alternatives available for students who have neither a device nor consistent access to internet. It will also address the needs of different populations of students including, but not limited to, vulnerable students, younger students, students with disabilities, and English language learners.

If warranted, the District may use a hybrid model of in-person instruction and remote learning.

#### **Formats and Methods of Remote Learning**

Remote learning may be delivered by teachers through a variety of formats and methods. Instruction may be provided through video, audio, and/or written materials. Communication between teachers and students may occur through video conferencing, prerecorded videos, online discussion boards, and/or other instruction that relies on technology. Remote learning can occur synchronously, which involves real-time interaction and collaboration between teachers and students, or asynchronously, which involves delayed interactions between teachers and students and self-directed learning.

Determinations about how to best deliver remote learning will take into account a variety of factors including, but not limited to, the number of students involved, the subject matter, the students' grade levels, and technological resources of both the District and students. Consideration will also be given to whether accommodations need to be made for students with disabilities or English language learners.

#### **Remote Learning Support**

As necessary, the District will provide instruction on using remote learning technology and IT support for students, teachers, and families. The District will also work to ensure that teachers and administrators are provided with professional development opportunities related to designing an effective remote learning experience.

(Continued)

## STUDENTS

### **SUBJECT: REMOTE LEARNING (Cont'd.)**

#### **Compliance with District Policies, Procedures, and the Code of Conduct**

Teachers and students are required to comply with any and all applicable District policies, procedures, and other related documents as they normally would for in-person instruction. Examples include, but are not limited to, the District's policies and procedures on non-discrimination and anti-harassment, acceptable use, and copyright. Students will also be required to abide by the rules contained within the Code of Conduct at all times while engaged in remote learning. Violations of the Code of Conduct and/or engaging in prohibited conduct may result in disciplinary action as warranted.

#### Privacy and Security of Student and Teacher Data

In compliance with law, regulation, and District policy, the District will take measures to protect the personal information of students and teachers from unauthorized access when using remote learning technologies. Examples of these measures include, but are not limited to, minimizing the amount of data shared to only that which is necessary, deidentifying data, and the use of encryption or an equivalent technical control that renders personally identifiable information unusable, unreadable, or indecipherable to unauthorized persons when transmitted electronically.

#### Guidelines for Use of Online Learning:

All individuals, including students, their parents/guardians, and their family members should follow guidelines below:

1. Recording, taking photos or taking a screenshot of a video conference session or any content presented in any form during remote learning session is prohibited.
2. Altering a video conference session or any content presented during remote learning is prohibited.
3. Sharing, posting, or otherwise distributing, in any manner, either physically or electronically, via email, text or social media (such as Twitter, Snapchat, Instagram, Facebook, TikTok, etc.) any video conference session, any part of a video conference session, or any altered content whether they have created or have received the recorded or altered content is prohibited.
4. Using the remote learning platforms for any purposes other than their intended use as directed by their teacher is prohibited.
5. Sharing any links, ID numbers, passwords or invitations to a school video conference session with anyone is prohibited.

(Continued)

## STUDENTS

### **SUBJECT: REMOTE LEARNING (Cont'd.)**

6. In the remote learning environment, students are to behave at all times as if they were at school. Inappropriate behavior that will not be tolerated includes but is not limited to:
  - Making inappropriate faces, gestures or comments
  - Displaying inappropriate virtual background or profile picture
  - Projecting or displaying inappropriate image
  - Bullying or cyber bullying of other students or the teacher.
7. The teacher may stop the video feed of any participant at any time, at their sole discretion. In the unlikely event that inappropriate behavior occurs during any online learning session, the teacher will promptly end that session and promptly notify his/her Building Principal to investigate and follow up accordingly with the student(s) and their parent/guardian. The student(s) shall be subject to disciplinary consequences in accordance with the Code of Conduct policy.
8. Complying in all respects with the Code of Conduct policy.

### **Rules of Student Online Etiquette:**

1. To enable the students to fully participate in their learning activities, students should be seated at a desk or table and set up their workspace in a quiet place that is free from distraction (such as siblings, pets, television). Pencil and paper should be on hand to use, as needed.
2. To avoid disruptions in access to the online learning session, students should ensure that the batteries of their devices are charged or that they are plugged in to power.
3. Students should not have out or should not use any other electronic devices, such as cell phones or video game consoles, which might distract from learning.
4. Students should consider using headphones or earbuds while engaging with audio or video content, as it will help them focus on learning and not be distracted.
5. An online learning session should be regarded just like being in school. Students should maintain respect in speaking, in writing, and in appearance. Students must dress appropriately.

(Continued)

STUDENTS

**SUBJECT: REMOTE LEARNING (Cont'd.)**

6. Students should aim to arrive early to their online learning session, usually 3 to 5 minutes before the scheduled start of an online learning session. This will enable the teacher to take attendance and to promptly begin the online learning session. Once the online learning session has started, the teacher has the sole discretion to prohibit late entry by locking the room.
7. Unless otherwise instructed by their teacher, students must keep the video feature on at all times. Students should not change the virtual background during an online learning session, as changing it is distracting to other students.
8. At the teacher's discretion, the chat feature may be enabled for students to use to ask questions. When utilizing the chat feature, students must be considerate and polite, and should utilize proper spelling and grammar.
9. If technical assistance is needed, teachers or students should contact [studentsupport@rvcschools.org](mailto:studentsupport@rvcschools.org)

Adopted: 11/05/2020

Students

**SUBJECT: SCHOOL CENSUS**

School Districts are authorized to take a census of all children from birth to 18 years of age. The census must indicate the names of all children between birth and 18 years of age, and of children with disabilities between birth and 21 years of age; their respective residences by street and number; the day of the month and the year of their birth; the names of the persons in parental relation to them; such information relating to physical or mental disabilities as the State Education Department and the Board of Education shall require; and also such further information as the Board shall require.

A parent, guardian or other person having under his/her control or charge a child between birth and eighteen (18) years of age who withholds or refuses to give information in his/her possession relating to such census data as required by law pertaining to the child; or, in the alternative, gives false information in relation to such census data, shall be liable to and punished by a fine or imprisonment as established by law.

Education Law Sections 3240-3243 and 4402(1)(a)  
8 New York Code of Rules and Regulations  
(NYCRR) Section 200.2(a)

NOTE: Refer also to Policy #7650 -- Identification and Register of Children With Disabilities.

Adopted: 7/8/02  
Revised: 12/7/22

Students

**SUBJECT: ASSIGNMENT OF STUDENTS TO ELEMENTARY SCHOOLS**

The Board of Education is responsible for determining the school attendance areas of the District and the assignment to elementary schools is generally contingent upon a child's residence. The Board of Education recognizes that there may be individual situations that dictate departure from such boundaries. In such cases, a Zoning Exemption request can be made. The educational needs of the student will be taken into consideration in making the decision.

Students entering the School District for the first time will be assigned to their home-zoned school based on their residence. If a parent decides to request a zoning exemption for a child moving within the District, they should follow the guidelines set here forth:

- A written request for a zoning exemption must be made by the parents/guardians to the Superintendent of Schools for each child. Each sibling will be considered as a separate zoning request.
- The Superintendent of Schools or designee will consult the child/ren's family and members of the teaching and administrative staff in the elementary school building where the child/ren may attend.
  - If the child is entering the last year of attendance in the school they are currently attending, a recommendation for approval of this request will be made to the Superintendent and no further review will be necessary.
- The Superintendent of Schools, upon receiving the recommendation, will make a final decision based upon the facts that were presented to him/her and will respond, in writing, to the parents/guardians within one week of receipt of the recommendation.
- If the family disagrees with the determination of the Superintendent of Schools, the family can appeal the decision, in writing to the Board of Education within 30 calendar days of the Superintendent's determination. During the appeal the child will remain in the school which he or she is zoned for.
- If assigned to a new elementary school, that new school will be considered to be the child's home-zoned school moving forward. Siblings are not guaranteed to attend the same school
- If parents/guardians request to send their children to an elementary school building outside of their current attendance zone and are permitted to do so, transportation to the new elementary school will only be provided if it meets the State and local guidelines.

Adopted: 7/1/02

Revised: 7/1/04, 4/21/15, 12/6/17, 5/3/23

**SUBJECT: SAFE PUBLIC SCHOOL CHOICE OPTION TO STUDENTS WHO ARE VICTIMS OF A VIOLENT CRIMINAL OFFENSE**

Any District student who is a victim of a violent criminal offense, as defined pursuant to Education Law and Commissioner's Regulations, that occurred on the grounds of the District elementary or secondary school that the student attends, shall be allowed to attend a safe public school within the School District to the extent required by the federal and state law and regulations.

In accordance with Commissioner's Regulations, a "safe public school shall mean a public school that has not been designated by the Commissioner [of Education] as a persistently dangerous public elementary or secondary school."

**Violent Criminal Offense**

The superintendent shall determine if the student has been the victim of a "violent criminal offense." "Violent criminal offense" means a crime that:

- a) Involves infliction of a serious physical injury upon another as defined in New York State Penal Law; or
- b) A sex offense that involves forcible compulsion; or
- c) Any other offense designed in State Penal Law that involves the use or threatened use of a deadly weapon.

**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. The Superintendent will, prior to making any such determination, consult with any law enforcement agency investigating the alleged violent criminal incident and consider any reports or records provided by such agency. However, a criminal conviction is not required prior to the Superintendent's determination that a student has been a victim of a violent criminal offense. The Superintendent may also consult with the School District's attorney prior to making such determination.

The Superintendent's determination may be appealed to the Board of Education. However, this determination will not preclude any student disciplinary proceeding brought against the alleged victim or perpetrator of such violent criminal offense.

(Continued)



Students

**SUBJECT: SAFE PUBLIC SCHOOL CHOICE OPTION TO STUDENTS WHO ARE VICTIMS OF A VIOLENT CRIMINAL OFFENSE (Cont'd.)**

**Notice to Parents/Persons in Parental Relation**

The Superintendent 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 such transfer. Such 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 such student. The School District shall so notify the parents of, or persons in parental relation to, such student within twenty-four (24) hours of the determination that the student has been the victim of a violent criminal offense on school grounds at the school he/she attends.

Written notice shall be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of such notice within twenty-four (24) hours of such determination at the last known address or addresses of the parents/persons in parental relation to the student. Where possible, notification shall also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents/persons in parental relation.

However, **such notification shall not be required** where there are no other public schools within the District at the same grade level or a transfer to a safe public school within the School District is otherwise impossible. Similarly, procedures for such notification of parents/persons in parental relation to students who are victims of violent criminal offenses shall not be required where the School District has only one public school within the District or only one public school at each grade level.

**Designation of Safe Public School**

It shall be the responsibility of the School District, based on objective criteria, to designate a safe public school or schools within the District to which students may transfer. However, the District is not required to designate a safe public school where there are no other public schools within the District at the same grade level or transfer to a safe public school within the District is otherwise impossible. Similarly, if the District has only one public school within the School System or only one public school at each grade level, the School District shall not be required to designate a safe public school.

(Continued)

## **POLICY**

2022

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Students

### **SUBJECT: SAFE PUBLIC SCHOOL CHOICE OPTION TO STUDENTS WHO ARE VICTIMS OF A VIOLENT CRIMINAL OFFENSE (Cont'd.)**

Any student who transfers to a safe public school, in accordance with the provisions of this policy and applicable law and regulation, shall be enrolled in the classes and other activities of the public school to which such student transfers in the same manner as all other students at the public school. The receiving school shall be identified by the District and must be at the same grade level as the school from which the student is transferring. To the extent possible the School District shall allow transferring students to transfer to a school that is making adequate yearly progress and has not been identified as requiring school improvement, corrective action, or restructuring. The District shall provide transportation for any student permitted to transfer to the safe public school within the District designated by the School System within the transportation limits established pursuant to Education Law Sections 3635 and 4401(4). Any student who transfers to a safe public school shall be permitted to remain in such safe public school until the student has completed the highest grade level in the school transferred to, or for such other period prescribed by the U.S. Department of Education, whichever is less.

While parents/persons in parental relation to the student must be offered the opportunity to transfer their child, they may elect to have the child remain at the school he/she currently attends.

Elementary and Secondary Education Act of 1965,

Section 9532, as amended by the No Child Left Behind

Act of 2001

Education Law Section 2802(7)

8 New York Code of Rules and Regulations

(NYCRR) Section 120.5

Adopted: 12/19/02

Revised: 12/7/22

## **POLICY**

2022

7210

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Students

### **SUBJECT: STUDENT EVALUATION**

#### **Placement**

Placement within the system, with respect to building, is at the discretion of the Superintendent of Schools. Placement within the building with reference to teacher, and grade, shall be at the discretion of the building administration and shall be subject to review and change at any time. In making such decisions, the building administrator will be guided by performance in class, past records, parent/guardian and teacher recommendations, standardized test scores, and any other appropriate sources of information, but the final decision shall rest with the building administration. Parents or persons in parental relation to District student may submit written requests for teacher attributes that would best serve their child's learning needs, however, requests for specific teachers will not be honored.

#### **Promotion and Retention**

The procedures to be followed by the staff regarding promotion and retention may be developed by the Superintendent of Schools and will be continually evaluated in the light of School District policy. The District may establish, in consultation with the Principals, written standards for promotion or retention within the school units to which the students are assigned, subject to the guidelines of the Superintendent of Schools and the approval of the Board of Education.

#### **Testing Program**

The Board of Education utilizes various ability, achievement, diagnostic, readiness, interest and guidance tests for the purpose of complying with state and federal law and/or aiding the implementation of quality educational services. The District will not make any student promotion or placement decisions based solely or primarily on student performance on the state administered English language arts and mathematics assessments for grades 3 through 8. The District may, however, consider student performance on such state assessments in making student promotion and placement decisions provided that multiple measures be used in addition to such assessments and that such assessments do not constitute the major factor in such determinations.

#### **Alternative Testing Procedures**

The use of alternative testing procedures shall be limited to:

- a) Students identified by the Committee on Special Education and/or Section 504 Team as having a disability. Alternative testing procedures shall be specified in a student's Individualized Education Program or Section 504 Accommodation Plan; and

(Continued)

## **POLICY**

2022

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2 of 2

Students

### **SUBJECT: STUDENT EVALUATION (Cont'd.)**

- b) Students whose native language is other than English (i.e. English language learners) in accordance with State Education Department guidelines.

The alternative testing procedures employed shall be based upon a student's individual needs and the type of test administered.

The District shall report the use of alternative testing procedures to the State Education Department on a form and at a time prescribed by the Commissioner of Education.

#### **Reporting to Parents/Legal Guardians**

Parents/guardians shall receive an appropriate report of student progress at regular intervals. Report cards shall be used as a standard vehicle for the periodic reporting of student progress and appropriate school related data. Report cards, however, are not intended to exclude other means of reporting progress, such as conferences, phone conversations, etc.

The District will not place or include on a student's official transcript or maintain in a student's permanent record any individual score on a state administered standardized English language arts or mathematics assessment for grades 3 through 8. However, the District will comply with state and federal requirements regarding the maintenance and transfer of student test scores. Any test results on a state administered standardized English language arts or mathematics assessment for grades 3 through 8 sent to parents or persons in parental relation to a student shall include a clear and conspicuous notice that such results will not be included on the student's official transcript or in the student's permanent record and are being provided to the student and parents for diagnostic purposes.

When necessary, attempts will be made to provide interpreters for non-English speaking parents/guardians.

8 New York Code of Rules and Regulations (NYCRR) Section 100.2(g)  
Section 504 of the Rehabilitation Act of 1973,  
29 United States Code (U.S.C.) Section 794 et seq.

Adopted: 7/8/02  
Revised: 12/7/22

## **POLICY**

2002

7211

Students

### **SUBJECT: PROVISION OF INTERPRETER SERVICES TO PARENTS WHO ARE HEARING IMPAIRED**

The Board of Education assures parents or persons in parental relationship who are hearing impaired the right to meaningful access to school initiated meetings or activities pertaining to the academic and/or disciplinary aspects of their children's education. School initiated meetings or activities are defined to include, but are not limited to, parent-teacher conferences, child study or building-level team meetings, planning meetings with school counselors regarding educational progress and career planning, suspension hearings or any conferences with school officials relating to disciplinary actions. The term "hearing impaired" shall include any hearing impairment, whether permanent or fluctuating, which prevents meaningful participation in School District meetings or activities.

Parents or persons in parental relationship shall be notified of the availability of interpreter services to be provided at no charge, provided that a written request is made to the School District within fourteen (14) days of the scheduled event. Exceptions to the time frame request may be made for unanticipated circumstances as determined by the Principal/designee. The District shall also notify appropriate school personnel as to the terms and implementation of this policy.

If interpreter services are requested, the District shall appoint an interpreter for the hearing impaired to interpret during the meeting or activity. The District will arrange for interpreters through a District-created list or through an interpreter referral service. The District shall also develop interagency agreements, as appropriate, to ensure that sign language interpreters are provided for eligible parents or persons in parental relationship when District students attend out-of-district schools or programs.

In the event that an interpreter is unavailable, the School District shall make other reasonable accommodations which are satisfactory to the parents or persons in parental relationship. Examples of what constitutes reasonable accommodations in the event an interpreter cannot be located may include, but are not limited to, the use of:

- a) Written communications, transcripts, notetakers, etc; and
- b) Technology, such as: a decoder or telecommunication device for the deaf, assistive listening devices, and closed or open captioning.

Education Law Section 3230  
8 New York Code of Rules and Regulations  
(NYCRR) Section 100.2(aa)

Adopted: 7/8/02

Students

**SUBJECT: INTERPRETERS FOR NON-ENGLISH SPEAKING PARENTS**

The Rockville Centre Board of Education believes that parents who are non-English speaking should be able to participate in school functions to the same extent as English-speaking parents. The Rockville Centre Board of Education further believes parents who are non-English speaking are entitled to meaningful academic and /or disciplinary aspects of their child's education regardless of their limited English ability.

Pursuant to this policy, the Superintendent of Schools will ensure that:

- a) Parents are notified of the availability of interpreter service;
- b) Interpreters are arranged through a District list or through an interpreter referral service;
- c) Appropriate school personnel are notified; and
- d) Inter-agency agreements, as appropriate, are developed to ensure the provision of English interpreters to eligible parents when District students attend non-District school programs.

Adopted: 7/8/02  
Reviewed: 12/7/22

Students

**SUBJECT: GRADUATION REQUIREMENTS**

### **Graduation Options**

Students can receive a South Side High School Diploma under the provisions of any one of the following options. It is important to note that physical education is required only while students are in attendance at South Side High School.

(a) Student completes all diploma requirements in four or more years.

(b) Student completes all diploma requirements in less than 4 years.

(1) A student who has successfully completed the junior year and has been accepted by an accredited college can, upon prior approval of the Principal, arrange to have certain college freshman courses, including one year of college English and one year of college Social Sciences courses, as per the requirements of the State Education Department of New York applied toward satisfying the requirements for a high school diploma. Upon successful completion of the courses (grade of C or better), a transcript must be presented to the principal who will issue a diploma. Students must submit application to the Principal for this option no later than February 1 of the junior year.

(2) A student who has successfully completed all requirements for graduation except for one unit of English by the end of the junior year will be granted a high school diploma upon completion of one year of English at an accredited summer high school or an accredited college summer session. This course of study should be completed in the summer session immediately following the student's junior year. Student must submit application to the Principal for this option no later than February 1 of the junior year.

(3) Students who fail to complete all requirements for graduation or who drop out of school may receive a diploma upon completion of the appropriate courses at an accredited college, evening high school or summer school. Student must submit an application, including course description to be approved by the Principal.

(Continued)

Students

**SUBJECT: GRADUATION REQUIREMENTS (Cont'd.)**

**Diploma Options**

**I. Local Diploma Options**

**A total of 22½ credits, including 2 credits of physical education will be required. Such units of credit shall incorporate the commencement level of the State learning standards in: English; social studies; mathematics, science, technology; the arts (including visual arts, music, dance and theatre); languages other than English; health, physical education, family and consumer sciences; and career development and occupational studies. Required course credits are listed on page 5 in the Summary of Graduation Units of Credit Requirements.**

Students may meet the learning standards in technology either in a course in technology education or through an integrated course combining technology with mathematics and/or science. A commencement-level course in technology education may be used as the third unit of credit in science or mathematics, but not both.

(a) Students with Disabilities Eligible for Safety Net

The following students qualify for the safety net:

- 1) Students with disabilities identified through a CSE. Specific language regarding the availability of the safety net, does not have to be indicated on the student's IEP.
- 2) Students with disabilities identified through the Section 504 Committee if recommended and documented by the Section 504 Committee on the student's Accommodation Plan.
- 3) Students with disabilities declassified while in grades 8-12 if recommended and documented by the CSE on the student's IEP or declassification minutes.

Students with disabilities entering grade 9 September 2011 and thereafter must take each Regents course and examination required for their entering class. The low-pass option of scoring between 55-64 on the required Regents exams to earn a local diploma will continue to be available for these students eligible for the safety net.

(Continued)



Students

**SUBJECT: GRADUATION REQUIREMENTS (Cont'd.)**

Students with disabilities entering grade 9 prior to September, 2011 and eligible for the safety net, can meet the requirements for a local diploma by passing the RCT in that subject. The RCT option is available for those students who fail a required Regents examination. The school may administer the RCT (for students entering prior to September 2011) before or after the Regents examination, but in all cases the student must take the required Regents examination in order to earn the local diploma. The RCT exams will be available until the student graduates or reaches the age of 21.

Students must receive instruction in a language other than English (LOTE) instruction no later than the beginning of grade 8 and complete two (2) units/years of study by the end of grade 9. Students who complete two (2) units (years) of study in LOTE no later than the end of grade 8 must pass the locally developed test aligned with the Checkpoint A learning standards for LOTE in order to earn one unit of credit toward the high school diploma.

Students with a disability may be exempt from the requirement for one unit of credit in LOTE if so indicated in the Individualized Education Program (IEP).

(b) All Students

- 1) Students who successfully appeal two Regents examination scores, within three points of the 65 passing score, and who have attained a passing score of 65 or above on each of the three remaining required Regents examinations and meet the other requirements of the appeals process specified in CR 100.5(d)(7) will earn a local diploma. The conditions of such an appeal are governed by Part 100 of the Commissioner's regulations.

**II. Regents Diploma**

**A total of 22½ credits, including 2 credits of physical education will be required. Such units of credit shall incorporate the commencement level of the State learning standards in: English; social studies; mathematics, science, technology; the arts (including visual arts, music, dance and theatre); languages other than English; health, physical education, family and consumer sciences; and career development and occupational studies. Required course credits are listed on page 6 in the Summary of Graduation Units of Credit Requirements.**

Students may meet the learning standards in technology either in a course in technology education or through an integrated course combining technology with mathematics and/or science. A commencement-level course in technology education may be used as the third unit of credit in science or mathematics, but not both.

(Continued)

Students

**SUBJECT: GRADUATION REQUIREMENTS (Cont'd.)**

To qualify for the Regents diploma, students must also pass comprehensive Regents examinations in: English, Global History and Geography, and United States History and Government, mathematics and science. Students who successfully appeal one Regents examination score, within three points of the passing score of 65, and who have attained a passing score of 65 or above on each of the four remaining required Regents examinations and meet the other requirements of the appeals process specified in CR 100.5(d)(7) will earn a Regents diploma. The conditions of such an appeal are governed by Part 100 of the Commissioner's regulations.

Students must receive instruction in a language other than English (LOTE) instruction no later than the beginning of grade 8 and complete two (2) units/years of study by the end of grade 9. Students who complete two (2) units (years) of study in LOTE no later than the end of grade 8 must pass the locally developed test aligned with the Checkpoint A learning standards for LOTE in order to earn one unit of credit toward the high school diploma.

Students with a disability may be exempt from the requirement for one unit of credit in LOTE if so indicated in the IEP.

**III. Regents Diploma with Advanced Designation**

The student must meet all requirements of the Regents diploma. A total of 22½ credits, including 2 credits of physical education will be required. Such units of credit shall incorporate the commencement level of the State learning standards in: English; social studies; mathematics, science, technology; the arts (including visual arts, music, dance and theatre); languages other than English; health, physical education, family and consumer sciences; and career development and occupational studies. Specific course credit requirements can be found on page 6 in the Summary of Graduation Units of Credit Requirements.

Students may meet the learning standards in technology either in a course in technology education or through an integrated course combining technology with mathematics and/or science. A commencement-level course in technology education may be used as the third unit of credit in science or mathematics, but not both.

Students must pass Regents examinations in Integrated Algebra, Geometry, Algebra 2/Trigonometry, a life science, a physical science, English, Global History and Geography, United States History and Government and a State Education Department approved alternative examination in language other than English (LOTE).

(Continued)

Students

**SUBJECT: GRADUATION REQUIREMENTS (Cont'd.)**

In addition, to earn the advanced designation diploma, the student must complete one of the following: two additional units (years) in a language other than English (3 LOTE credits total); career and technical education (5 credit CTE sequence); or the Arts (5 credit sequence). Students with disabilities who are exempt from the LOTE requirements as indicated on the IEP may earn the advanced designation as long as the required number of credits to graduate is met.

Students completing a sequence of not less than 5 units of credit in CTE or the Arts are not required to complete the additional two units/years of LOTE or to pass the locally developed checkpoint B examination in that language to earn a Regents Diploma with Advanced Designation.

**Students must receive instruction in a language other than English (LOTE) instruction no later than the beginning of grade 8 and complete two (2) units (years) of study by the end of grade 9. Students who complete two (2) units/years of study in LOTE no later than the end of grade 8 must pass the locally developed test aligned with the Checkpoint A learning standards for LOTE in order to earn one unit of credit toward the high school diploma.**

(Continued)

Students

**SUBJECT: GRADUATION REQUIREMENTS (Cont'd.)**

SUMMARY OF GRADUATION UNITS of CREDIT REQUIREMENTS

NEW YORK STATE LOCAL AND REGENT'S DIPLOMAS

A total of 22 ½ credits will be required.

English	4.0	credits
Social Studies	4.0	credits
Mathematics	3.0	credits
Science	3.0	credits
Health	0.5	credit
Visual Art/Music/Theatre/Dance	1.0	credit
Physical Education	2.0	credits
Language other than English	1.0	credit
Electives/Specialized Courses	4.0	credits
TOTAL CREDITS	22.5	

NEW YORK STATE REGENT'S DIPLOMAS WITH ADVANCED DESIGNATION

A total of 22 ½ credits will be required

English	4.0	credits
Social Studies	4.0	credits
Mathematics	3.0	credits
Science	3.0	credits
Health	0.5	credit
Visual Arts/Music/Theatre/Dance	1.0	credit
Physical Education	2.0	credits
Language other than English	3.0	credits
Electives/Specialized Courses	2.0	credits
TOTAL CREDITS	22.5	

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Students

**SUBJECT: EARLY GRADUATION**

A student shall be eligible for early graduation in fewer than eight semesters upon completion of all requirements for graduation, excluding physical education, as mandated by Commissioner's Regulations. A student shall not be required to continue enrollment for the sole purpose of completing physical education requirements. The Principal, upon request from the student's parent/guardian and in accordance with administrative guidelines, may choose to grant the student a high school diploma prior to his/her completion of the eighth semester.

8 New York Code of Rules and Regulations  
(NYCRR) Section 100.5(a)(4)

Adopted: 7/8/02  
Revised: 9/7/23

Students

**SUBJECT: DIPLOMA AND/OR CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES**

The Board of Education is committed to ensuring that students with disabilities are provided appropriate opportunities to earn a Regents Diploma or other existing Commencement Credential in accordance with the provisions of Commissioner's Regulations. To this end, graduation and transition plans shall take into account the various pathways available to these students.

In addition to all graduation options afforded to general education students, including the Regents Diploma and various honors and/or designations, the following diplomas and/or credentials are also available for students with disabilities.

Local Diploma

To earn a Local Diploma, students with disabilities must:

- a) Complete the same twenty-two and a half (22.5) units of credit required for a Regents Diploma; and
- b) Achieve a score of 55 or higher on one or more of the five (5) examinations required for a Regents Diploma.

To earn a Local Diploma using the compensatory option, students with disabilities must:

- a) Complete the same twenty-two and a half (22.5) units of credit required for a Regents Diploma;
- b) Achieve a score of at least 55 on both the English (ELA) and Math Regents exams;
- c) Achieve a score between 45-54 on one or more of the other required Regents exams (US History and Government, Global History, and a Science), in which case each score of 65 or higher on any other Regents exam may compensate for a single 45-54 required exam;
- d) Obtain a passing grade for the course in the subject area of the Regents exam in which he or she received a score of 45-54;
- e) Have a satisfactory attendance rate in accordance with the District's or school's attendance policy for the school year.

(Continued)

Students

**SUBJECT: DIPLOMA AND/OR CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES (Continued)**

**Career Development and Occupational Studies (CDOS) Commencement Credential**

The Career Development and Occupational Studies (CDOS) Commencement Credential may be earned by a student with a disability to document his or her preparation for entry-level employment after high school. This credential can be awarded in conjunction with a Regents or Local Diploma, or may be issued by itself.

There are two options to award the CDOS Commencement Credential.

**Option 1:**

The student shall demonstrate evidence of the following requirements, which shall be verified by the District:

- a) The student has a developed, annually reviewed and, as appropriate, revised Career Plan to assure the student is actively engaged in career exploration;
- b) The student has demonstrated commencement level knowledge and skills of the CDOS learning standards. To evidence this level of knowledge and skill, a student must demonstrate: career development, integrated learning, and universal foundation skills. In addition a student may also, but is not required to, demonstrate additional career skills by completing a career-specific major;
- c) The student has successfully completed at least two (2) units of study (216 hours) in Career and Technical Education (CTE) courses, including a minimum of 54 hours of documented school-supervised work-based learning experiences, which may, but is not required to, be completed in conjunction with the CTE courses; and
- d) Within one year prior to a student's exit from school, at least one Employability Profile must be completed by designated school staff or other individuals knowledgeable about the student's employment skills and experiences.

A student's CTE courses and supervised work-based learning experiences must be documented on his or her transcript and the Career Plan and Employability Profile must be placed in a student's permanent record. The State Education Department (SED) has provided models of the Career Plan and Employability Profile forms as well as charts of work-based learning programs and nationally-recognized work-readiness credentials, located at:

<http://www.p12.nysed.gov/specialed/publications/CDOScredential-memo-613.htm>

(Continued)

[SUBJECT: DIPLOMA AND/OR CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES \(continued\)](#)

Option 2:

Instead of the above (a-d) requirements, a District may award a CDOS Commencement Credential to a student who has completed a nationally-recognized work-readiness program or certification. Districts cannot exclusively offer option two and must still provide opportunities for students to fulfill the CDOS Commencement Credential through option one's requirements.

Skills and Achievement (SA) Commencement Credential

To issue the Skills and Achievement (SA) Commencement Credential the District must ensure that the student:

- a) Meets the definition of a student with a severe disability;
- b) Has been recommended by the Committee on Special Education (CSE) to take the New York State Alternative Assessment (NYSAA) for students with severe disabilities;
- c) Has been given appropriate opportunities to participate in community experiences and development of employment and other instructional activities to prepare the student for post-secondary living, learning and employment; and
- d) Has been issued a summary of the student's academic achievement and functional performance. A model summary form developed by SED is located at:

<http://www.p12.nysed.gov/specialed/publications/SACC-SESform-att2.htm>

Awarding the SA or CDOS Commencement Credentials

The SA and CDOS Commencement Credentials may be issued at any time after such student has attended school for at least twelve (12) years, or at the end of the school year in which the student turns twenty one (21) years old. When a student is under twenty-one (21) and is issued SA Commencement Credential or the CDOS Commencement Credential without the Regents or Local Diploma, the credential award must be accompanied by a written statement of assurance. This statement must indicate that the student remains eligible to attend the public school within the District, without payment of tuition, until the student has either earned a diploma or until he/she turns twenty-one (21), whichever occurs first.

(Continued)



Students

SUBJECT: DIPLOMA AND/OR CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES (continued)

The SA and CDOS Commencement Credentials must be similar in form to the diplomas issued by the District, except that they shall not use the term "diploma" on them. The SA Commencement Credential must contain a clear annotation that it is based on alternate academic achievement standards. The CDOS Commencement Credential shall indicate that it has been endorsed by the New York State Board of Regents as a Certificate of Readiness for entry-level employment.

Education Law Sections 3202 and 4402

8 New York Code of Rules and Regulations (NYCRR) Sections 100.5(a-f) and 100.9

Adopted: 7/8/02

Revised: 5/24/05, 1/7/15

Students

**SUBJECT: SELECTION OF VALEDICTORIAN/SALUTATORIAN**

A grade point average will be calculated for each student based on the credit and grade assigned for each high school level course excluding physical education and pass/fail subjects. Courses will be weighted in accordance with Policy 7250, Student Academic Standing and Transcript, to determine the student's grade point average. A numerical ranking of students shall not be maintained.

Transcripts will include unweighted grades for each course and weighted averages. The average included on a transcript will be that which is calculated after the completion of a student's Junior year. Accompanying each transcript will be a profile of South Side High School which will identify the description of cumulative weighted averages after six semesters. The weighted cumulative average, computed at the end of eleventh grade includes all subjects in which a student receives a final numerical grade, with the exception of physical education.

The valedictorian shall be the student who, at the time of graduation, has been enrolled in Grades 9 through 12 for at least 7 semesters of which at least 3 must have been at South Side High School. This student shall also have the highest weighted seven-semester grade-point average as determined above.

The salutatorian shall be the student who, at the time of graduation, has been enrolled in Grades 9 through 12 for at least 7 semesters of which at least 3 must have been at South Side High School and who has the second highest weighted seven-semester grade-point average as determined above.

Should the difference between the weighted seven-semester average of the top two students be .01 or less, they will be declared co-valedictorians and no salutatorian will be named.

Adopted: 7/8/02  
Revised: 11/5/08

**SUBJECT: GRADUATION EXERCISES**

Formal graduation exercises will be held each Spring for students who have completed all School District graduation requirements during the preceding school year. This will include all students who, although meeting all School District requirements, have failed a Regents examination and are eligible to take such examination in the month of August immediately following the graduation exercises.

Adopted: 7/8/02

Revised:9/7/23

**SUBJECT: TRANSFER STUDENTS/CREDIT**

A student who enters a District school from another state, another country, or another New York State school is considered to be a transfer student. Students who have been receiving home instruction and enroll in the School District are also considered to be transfer students.

It is the responsibility of the high school Principal to evaluate the transcript or other records of the transfer student enrolling in a District high school, and award the appropriate units of transfer credit towards a high school diploma. However, when a student transfers from a registered New York State high school to a (registered) District high school, the Principal **must** transfer credit for all credit awarded by such registered New York State high school.

Additionally, the Principal, after consulting with relevant faculty, may award transfer credit for work done at other educational and cultural institutions and for work done through independent study. The decision should be based on whether the student's record indicates that the work is consistent with New York State commencement level learning standards and is of comparable scope and quality to that which would have been done in the school awarding the credit.

Transfer students **must** meet all of the units of credit requirements for a diploma. While the Principal has considerable discretion in reviewing a student's record, he/she cannot waive the units of credit requirements for a diploma. The assessment requirements a student must meet to earn a diploma are based on the year in which the student entered grade 9 for the first time in New York State or in an out-of-state or out-of-country school. Transfer students who are exempted from taking specific State assessments must have their transcripts and permanent records so annotated.

Interscholastic athletic eligibility requirements for transfer students shall be in accordance with the rules enumerated in the most recent New York State Public High School Athletic Association (NYSPHSAA) Handbook.

8 New York Code of Rules and Regulations  
(NYCRR) Part 100

Adopted: 11/19/02

Students

**SUBJECT: APPEALS PROCESS ON REGENTS EXAMINATIONS PASSING SCORE TO MEET REGENTS DIPLOMA REQUIREMENTS**

The School District shall provide unlimited opportunities for all students to retake required Regents examinations to improve their scores. (The five required Regents examinations enumerated in Commissioner's Regulations are: the Regents comprehensive examination in English, a Regents examination in mathematics, the Regents examination in United States history and government, a Regents examination in science, the Regents examination in global studies.) A student who first enters grade 9 in September 2005 or thereafter and who fails, after at least two attempts, to attain a score of 65 or above on a required Regents examination for graduation shall be given an opportunity to appeal such score in accordance with Commissioner's Regulations.

However, no student may appeal his/her score on more than two of the five required Regents examinations and provided further that the student:

- 1) Has scored within three points of the 65 passing score on the required Regents examination under appeal and has attained at least a 65 course average in the subject area of the Regents examination under appeal;
- 2) Provides evidence that he/she has received academic intervention services by the school in the subject area of the Regents examination under appeal;
- 3) Has an attendance rate of at least 95 percent for the school year during which the student last took the required Regents examination under appeal;
- 4) Has attained a course average in the subject area of the Regents examination under appeal that meets or exceeds the required passing grade by the school and is recorded on the student's official transcript with grades achieved by the student in each quarter of the school year; and
- 5) Is recommended for an exemption to the passing score on the required Regents examination under appeal by his/her teacher or Department Chairperson in the subject area of such examination.

**Appeals Process**

- 1) An appeal may be initiated by the student, the student's parent/guardian, or the student's teacher, and shall be submitted in a form prescribed by the Commissioner of Education to the student's School Principal.
- 2) The School Principal shall chair a Standing Committee comprised of three teachers (not to include the student's teacher in the subject area of the Regents examination under appeal) and two school administrators (one of whom shall be the School Principal). The Standing Committee shall review an appeal within ten (10) school days of its receipt and make a recommendation to the Superintendent of Schools.

(Continued)

Students

**SUBJECT: APPEALS PROCESS ON REGENTS EXAMINATIONS PASSING SCORE TO MEET REGENTS DIPLOMA REQUIREMENTS (Cont'd.)**

- 3) The Standing Committee may interview the teacher or Department Chairperson who recommended the appeal, and may also interview the student making the appeal to determine that he/she has demonstrated the knowledge and skills required under the State learning standards in the subject area in question.
- 4) The Superintendent of Schools shall make a final determination to accept or deny the appeal. The Superintendent may interview the student making the appeal to determine that the student has demonstrated the knowledge and skills required under the State learning standards in the subject area in question.

**Regents or Local Diploma Earned by Student**

- 1) A student whose appeal is accepted for one required Regents examination, and who has attained a passing score of 65 or above on each of the four remaining required Regents examinations, shall earn a Regents diploma.
- 2) A student whose appeal is accepted for two required Regents examinations, and who has attained a passing score of 65 or above on each of the three remaining required Regents examinations, shall earn a local diploma.

**Recordkeeping Requirements**

Each school shall keep a record of all appeals received and granted, and report this information to the State Education Department on a form prescribed by the Commissioner of Education. All school records relating to appeals of scores on required Regents examinations shall be made available for inspection by the State Education Department.

Adopted: 10/2/08

2002

7230

Students

**SUBJECT: DUAL CREDIT FOR COLLEGE COURSES**

All students who have successfully fulfilled the requirements to enter into their senior year and have demonstrated intellectual and social maturity may choose to matriculate at any one of the colleges that have a cooperative agreement with our School District. Such opportunities may include early admission to college, collegiate-level work offered in the high school, or other means of providing advanced work. Review and approval by the administration are necessary before any college courses may be taken during the school day.

The Board shall not be required to pay tuition and other related costs for those high school students enrolled in college courses. Students who wish to enroll in college level coursework shall meet all academic, grade level and coursework requirements as set forth by administrative rules and regulations of the School District and the college or university.

Adopted: 7/8/02  
Revised: 1/18/24

Students

**SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE**

The Rockville Centre Union Free School District shall comply with the provisions of the "Family Educational Rights and Privacy Act of 1974" (FERPA). Under its provisions, "parents/guardians and noncustodial parent(s), whose rights are not limited by court order or formal agreement, of a student under eighteen (18), or a student who is eighteen (18) years of age or older or who is attending an institution of post-secondary education, have a right to inspect and review any and all education records maintained by the School District.

**Access to Student Records**

The Board directs that administrative regulations and procedures be formulated to comply with the provisions of federal law relating to the availability of student records. The purpose of such regulations and procedures shall be to make available to the parents/guardians of students and noncustodial parent(s) whose rights are not limited by court order or formal agreement, or students who are eighteen (18) years of age or older or who are attending an institution of post-secondary education, student records, and files on students, and to insure the confidentiality of such records with respect to third parties.

Under FERPA, unless otherwise exempted in accordance with law and regulation, the District may release personally identifiable information contained in student records only if it has received a "signed and dated written consent" from a parent or eligible student. Signed and dated written consent may include a record and signature in electronic form provided that such signature:

- a) Identifies and authenticates a particular person as the source of the electronic consent; and
- b) Indicates such person's approval of the information contained in the electronic consent.

**Health and Safety Emergency Exception**

School districts must balance the need to protect students' personally identifiable information with the need to address issues of school safety and emergency preparedness. Under FERPA, if an educational agency or institution determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records, without consent, to any person whose knowledge of the information is necessary to protect the health and safety of the student or other individuals during the period of the health or safety emergency. School districts may release information from records to appropriate parties including, but not limited to, parents, law enforcement officials and medical personnel. A school district's determination that there is an articulable and significant threat to the health or safety of a student or other individuals shall be based upon a totality of the circumstances, including the information available, at the time the determination is made. The school district must record the articulable and significant threat that formed the basis for the disclosure and maintain this record for as long as the student's education records are maintained.

(Continued)



Students

**SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)**

**Challenge to Student Records**

Parents/guardians of a student under the age of eighteen (18), or a student who is eighteen (18) years of age or older or who is attending an institution of post-secondary education, shall have an opportunity for a hearing to challenge the content of the school records, to insure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein.

**Disclosures to Parents of Eligible Students**

Even after a student has become an "eligible student" under FERPA (which is defined as a student who is eighteen (18) years of age or older or who is attending an institution of post-secondary education) an educational agency or institution may disclose education records to an eligible student's parents, without the student's consent:

- a) If the student is claimed as a dependent for Federal income tax purposes by either parent;
- b) In connection with a health or safety emergency;
- c) If the student is under twenty-one (21) years of age and has violated an institutional rule or policy governing the use of alcohol or a controlled substance; or
- d) If the disclosure falls within any other exception to the consent requirements under FERPA or its Regulations, such as the disclosure of directory information or in compliance with a court order or lawfully issued subpoena.

**Education Records**

The term "education records" is defined as all records, files, documents and other materials containing information directly related to a student; and maintained by the education agency or institution, or by a person acting for such agency or institution (34 Code of Federal Regulations (CFR) Section 99.3). This includes all records regardless of medium, including, but not limited to, handwriting, videotape or audiotape, electronic or computer files, film, print, microfilm, and microfiche.

(Continued)

Students

**SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)**

In addition, for students who attend a public school district, all records pertaining to services provided under the Individuals with Disabilities Education Act (IDEA) are considered "education records" under FERPA. As such, they are subject to the confidentiality provisions of both Acts.

Personal notes made by teachers or other staff, on the other hand, are not considered education records if they are:

- a) Kept in the sole possession of the maker;
- b) Not accessible or revealed to any other person except a temporary substitute; and
- c) Use only as a memory aid.

Additionally, FERPA does not prohibit a school official from disclosing information about a student if the information is obtained through the school official's personal knowledge or observation and not from the student's education records.

Records created and maintained by a law enforcement unit for law enforcement purposes are also excluded.

**Release of Information to the Noncustodial Parent**

The District may presume that the noncustodial parent has the authority to request information concerning his/her child and release such information upon request. If the custodial parent wishes to limit the noncustodial parent's access to the records, it would be his/her responsibility to obtain and present to the school a legally binding instrument that prevents the release of said information.

**Release of Information to Another Educational Institution**

The District may disclose any and all educational records, including disciplinary records and records that were created as a result of a student receiving special education services under Part B of IDEA, to another school or postsecondary institution at which the student seeks or intends to enroll or after the student has enrolled or transferred, as long as the disclosure is for purposes related to the student's

(Continued)

Students

**SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)**

enrollment or transfer. Parental consent is not required for transferring education records; if the school's annual FERPA notification indicates that such disclosures may be made. In the absence of information about disclosures in the annual FERPA notification, school officials must make a reasonable attempt to notify the parent about the disclosure, unless the parent initiated the disclosure. Additionally, upon request, schools must provide a copy of the information disclosed and an opportunity for a hearing.

NOTE: Refer also to Policy #7643 -- Transfer Students with Disabilities

Family Educational Rights and Privacy Act of 1974  
20 United States Code (U.S.C.) Section 1232(g)  
34 Code of Federal Regulations (C.F.R.) Part 99

Adopted: 7/8/02  
Revised: 5/24/05, 10/2/08, 12/9/09

**SUBJECT: RELEASE OF INFORMATION TO THE NONCUSTODIAL PARENT**

The District will make available to parents all material information relating to their children without regard to the private custodial arrangements between parents. Each parent will be deemed to have equal access to such information unless and only to the extent that a court of competent jurisdiction specifically direct otherwise. The District may require such proof as the circumstances may warrant to support the claim of a person to be the natural or foster parent, or the legal guardian entitled to such information.

When a child is enrolled in the school, the parent who is enrolling the child will be asked to provide the District with the name, address and telephone number of the noncustodial parent. If the parent enrolling the student claims that the other parent's rights concerning the child have been restricted by a court of competent jurisdiction, the District will require the parent to file a certified copy of the most recent court order, setting forth such restrictions, with the Superintendent of Schools or his/her designee. At all times, the school will abide by the most recent court order.

Visitation is prohibited between the noncustodial parent and child during school hours unless it is specifically permitted by court order and a certified copy of the order is on file with the school.

A child will be permitted to be released to a noncustodial parent unless the District has been provided with a certified copy of the legally binding instrument such as the court order or decree of divorce, separation or custody or protective order which provides evidence to the contrary. The District shall attempt to verbally inform the custodial parent before releasing the child to the noncustodial parent.

Should neither parent file the most recent court order with the school system setting forth restrictions on parental rights of either party, the District will not restrict either parent's rights to be kept informed of the child's school progress and activities.

20 United States Code  
(U.S.C.) 1232(g)(b)(4)(A)  
34 Code of Federal  
Regulations (C.F.R.) Part  
99

Adopted: 7/8/02  
Reviewed: 1/18/24

Students

**SUBJECT: STUDENT DIRECTORY INFORMATION**

The District shall publish an annual public notice at the beginning of every school year and further send home a memorandum informing parents or students who have attained the age of 18 of their right to limit or refuse the release of student directory information and indicating a time period for their response. Following such public notice and after the expiration of the reasonable response period, the District may release such information to an outside group without parental and/or individual consent.

For the purposes of this Policy, the term "directory information" relating to a student includes the following: the student's name, address, , date of birth, major field of study, participation in officially recognized activities and sports, the weight and height of members of athletic teams, dates of attendance, degrees, honors and awards received, photography or imagery of the student (which may be released and appear to the public via mediums including, but not limited to, print and electronic media, the internet, television, or annual yearbooks published by the District), the names of student's parents, and the most recent previous educational agency or institution attended by the student.

Parents, legal guardians or students who have attained the age of 18, may request within the response period as established by the District's annual FERPA notification that directory information designated above not be publicly released by writing, to the District Clerk, Rockville Centre UFSD, 128 Shepherd Street, Rockville Centre, NY 11570-2298. To the extent that such a request is made to the District Clerk, the same request not to publicly release directory information will be honored.

The release of student directory information is not to be confused with the release of secondary school students' names, addresses and telephone listings to Military Recruiters (Policy #7244). In compliance with the Elementary and Secondary Education Act of 1965 as amended by the No Child Left Behind Act of 2001 (NCLB), the National Defense Authorization Act and in accordance with FERPA, the School District shall comply with the request by a military recruiter for this information unless a parent has "opted out" of providing such information.

Family Educational Rights and Privacy Act of 1974  
20 United States Code (U.S.C.) 1232(g)  
34 Code of Federal Regulations (CFR) Part 99

Adopted: 7/8/02  
Revised: 5/24/05, 6/23/09

Students

**SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS**

The Protection of Pupil Rights Amendment (PPRA) governs the administration to students of a survey, analysis, or evaluation that concerns one or more of the following **eight protected areas**:

- a) Political affiliations or beliefs of the student or the student's parent/guardian;
- b) Mental or psychological problems of the student or the student's family;
- c) Sex behavior or attitudes;
- d) Illegal, anti-social, self-incriminating, or demeaning behavior;
- e) Critical appraisals of other individuals with whom respondents have close family relationships;
- f) Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
- g) Religious practices, affiliations, or beliefs of the student or student's parent/guardian; or
- h) Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

PPRA also concerns marketing surveys and other areas of student privacy, parental access to information, and the administration of certain physical examinations to minors.

**General Provisions**

The requirements of PPRA do not apply to a survey administered to a student in accordance with the Individuals with Disabilities Education Act (IDEA). Further, PPRA does not supersede any of the requirements of FERPA.

The rights provided to parents/guardians under PPRA transfer from the parent/guardian to the student when the student turns 18 years old or is an emancipated minor under applicable State law.

The School District may use funds provided under Part A of Title V of the Elementary and Secondary Education Act of 1965 to enhance parental/guardian involvement in areas affecting the in-school privacy of students.

**Annual Parental Notification of Policies/"Opt Out" Provisions**

The School District shall provide for reasonable notice of the adoption or continued use of this policy directly to the parents/guardians of students enrolled in the District. At a minimum, the District shall provide such notice at least annually, at the beginning of the school year, and within a reasonable period of time after any substantive change in this policy.

Further, in the notification, the District shall offer an opportunity for parents/guardians to opt their child out of participation in the following activities:

(Continued)

Students

**SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS (Cont'd.)**

- a) The administration of **any survey** containing one or more of the **eight protected areas**.
  1. **U.S. Department of Education-Funded Surveys: Prior written consent from parents must be obtained** before students are required to submit to the survey.
  2. **Surveys funded by sources other than U.S. Department of Education:** Notification may indicate the specific or approximate dates during the school year when surveys will be administered and provide an opportunity for the parent to opt his/her child out of participating upon receipt of the notification.
- b) Activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose).
- c) Any non-emergency, invasive physical examination or screening that is required as a condition of attendance; administered by the school and scheduled by the school in advance; and not necessary to protect the immediate health and safety of the student, or of other students. The term "*invasive physical examination*" means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but *does not include a hearing, vision or scoliosis screening*.

**Specific Notification**

In the event that the District does not identify the specific or approximate dates of the activities or surveys to be administered in the general annual notification, it shall "directly" notify, such as through U.S. Mail or e-mail, the parents of students who are scheduled to participate in the specific activities or surveys prior to participation and provide an opportunity for the parent to opt his/her child out of participation.

**U.S. Department of Education-Funded Surveys**

In compliance with the Protection of Pupil Rights Amendment (PPRA), the School District is committed to protecting the rights and privacy interests of parents/guardians and students with regard to surveys funded in whole or part by any program administered by the U.S. Department of Education (DOE).

(Continued)

Students

**SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS (Cont'd.)**

The District shall make instructional materials available for inspection by parents/guardians if those materials will be used in connection with a DOE-funded survey, analysis, or evaluation in which their children participate. In addition, the School District **shall obtain prior written parental/guardian consent** before minor students are required to participate in any DOE-funded survey, analysis, or evaluation that reveals information concerning any of the **eight protected areas**.

**Surveys Funded by Sources Other than U.S. Department of Education**

The School District has developed and adopted this Board policy, in consultation with parents/guardians, regarding the following:

- a) The right of the parent/person in parental relation to inspect, upon request, a survey created by a third party (i.e., by a party other than the DOE) before the survey is administered or distributed by the school to a student. Requests by parents/guardians to inspect such surveys are to be submitted, in writing, to the Building Principal \*at least ten (10) days prior to the administration or distribution of any survey. Further, the District shall grant a request by the parent/guardian for reasonable access to such survey within a reasonable period of time after the request is received by the District.
- b) Arrangements shall be provided by the District to protect student privacy in the event of the administration or distribution of a survey to a student containing one or more of the **eight protected areas**, including the right of the parent/guardian of the student to inspect, upon request, any survey containing one or more of the **eight protected areas**. Such requests must be submitted by the parent/guardian, in writing, to the Building Principal \*at least 10 days prior to the administration or distribution of any survey.
- c) Parents/guardians shall be granted, upon request, reasonable access and the right to inspect instructional materials used as part of the educational curriculum for the student within a reasonable period of time (\*defined by the School District, for the purposes of this policy, as 30 days) after such request is received by the District. Requests shall be submitted by parents/guardians, in writing, to the Building Principal. The term "*instructional material*" means instructional content that is provided to a student, regardless of its format, including printed or representational materials, audiovisual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). *The term does not include academic tests or academic assessments.*

(Continued)



Students

**SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS (Cont'd.)**

- d) The administration of physical examinations or screenings that the School District may administer to a student.

*Further, this law does not apply to any physical examination or screening that is permitted or required by State law, including physical examinations or screenings that are permitted without parental notification.*

In the implementation of this provision regarding the administration of physical examinations or screenings that the school may administer to the student, the School District incorporates by reference Board policies that address student health services, as applicable, including but not limited to policies regarding the administration of medication, immunization of students, and student physicals.

- e) Unless mandated/authorized in accordance with Federal or State law and/or regulation, it is policy of the Board of Education, to **not permit** the collection, disclosure, or use of personal information (the term "*personal information*" is defined as individually identifiable information including a student's or parent/guardian's first and last name; home address; telephone number; or Social Security number) collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose), *unless otherwise exempted pursuant to law as noted below*. Questions regarding the collection, disclosure, or use of personal information collected from students for such marketing purposes may be referred to the school attorney as deemed necessary by the Superintendent/designee.

This law is not intended to preempt applicable provisions of State law that require parental/guardian notification.

These requirements **do not apply** to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:

- a) College or other postsecondary education recruitment, or *\*military recruitment*;

*\*Military recruiter access to student information is governed by the Family Educational Rights and Privacy Act of 1974 (FERPA) and the National Defense Authorization Act for Fiscal Year 2002.*

(Continued)

Students

**SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS (Cont'd.)**

- b) Book clubs, magazines, and programs providing access to low-cost literary products;
- c) Curriculum and instructional materials used by elementary schools and secondary schools;
- d) Tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments;
- e) The sale by students of products or services to raise funds for school-related or education-related activities;
- f) Student recognition programs.

Adopted: 9/23/03  
Revised: 8/2/05

**SUBJECT: MILITARY RECRUITERS' ACCESS TO HIGH SCHOOL STUDENTS AND INFORMATION ON STUDENTS**

In compliance with the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001 (NCLB); and the National Defense Authorization Act, and in accordance with the Family Educational Rights and Privacy Act (FERPA), the School District shall comply with a request by a military recruiter for secondary (i.e., junior and seniors) students' names, addresses, and telephone listings, **unless a parent has "opted out" of providing such information.**

Further, in compliance with the NCLB, the District shall give military recruiters the same access to secondary school students as they provide to postsecondary institutions or to prospective employers.

Under FERPA, the School District must provide notice to parents of the types of student information that it releases publicly. This type of information, commonly referred to as "directory information," which is released by the District includes -- but is not limited to -- such items as students' names and addresses. The notice must include an explanation of a parent's right to request that the information not be disclosed without prior written parental consent; and further requires that parents be notified that the School District routinely discloses students' names, addresses, and telephone listings to military recruiters upon request, subject to a parent's/eligible student's request not to disclose such information without written consent.

A single notice provided through a mailing, student handbook, or other method that is reasonably calculated to inform parents of the above information is sufficient to satisfy the parental notification requirements of both FERPA and the NCLB. The notification shall advise the parent/eligible student of how to opt out of the public, nonconsensual disclosure of directory information and the method and timeline within which to do so.

If a parent/eligible student opts out of providing directory information (or any subset of such information) to third parties, the opt-out relating to the student's name, address, or telephone listing applies to request for military recruiters as well. For example, if the opt-out states that telephone numbers will not be disclosed to the public, the District may not disclose telephone numbers to military recruiters.

The Superintendent/designee shall ensure that appropriate notification is provided to parents/eligible parents informing them of their right to opt-out of the release of designated directory information without prior written parental consent.

Elementary and Secondary Education Act of 1965  
Section 9528, 20 United States Code (U.S.C.)  
Section 7908 as amended by the No Child Left Behind  
Act of 2001  
National Defense Authorization Act Section 544  
10 United States Code (U.S.C.) Section 503  
Family Educational Rights and Privacy Act of 1974  
20 United States Code (U.S.C.) Section 1232(g)  
34 Code of Federal Regulations (C.F.R.)  
Section 300.571 Education Law Section 2-a

Adopted: 5/27/03  
Revised: 1/8/08

Students

**SUBJECT: STUDENT ACADEMIC STANDING AND TRANSCRIPT**

A grade point average will be calculated for each student based on the credit and grade assigned for each high school level course excluding physical education and pass/fail subjects. Courses which are designated as Advanced Placement, and/or International Baccalaureate will be proportionately weighted by 1.1 in the determination of the student's grade point average. A numerical ranking of students shall not be maintained.

Transcripts will include unweighted grades for each course and weighted averages. The average included on a transcript will be that which is calculated after the completion of a student's Junior year. Marks for advanced level subjects as identified in the student course guide, will be weighted by 1.1. Accompanying each transcript will be a profile of South Side High School which will identify the description of cumulative weighted average after six semesters. The weighted cumulative average, computed at the end of eleventh grade includes all subjects in which a student receives a final numerical grade, with the exception of physical education.

Commencing with the 2008 entering 9<sup>th</sup> grade cohort, a grade point average will be calculated for each student based on the credit and grade assigned for each high school level course excluding physical education and pass/fail subjects. Courses which are designated as Advanced Placement, and/or International Baccalaureate (with the exception of IB Math Studies) will be proportionately weighted by 1.15 in the determination of the student's grade point average. IB Math Studies, Advanced Chemistry, L.I.U. College Credit Courses (Accounting, Business Law and Marketing), Advanced Math topics, Advanced Humanity topics and Research Skills Intel Grade 11-12 will be proportionately weighted by 1.1 in the determination of the student's grade point average. A numerical ranking of students shall not be maintained

Commencing with the 2008 entering 9<sup>th</sup> grade cohort, transcripts will include unweighted grades for each course and weighted averages. The average included on a transcript will be that which is calculated after the completion of a student's Junior year. Marks for subjects noted above will be weighted by 1.15 or 1.1. Accompanying each transcript will be a profile of South Side High School which will identify the description of cumulative weighted average after six semesters. The weighted cumulative average, computed at the end of eleventh grade includes all subjects in which a student receives a final numerical grade, with the exception of physical education.

(Continued)

Students

**SUBJECT: STUDENT ACADEMIC STANDING AND TRANSCRIPT (Cont'd.)**

**Cumulative Average**

South Side High School will describe the class distribution of cumulative weighted averages after six semesters using the distribution table below.

**Distribution of Cumulative Averages  
South Side High School Class of \_\_\_\_\_**

Cumulative Averages	% of Class
100 and above .....	
95 – 99.9 .....	
90 – 94.9 .....	
85 – 89.9 .....	
80 – 84.9 .....	
75 – 79.9 .....	
70 – 74.9 .....	
65 – 69.9 .....	

Adopted: 7/8/02  
Revised: 9/9/08

Students

**SUBJECT: SCHOOL CONDUCT AND DISCIPLINE**

Refer to Policy # 3410 – *Code of Conduct on School Property*

Adopted: 7/8/02  
Revised: 7/7/08, 9/8/09

**SUBJECT: LOSS OR DESTRUCTION OF DISTRICT PROPERTY OR RESOURCES**

The District is authorized to seek restitution, through civil action when necessary, from the parent or guardian of an unemancipated student over the age of ten (10) and under the age of eighteen (18) where such student:

- a) Has willfully, maliciously, or unlawfully damaged, defaced or destroyed real or personal property in the care, custody and/or ownership of the District; or
- b) Has knowingly entered or remained in a District building, and wrongfully taken, obtained or withheld personal property owned or maintained by the District.

In instances where the District has sought and obtained a judgment from a court of competent jurisdiction, parent/guardian liability for civil damages shall not exceed \$5,000. Under certain circumstances, prior to the entering of a judgment in the sum total of \$500 or more, a court may consider the parent's or guardian's financial inability to pay any portion or all of the amount of damages which are in excess of \$500, and enter a judgment in an amount within the financial capacity of the parent or guardian. However, no such judgment shall be entered for an amount which is less than \$500.

**False Reporting of an Incident and/or Placing a False Bomb**

A School District is also authorized to seek restitution, as described in law, from a parent or guardian of an unemancipated student over the age of ten (10) and under the age of eighteen (18) where such student:

- a) Has falsely reported an incident as defined in New York State Penal Law; or
- b) Has placed a false bomb or threat as defined in New York State Penal Law.

Damages for falsely reporting an incident or placing a false bomb shall mean the funds reasonably expended by the School District in responding to such false report of an incident or false bomb, less the amount of any funds which have been or will be recovered from any other source as enumerated in law.

In seeking restitution, the School District shall file with the court, District attorney and defense counsel an affidavit stating that the funds reasonably expended for which restitution is being sought have not been and will not be recovered from any other source or in any other civil or criminal proceeding, except as provided for pursuant to General Obligations Law Section 3-112.

General Obligations Law Section 3-112 Penal Law Section 60.27

Adopted: 7/8/02  
Reviewed: 1/18/24

**SUBJECT: STUDENT DRESS CODE**

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents have the primary responsibility for acceptable student dress and appearance. Teachers and all other district personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.

While the school administration may require students participating in physical education classes to wear certain types of clothing such as sneakers, socks, shorts, tee shirts, they may not prescribe a specific brand which students must wear.

Each building Principal or his/her designee shall be responsible for informing all students and their parents, in writing, of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year.

Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item and, if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so shall be subject to discipline up to and including in-school suspension for the day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out-of-school suspension.

Students, faculty, and/or parent groups may recommend appropriate dress for school or special occasions. It means that a student shall not be prevented from attending school or school functions, or otherwise be discriminated against, so long as his/her dress and appearance meet the requirements of the student dress code as delineated in the Rockville Centre Conduct and Discipline Code.

Adopted: 7/8/02



Students

**SUBJECT: SUSPENSION OF STUDENTS**

The Superintendent and/or the Principal may suspend the following students from required attendance upon instruction:

- a) A student who is insubordinate or disorderly; or
- b) A student who is violent or disruptive; or
- c) A student whose conduct otherwise endangers the safety, morals, health or welfare of others.

**Suspensions**

**Five (5) School Days or Less**

The Superintendent and/or the Principal of the school where the student attends shall have the power to suspend a student for a period not to exceed five (5) school days. In the absence of the Principal, the designated "Acting Principal" may then suspend a student for a period of five (5) school days or less.

When the Superintendent or the Principal (the "suspending authority") proposes to suspend a student for five (5) school days or less, the suspending authority shall provide the student with **notice** of the charged misconduct. If the student denies the misconduct, the suspending authority shall provide an **explanation** of the basis for the suspension.

When suspension of a student for a period of five (5) school days or less is proposed, administration shall also immediately notify the parent/person in parental relation in writing that the student *may be* suspended from school.

Written notice shall be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of such notice within twenty-four (24) hours of the decision to propose suspension at the last known address or addresses of the parents/persons in parental relation. Where possible, notification shall also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents/persons in parental relation.

(Continued)

Students

**SUBJECT: SUSPENSION OF STUDENTS (Con't)**

The notice shall provide a description of the incident(s) for which suspension is proposed and shall inform the student and the parent/person in parental relation of their right to request an immediate informal conference with the Principal in accordance with the provisions of Education Law Section 3214(3) (b). Both the notice and the informal conference shall be in the dominant language or mode of communication used by the parents/persons in parental relation. At the informal conference, the student and/or parent/person in parental relation shall be authorized to present the student's version of the event and to ask questions of the complaining witnesses.

The notice and opportunity for informal conference shall take place **prior to** suspension of the student unless the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, in which case the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practical.

Teachers shall immediately report or refer a violent student to the Principal or Superintendent for a violation of the *District's Code of Conduct* and a minimum suspension period.

**More Than Five (5) School Days**

In situations where the Superintendent determines that a suspension in excess of five (5) school days may be warranted, the student and parent/person in parental relation, upon reasonable notice, shall have had an opportunity for a fair hearing. At the hearing, the student shall have the right of representation by counsel, with the right to question witnesses against him/her, and the right to present witnesses and other evidence on his/her behalf.

Where the basis for the suspension is, in whole or in part, the possession on school grounds or school property by the student of any firearm, rifle, shotgun, dagger, dangerous knife, dirk, razor, stiletto, box cutters, or any of the weapons, instruments or appliances specified in Penal Law Section 265.01, the hearing officer or Superintendent shall not be barred from considering the admissibility of such weapon, instrument or appliance as evidence, notwithstanding a determination by a court in a criminal or juvenile delinquency proceeding that the recovery of such weapon, instrument or appliance was the result of an unlawful search or seizure.

(Continued)

Students

**SUBJECT: SUSPENSION OF STUDENTS (Con't)**

**Minimum Periods of Suspension**

Pursuant to law, Commissioner's Regulations and the *District's Code of Conduct*, minimum periods of suspension shall be provided for the following prohibited conduct, subject to the requirements of federal and state law and regulations:

- a) Consistent with the federal Gun-Free Schools Act, any student who is determined to have brought a firearm to school or possessed a firearm on school premises shall be suspended for a period of not less than one (1) calendar year. However, the Superintendent has the authority to modify this suspension requirement on a case-by-case basis.
- b) A minimum suspension period for students who repeatedly are substantially disruptive of the educational process or substantially interfere with the teacher's authority over the classroom, provided that the suspending authority may reduce such period on a case-by-case basis to be consistent with any other state and federal law. The definition of "repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority" shall be determined in accordance with the Regulations of the Commissioner.
- c) A minimum suspension period for acts that would qualify the student to be defined as a violent student pursuant to Education Law Section 3214(2-a)(a), provided that the suspending authority may reduce such period on a case-by-case basis to be consistent with any other state and federal law.

**Suspension of Students with Disabilities**

Generally, should a student with a disability infringe upon the established rules of the schools, disciplinary action shall be in accordance with procedures set forth in the *District's Code of Conduct* and in conjunction with applicable law and the determination of the Committee on Special Education (CSE).

For suspensions or removals up to 10 school days in a school year that do not constitute a disciplinary change in placement, students with disabilities must be provided with alternative instruction or services on the same basis as non-disabled students of the same age.

(Continued)

Students

**SUBJECT: SUSPENSION OF STUDENTS (Con't)**

If suspension or removal from the current educational placement constitutes a disciplinary change in placement because it is for more than ten (10) consecutive school days or constitutes a pattern, a manifestation determination must be made. The District determines on a case-by-case basis whether a pattern of removals constitutes a change of placement. This determination is subject to review through due process and judicial proceedings.

**Manifestation Determinations**

A review of the relationship between the student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the disability must be made by a manifestation team immediately, if possible, but in no case later than ten (10) school days after a decision is made:

- a) By the Superintendent to change the placement to an interim alternative educational setting (IAES);
- b) By an Impartial Hearing Officer (IHO) to place the student in an IAES; or
- c) By the Board, District Superintendent, Superintendent or building principal to impose a suspension that constitutes a disciplinary change of placement.

The manifestation team shall include a representative of the District knowledgeable about the student and the interpretation of information about child behavior, the parent and relevant members of the CSE as determined by the parent and the District. The parent must receive written notice prior to the meeting to ensure that the parent has an opportunity to attend. This notice must include the purpose of the meeting, the names of those expected to attend and notice of the parent's right to have relevant members of the CSE participate at the parent's request.

The manifestation team shall review all relevant information in the student's file including the student's IEP, any teacher observations, and any relevant information provided by the parents to determine if: the conduct in question was caused by or had a direct and substantial relationship to the student's disability; or the conduct in question was the direct result of the District's failure to implement the IEP. If the team determines the conduct in question was the direct result of failure to implement the IEP, the District must take immediate steps to remedy those deficiencies.

(Continued)

Students

**SUBJECT: SUSPENSION OF STUDENTS (Con't)**

**Finding of Manifestation**

If it is determined, as a result of this review, that the student's behavior is a manifestation of his/her disability, the CSE shall conduct a functional behavioral assessment, if one has not yet been conducted, and implement or modify a behavioral intervention plan.

Functional behavioral assessment (FBA) means the process of determining why the student engages in behaviors that impede learning and how the student's behavior relates to the environment. FBA must be developed consistent with the requirements of Commissioner's Regulations Section 200.22(a) and shall include, but not be limited to, the identification of the problem behavior, the definition of the behavior in concrete terms, the identification of the contextual factors that contribute to the behavior (including cognitive and affective factors) and the formulation of a hypothesis regarding the general conditions under which a behavior usually occurs and probable consequences that serve to maintain it.

Behavioral intervention plan (BIP) means a plan that is based on the results of a functional behavioral assessment and, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs and intervention strategies that include positive behavioral supports and services to address the behavior.

Unless the change in placement was due to behavior involving serious bodily injury, weapons, illegal drugs or controlled substances, the student must be returned to the placement from which the student was removed unless the parent and the District agree to a change of placement as part of the modification of the behavioral intervention plan.

**No Finding of Manifestation**

If it is determined that the student's behavior is not a manifestation of his/her disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner in which they would be applied to students without disabilities, subject to the right of the parent/person in parental relation to request a hearing objecting to the manifestation determination and the District's obligation to provide a free, appropriate public education to such student.

(Continued)

Students

**SUBJECT: SUSPENSION OF STUDENTS (Con.t)**

**Provision of Services Regardless of the Manifestation Determination**

Regardless of the manifestation determination, students with a disability shall be provided the services necessary for them to continue to participate in the general education curriculum and progress toward meeting the goals set out in their IEP. They must also receive, as appropriate, a functional behavioral assessment, behavioral invention services and modifications designed to address the behavior violation so it does not recur:

- a) For subsequent suspensions or removals for ten (10) consecutive school days or less that in the aggregate total more than ten (10) school days in a school year but do not constitute a disciplinary change of placement school personnel, in consultation with at least one of the student's teachers, will determine the extent to which services are needed;
- b) For suspension and other disciplinary removals in excess of ten (10) school days in a school year which do constitute a disciplinary change in placement the IAES and services will be determined by the CSE.

**Interim Alternative Educational Setting (IAES)**

Students with disabilities who have been suspended or removed from their current placement for more than ten (10) school days may, be placed in an IAES which is a temporary educational setting other than the student's current placement at the time the behavior precipitating the IAES placement occurred.

Additionally, an Impartial Hearing Officer in an expedited due process hearing may order a change in placement of a student with a disability to an appropriate interim alternative educational setting (IAES) for up to forty-five (45) school days if the Hearing Officer determines that maintaining the current placement is substantially likely to result in injury to the students or others.

There are three specific instances when a student with a disability may be placed in an IAES for up to 45 school days without regard to a manifestation determination:

- a) Where the student carries or possesses a weapon to or at school, on school premises, or to or at a school function; or under the jurisdiction of the District; or

(Continued)

Students

**SUBJECT: SUSPENSION OF STUDENTS (Con't)**

- b) Where a student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or a school function under the jurisdiction of the District; or
- c) Where a student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the District. Serious bodily harm has been defined in law to refer to one of the following:
  - 1. Substantial risk of death;
  - 2. Extreme physical pain; or
  - 3. Protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

A school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state or country.

School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a student with a disability who violates a code of student conduct.

In all cases, the student placed in an IAES shall:

- a) Continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress towards the goals set out in the student's IEP, and
- b) Receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

The period of suspension or removal may not exceed the amount of time a non-disabled student would be suspended for the same behavior.

(Continued)

Students

**SUBJECT: SUSPENSION OF STUDENTS (Con't)**

**Suspension From BOCES**

The BOCES Principal may suspend School District students from BOCES classes for a period not to exceed five (5) school days when student behavior warrants such action.

**In-School Suspension**

In-school suspension will be used as a lesser discipline to avoid an out-of-school suspension. The student shall be considered present for attendance purposes. The program is used to keep each student current with his/her class work while attempting to reinforce acceptable behavior, attitudes and personal interaction.

**BOCES Activities**

BOCES activities, such as field trips and other activities outside the building itself, are considered an extension of the school program. Therefore, an infraction handled at BOCES is to be considered as an act within the School District itself.

A student who is ineligible to attend a District school on a given day may also be ineligible to attend BOCES classes. The decision rests with the Superintendent or his/her designee.

**Exhaustion of Administrative Remedies**

If a parent/person in parental relation wishes to appeal the decision of the Building Principal and/or Superintendent to suspend a student from school, regardless of the length of the student's suspension, the parent/person in parental relation must appeal to the Board of Education prior to commencing an appeal to the Commissioner of Education.

**Procedure After Suspension**

When a student has been suspended and is of compulsory attendance age, immediate steps shall be taken to provide alternative instruction which is of an equivalent nature to that provided in the student's regularly scheduled classes.

(Continued)



Students

**SUBJECT: SUSPENSION OF STUDENTS (Con't)**

When a student has been suspended, the suspension may be revoked by the Board of Education whenever it appears to be for the best interest of the school and the student to do so. The Board of Education may also condition a student's early return to school and suspension revocation on the student's voluntary participation in counseling or specialized classes, including anger management or dispute resolution, where applicable.

[Individuals with Disabilities Education Improvement Act of 2004](#)  
[\[Public Law 108-446 Section 615\(k\)\(1\)\]](#)  
[18 United States Code \(USC\) Section 921](#)  
[Individuals with Disabilities Education Act \(IDEA\)](#)  
[20 United States Code \(USC\) Sections 1400 et seq.](#)  
[20 United States Code \(USC\) Section 7151, as reauthorized by the](#)  
[No Child Left Behind Act of 2001](#)  
[34 Code of Federal Regulations \(CFR\) Part 300](#)  
[Education Law Sections 2801 \(1\) and 3214 and 4402 Penal Law](#)  
[Section 265.01](#)  
[8 New York Code of Rules and Regulations \(NYCRR\)](#)  
[Section 100.2\(1\) \(2\)\), 200.4\(d\) \(3\) \(i\), 200.22 and Part 201](#)

NOTE: Refer also to Policy #7360 – Weapons in School and the Gun-Free Schools Act

Adopted: 7/8/02  
Revised: 9/21/05, 2/28/06, 6/24/08

Students

**SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES  
(ACCEPTABLE USE POLICY)**

The Board of Education will provide access to various computerized information resources through the District's computer system ("DCS" hereafter) consisting of software, hardware, computer networks and electronic communications systems. This may include access to electronic mail, so-called "on-line services" and the "Internet." It may include the opportunity for some students to have independent access to the DCS from their home or other remote locations. All use of the DCS, including independent use off school premises, shall be subject to this policy and accompanying regulations. Further, all such use must be in support of education and/or research and consistent with the goals and purposes of the School District.

**Access to Inappropriate Content/Material and Use of Personal Technology or Electronic Devices**

This policy is intended to establish general guidelines for the acceptable student use of the DCS and also to give students and parents/guardians notice that student use of the DCS will provide student access to external computer networks not controlled by the School District. The District cannot screen or review all of the available content or materials on these external computer networks. Thus some of the available content or materials on these external networks may be deemed unsuitable for student use or access by parents/guardians.

Despite the existence of District policy, regulations and guidelines, it is virtually impossible to completely prevent access to content or material that may be considered inappropriate for students. Students may have the ability to access such content or material from their home, other locations off school premises and/or with a student's own personal technology or electronic device on school grounds or at school events. Parents and guardians must be willing to establish boundaries and standards for the appropriate and acceptable use of technology and communicate these boundaries and standards to their children. The appropriate/acceptable use standards outlined in this policy apply to student use of technology via the DCS or any other electronic media or communications, including by means of a student's own personal technology or electronic device on school grounds or at school events.

**Standards of Acceptable Use**

Generally, the same standards of acceptable student conduct which apply to any school activity shall apply to use of the DCS. This policy does not attempt to articulate all required and/or acceptable uses of the DCS; nor is it the intention of this policy to define all inappropriate usage. Administrative regulations will further define general guidelines of appropriate student conduct and use as well as proscribed behavior. Parents/guardians of students are encouraged to set and convey standards for appropriate and acceptable use to their children when using the DCS or any other electronic media or communications.

(Continued)

Students

**SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES**  
**(ACCEPTABLE USE POLICY) (cont'd.)**

District students shall also adhere to the laws, policies and rules governing Computers including, but not limited to, copyright laws, rights of software publishers, license agreements, and student rights of privacy created by federal and state law.

Students who engage in unacceptable use may lose access to the DCS in accordance with applicable due process procedures, and may be subject to further discipline under the District's School Conduct and Discipline Policy and the District Code of Conduct. The District reserves the right to pursue legal action against a student who willfully, maliciously or unlawfully damages or destroys property of the District. Further, the District may bring suit in civil court against the parents/guardians of any student who willfully, maliciously or unlawfully damages or destroys District property pursuant to General Obligations Law Section 3-112.

Student data files and other electronic storage areas will be treated like school lockers. This means that such areas shall be considered to be School District property subject to control and inspection. The computer coordinator may access all such files and communications without prior notice to ensure system integrity and that users are complying with the requirements of this policy and accompanying regulations. Students should **NOT** expect that information stored on the DCS will be private.

**Notification/Authorization**

The District's Acceptable Use Policy and accompanying Regulations will be disseminated to parents and students in order to provide notice of the school's requirements, expectations, and students' obligations when accessing the DCS.

"Opt-in" Student use of the DCS is conditioned upon written agreement by all students and their parents/guardians that student use of the DCS will conform to the requirements of this policy and any regulations adopted to ensure acceptable use of the DCS. All such agreements shall be kept on file in the school building.

NOTE: Refer also to Policy #8271 – Internet Safety/Internet Content Filtering Policy

Adopted: 8/2/05

Revised: 3/24/10, 11/6/13

Students

**SUBJECT: STUDENTS PRESUMED TO HAVE A DISABILITY FOR DISCIPLINE PURPOSES**

The parent of a student who has violated any rule or code of conduct of the School District and who was not identified as a student with a disability at the time of such behavior may assert several protections provided for under the Individuals with Disabilities Education Act (IDEA) and State regulations *if the School District is deemed to have had knowledge (as determined in accordance with law and/or regulations and referenced below) that the student was a student with a disability before the behavior that precipitated the disciplinary action occurred.*

**Basis of Knowledge**

The School District shall be deemed to have knowledge that the student had a disability if prior to the time the behavior occurred:

- a) The parent of the student has expressed concern in writing to supervisory or administrative personnel, or to a teacher of the student, that the student is in need of special education and related services. However, expressions of concern may be oral if the parent does not know how to write or has a disability that prevents a written statement;
- b) The parent of the student has requested an evaluation of the student; or
- c) A teacher of the student, or other District personnel, has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the Assistant Superintendent responsible for Special Education or to other supervisory personnel in accordance with the District's established child find or special education referral system.

**Exception**

A student is not a student presumed to have a disability for discipline purposes if, as a result of receiving the information specified above (i.e., subheading "Basis of Knowledge"):

- a) The parent of the student has not allowed an evaluation of the student pursuant to law and/or regulations;
- b) The parent of the student has refused services under law and/or regulations; or
- c) The student has been evaluated and it was determined that the student is not a student with a disability.

(Continued)

Students

**SUBJECT: STUDENTS PRESUMED TO HAVE A DISABILITY FOR DISCIPLINE PURPOSES (Cont'd.)**

**Responsibility for Determining Whether a Student is a Student Presumed to Have a Disability**

If it is claimed by the parent of the student or by School District personnel that the District had a basis for knowledge, in accordance with law and/or regulation, that the student was a student with a disability prior to the time the behavior subject to disciplinary action occurred, it shall be the responsibility of the Superintendent of Schools, Building Principal or other school official imposing the suspension or removal to determine whether the student is a student presumed to have a disability.

**Conditions That Apply if There is No Basis of Knowledge**

If it is determined that there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other nondisabled student who engaged in comparable behaviors.

However, if a request for an individual evaluation is made during the time period in which such nondisabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted in accordance with law and/or regulations. Pending the results of the evaluation, the student shall remain in the educational placement determined by school authorities.

If the student is determined to be a student with a disability, taking into consideration information from the evaluation and information provided by the parents, the District shall provide special education and related services in accordance with law and/or regulations.

[Individuals with Disabilities Education Improvement Act of 2004 \[Public Law 108-446, Section 615\(k\)\(5\)\]](#)  
[Individuals with Disabilities Education Act \(IDEA\)](#)  
[20 United States Code \(USC\) Section 1400 et seq.](#)  
[34 Code of Federal Regulations \(CFR\) Part 300](#)  
[8 New York Code of Rules and Regulations \(NYCRR\) Section 201.5](#)

Adopted: 8/2/05

Students

**SUBJECT: STUDENT USE OF CELL PHONES AND OTHER ELECTRONIC DEVICES**

Cell phone use is prohibited from 7:30 AM until dismissal at the secondary level and elementary level. If a cell phone is exposed or turned on and observed by a member of our staff, it will be confiscated. It will only be returned to a parent or guardian. During State testing periods, mid-term exams or official days of testing by the School District cell phones are prohibited.

Students are prohibited from making any electronic or digital video or audio recordings of another student or adult in the school unless it is specifically related to the instructional program or an officially designated activity of the school. Violation of this policy may result in disciplinary action and/or police action.

Adopted: 4/24/07

Students

**SUBJECT: STUDENT USE OF DISTRICT OWNED COMPUTING DEVICES**

The Board of Education may provide students with computing devices for a fixed period of time for his/her use for instructional purposes. As used herein, the term “computing device” refers to any computing device owned or issued by the Rockville Centre School District to any student for school-related purposes. Before such devices may be taken home, both the student and his/her parent must sign a consent form acknowledging their receipt and understanding of the policies, rules, and practices.

**Compliance with the Rockville Centre School District policies and regulations concerning computers, computing devices and computer services use is mandatory. Students who violate these policies and regulations may have their computer, computing device or computer services privileges limited, suspended or revoked. The building administrator shall have the final authority to decide whether a student’s school computer, computing device and/or computer services privileges will be altered, based on the circumstances of the particular case. Such violations may also result in disciplinary action, referral to law enforcement and/or legal action.**

**Rockville Centre School District’s computers and computing devices remain under the control, custody and supervision of the School District at all times. The Rockville Centre School District shall have the right to monitor, review and have access to all School District computers, computing devices and information concerning the use of computer services by students, whether those computer services have been accessed on or off school grounds. Students have no expectation of privacy in their use of school computers, computing devices and/or computer services, whether they are used on or off school property.**

This policy is intended to establish general guidelines for the acceptable student use of the District owned devices and also to give students and parents/guardians notice that student use of the devices will provide student access to external computer networks not controlled by the School District. The District cannot screen or review all of the available content or material on these external computer networks. Thus, some of the available content or material on these external networks may be deemed unsuitable for student use or access by parents/guardians.

**Standards of Acceptable Use**

Generally, the same standards of acceptable student conduct which apply to any school activity shall apply to use of the District owned computer devices. This policy does not attempt to articulate all required and/or acceptable uses of the devices; nor is it the intention of this policy to define all inappropriate usage. Administrative regulations will further define general guidelines of appropriate student conduct and use as well as proscribed behavior. Parents/guardians of students are expected to set and convey standards for appropriate and acceptable use to their children when using the District owned computing devices or any other electronic media or communications.

(Continued)

Students

**SUBJECT: STUDENT USE OF DISTRICT OWNED COMPUTING DEVICES (Cont'd)**

District students shall also adhere to the laws, policies and regulations governing computer devices including, but not limited to, copyright laws, rights of software publishers, license agreements, and student rights of privacy created by federal and state laws.

Students who engage in unacceptable use may lose privileges to the use of a District owned Computer service in accordance with applicable due process procedures, and may be subject to further discipline under the District's school conduct and discipline policy and the District Code of Conduct. The District reserves the right to pursue legal action against a student who willfully, maliciously or unlawfully damages or destroys property of the District. Further, the District may bring suit in civil court against the parents/guardians of any student who willfully, maliciously or unlawfully damages or destroys District property pursuant to General Obligations Law Section 3-112.

Despite the existence of District policy, regulations and guidelines, it is virtually impossible to completely prevent access to on-line content or material that may be considered inappropriate for students. Students may have the ability to access such content or material from their home, other locations off school premises and/or with a student's own personal technology or electronic device on school grounds or at school events.

Student data files and other electronic storage areas will be treated like school lockers. This means that such areas shall be considered to be School District property subject to control and inspection. The computer coordinator may access all such files and communications without prior notice to ensure system integrity and that users are complying with the requirements of this policy and accompanying regulations. Students should **NOT** expect that information stored on the device will be private.

**Notification**

In order to provide notice of the school's requirements, expectations, and students'/parents' obligations, the computing device User Agreement will be disseminated to parents and students.

Refer to: Policy # 7315 – Student Use of Computerized Information Resources (Acceptable Use Policy)  
The Rockville Centre Union Free School District Code of Conduct  
Policy # 8271 – Children's Internet Protection Act: Internet Content Filtering/Safety Policy

Adopted: 10/22/13, 10/8/2020



**SUBJECT: ALCOHOL, DRUGS AND OTHER SUBSTANCES (STUDENTS)**

The Board of Education recognizes that the misuse of drugs and/or alcohol is a serious problem with legal, physical, emotional and social implications for the entire community. Therefore, the consumption, sharing and/or selling, use and/or possession of alcoholic beverages, illegal drugs, counterfeit and designer drugs, or paraphernalia for the use of such drugs is prohibited at any school-sponsored event or on school property at all times. The inappropriate use of prescription and over-the-counter drugs shall also be disallowed. Persons shall be banned from entering school grounds or school-sponsored events when exhibiting behavioral, personal or physical characteristics indicative of having used or consumed alcohol or other substances.

Through the collaborative efforts of staff, students, parents/guardians and the community as a whole, a certifiable comprehensive program shall be developed addressing alcohol and other substances to include the following elements:

**Primary Prevention**

Preventing or delaying alcohol and other substance use/abuse by students shall be the major focus of a comprehensive K-12 program in which proactive measures of prevention and early intervention are emphasized. This program shall include:

- a) A sequential K-12 curriculum that will be developed and incorporated into the total educational process. This curriculum shall be concerned with education and prevention in all areas of alcohol and other substances uses/abuse;
- b) Training school personnel and parents/guardians to reinforce the components of the policy through in-service and community education programs with up-to-date factual information and materials.
- c) An effort to provide positive alternatives to alcohol and other substances use/abuse through the promotion of drug/alcohol-free special events, service projects and extracurricular activities that will develop a positive peer influence.

**Intervention**

School-based intervention services shall be made available to all students, grades K-12, and provided by prevention professionals who are appropriately trained in this area. The purpose of intervention is to eliminate any existing use/abuse of alcohol and other substances and to identify students considered to be at risk for use/abuse. Intervention programming shall include:

- c) Counseling of students in groups and as individuals on alcohol and other substance use/abuse. Counselors shall be appropriately trained and skilled school staff assigned for this purpose.

(Continued)

**SUBJECT: ALCOHOL, DRUGS AND OTHER SUBSTANCES (STUDENTS) (Cont'd.)**

- b) Referring students to community or other outside agencies when their use/abuse of alcohol and other substances requires additional counseling or treatment. Referral is a key link in school and community efforts and the process is basic to the dissemination of information regarding available counseling and health services;
- c) Providing a supportive school environment designed to continue the recovery process for students returning from treatment. A re-entry program may include continuing student and/or family counseling and emphasizing positive alternatives to alcohol and other substance use/abuse.
- d) Developing a parent network to serve as a support group and provide a vehicle of communication for parent education;
- e) Ensuring confidentiality as required by state and federal law.

**Disciplinary Measures**

Disciplinary measures for students consuming, sharing and/or selling, using and/or possessing alcoholic beverages, illegal drugs, counterfeit and designer drugs, or paraphernalia for the use of such drugs shall be outlined in the District's Bill of Student Rights and Responsibilities.

**Implementation, Dissemination and Monitoring**

It shall be the responsibility of the Superintendent of Schools to implement the alcohol and other substances Board policy by collaboration with school personnel, students, parents/guardians and the community at large.

Additionally, copies of Board policy shall be disseminated to District staff, parents/guardians and community members. The Superintendent of Schools shall biennially review the drug and alcohol abuse prevention program to determine its effectiveness and support appropriate modifications, as needed.

Drug-Free Schools and Communities Act  
Amendment of 1989 (Public Law 101-226)  
20 United States Code (U.S.C) Section 3171 et seq.

**SUBJECT: SEARCHES AND INTERROGATIONS**

Students are protected by the Constitution from unreasonable searches and seizures. A student may be searched and contraband seized on school grounds or in a school building by a School District employee only when the School District employee has reasonable suspicion to believe the student is engaging in proscribed activity which is in violation of school rules and/or illegal.

Factors to be considered in determining whether reasonable suspicion exists to search a student include:

- a) The age of the student;
- b) The student's record and past history;
- c) The predominance and seriousness of the problem in the school where the search is directed; and
- d) The urgency to conduct the search without delay.

If reasonable suspicion exists to believe that a student possesses a weapon, it is permissible for a School District employee to search that student.

**Lockers**

Lockers are provided by the school for student use and the administration has the right to search lockers. A student may have exclusive use of a locker as far as other students are concerned but he/she does not have such exclusivity over the locker as it relates to the school authorities.

**Questioning of Students by School Officials**

School officials have the right to question students regarding any violations of school rules and/or illegal activity. In general, administration may conduct investigations concerning reports of misconduct which may include, but are not limited to, questioning students, staff, parents/guardians, or other individuals as may be appropriate and, when necessary, determining disciplinary action in accordance with applicable due process rights.

Should the questioning of students by school officials focus on the actions of one particular student, the student will be questioned, if possible, in private by the appropriate school administrator. The student's parent/guardian may be contacted; the degree, if any, of parental/guardian involvement will vary depending upon the nature and the reason for questioning, and the necessity for further action which may occur as a result.

The questioning of students by school officials does not preclude subsequent questioning/interrogations by police authorities as otherwise permitted by law. Similarly, the questioning of students by school officials does not negate the right/responsibility of school officials to contact appropriate law enforcement agencies, as may be necessary, with regard to such statements given by students to school officials.

(Continued)

**SUBJECT: SEARCHES AND INTERROGATIONS (Cont'd.)**

School officials acting alone and on their own authority, without the involvement of or on behalf of law enforcement officials (at least until after the questioning of students by school authorities has been conducted) are not required to give the so-called "Miranda warnings" (i.e., advising a person, prior to any custodial interrogations as defined in law, of the right to remain silent; that any statement made by the individual may be used as evidence against him/her; and that the individual has the right to the presence of an attorney, either retained or appointed) prior to the questioning of students.

If deemed appropriate and/or necessary, the Superintendent of Schools/designee may also review the circumstances with School District legal counsel so as to address concerns and the course of action, if any, which may pertain to and/or result from the questioning of students by school officials.

**Law Enforcement Officials**

It shall be the policy of the Rockville Centre Union Free School District that a cooperative effort shall be maintained between the school administration and law enforcement agencies. Law enforcement officials may be summoned in order to conduct an investigation of alleged criminal conduct on school premises or during a school-sponsored activity, or to maintain the educational environment. They may also be summoned for the purpose of maintaining or restoring order when the presence of such officers is necessary to prevent injury to persons or property.

Administrators have the responsibility and the authority to determine when the assistance of law enforcement officers is necessary within their respective jurisdictions. The School District's administrators shall at all times act in a manner that protects and guarantees the rights of students and parents.

**Interrogation of Students by Law Enforcement Officials**

If police are involved in the questioning of students on school premises, whether or not at the request of school authorities, it will be in accordance with applicable law and due process rights afforded students. Generally, police authorities may only interview students on school premises without the permission of the parent/guardian in situations where a warrant has been issued for the student's arrest (or removal). Police authorities may also question students for investigations of crimes committed on school property. Generally, in all other situations, if the police wish to speak to a student without a warrant, they should take the matter up directly with the student's parent/guardians.

Family Court Act Section 1024  
Education Law Sections 1709(2) and (33) and 2801  
8 New York Code of Rules and Regulations  
(NYCRR) Section 100.2(1)

**SUBJECT: BUS RULES AND REGULATIONS**

The Rockville Centre Union Free School District furnishes transportation to those students whose disability or distance from the school make the service essential. Except as otherwise mandated in a student's Individualized Education Program (IEP), riding these buses is a privilege and may be withdrawn if the student does not comply with the rules and regulations set forth in this District.

Students riding school buses are expected to conform to the rules of conduct in order to permit the bus driver to transport his/her passengers safely.

The Board of Education, the Superintendent of Schools and/or his/her designee has the authority to suspend the transportation privileges of children who are disorderly and insubordinate on buses. In these cases, the parents/guardians of the children involved become responsible for seeing that their children get to and from school safely.

Bus drivers shall be held responsible for reasonable and acceptable behavior of students while riding the school bus.

The Board directs the administration to establish rules and regulations for student conduct on buses, including applicable due process rights to be afforded students suspended from transportation privileges. These rules and regulations shall be promulgated to all concerned, including the non-public schools to which students are transported.

8 New York Code of Rules and Regulations  
(NYCRR) Section 156  
20 United States Code (U.S.C.)  
Sections 1400-1485, Individuals With  
Disabilities Education Act (IDEA)

NOTE: Refer also to Policy #5720 -- Student Transportation Services.

Adopted: 7/8/02

Students

**SUBJECT: TIMEOUT AND PHYSICAL RESTRAINT**

**Overview**

The District prohibits the use of corporal punishment, aversive interventions, and seclusion. The District authorizes the limited use of timeout and physical restraint in schools to address student behaviors subject to conditions in law, regulation, and this policy.

**Definitions**

For purposes of this policy, the following definitions apply:

a) "Aversive intervention" means an intervention that is intended to induce pain or discomfort for the purpose of eliminating or reducing student behavior, including interventions such as:

1. Contingent application of noxious, painful, intrusive stimuli or activities;
2. Strangling, shoving, deep muscle squeezes, or other similar stimuli;
3. Any form of noxious, painful, or intrusive spray, inhalant, or tastes;
4. Contingent food programs that include the denial or delay of the provision of meals or intentionally altering staple food or drink in order to make it distasteful;
5. Movement limitation used as a punishment, including, but not limited to, helmets and mechanical restraints; or
6. Other stimuli or actions similar to the interventions described in this definition.

Aversive intervention does not include interventions such as: voice control, limited to loud, firm commands; time-limited ignoring of a specific behavior; token fines as part of a token economy system; brief physical prompts to interrupt or prevent a specific behavior; interventions medically necessary for the treatment or protection of the student; or other similar interventions.

b) "Corporal punishment" means any act of physical force upon a student for the purpose of punishing that student. The term does not include the use of physical restraints to protect the student, another student, teacher, or any other person from physical injury when alternative procedures and methods not involving the use physical restraint cannot reasonably be employed to achieve these purposes.

c) "De-escalation" means the use of a behavior management technique that helps a student increase control over their emotions and behavior and results in a reduction of a present or potential level of danger to the student or others.

(Continued)

**SUBJECT: TIMEOUT AND PHYSICAL RESTRAINT (Cont'd.)**

d) "Mechanical restraint" means the use of any device or equipment to restrict a student's freedom of movement. Mechanical restraint does not include devices implemented by trained school personnel, or utilized by a student, that have been prescribed by an appropriate medical or related services professional and are used for the specific and approved purposes for which such devices were designed, such as:

1. Adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports;
2. Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle;
3. Restraints for medical immobilization; or
4. Orthopedically prescribed devices that permit a student to participate in activities without risk of harm.

e) "Multi-tiered system of supports" means a proactive and preventative framework that utilizes data to inform instruction and the allocation of services to maximize achievement for all students and support students' social, emotional, and behavioral needs from a culturally responsive and strength-based perspective.

f) "Physical escort" means a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is acting out to walk to a safe location.

g) "Physical restraint" means a personal restriction that immobilizes or reduces the ability of a student to move their arms, legs, body, or head freely. Physical restraint does not include a physical escort or brief physical contact and/or redirection to promote student safety, calm or comfort a student, prompt or guide a student when teaching a skill or assisting a student in completing a task, or for other similar purposes.

h) "Prone restraint" means physical or mechanical restraint while the student is in the face down position.

i) "Seclusion" means the involuntary confinement of a student alone in a room or space that they are physically prevented from leaving or they may perceive that they cannot leave at will. Seclusion does not include timeout.

j) "Timeout" means a behavior management technique that involves the monitored separation of a student in a non-locked setting and is implemented for the purpose of de-escalating, regaining control, and preparing the student to meet expectations to return to their education program. Timeout does not include:

(Continued)

**SUBJECT: TIMEOUT AND PHYSICAL RESTRAINT (Cont'd.)**

1. A student-initiated or student-requested break to utilize coping skills, sensory input, or self-regulation strategies;
2. Use of a room or space containing coping tools or activities to assist a student to calm and self-regulate, or the use of such intervention strategies consistent with a student with a disability's behavioral intervention plan;
3. A teacher removal, in-school suspension, or any other appropriate disciplinary action.

**Prohibition of the Use of Corporal Punishment, Aversive Interventions, and Seclusion**

No teacher, administrator, officer, employee, or agent of the District will use the following against a student:

- a) Corporal punishment;
- b) Aversive interventions; or
- c) Seclusion.

Agent includes, but is not limited to, school resource officers, except when a student is under arrest and handcuffs are necessary for the safety of the student and others.

**Authorized Limited Use of Timeout and Physical Restraint**

Positive, proactive, evidence-based, and research-based strategies through a multi-tiered system of supports will be used to reduce the occurrence of challenging behaviors, eliminate the need for the use of timeout and physical restraint, and improve school climate and the safety of all students.

Timeout and physical restraint may be used only when:

- a) Other less restrictive and intrusive interventions and de-escalation techniques would not prevent imminent danger of serious physical harm to the student or others;
- b) There is no known medical contraindication to its use on the student; and
- c) Staff using the interventions have been trained in its safe and appropriate application.

(Continued)



**SUBJECT: TIMEOUT AND PHYSICAL RESTRAINT (Cont'd.)**

Timeout and physical restraints will not be used as discipline or punishment, retaliation, or as a substitute for positive, proactive intervention strategies that are designed to change, replace, modify, or eliminate a targeted behavior.

**Timeout**

The following rules apply to the use of timeout in the District:

a) Timeout will only be used in the following situations:

1. A situation that poses an immediate concern for the physical safety of the student or others; or
2. In conjunction with a behavioral intervention plan that is designed to teach and reinforce alternative appropriate behaviors.

b) A room or physical space used for timeout may be located either within or outside of a classroom. The room or physical space will:

1. Be unlocked, and any door must be able to be opened from the inside. The use of locked rooms or physical spaces is prohibited.
2. Provide a means for continuous visual and auditory monitoring of the student. The use of a room where the student cannot be continuously observed and supervised is prohibited.
3. Be of adequate width, length, and height to allow the student to move about and recline comfortably.
4. Be clean and free of objects and fixtures that could be potentially dangerous to a student.
5. Meet all local fire and safety codes.
6. Have wall and floor coverings that, to the extent practicable, are designed to prevent injury to the student.
7. Have adequate lighting and ventilation.
8. Have a temperature that is within the normal comfort range and consistent with the rest of the building.

(Continued)

**SUBJECT: TIMEOUT AND PHYSICAL RESTRAINT (Cont'd.)**

- c) When a student is in a timeout room or space, staff will continuously monitor the student.
- d) Any staff functioning as timeout monitors will be trained in accordance with law and regulation.
- e) Staff will return the student to their educational program as soon as the student has safely deescalated, regained control, and is prepared to meet expectations.

Factors which may precipitate the use of timeout include:

The factors that may lead to a student being temporarily placed in a timeout room will depend on the particular student. Generally, timeout rooms are to be used when a student needs to deescalate, regain control and prepare to meet expectations to return to his or her education program. A student in need of a timeout room may be unable to control his/her actions, overwhelmed, overstimulated, exhibiting violent actions, or posing a danger to self or others.

The use of timeout will adhere to the following developmentally appropriate time limitations:

The amount of time a student may spend in a timeout room will vary with the student's age, individual needs, behavioral intervention plan, and the specific circumstances. Students shall spend only as much time in the timeout room as is necessary for them to deescalate, regain control, return to their educational programs, or no longer pose a concern for the physical safety of themselves or others. Students shall not be in a timeout room for more than the maximum amount of time specified in their behavioral intervention plans. For emergency use, where a timeout room is not specified in a student's behavioral intervention plan, but where such emergency use is not inconsistent with the student's IEP, the maximum time to be spent in a timeout room shall be 30 minutes. If a student is not ready to return to the educational program after that period of time, he/she shall be provided with further interventions consistent with his/her behavioral intervention plan or IEP, or actions reasonably calculated to assist the student.

The following additional rules apply to the use of timeout in conjunction with a behavioral intervention plan:

- a) The District will ensure that timeout is used consistent with the rules for the use of timeout listed above.
- b) The student's individualized education program (IEP) will specify when a behavioral intervention plan includes the use of timeout, including the maximum amount of time a student will need to be in timeout as a behavioral consequence as determined on an individual basis in consideration of the student's age and individual needs.
- c) Prior to the initiation of a behavioral intervention plan that will incorporate the use of timeout, the District will inform the student's parents or persons in parental relation and give them the opportunity to see the room or physical space that will be used.

**SUBJECT: TIMEOUT AND PHYSICAL RESTRAINT (Cont'd.)**

d) Prior to the initiation of a behavioral intervention plan that will incorporate the use of timeout, the District will give the student's parents or persons in parental relation a copy of this policy.

**Physical Restraint**

Physical restraint will only be used in a situation in which immediate intervention involving the use of reasonable physical force is necessary to prevent imminent danger of serious physical harm to the student or others.

**Emergency interventions:**

- (1) Physical restraint shall not be used as a punishment or as a substitute for systematic behavioral interventions that are designed to change, replace, modify or eliminate a targeted behavior.
- (2) Physical restraint shall not be used as a planned intervention on a student's individualized education program or behavioral intervention plan.

The following rules apply to the use of physical restraint in the District:

- a) The type of physical restraint used will be the least restrictive technique necessary and be discontinued as soon as the imminent danger of serious physical harm has resolved.
- b) Physical restraint will never be used in a manner that restricts the student's ability to breathe or communicate or harms the student.
- c) The use of prone restraint is prohibited.
- d) Physical restraint will not be used as a planned intervention on a student's individualized education program, Section 504 accommodation plan, behavioral intervention plan, or other plan developed for a student by the District.
- e) Physical restraint will not be used to prevent property damage except in situations where there is imminent danger of serious physical harm to the student or others and the student has not responded to positive, proactive intervention strategies.
- f) Physical restraints will be administered only by staff who have received the legally required training.
- g) Following a physical restraint, if an injury has been sustained or believed to have been sustained, the school nurse or other medical personnel (i.e., physician, physician assistant, or a nurse practitioner) will evaluate the student to determine and document if any injuries were sustained during the incident.

Factors which may precipitate the use of physical restraint include:

**SUBJECT: TIMEOUT AND PHYSICAL RESTRAINT (Cont'd.)**

- a) the student is or is becoming physically aggressive toward others (e.g., staff and other students); or
- b) the student is engaging in elopement behavior(s) that is likely to place the student or others at risk of harm; or
- c) the student is destroying property in a manner that poses an imminent risk of danger of serious physical harm to themselves or others; or
- d) the student is engaging in other behavior(s) that poses an immediate risk of harm to the student or others; and the use of other less-restrictive intervention strategies have been or would be unsuccessful.

Physical restraint will be utilized in timeframe that is reasonable and necessary to prevent imminent danger or harm to the student or others and will not continue past the point of established safety for the student and others.

**Notification Following the Use of Timeout, Physical Restraint, and/or Mechanical Restraint**

Parent(s) or person(s) in parental relation to the student will be notified on the same day when timeout, physical restraint, and/or mechanical restraint is used, including timeout used in conjunction with a student's behavioral intervention plan. When the student's parent or person in parental relation cannot be contacted, after reasonable attempts are made, the building principal or administrator will record the attempts. For students with disabilities, the building principal or administrator will report the attempts to the student's committee on preschool special education or committee on special education. The notification will offer the parent or person in parental relation the opportunity to meet regarding the incident.

Additionally, the District will provide the parent or person in parental relation with:

- a) A copy of this policy; and
- b) A copy of the documentation of the incident within three school days of the use of timeout and/or physical restraint.

**Debriefing**

As soon as practicable, after every incident in which timeout and/or a physical restraint is used on a student, a building administrator or designee will:

- a) Meet with the staff who participated in the use of timeout and/or physical restraint to discuss:
  - 1. The circumstances leading to the use of timeout and/or physical restraint;
  - 2. The positive, proactive intervention strategies that were utilized prior to the use of timeout and/or physical restraint; and

**SUBJECT: TIMEOUT AND PHYSICAL RESTRAINT (Cont'd.)**

3. Planning for the prevention and reduction of the future need for timeout and/or physical restraint with the student including, if applicable, whether a referral should be made for special education programs and/or other support services or, for a student with a disability, whether a referral for review of the student's individualized education program and/or behavioral intervention plan is needed; and

b) Direct a school staff member to debrief the incident with the student in a manner appropriate to the student's age and developmental ability and to discuss the behavior(s), if any, that precipitated the use of timeout and/or physical restraint.

**Training**

All staff will receive annual training on the District's policies and procedures related to the use of timeout and physical restraint; evidence-based positive, proactive strategies; crisis intervention and prevention procedures and de-escalation techniques. Additionally, any staff who may be called upon to implement timeout or physical restraint, will receive annual, evidence-based training in safe and effective developmentally appropriate timeout and physical restraint procedures.

**Notification**

This policy will be made publicly available for review at the District's administrative offices and each school building. It will also be posted on the District's website.

**Reporting**

The District will submit an annual report on the use of physical restraint and timeout and substantiated and unsubstantiated allegations of use of corporal punishment, mechanical restraint, and other aversive interventions, prone physical restraint, and seclusion to the New York State Education Department, on a form and at a time prescribed by the Commissioner of Education in accordance with law and regulation. Additionally, the District will report this data for students for whom they are the district of residence and who are otherwise not reported.

**Recordkeeping**

The District will maintain documentation on the use of timeout and/or physical restraint, including timeout used in conjunction with a student's behavioral intervention plan, for each student. This documentation will include:

- a) The name and date of birth of the student;
- b) The setting and location of the incident;
- c) The name of the staff who participated in the implementation, monitoring, and supervision of the use of timeout and/or physical restraint and any other persons involved;
- d) A description of the incident including duration, and, for physical restraint, the type of restraint used;

**SUBJECT: TIMEOUT AND PHYSICAL RESTRAINT (Cont'd.)**

- e) Whether the student has an individualized education program, Section 504 accommodation plan, behavioral intervention plan, or other plan developed for the student by the District;
- f) A list of all positive, proactive intervention strategies utilized prior to the use of timeout and/or physical restraint and, for students with disabilities, whether those strategies were consistent with a student's behavioral intervention plan, if applicable;
- g) The details of any injuries sustained by the student or staff during the incident and whether the student was evaluated by the school nurse or other medical personnel;
- h) The date and method of notification to the parent or person in parental relation and whether a meeting was held; and
- i) The date of the debriefing held.

Documentation of the incident will be reviewed by supervisory personnel and, as necessary, the school nurse or other medical personnel.

Documentation of each incident will be maintained by the school and made available for review by the New York State Education Department upon request.

A record should be created for each instance of physical restraint or timeout, and for allegations concerning prohibited intervention types. Multiple event records during a day for a student would be created only:

- a) If a new situation occurs involving the student after the prior event had de-escalated and student had returned to the learning environment; or
- b) When a new restraint or intervention response type is employed during the event. For example, during an event, a staff person employed a physical restraint on a student, and the situation escalated to the point where a timeout was used. The addition of the timeout would constitute an additional event record beginning with that application.

The District will use this data collection to monitor patterns of use of timeout and physical restraint.

**Review**

The building administrator or designee will regularly review documentation on the use of timeout and physical restraint to ensure compliance with the District's policy and procedures. When there are multiple incidents within the same classroom or involving the same staff, the building administrator or designee shall take appropriate steps to address the frequency and pattern of use of timeout or physical restraint.

Education Law Section 4402  
8 NYCRR Sections 19.5, 100.2(1)(3), and 200.22

NOTE: Refer also to Policy #7530 – Child Abuse and Maltreatment.

Adoption Date: 7/8/02  
Revised: 6/24/08; 10/20/22, 3/21/24

Students

**SUBJECT: WEAPONS IN SCHOOL AND THE GUN-FREE SCHOOLS ACT**

**Weapons in School**

The possession of a weapon on school property, in District vehicles, in school buildings, or at school sponsored activities or settings under the control and supervision of the District regardless of location, is strictly prohibited, except by law enforcement personnel. Any person possessing a weapon for educational purposes in any school building must have written authorization of the Superintendent of Schools or his/her designee.

The Penal Code of the State of New York shall be used to determine what is considered a weapon.

Penal Law Sections 265.01-265.06

**Specific Penalties Imposed by the Gun-Free Schools Act**

No student shall bring or possess any "firearm" as defined in federal law on school premises (including school buildings and grounds, District vehicles, school settings and/or school sponsored activities under the control and supervision of the District regardless of location). For purposes of this policy, the term "firearm" includes any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of such weapon; any firearm muffler or silencer; or any "destructive device" (e.g., any explosive, incendiary, or poison gas, including bombs, grenades, rockets or other similar devices). The term does not include a rifle which the owner intends to use solely for sporting, recreational or cultural purposes; antique firearms; or Class C common fireworks.

In accordance with the Gun-Free Schools Act and Education Law Section 3214(3)(d), any student who brings or possesses a dangerous weapon or firearm, as defined in federal law, on school property, will be referred by the Superintendent to the appropriate agency or authority for a juvenile delinquency proceeding in accordance with Family Court Act Article 3 when the student is under the age of sixteen (16) except for a student fourteen (14) or fifteen (15) years of age who qualifies for juvenile offender status under the Criminal Procedure Law, and will be referred by the Superintendent to the appropriate law enforcement officials when the student is sixteen (16) years of age or older or when the student is fourteen (14) or fifteen (15) years of age and qualifies for juvenile offender status under the Criminal Procedure Law. For purposes of this policy, the term "dangerous weapon" means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than two and one-half inches (2 1/2") in length.

(Continued)

Students

**SUBJECT: WEAPONS IN SCHOOL AND THE GUN-FREE SCHOOLS ACT (Cont'd.)**

In addition, any student attending a District school who has been found guilty of bringing a firearm to or possessing a firearm on school property, after a hearing has been provided pursuant to Education Law Section 3214, shall be suspended for a period of not less than one (1) calendar year and any student attending a non-district school who participates in a program operated by the School District using funds from the Elementary and Secondary Education Act of 1965 who is determined to have brought a firearm to or possessed a firearm at a District school or on other premises used by the School District to provide such programs shall be suspended for a period of not less than one (1) calendar year from participation in such program. The procedures of Education Law Section 3214(3) shall apply to such a suspension of a student attending a non-district school. Further, after the imposition of the one (1) year penalty has been determined, the Superintendent of Schools has the authority to modify this suspension requirement for each student on a case-by-case basis. In reviewing the student's one (1) year suspension penalty, the Superintendent may modify the penalty based on factors as set forth in Regulations of the Commissioner of Education Section 100.2 and in Commissioner's Decisions. The determination of the Superintendent shall be subject to review by the Board of Education in accordance with Education Law Section 3214(3)(c) and by the Commissioner of Education in accordance with Education Law Section 310.

Student with a Disability

Pursuant to Commissioner Regulations, a student with a disability who is determined to have brought a weapon (including a firearm) to school or possessed a weapon (including a firearm) at school may be placed in an interim alternative educational setting, in accordance with federal and state law, for not more than forty-five (45) calendar days. If the parent or guardian requests an impartial hearing, the student must remain in the interim alternative placement until the completion of all proceedings, unless the parent or guardian and District can agree on a different placement. For more information regarding Interim Alternative Educational Settings (IAES), refer to Policy #7313 - Suspension of Students.

However, a student with a disability may be given a long term suspension pursuant to the Gun-Free Schools Act only if a group of persons knowledgeable about the student, as defined in federal regulations implementing the Individuals with Disabilities Education Act (IDEA), determines that the bringing of a firearm to school or possessing a firearm at school was not a manifestation of the student's disability, subject to applicable procedural safeguards.

If it is determined that the student's bringing of a firearm to school or possessing a firearm at school was a manifestation of the student's disability, the Superintendent must exercise his/her authority under the Gun-Free Schools Act to modify the long term suspension requirement, and determine that the student may not be given a long term suspension for the behavior. The Committee on Special Education may review the student's current educational placement and initiate change in placement proceedings, if appropriate, subject to applicable procedural safeguards.

The District may offer home instruction as an interim alternative educational setting during the pendency of review proceedings only if the student's placement in a less restrictive alternative educational setting is substantially likely to result in injury either to the student or to others.

(Continued)



Students

**SUBJECT: WEAPONS IN SCHOOL AND THE GUN-FREE SCHOOLS ACT (Cont'd.)**

The District may also seek a court order to immediately remove a student with a disability from school if the District believes that maintaining the student in the current educational placement is substantially likely to result in injury to the student or to others.

Students with disabilities continue to be entitled to all rights enumerated in the Individuals with Disabilities Education Act and Education Law Article 89; and this policy shall not be deemed to authorize suspension of students with disabilities in violation of these laws.

This policy does not prohibit the District from utilizing other disciplinary measures including, but not limited to, out-of-school suspensions for a period of five days or less, or in-school suspensions, in responding to other types of student misconduct which infringe upon the established rules of the school. Additionally, this policy does not diminish the authority of the Board of Education to offer courses in instruction in the safe use of firearms pursuant to Education Law Section 809-a.

The District will continue to provide the suspended student who is of compulsory attendance age with appropriate alternative instruction during the period of the student's suspension.

Gun-Free Schools Act as reauthorized by the No Child Left Behind Act of 2001

18 United States Code (USC) Sections 921(a) and 930

Individuals with Disabilities Education Act (IDEA)

20 United States Code (USC) Sections 1400-1485 and 7151

Criminal Procedure Law Section 1.20(42)

Education Law Sections 310, 809-a, 3214 and Article 89

Family Court Act Article 3

8 New York Code of Rules and Regulations (NYCRR) Section 100.2 and Part 200

NOTE: Refer also to Policies #3411 -- Unlawful Possession of a Weapon Upon School Grounds

Adopted: 7/8/02

Revised: 1/16/07

Students

**SUBJECT: BOX CUTTERS IN SCHOOL**

The Board of Education, cognizant of its responsibilities to provide for a safe and healthy environment wherein students can learn, and staff can work, prohibits any student from possessing box cutters on school premises.

In accordance with the Nassau County Box Cutter Local Law No. 1 of 1997, Title 26, the sale or transfer of "box cutters" to minors and the possession of box cutters on school grounds by persons under 21 years of age, except under certain circumstances, is prohibited.

The following terms are defined for the purpose of this policy:

- a) School Premises means the buildings, ground, facilities, owned, occupied, or under the control or custody of public or private institutions for the primary purpose of providing educational instruction to students at or below the twelfth grade level or its equivalent. The term shall also include any vehicles used for the transportation of students or personnel of the institutions, owned, operated, or leased by such educational institutions; or owned, or leased by a person contracted to provide transportation of students for such educational institutions.
- b) Box cutter means any knife consisting of a razor blade, retractable, non-retractable, or detachable in segments attached to or contained within a plastic or metal housing, including, but not limited to, utility knives, snap-off knives, sheet rock knives, and box cart cutters.
- c) Person means any individual, corporation, partnership association, organization, or other legal entity. "Person" does not mean an adult parent or guardian of a minor, who gives to, or provides such minor with, a "box cutter" for home improvement or other such work.

Any individual who violates the Nassau County Box Cutter Law, will be guilty of a violation punishable by a fine or up to two thousand fifty dollars. A second or subsequent offense shall be a Class B misdemeanor punishable by a fine of up to five hundred dollars and/or three months imprisonment.

Nassau County Box Cutter Local Law No. 1 of 1997,  
Title 26

Adopted: 7/8/02

Students

**SUBJECT: PROHIBITION OF GANGS AND GANG ACTIVITY**

The Board of Education of the Rockville Centre School District is committed to ensuring a safe and orderly learning environment for students, where learning and teaching may occur void of physical or psychological disruptions, unlawful acts, or violations of school regulations. Gang activities create an atmosphere of intimidation in the entire school community. Both the immediate consequences of gang activity and the secondary effects are disruptive to the educational process and school activities.

A gang, public school fraternity, sorority or secret society is defined as any gang of three or more individuals with a common interest, bond or activity, whose purpose included the commission of illegal acts, disruptive acts or acts which threaten the safety or well-being of school property or persons and who refer to themselves by a group name or designation. Such definition shall also include what is commonly known as a "hate group."

No student on school property or at any school activity:

1. Shall wear, possess, use, distribute, display or sell any clothing, jewelry, emblem, badge, symbol, sign or other things which are evidence of membership or affiliation in any gang, public school fraternity, sorority or secret society;
2. Shall commit any act or omission, or use any speech, either verbal or non-verbal (e.g., gesture, handshakes), showing membership or affiliation in a gang, public school fraternity, sorority or secret society;
3. Shall use any speech or commit any act or omission in furtherance of the interests of any gangs, public school fraternity, sorority or secret society, included but not limited to:
  - a. Being a member, promising/pledging to join, soliciting and/or recruiting others for membership in any gang, public school fraternity, sorority or secret society;
  - b. Requesting any person to pay protection or otherwise intimidating or threatening any person;
  - c. Committing an other illegal act or other violation of school district policies;
  - d. Participating in or inciting other student to act with physical violence upon any other person;
  - e. Engaging in any activity intended to promote or further the interests of any gang, public school fraternity, sorority or secret society, including, but not limited to, distributing literature, drawing or displaying unauthorized symbols on any surface.

School district employees shall report all suspected signs of such activity to their administrator. Violation of this policy shall result in disciplinary action, up to and including suspension consistent with the District's Code of Conduct. Law enforcement may also be notified of such impermissible activity. Students, parents and District employees shall be immediately notified of the existence of this policy.

Adopted: 2/6/07

**SUBJECT: BULLYING/CYBERBULLYING:PEER ABUSE**

The Board of Education is committed to providing a safe and productive learning environment. Bullying of a student by another student is strictly prohibited on school property, in school buildings, on school buses, and at school sponsored events and/or activities whether occurring on or off campus. The Board of Education shall require the prohibition of bullying - along with the range of possible intervention activities and/or sanctions for such misconduct - to be included in the *District Code of Conduct* for all grade levels.

For purposes of this policy, the term "bullying" among children is defined, in general, as: "a variety of negative acts carried out repeatedly over time. It involves a real or perceived imbalance of power, with a more powerful child or group attacking those who are less powerful." Bullying can take four forms:

- a) Physical (including, but not limited to, hitting, kicking, spitting, pushing, taking personal belongings);
- b) Verbal (including, but not limited to, taunting, malicious teasing, name calling, making threats); and
- c) Psychological (including, but not limited to, spreading rumors; manipulating social relationships; or engaging in social exclusion, extortion, or intimidation).
- d) Electronic, also known as "cyberbullying" (as further explained below)

**Engages in Cyberbullying Behavior**

As with other forms of bullying, cyberbullying is an attempt to display power and control over someone perceived as a weaker individual. Cyberbullying involving District students may occur both on campus and off school grounds and may involve student use of the District Internet system or student use of personal digital devices while at school, such as cell phones, digital cameras, and personal computers to engage in bullying.

Cyberbullying includes, but is not limited to, the following misuses of technology: harassing, teasing, intimidating, threatening, or terrorizing another student or staff member by way of any technological tool, such as sending or posting inappropriate or derogatory e-mail messages, instant messages, text messages, digital pictures or images, or Web site postings (including blogs, Twitter or the like).

Cyberbullying has the effect of:

- a) Physically, emotionally or mentally harming a student;
- b) Placing a student in reasonable fear of physical, emotional or mental harm;
- c) Placing a student in reasonable fear of damage to or loss of personal property; and

(Continued)

Students

**SUBJECT: BULLYING/ CYBERBULLYING: PEER ABUSE**

- d) Creating an intimidating or hostile environment that substantially interferes with a student's educational opportunities.

Also, cyberbullying that occurs off-campus, that causes or threatens to cause a material or substantial disruption in the school, could allow school officials to apply the "***Tinker*** standard" where a student's off-campus "speech" may be subject to formal discipline by school officials when it is determined that the off-campus speech did cause a substantial disruption or threat thereof within the school setting [Tinker v. Des Moines Indep. Sch. Dist. 393 U.S. 503 (1969)]. Such conduct could also be subject to appropriate disciplinary action in accordance with the *District Code of Conduct* and possible referral to local law enforcement authorities.

**Reports of Allegations of Bullying/Cyberbullying Behavior**

Any student who believes that he/she is being subjected to bullying/cyberbullying behavior, as well as any other person who has knowledge of or witnesses any possible occurrence of bullying/cyberbullying shall report the bullying to any staff member or the building principal. The staff member/building principal to whom the report is made (or the staff member/building principal who witnesses bullying/cyberbullying behavior) shall investigate the complaint and take appropriate action to include, as necessary, referral to the next level of supervisory authority and/or other official designated by the District to investigate allegations of bullying/cyberbullying. Investigation of allegations of bullying/cyberbullying shall follow the procedures utilized for complaints of harassment within the School District. Allegations of bullying/cyberbullying shall be promptly investigated and will be treated as confidential and private to the extent possible within legal constraints

**Prevention and Intervention**

Personnel at all levels are responsible for taking corrective action to prevent bullying/cyberbullying behavior of which they have been made aware at School District sites or activities and/or reporting such behavior to their immediate supervisor. Further, staff training shall be provided to raise awareness of the problem of bullying/cyberbullying within the schools and to facilitate staff identification of and response to such bullying/cyberbullying behavior among students.

Bullying may also occur as various forms of harassment and/or hazing of students (refer to Rockville Centre School District's Inter-Scholastic Athletics Handbook) by other students (including "pledging" and/or a student's initiation into or affiliation with a school or student related organization or team).

(Continued)

Students

**SUBJECT: BULLYING/CYBERBULLYING: PEER ABUSE**

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

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of bullying/cyberbullying. Follow-up inquiries and/or appropriate monitoring of the alleged bully and victim shall be made to ensure that bullying/cyberbullying behavior has not resumed and that all those involved in the investigation have not suffered retaliation.

Rules against bullying shall be publicized District-wide and shall be disseminated as appropriate to staff, students and parents. Disciplinary sanctions for violation of this policy shall be outlined in the *District Code of Conduct* as enumerated above and may also be incorporated in staff and student handbooks.

Civil Service Law Section 75-b

NOTE: Refer also to Policies #3000 -- Code of Conduct on school Property  
#3000 -- Anti-Harassment in the School District  
#7000 -- Sexual Harassment of Students  
#7000 -- Hazing of Students  
District Code of Conduct

Adopted: 7/1/04  
Revised: 11/3/09

Students

**SUBJECT: HAZING OF STUDENTS**

The Board of Education is committed to providing a safe, productive and positive learning environment within its schools. Hazing activities are demeaning, abusive and/or illegal behaviors that harm victims, and are inconsistent with the educational goals of the District by negatively impacting the school environment. Hazing of a student by another student or group of students is strictly prohibited on school property; in school buildings; on school buses; by school sponsored groups, clubs or teams; and at school sponsored events and/or activities whether occurring on or off-campus. Hazing of a student refers to soliciting, encouraging, aiding, or engaging in "hazing" behavior as defined pursuant to District policy, regulation and/or law. The Board of Education shall require the prohibition of hazing - along with the range of possible intervention activities and/or sanctions for such misconduct - to be included in the *District Code of Conduct* for all grade levels.

For purposes of this policy, the term "*hazing among students is defined as any humiliating or dangerous activity expected of a student to join a group, regardless of their willingness to participate.*" Hazing behaviors include, but are not limited to, the following general categories:

- a) Humiliation: socially offensive, isolating or uncooperative behaviors.
- b) Substance abuse: abuse of tobacco, alcohol or illegal drugs.
- c) Dangerous hazing: hurtful, aggressive, destructive, and disruptive behaviors.

Incorporated within this definition are various forms of physical, emotional and/or sexual abuse which may range in severity from teasing/embarrassing activities to life threatening actions.

Even if the hazing victim participated "willingly" in the activity, or there was no "intent" by the hazer to harm or injure another individual, hazing is against District policy, the *District Code of Conduct* and may be in violation of New York State Law. However, hazing of students does not need to rise to the level of criminal activity for such conduct to be in violation of District rules and subject to appropriate disciplinary sanctions. Any hazing activity, whether by an individual or a group, shall be presumed a forced activity and in violation of Board policy, regardless of the "willingness" of the student to participate.

Any student who believes that he/she is being subjected to hazing behavior, as well as students, school employees or third parties who have knowledge of or witness any possible occurrence of hazing, shall report the incident to any staff member or the building principal. Anonymous complaints of hazing behavior will also be investigated by the District. The staff member/building principal to whom the report is made (or the staff member/building principal who witnesses hazing behavior) shall investigate the complaint/incident and take appropriate action to include, as necessary, referral to the next level of supervisory authority and/or other official designated by the District to investigate allegations of hazing. Investigations of allegations of hazing shall follow the procedures utilized for complaints of harassment within the School District. Allegations of hazing shall be promptly investigated and will be treated as confidential and private to the extent possible within legal constraints.

(Continued)

**SUBJECT: HAZING OF STUDENTS (Cont'd.)**

**Prohibition of Retaliation**

The Board of Education prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of hazing. Follow-up inquiries and/or appropriate monitoring of the alleged hazer(s) and victim(s) shall be made to ensure that hazing behavior has not resumed and that all those involved in the investigation of allegations of hazing have not suffered retaliation. Any act of retaliation is subject to appropriate disciplinary action by the District.

**Knowingly Makes False Accusations**

Students who *knowingly* make false accusations against another individual as to allegations of hazing may also face appropriate disciplinary action.

**District Responsibility/Training**

Personnel at all levels are responsible for taking corrective action to prevent hazing behavior of which they have been made aware at School District sites; by school sponsored groups, clubs or teams; and at school sponsored events and/or activities whether occurring on or off-campus. Further, as may be applicable, personnel are to report such hazing behavior to their immediate supervisor. Staff training shall be provided to raise awareness of the problem of hazing within the schools and to facilitate staff identification of, and response to, such hazing behavior among students.

Prevention and intervention techniques within the District to help prevent hazing behavior and to support and protect victims shall include building-level and classroom-level strategies and activities as determined by administration. Individual intervention will be provided by appropriate staff members to hazers, victims and their parents to help ensure that the hazing stops.

Rules against hazing shall be publicized District-wide and shall be disseminated as appropriate to staff, students and parents. Disciplinary sanctions for violation of this policy shall be outlined in the *District Code of Conduct* and may also be incorporated in staff and student handbooks. In addition, allegations of hazing behavior may result in referral to law enforcement officials as necessary.

New York State Penal Law Sections 120.16 and 120.17  
Education Law Sections 1709-a, 2503-a, 2554-a, and  
2801  
8 New York Code of Rules and Regulations  
(NYCRR) Section 100.2(1)(2)



Students

**SUBJECT: DIGNITY FOR ALL STUDENTS ACT**

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

The District condemns and prohibits all forms of bullying, discrimination and harassment of students based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (identity or expression), or sex by school employees or students on school property and at school-sponsored activities and events that take place at locations off school property. In addition, any act of bullying, discrimination and/or harassment, outside of school sponsored events, which can reasonably be expected to materially and substantially disrupt the education process may be subject to discipline.

**Dignity Act Coordinator**

In each of its schools the District will designate at least one (1) employee holding licenses or certifications as required by the Commissioner to serve as the Dignity Act Coordinator(s). The Dignity Act Coordinator(s) 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 (identity or expression) and sex. Training will also be provided for DACs that addresses: the social patterns of harassment, bullying, and discrimination, including, but not limited to, those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender and sex; the identification and mitigation of harassment, bullying and discrimination; and strategies for effectively addressing problems of exclusion, bias, and aggression in educational settings. The Board of Education shall appoint the Dignity Act Coordinator(s). The District will widely disseminate the name(s) and contact information to all school personnel, students, and parents/persons in parental relation by:

- a) Listing it in the Code of Conduct, with updates posted on the District's website, and

(Continued)

Students

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

- b) Including it in the Code of Conduct's plain language summary provided to all parents or persons in parental relation to students before the beginning of each school year;
- c) Providing it to parents or persons of parental relation in at least one District or school mailing or other method of distribution including, but not limited to, electronic communication or sending information home with each student. If the information changes, parents and persons in parental relation will be notified in at least one subsequent District or school mailing, or other method of distribution, as soon as practicable thereafter;
- d) Posting it in highly visible areas of school buildings; and
- e) Making it available at the District and school-level Administrative Offices.

If a Dignity Act Coordinator vacates his/her position, another school employee shall immediately be designated for an interim appointment as Dignity Act Coordinator, pending approval from the Board of Education, within thirty (30) days of the date the position was vacated. In the event a Dignity Act Coordinator is unable to perform the duties of the position for an extended period of time, another school employee shall immediately be designated as an interim appointment Dignity Act Coordinator, pending the return of the previous Coordinator to the position.

**Training and Awareness**

Each year all employees will be provided with training to promote a supportive school environment that is free from harassment, bullying and discrimination. This training may be provided in conjunction with existing professional development, will be conducted consistent with guidelines approved by the Board, and will:

- a) Raise awareness and sensitivity to potential acts of harassment, bullying, and discrimination;
- b) Address social patterns of harassment, bullying, and discrimination and the effects on students;
- c) Inform employees on the identification and mitigation of harassment, bullying and discrimination;
- d) Enable employees to prevent and respond to incidents of harassment, bullying, and discrimination;

(Continued)

Students

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

- e) Make school employees aware of the effects of harassment, bullying, cyberbullying, and discrimination on students;
- f) Provide strategies for effectively addressing problems of exclusion, bias, and aggression;
- g) Include safe and supportive school climate concepts in curriculum and classroom management; and
- h) Ensure the effective implementation of school policy on conduct and discipline.

Rules against harassment, bullying, and discrimination will be included in the Code of Conduct, publicized District-wide and disseminated to all staff and parents or persons in parental relation. An age-appropriate summary shall be distributed to all students at the beginning of each school year. Any amendments to the Code of Conduct will be disseminated as soon as practicable following their adoption. The District will provide new employees a complete copy of the current Code of Conduct upon beginning their employment.

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

The District encourages and expects students who have been subjected to harassment, bullying or discrimination, parents or persons in parental relation whose children have been subjected to this behavior, other students who observe or are told of this behavior and all District staff who become aware of this behavior to timely report it to the Principal, Superintendent, Dignity Act Coordinator, or designee.

The Principal, Superintendent, Dignity Act Coordinator, or designee will lead or supervise a timely and thorough investigation of all reports of harassment, bullying and discrimination. The Dignity Act Coordinator, or other individual conducting the investigation, may seek the assistance of the District's Civil Rights Compliance Officer in investigating, responding to, and remediating complaints.

In the event an investigation verifies that harassment, bullying, or discrimination occurred, the District will take prompt action reasonably calculated to end it, to eliminate any hostile environment, to create a more positive school culture and climate, to prevent recurrence of the behavior, and to ensure the safety of the student or students against whom the harassment, bullying, or discrimination was directed.

The Superintendent, Principal, Dignity Act Coordinator, or designee will notify the appropriate local law enforcement agency when there is a reasonable belief that an incident of harassment, bullying, or discrimination constitutes criminal conduct. The District will timely collect information related to incidents of harassment, bullying and discrimination; provide required internal reports; and complete and submit any required report to the State Education Department in the manner and within the timeframe specified by the Commissioner.

(Continued)

Students

**SUBJECT: [DIGNITY FOR ALL STUDENTS ACT \(Cont'd.\)](#)**

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

Any person who has reasonable cause to suspect that a student has been subjected to harassment, bullying, or discrimination by an employee or student, on school grounds or at a school function, and who acts reasonably and in good faith in reporting it to school officials, the Commissioner of Education or law enforcement authorities, or who otherwise initiates, testifies, participates, or assists in any formal or informal proceedings, shall have immunity from any civil liability that may arise from making such report or from initiating, testifying, participating, or assisting in those proceedings. The District also prohibits any retaliatory behavior directed against any complaint, victim, witness, or any other individual who participated in the reporting or investigation of an incident of alleged harassment, bullying, or discrimination.

**Publication of District Policy**

At least once during each school year, all school employees, students, and parents or persons in parental relation will be provided with a written or electronic copy of this policy, or a plain-language summary of it. The policy or summary will include information relating to how students, parents or persons in parental relation, and school employees may report harassment, bullying, or discrimination. Additionally, the District will strive to maintain a current version of this policy on its website at all times.

**Application**

Nothing in this policy or its implementing regulations should be interpreted to preclude or limit any right or cause of action provided under any local, state, or federal ordinance, law, or regulation, including, but not limited to, any remedies or rights available under the Individuals with Disabilities Education Act, Title VII of the Civil Rights Law of 1964, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act of 1990.

Education Law Sections 10-18 and 801-a, 2801, and 3214  
8 New York Code of Rules and Regulations (NYCRR) Section 100.2

NOTE: Refer also to Policies:

- #1330 -- Appointments and Designations by the Board
- #3410 -- Code of Conduct
- #3420 -- Non-Discrimination and Anti-Harassment in the District
- #5670 -- Records Management
- #6472 -- Use of Email in the District
- #7551 -- Sexual Harassment of Students
- #7552 -- Student Gender Identity
- #7553 -- Hazing of Students
- #7370 -- Bullying in the Schools
- #7371 -- Hazing of Students
- #8140 -- Civility, Citizenship & Character Education/Interpersonal Violence Prevention Education

Adopted: 5/22/12

Revised: 4/17/13, 2/28/18

Students

**SUBJECT: EXTRACURRICULAR ACTIVITIES**

The Board of Education considers extracurricular activities to be a valuable part of the program of the school and shall support these activities within the financial means of the District.

**Limited Open Forum**

The Board of Education maintains a limited open forum where secondary students may meet for voluntary student-initiated activities unrelated directly to the instructional program, regardless of religious, political or philosophical content.

To provide "a fair opportunity" to students who wish to conduct a meeting, the Board of Education, in accordance with the provisions of the Equal Access Act, shall ensure that:

- a) The meeting is voluntary and student-initiated;
- b) There is no sponsorship of the meeting by the school, the government, or its agents or employees;
- c) Employees or agents of the school or government are present at religious meetings only in a non-participatory capacity;
- d) The meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school; and
- e) Non-school persons may not direct, conduct, control, or regularly attend activities of student groups (20 U.S.C. Section 4071[c]).

The Board prohibits student organizations whose activities may be unlawful or may cause disruption or interference with the orderly conduct of the educational process.

Administration is responsible for establishing regulations governing the use of school facilities by student organizations.

(Continued)

Students

**SUBJECT: EXTRACURRICULAR ACTIVITIES (Cont'd.)**

**Eligibility for Attendance**

- a) Students who are suspended from school on a day of an athletic game or practice session, party, school dance, or other school affair scheduled after regular school hours are not eligible for participation or attendance at such events.
- b) In order for students to attend a school-sponsored function, it is necessary that students attend classes for at least half of the school day on the day of the activity, unless otherwise excused by the building administrator. One-half of the school day is defined as follows: from 8:30 a.m. until noon or from noon until the end of the school day.

**Fraternalities, Sororities and Gangs**

Fraternalities, sororities, secret societies or gangs have no place in the public schools of a democratic society and are not recognized or condoned as a part of the program of the District. All forms of advertising, initiations, hazing, or recognition of such societies are prohibited on school property and are subject to disciplinary procedures.

**Supervision of Students**

All students must be under assigned staff supervision at all times when students are in school or on school grounds during schools hours; or whenever they are traveling under school auspices or engaging in school-sponsored activities. School personnel assigned this supervision are expected to act as reasonably prudent adults in providing for the safety of the students in their charge.

Students are not to be sent on any type of errand away from the building without the consent of the Principal.

Principals shall ensure adequate and proper supervision of all students at all times that they are under school control.

The time(s) of supervision will be publicized at the beginning of each school year. Parents must arrange for their children not to arrive at school earlier than the time as which supervision will begin.

8 New York Code of Rules and Regulations (NYCRR) Sections 172.1 and 72.2  
Education Law Sections 1709, 1709-a, 2503-a, and 2554-a  
Equal Access Act, 20 United States Code (U.S.C.) Sections 4071-4074

Adopted: 7/8/02  
Revised: 1/20/09

2002

7411

Students

**SUBJECT: CENSORSHIP OF SCHOOL SPONSORED STUDENT PUBLICATIONS AND  
ACTIVITIES**

The District may exercise editorial control over the style and content of student speech in school sponsored publications and activities.

Adopted: 7/8/02

2002

7412

Students

**SUBJECT: ACADEMIC ELIGIBILITY REQUIREMENTS**

The primary responsibility of the school – and the primary goal of the student – is to achieve the greatest learning and success in classroom subjects. Therefore, eligibility requirements have been established for ALL extra- and co-curricular activities, including sports, plays, and other activities at South Side High School, as follows:

To participate in an activity, students must be passing at least four (4) courses and may be failing no more than two during the preceding reporting period. A committee will be established to adjudicate probations, appeals and other issues regarding the policy.

Adopted: 7/8/02



2002 7413

Students

**SUBJECT: CONSTITUTIONALLY PROTECTED PRAYER IN THE PUBLIC SCHOOLS**

In accordance with the most recent Guidance Document issued by the U.S. Department of Education implementing the requirements of the No Child Left Behind Act of 2001, the Board of Education affirms the responsibilities of the School District, consistent with applicable statutory/case law pertaining to the First Amendment of the United States Constitution, to allow students and staff to engage in constitutionally protected prayer within the District schools.

Accordingly, no Board of Education policy shall prevent, or otherwise deny participation in, constitutionally protected prayer in District schools, consistent with the Guidance Document and applicable law as enumerated above.

The Board rescinds any other policy that may be inconsistent with the mandates of this policy, which shall supersede any and all Board policies to the contrary.

Section 9524 of the Elementary and Secondary  
Education Act of 1965, as amended by the No Child  
Left Behind Act of 2001  
United States Constitution, First Amendment  
Equal Access Act,  
20 United States Code (U.S.C.) Sections 4071-4074

Adopted: 6/19/03

Students

**SUBJECT: PLACEMENT PROGRAM FOR INTERSCHOLASTIC ATHLETICS**

Athletics are an integral part of a well-balanced educational program. Therefore, the Board supports, within its resources, a broad sports program with equal access for both males and females. The program shall place an emphasis on maximum participation through interscholastic and intramural activities. 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;
- j) The nature and extent of support, publicity and promotion including cheerleading, bands, published programs distributed at games, and booster club activities.

The interscholastic athletic program shall conform to the Regulations of the Commissioner of Education as well as the established rules of the New York State Public High Schools Athletic Association and the State Education Department.

Eligibility for interscholastic athletic competition requires that the students:

- a) Provide written parental/guardian consent;

(Continued)

Students

**SUBJECT: PLACEMENT PROCESS FOR INTERSCHOLASTIC ATHLETICS (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 Schools Athletic Association.

**Booster Clubs**

The School District has a responsibility under Title IX to ensure that boys' and girls' programs are provided with equivalent benefits, treatment, services and opportunities regardless of their source. When determining equivalency, benefits, services and opportunities attained through the use of private funds (e.g., "booster clubs"), such funds are considered in combination with all benefits, services and opportunities.

Private fundraising, including student-initiated fundraising, is permissible under Title IX. Further, compliance with Title IX does not mean that teams must "share" proceeds from fundraising activities. It does, however, place a responsibility on the District to ensure that benefits, services, treatment and opportunities overall, regardless of funding sources, are equivalent for male and female athletes.

In accordance with OCR, in order for the District to be in continuing compliance with Title IX requirements, the District must assure that services, benefits and opportunities in its athletic programs are provided on an equivalent basis to both boys and girls, including those services, benefits and opportunities that are provided through the use of outside financial assistance such as donations, fundraising by coaches, and booster clubs.

**Physical Examination Requirement**

All students desiring to compete in athletic contests must have a physical examination either by their own personal health provider or by the District's health personnel at the beginning of each athletic season and as often thereafter as necessary or as requested by the Coach, Principal, or the Superintendent of Schools. Students opting to have a physical examination by their own personal health provider must submit to the District's health personnel a completed physical examination form before they are cleared to try out for the team.

(Continued)

Students

**SUBJECT: PLACEMENT PROCESS FOR INTERSCHOLASTIC ATHLETICS (Cont'd.)**

The School Physician and/or School Nurse Practitioner will not approve the participation of any student in any branch of athletic contest when, in his/her judgment, such participation is disadvantageous to the physical welfare of the student.

After all such physical examination, the District's health personnel shall advise the Director of Physical Education of any health problems found.

In cases of disputed medical opinion, the School Physician has the final authority.

**Athletic Placement Process**

The Athletic Placement Process is a process for screening students to determine their readiness to compete in interscholastic athletic competition by evaluating their emotional and physical maturity, fitness and skill. The intent of this program is to provide for students in grades 7 through 12 to safely participate at an appropriate level of competition based upon readiness rather than age and grade. Students do not mature at the same rate and there can be a tremendous range of developmental differences between students of the same age. This program has been designed to assess a student's physical maturation, physical fitness and skill, so the student may be placed at a level of competition which should result in increased opportunity, a fairer competitive environment, reduced injury and greater personal satisfaction.

The Board of Education approves the use of the Athletic Placement Process. The Board directs the Superintendent to implement the procedures and maintain a file of those students deemed eligible as a result of those procedures.

The only sports that will allow student athletes in grades 7 and 8 to be classified are Golf, Gymnastics, Winter Track, Swimming and Wrestling.

Eligibility for participation by a 7<sup>th</sup> or 8<sup>th</sup> grade student on one of the identified high school teams will be contingent on the number of high school students who choose to play the sport. If a position on a team will not be taken from a student in grades 9-12, then the team can consider students in lower grades for participation assuming they meet all the classification criteria.

(Continued)

Students

**SUBJECT: PLACEMENT PROCESS FOR INTERSCHOLASTIC ATHLETICS (Cont'd.)**

**Student Athletic Injuries**

If a student is determined by a parent, medical professional, certified athletic trainer, or coach to be injured to the extent that further play could result in additional damage, the student shall not be allowed to practice or play in an athletic contest. The diagnosis of and prescription of treatment for injuries is strictly a medical matter and should under no circumstances be considered as the province of the coach. A coach's responsibility is to see that injured players requiring immediate first aid are given prompt and competent attention. If the coach determines that the injury is of such a nature that would require medical attention, he/she will call the family and emergency services immediately. All details of a doctor's instructions concerning the student's functioning as a team member will be carried out by school personnel. No student will be allowed to practice or compete if there is a question whether he/she is in adequate physical condition.

If a physician has deemed an athlete ineligible due to injury, then a physician's certificate will be required before an athlete is permitted to return to practice or competition.

**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 candidates to coach all varsity, junior varsity, and modified interscholastic programs; and
- c) Ensuring that equipment is both safe and operative within approved guidelines.

**Athletic Program - Supervision of Students**

This applies to all activities and permission to hold practices or meetings must not be granted unless a teacher is definitely in charge.

- a) Certified coaches in the School District will be fully responsible for the supervision of all students.

(Continued)

Students

**SUBJECT: PLACEMENT PROCESS FOR INTERSCHOLASTIC ATHLETICS (Cont'd.)**

- b) Coaches are responsible for the supervision of their athletes at the end of practice. This may entail making sure students have transportation home.
  
- c) Assigned school personnel in the elementary grades will be responsible for the playground supervision of all the children under their jurisdiction during the recess periods and before the regular afternoon sessions. The Principal will distribute the responsibility so that the playground situation will be properly controlled.

Title IX 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

Also refer to Policy #5720, Student Transportation Services  
Adopted: 7/8/02  
Revised: 2/24/09, 4/9/14, 8/26/15

Students

**SUBJECT: CONTESTS FOR STUDENTS, STUDENT AWARDS AND SCHOLARSHIPS**

**Contests for Students**

Distribution of educational material, essay contests, and poster contests must be approved in advance by the Building Principals if the sponsoring organization wishes to involve students in the project on school time. Samples of informational material should accompany the request. Upon the judgment of the Principal, the request may be forwarded to the Superintendent and the Board of Education for approval.

**Student Awards and Scholarships**

The School District may obtain and award to its students awards and scholarships. The Board of Education, having been entrusted by law, will hold in trust gifts, grants, bequests and legacies given or bequeathed to the Rockville Centre Union Free School District and shall apply the same and/or their interest and proceeds according to the instruction of the donors and according to the procedures established by the administration.

Education Law Sections 1604(30), 1709(12-a) and 2503(1)

Adopted: 7/8/02  
Revised: 11/15/05

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Students

**SUBJECT: MUSICAL INSTRUMENTS**

The Rockville Centre Union Free School District approves the loan of District-owned or leased musical instruments to all students in the Rockville Centre Public Schools with the exception of those who choose to provide their own instruments. The District shall charge a fee in accordance with a schedule determined by the Superintendent of Schools. Students in the Rockville Centre Public Schools who are financially unable to pay the use fee may be granted an exception from payment, approved by the Superintendent of Schools. The District feels, however, it is the responsibility of the students and his/her parents or guardian to insure that the instrument is kept in good repair and is returned to the District in as good condition as when received, less reasonable wear and tear. The District provides for normal maintenance throughout the school year. Parents or guardians are responsible for any maintenance costs beyond normal wear and tear, including negligence, vandalism, and loss of instrument (See Policy #7311 -- Loss or Destruction of District Property or Resources).

New York State Department of Transportation  
Regulations Section 720.22

Adopted: 7/8/02



Students

**SUBJECT: FUND RAISING BY STUDENTS**

The Rockville Centre School District recognizes that fundraising may be a valuable activity to raise money for all extracurricular activities. In addition, the District recognizes that, while the Board of Education may accept donations, there is no authority for the School District itself to solicit donations. Accordingly, the Board of Education adopts the following principles for all forms of fundraising:

1. All fundraising must be noncoercive and all donations purely voluntary;
2. Fundraising or donations may not be a condition precedent to participation in any extracurricular activity;
3. Any fundraising goals must be reasonable in amount;
4. All donations must be kept anonymous (there can be no listing of donors or amounts donated);
5. There must be no commercial promotional activity on school premises; however, commercial sponsorship of school activities is permitted (8 NY Code, Rules and Regulations § 23.2);
6. The District cannot act as a middleman to solicit or collect funds for a commercial, private activity. However, the Commissioner of Education has allowed limited commercial activity on school premises for items such as school photographs and school rings.

Fundraising projects in which students sell merchandise, provide services, or in other ways solicit money for school activities may be sponsored by school organizations with the express approval of the Building Principal. Any such plan shall have a clearly defined purpose and, in general, shall contribute to the educational experience of students and shall not conflict with instructional programs or state mandates. Fundraising activities away from school property shall be held to be a minimum.

Door to door sales projects by students are not permitted. Profits must be used to enhance school programs by providing money for expenditures not normally funded by the District. The profits must be used for the stated purpose of the fundraising effort. At no time should student's participation in an educational activity be contingent upon their involvement in a fundraising activity.

(Continued)

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2 of 2

All participation shall be voluntary, with written parent/legal guardian consent for children in grades K through 12.

Employees shall not advise students that the purpose of selling items (e.g., “scratch off” cards, holiday wrappings, etc.) or paying a fee is to defray a portion of the District’s educational program. In addition, it is imperative that the proceeds of any legitimate sales activity not be deposited in personal savings or checking account. Under no circumstances will checks be written out to a specific staff member. Employees engaged in such activities may be held personally liable.

This policy applies to fundraising by students in all settings. This includes, but not limited to, extracurricular clubs and athletics.

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

NOTE: Refer also to Policy #3271 – Solicitation of Charitable Donations From School Children

Adopted: 7/8/02

Revised: 1/16/07; 5/31/22

Students

**SUBJECT: DISTRIBUTION OF NON-SCHOOL MATERIALS**

Students seeking to distribute non-school materials to the student body shall provide a copy of the material to the Principal or the administrator in charge if the Principal is unavailable for review of the material. The Principal or administrator in charge will approve the distribution within two hours of receipt unless the material is libelous, invades the privacy of others, is obscene or pornographic, is pervasively indecent and vulgar, will cause a material and substantial disruption of the proper and orderly operation of the school or school activities, or advertises any illegal substance, product, or services not permitted for use by minors under the law.

If the material is approved, the students will be allowed to distribute such material at any entrance or exit to the school both before and after school. Students shall not distribute materials in a manner which disrupts any school activity or blocks or impedes the safe flow of traffic within corridors and entrance ways of the school.

Adopted: 7/8/02  
Revised: 1/8/08

Students

**SUBJECT: IMMUNIZATION OF STUDENTS**

Every child entering or attending a District school must present proof of immunization or proof of immunity by serology (blood test) if applicable in accordance with Public Health Law Section 2164 and the New York State Department of Health Regulations unless:

A New York State licensed physician certifies that such immunization is detrimental to the child's health. The requirement for that immunization no longer detrimental to the child's health.

Except for the above exemption, the District may not permit a child lacking evidence of immunization to remain in school for more than fourteen (14) days, or more than thirty (30) days for an out-of-state or out-of-country transferee who can show a good faith effort to get the necessary certification or other evidence of immunization.

The administration will notify the local health authority of the name and address of excluded children. Administration will also provide the parent/person in parental relation a letter of exclusion detailing information of the local health authority where the required immunizations may be administered in order for the parent/person in parental relation to comply with the law. The school shall cooperate with the local health authorities to provide a time and place for the immunization of these children.

For homeless children, the enrolling school must immediately refer the parent/person in parental relation to the District's homeless liaison, who must assist them in obtaining the necessary immunizations or medical records.

The District will provide an annual summary of compliance with immunization requirements to the Commissioner of Health. All schools will also post educational information on influenza and the benefits of influenza immunization which will be in plain view and available to parents/persons in parental relations.

Education Law Sections 310 and 914  
Public Health Law Section 613 and 2164 8  
New York Code of Rules and Regulations (NYCRR) Section 100.2 and Part 136.3  
10 New York Code of Rules and Regulations (NYCRR) Subpart 66-1

Adopted: 7/8/02  
Revised: 8/2/05, 1/16/07, 10/22/14, 10/22/19

Students

**SUBJECT: STUDENT PHYSICALS**

**Health Examination**

Each student enrolled in District schools must have a satisfactory health examination conducted by the student's physician, physician assistant or nurse practitioner within twelve months prior to the commencement of the school year of:

- a) The student's entrance in a District school at any grade level;
- b) Entrance to Kindergarten;
- c) Entrance into 1<sup>st</sup>, 3<sup>rd</sup>, 5<sup>th</sup>, 7<sup>th</sup>, 9<sup>th</sup> and 11<sup>th</sup> grades.

The District may also require an examination and health history of a student when it is determined by the District that it would promote the educational interests of the student. In addition, the District requires a certificate of physical fitness for:

- a) All athletes prior to their first sport of the school year, then only those who were injured or ill during their first sport before participating in a second sport during the school year; and
- b) All students who need work permits.

**Health Certificate**

Each student must submit a health certificate attesting to the health examination within thirty (30) days of entering Kindergarten or entering the District for the first time and within thirty (30) days after his or her entry into 1<sup>st</sup>, 3<sup>rd</sup>, 5<sup>th</sup>, 7<sup>th</sup>, 9<sup>th</sup> and 11<sup>th</sup> grades. The health certificate shall be filed in the student's cumulative record and must:

- a) Be on a form prescribed by the Commissioner;
- b) Describe the condition of the student when the examination was given provided that such examination was not given more than 12 months prior to the commencement of the school year in which the examination is required;
- c) State the results of any test conducted on the student for sickle cell anemia;
- d) State whether the student is in a fit condition of health to permit his/her attendance at school and, where applicable, whether the student has impaired sight or hearing, has received a scoliosis screening, or has any other physical disability which may tend to prevent the student from receiving the full benefit of school work or from receiving the best educational results, or which may require a modification of such work to prevent injury to the student;
- e) Include a calculation of the student's body mass index (BMI) and weight status category.
- f) Be signed by a duly licensed physician, physician assistant, or nurse practitioner, who is authorized by law to practice in New York State consistent with any applicable written practice agreement; or authorized to practice in the jurisdiction in which the examination was given, provided that the Commissioner of Health has determined that such jurisdiction has standards of licensure and practice comparable to those of New York.

(Continued)

Students

**SUBJECT: STUDENT PHYSICALS (Cont'd)**

**Dental Health Certificate**

The District will request a dental health certificate from each student within 30 calendar days after his or her entrance into:

- a) A District school at any grade level for the first time; and
- b) 1st, 3rd, 5th, 7th, and 9th grades.

The District may also request an assessment and dental health history of a student when it is determined by the District that it would promote the educational interests of the student.

A notice of request for a dental health certificate will be distributed at the same time that the parent or person in parental relation is notified of health examination requirements. The notice of request for a dental health certificate will list dental practices, dentists, and registered dental hygienists to which students may be referred for dental services on a free or reduced cost basis upon request of the student's school.

The dental health certificate will be filed in the student's cumulative record. The dental health certificate must:

- a) Describe the dental health condition of the student when the assessment was given, provided that the assessment was not given more than 12 months prior to the commencement of the school year in which the assessment is requested; and
- b) State whether the student is in fit condition of dental health to permit his or her attendance at a District school; and
- c) Be signed by a duly licensed dentist, or a registered dental hygienist, who is:
  - 1. Authorized by law to practice in New York State, and consistent with any applicable written practice agreement; or
  - 2. Authorized to practice in the jurisdiction in which the assessment was performed, provided that the Commissioner has determined that the jurisdiction has standards of licensure and practice comparable to New York State.

**Examination by Health Appraisal**

The Principal or the Principal's designee will send a notice to the parents of, or person in parental relation to, any student who does not present a health certificate informing them that if the required health certificate is not furnished within thirty (30) days from the date of such notice, an examination by health appraisal will be made of such student by the District Health Professional.

The school nurse shall cause such students who are required to, but have not submitted, the required health certificate to be separately and carefully examined and tested to ascertain whether any such student has impaired sight or hearing, or any other physical disability which may tend to prevent the student from receiving the full benefit of school work or from receiving the best educational results, or which may require a modification of such work to prevent injury to the student.

(Continued)

Students

**SUBJECT: STUDENT PHYSICALS (Cont'd)**

Each examination will include a calculation of the student's BMI and weight status category. Further, the physician, physician assistant or nurse practitioner administering such examination shall determine whether a one-time test for sickle cell anemia is necessary or desirable and, if so determined, shall conduct such test and include the results in the health certificate.

Unless otherwise prohibited by law, if it is ascertained that any student has impaired sight or hearing, or a physical disability or other condition, including sickle cell anemia, which may require professional attention with regard to health, the Principal or Principal's designee shall notify, in writing, the student's parents or persons in parental relation as to the existence of such disability or condition. If the parents or persons in parental relation are unable or unwilling to provide the necessary relief and treatment for the student, it shall be reported by the Principal or Principal's designee to the District Health Professional, who then has the duty to provide relief for the student.

**District Reporting of BMI and Weight Status Category**

Each school year, the New York State Department of Health randomly selects a certain number of districts across New York State to report, in the aggregate, students' BMI and weight status categories. Selected districts must report BMI results on-line using the Department of Health's Health Provider Network secure website. A student's parent or person in parental relation may refuse to have the student's BMI and weight status category included in such survey.

**Health Screenings**

The District shall provide:

- a) Scoliosis screening, if not documented on the student's health certificate, at least once each school year for male students in grade 9, and for female students in grades 5 and 7. The positive results of any such screening examinations for the presence of scoliosis shall be provided in writing to the student's parent or person in parental relation within ninety (90) days after such finding;
- b) Vision screening, if not documented on the student's health certificate, to all students who enroll in school including at a minimum color perception, distance acuity, near vision and hyperopia within six (6) months of admission to the school. In addition, all students shall be screened for distance acuity and near vision as new entrants and in grades 1, 3, 5, 7 and 11 and at any other time deemed necessary. The results of all such vision screening examinations shall be provided in writing to the student's parent or person in parental relation and to any teacher of the student. The vision report will be kept in a permanent file of the school for at least as long as the minimum retention period for such records;
- c) Hearing screening, if not documented on the student's health certificate, to all students within six months of admission to school as new entrants and entering grades 1, 3, 5, 7 and 11, as well as at any other time deemed necessary. Screening shall include, but not be limited to, pure tone. The results of any such hearing tests shall be provided in writing to the student's parent or person in parental relation and to any teacher of the student.

(Continued)

Students

**SUBJECT: STUDENT PHYSICALS (Cont'd)**

The results of all health screenings (dental, hearing, vision and scoliosis) shall be recorded on the cumulative health record which will be maintained by the school for at least as long as the minimum retention period for such records. The health records of individual students will be kept confidential in accordance with the federal [Family Educational Rights and Privacy Act \(FERPA\)](#) and any other applicable federal and State laws.

**Accommodation for Religious Beliefs**

No health examinations, health history, examinations for health appraisal, screening examinations for sickle cell anemia and/or other health screenings shall be required where a student or the parent or person in parental relation to such student objects thereto on the grounds that such examinations, health history and/or screenings conflict with their genuine and sincere religious beliefs. A written and signed statement from the student or the student's parent or person in parental relation that such person holds such beliefs shall be submitted to the building principal or designee, in which case the principal may require supporting documents.

**Students in Temporary Housing**

For students in temporary housing (i.e., homeless children and youth), the enrolling school must immediately refer the parent or guardian of the student to the District's McKinney-Vento liaison, who will assist them in obtaining the necessary medical records.

Family Educational Rights and Privacy Act of 1974  
(FERPA)

[20 United States Code \(USC\) Section 1232\(g\)](#)

[34 Code of Federal Regulations \(CFR\) Part 99](#)

[Education Law Sections 901-905, 912 and 3217](#)

8 New York Code of Rules and Regulations (NYCRR)  
Part 136

NOTE: Refer also to Policies#5690 – Exposure Control Program  
#5691 – Communicable Diseases  
#5692 – Human Immunodeficiency Virus (HIV) Related  
Illnesses  
#7121 – Diagnostic Screening of New School Entrants  
#7511 – Immunization of Students

Adopted: 7/8/02

Revised: 3/22/05, 11/15/05, 6/20/06, 2/27/07, 11/14/18



Students

**SUBJECT: ADMINISTRATION OF MEDICATION**

**Administration of Medication:**

The school's registered professional nurse may administer medication to a student during school hours under certain conditions. (For the purpose of this policy "medication" includes prescription and non-prescription). Per New York State Education Department (NYSED) requirements, the school must receive the following before medication is given to a student:

- a) The original written order from the student's New York State licensed provider stating the name of the medication, precise dosage, frequency and time of administration. Written orders for prescriptions and nonprescription medications should minimally include:
  - Student's name and date of birth
  - Diagnosis
  - Name of medication
  - Dosage and route of administration
  - Self-administration orders – if indicated
  - Frequency and time of administration
  - For prn (as necessary) medications, conditions under which medication should be administered.
  - Potential adverse reactions – if indicated
  - Date written
  - Prescriber's name, title, and signature
  - Prescriber's phone number
- b) A written, signed consent from the student's parent or person in parental relation requesting the administration of the medication, as prescribed by the New York State licensed provider, to the student in school; and
- c) The medication, properly labeled in its original container, must be delivered to the School Health Office by the student's parent or person in parental relation. (The term "properly labeled" in the context of this policy means that the container must include the following information:
  - Student name
  - Name and phone number of pharmacy
  - NYS Licensed prescriber's name
  - Date and number of refills
  - Name of medication/dosage
  - Frequency of administration
  - Route of administration and/or directions
  - A student is not permitted to carry any medication on his/her person in school, or on the school bus, or keep any medication in his/her school locker(s) unless authorized to be self-directed by NYS licensed provider. An exception to this policy may apply for a student's asthma inhaler or epi-pen which a student may carry and use under certain conditions.

(Continued)

Students

**SUBJECT: ADMINISTRATION OF MEDICATION (Cont'd)**

**Special considerations:**

- a) All medication orders must be reviewed annually or whenever there is a change in dosage.
- b) The pharmacy label does not constitute a written order and cannot be used in lieu of a written order from a NYS licensed prescriber.
- c) When a properly labeled medication comes to the health office accompanied by a written request form the parent/person in parental relation for administration of the medication, but without a written order from a NYS licensed prescriber, the steps below should be followed:
  - Contact parent/person in parental relation regarding need for written order from a NYS licensed prescriber
  - Contact NYS licensed prescriber to obtain verbal permission to administer medication
  - Request fax or written orders to be received within 48 hours
  - Contact parent/person in parental relation and discontinue medication if written or not received in 48 hours
  - Document above steps

Procedures governing the School District's receipt, storage and disposal of medication, as well as those pertaining to the administration of medication to a student after school hours and/or off school grounds during a school-sponsored activity will be in accordance with NYSED guidelines. No medication should be brought into school without knowledge of the health office. Publicized procedures that facilitate this practice so that parents/persons in parental relation and students do not feel the need to hide medication or to circumvent procedures are essential.

**Students with Asthma or Other Respiratory Illnesses**

The District will make a nebulizer available on-site in school buildings where full- or part-time nursing services are provided. Only students with a patient-specific order may have access to the nebulizer. School nursing personnel will clean and maintain the District nebulizer as appropriate. Personal equipment used to deliver albuterol to a student will be cleaned and appropriately labeled with the student's name and used solely by that individual student. (Examples of equipment to be cleaned and labeled are nebulizer tubing, facemask, mouthpiece, spacer, etc.)

**The Use of Asthma Inhalers**

A student may carry and use a prescribed asthma inhaler during the school day with the written self-carry, self-directed order from a duly authorized NYS licensed provider and parental/person in parental relation consent, based on Section 916 of Education Law.

The School Health Office should have on file: the New York State licensed provider's written order/diagnosis that the student has a diagnosis of asthma or other respiratory disease for which inhaled rescue medications are prescribed to alleviate respiratory symptoms or to prevent the onset of exercise induced asthma; the student has demonstrated that he or she can self-administer the prescribed medication effectively; and the expiration date of the order, the name of the prescribed medication, the dose the student is to self-administer, times when the medication is to be self-administered, and the circumstances which may warrant the use of the medication; Upon written request of the student's parent or person in parental relation, the school must allow a student to maintain an extra asthma inhaler in the care and custody of the school's registered professional nurse. (A School District is **not required** to hire a registered professional nurse solely for the purpose of maintaining a spare inhaler or to ensure that a registered professional nurse is available at all times in a school building for such purpose).

(Continued)

Students

**SUBJECT: ADMINISTRATION OF MEDICATION (Cont'd)**

**Students with Diabetes**

Children with diabetes have the right to care for their diabetes at school in accordance with the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973 which provide protection against discrimination for children with disabilities, including diabetes. A student will be permitted to carry and self-administer his or her prescribed insulin through an appropriate medication delivery device, carry glucagon, and carry and use equipment and supplies necessary to check blood glucose and/or ketone levels during the school day, on school property, and at any school function if the school health office has the following on file:

- a) Written order/permission and an attestation from a duly authorized health care provider stating that the student has a diagnosis of diabetes for which insulin and glucagon through appropriate medication delivery devices, and the use of equipment and supplies to check blood glucose and/or ketone levels are necessary; the student has demonstrated that he or she can self-administer effectively, can self-check glucose or ketone levels independently, and can independently follow prescribed treatment orders; and the expiration date of the order, the name of the prescribed insulin or glucagon, the type of insulin delivery system, the dose of insulin and/or glucagon the student is to self-administer, times when the insulin and/or glucagon is to be self-administered, and the circumstances which may warrant administration by the student. The written permission must also identify the prescribed blood glucose and/or ketone test, the times testing is to be done, and any circumstances which warrant checking a blood glucose and/or ketone level.
- b) Written consent from the student's parent or person in parental relation.

Upon written request of the student's parent or person in parental relation, the school will allow the student to maintain extra insulin, insulin delivery system, glucagon, blood glucose meter, and related supplies to treat the student's diabetes in the care and custody of a licensed nurse, nurse practitioner, physician assistant, or school physician.

Students with diabetes will also be permitted to carry food, oral glucose, or other similar substances necessary to treat hypoglycemia in accordance with District policy.

Accordingly, blood glucose monitoring must be allowed in the school setting at any time, within any place, and by anyone necessitating such testing. Children must receive assistance if needed with the procedure.

The school nurse shall oversee any arrangements that need to be made for testing and a system to report the results to the nurse as needed. Proper arrangements should be made for the disposal of sharps.

**Alcohol-Based Hand Sanitizers**

Alcohol-based hand sanitizers are considered over-the-counter (OTC) drugs by the United States Food and Drug Administration. However, due to the fact that careful hand-washing and sanitation is the most effective way to control the recent spread of Methicillin-Resistant Staphylococcus Aureus (MRSA) in schools, the New York State Education Department (NYSED) has allowed a medical exemption to the requirements for OTC preparations in the school setting to permit the use of alcohol-based hand sanitizers.

(Continued)

Students

**SUBJECT: ADMINISTRATION OF MEDICATION (Cont'd)**

The School Medical Director may approve and permit the use of alcohol-based hand sanitizers in the District's schools without a New York State licensed prescriber's order. Parents or persons in parental relation may provide written notification to the school in the event that they do not wish to have their child use this product.

It should be noted that hand sanitizers which contain alcohol are flammable and shall not be placed in hallways or near an open flame or source of sparks.

**Personal Care Items**

Each school building within the District serving students in any grade from six through twelve will provide feminine hygiene products in building restrooms. These products will be provided at no charge to students.

**Sunscreen**

Students may carry and use FDA-approved sunscreen products for over-the-counter use. The student's parent or person in parental relation must provide written permission for the student to carry and use sunscreen. This written parental consent will be maintained by the school. A student who is unable to physically apply sunscreen may be assisted by unlicensed personnel when directed to do so by the student, if permitted by a parent or person in parental relation, and authorized by the school.

**Disposal of Unused Medication**

Any unused medication (including, but not limited to expired prescription and nonprescription drugs) must be returned to the parent/person in parental relation by the end of each school year. If the parent/person in parental relation does not retrieve the unused medication by the end of the school year, then the School Nurse or designated School Health Office personnel must document that the medication was abandoned and dispose of the unused medication according to New York State Education Department guidelines.

Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446  
Section 614 (a)]  
Individual with Disabilities Education Act (IDEA), 20 United States Code (USC)  
Sections 1400 et seq.  
Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section  
794 et seq.

Education Law Sections 902(b), 916, 6527(4)(a) and 6908(1)(a)(iv)  
Public Health Law Section 3000-a

Adopted: 7/8/02

Revised: 1/22/03, 12/22/05, 5/1/12, 11/14/18

**SUBJECT: HEALTH RECORDS**

The school shall keep a convenient, accurate, and up-to-date health record of every student. Insofar as the health records include confidential disclosures or findings, they shall be kept confidential.

The Family Educational Rights and Privacy Act (FERPA) is a federal law that protects the privacy of students' "education records." For Pre-K through grade 12 students, health records maintained by the School District, including immunization records and school nurse records, generally are considered "education records" subject to FERPA. In addition, records that the District or School maintains on special education students, including records on services provided to students under the Individuals with Disabilities Education Act (IDEA) are considered "education records" under FERPA because they are:

- a) Directly related to a student;
- b) Maintained by the School or a party acting for the School; and
- c) Not excluded from the definition of "education records."

Since student health and medical information in education records is protected by FERPA, the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rule excludes such information from its coverage. Generally, these records may not be shared with third parties without written parental consent unless the disclosure meets one of the exceptions to FERPA's general consent requirement. One exception permits the disclosure of education records, without parental consent, to appropriate parties in connection with an emergency, if knowledge of the information is necessary to protect the health or safety of the student or other individuals. Parents have a right under FERPA to inspect and review those health and medical records that are considered "education records" under FERPA.

Individual records may be interpreted by the nurse to administrators, teachers, and counselors, consistent with law.

Family Educational Rights and Privacy Act of 1974 (FERPA),  
20 USC Section 1232g Health Insurance Portability and  
Accountability Act of 1996 (HIPAA),  
Public Law 104-191  
CFR Part 99 45 CFR Parts 160, 162 and 164  
Education Law Sections 902(b) and 905  
8 NYCRR Part 136

Adopted: 7/8/02  
Revised: 2/1/24

Students

**SUBJECT: STUDENTS AND STAFF 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. 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 should have a comprehensive plan of care in place; an Emergency Care Plan (ECP) and/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 disorder asthma and food allergies the District must work cooperatively with the parent(s) and the healthcare provider to:

- a) Immediately develop an Emergency Care Plan (ECP) for each at risk student to inform all appropriate personnel of the student's potential for a life-threatening reaction;
- b) If appropriate, develop an Individualized Healthcare Plan that includes all necessary treatments, medications, training and educational requirements for the student. If the student is eligible for accommodations based upon the Individuals with Disabilities Act (IDEA), Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act, the appropriate procedures will be followed regarding evaluation and identification;
- c) Provide training by licensed medical personnel (e.g. registered professional nurse or nurse practitioner) 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/she works toward self-management;

(Continued)

Students

**SUBJECT: STUDENTS AND STAFF WITH LIFE THREATENING HEALTH CONDITIONS**

- f) Allow self-directed students to carry life-saving medication, provided those students have prior approval by the medical provider and the school nurse, maintain and carry medication according to district practices and procedures, and have appropriate supervision for the administration of the medication. 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) District measures are designed to implement appropriate and reasonable accommodations. Although not assured, these measures are put in place to provide safeguards within a reasonable degree of medical certainty.

In addition, the District will:

- a) Provide training for supervisory, instructional, and physical education staff as appropriate in the recognition of an anaphylactic reaction;
- b) Have standing emergency medical protocols for nursing 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 and antihistamine in all health offices for use in first time emergencies;
- f) Ensure that building-level and district-wide school safety plans include guidance and response to life-threatening health conditions.
- g) In the case of life threatening food allergies, accommodations in elementary buildings may include seating students reasonable distance from allergens for lunch/snack ingestion; allergen free classroom protocols including notification of food allergens to parents, food allergen signs outside classrooms, washing of hands of students prior to snack/lunch, wiping of table surfaces after lunch/snack;
- h) Educate students regarding the importance of immediately reporting symptoms of an allergic reaction.

(Continued)

Students

**SUBJECT: STUDENTS AND STAFF WITH LIFE THREATENING HEALTH CONDITIONS**

**Emergency Medication**

**Epinephrine Auto-Injectors (EAIs)**

The District has entered into a collaborative agreement with the school district physician who has filed with the Regional Emergency Medical Services Council (REMSCO) of Nassau County to provide and maintain EAIs on-site in its instructional facilities. This agreement allows trained school employees, who have completed a New York State Department of Health (NYSDOH) course, to administer EAIs to any student or staff member who demonstrates symptoms of anaphylaxis regardless of whether the person has a prior history of severe allergic reactions. The District will ensure that it has sufficient EAIs available to ensure ready and appropriate access for use during emergencies and will immediately report every use of an EAI in accordance with the collaborative agreement to the District Health Professional.

The administration of epinephrine by epi-pen to a student with a known severe allergy needing an anaphylactic treatment agent may be performed by a school staff member responding to an emergency situation when such use has been prescribed by a licensed prescriber. However, a Registered Nurse/Nurse Practitioner must have trained the staff member to administer the epi-pen and given him/her approval to assist the student in the event of an anaphylactic reaction.

Documentation of training must be maintained in the Anaphylaxis Protocol for Non-Licensed School Staff Members for each affected student. The emergency response by non-licensed school staff members is permitted under the Medical Practice Act (Education Law section 6527(4)(a)) and the Nurse Practice Act (Education Law section 6908 (l)(a)(iv)) and is covered by the "Good Samaritan Law" (Public Health Law section 3000-a).

**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 make staff and all relevant individuals aware of the following potential 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.

(Continued)



**SUBJECT: STUDENTS AND STAFF WITH LIFE THREATENING HEALTH CONDITIONS**

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

[Americans with Disabilities Act, 42 United States Code \(USC\) Section 12101 et seq.](#)  
[Individuals with Disabilities Education Act \(IDEA\) 20 United States Code \(USC\) Sections 1400-1485](#)  
[Section 504 of the Rehabilitation Act of 1973, 29 United States Code \(USC\) Section 794 et seq.](#)  
[34 Code of Federal Regulations \(CFR\) Part 300](#)  
[Education Law Sections 6527 and 6908](#)  
[Public Health Law Section 2500-h \(Anaphylactic policy for school districts\) and 3000-a](#)

NOTE: Refer also to Policy #7513 -- [Administration of Medication](#)

Adopted: 8/2/05  
Revised: 1/6/16, 3/8/17

## STUDENTS

### **SUBJECT: DESIGNATION OF PERSON IN PARENTAL RELATION**

In accordance with General Obligations Law Title 15-A, a parent of a minor or incapacitated person may designate another person as a person in parental relation to such minor or incapacitated person for certain health care and educational decisions for a period not exceeding six (6) months. However, such parental designation is conditioned upon there being no prior order of any court in any jurisdiction currently in effect that would prohibit the parent from himself/herself exercising the same or similar authority; and provided further that, in the case where a court has ordered that both parents must agree on education or health decisions regarding the child, a designation pursuant to this law shall not be valid unless both parents have given their consent.

The designation of a person in parental relation must be in writing in the form prescribed by General Obligations Law Title 15-A, and shall include specified information as enumerated in law for designations of thirty (30) days or less, as well as additional information required for designations of more than thirty (30) days. The designation of a person in parental relation may be presented to any school that requires such designation by either the parent or designee. The designation may specify a period of time less than six (6) months for which such designation shall be valid unless earlier revoked by the parent in accordance with law. *However, a designation specifying a period of more than thirty (30) days shall be notarized.*

If no time period is specified in the designation, it shall be valid until the earlier of revocation; or

- a) The expiration of thirty (30) days from the date of signature if the designation does not meet the requirements for designations of more than thirty (30) days, or
- b) Six (6) months from the date of commencement specified in the designation if the designation meets the requirements for designations of more than thirty (30) days.

### **Scope of Designation**

A designation made pursuant to this law may specify:

- a) The treatment, diagnosis or activities for which consent is authorized;
- b) Any treatment, diagnosis or activity for which consent is not authorized; or
- c) Any other limitation on the duties and responsibilities conveyed by the designation.

(Continued)

STUDENTS

**SUBJECT: DESIGNATION OF PERSON IN PARENTAL RELATION (Cont'd.)**

**Revocation of Designation**

A parent may revoke a designation by notifying, either orally or in writing, the designee or a school to which the designation has been presented, or by any other act evidencing a specific intent to revoke the designation. A designation shall also be revoked upon the execution by the parent of a subsequent designation. Revocation by one parent authorized to execute such a designation shall be deemed effective and complete revocation of a designation pursuant to law.

A designee who receives notification from a parent of any such revocation shall immediately notify any school to which a designation has been presented. A parent may directly notify any such school of the revocation, in which case the failure of the designee to notify the school of such revocation shall not make revocation ineffective.

**Effect of Designation**

- a) A designee shall possess all the powers and duties of a person in parental relation pursuant to Public Health Law Sections 2164 and 2504 and Education Law Sections 2 and 3212, unless otherwise specified in the designation.
- b) A designation shall not impose upon a designee a duty to support pursuant to Family Court Act Section 413.
- c) A designation shall not cause a change in the school district of residence of the child for purposes of the Education Law, and during the period of validity of the designation, the child shall be presumed to be a resident of the school district in which the parent resided at the time the designation was made.
- d) A designation shall terminate and be revoked upon the death or incapacity of the parent who signed the designation.
- e) The decision of a designee shall be superseded by a contravening decision of a parent.

A person who acts based upon the consent of a designee reasonably and in the good faith belief that the parent has in fact authorized the designee to provide such consent may not be deemed to have acted negligently, unreasonably or improperly in accepting the designation and acting upon such consent. However, any such person may be deemed to have acted negligently, unreasonably or improperly if he/she has knowledge of facts indicating that the designation was never given, or did not extend to an act or acts in question, or was revoked.

(Continued)

STUDENTS

**SUBJECT: DESIGNATION OF PERSON IN PARENTAL RELATION (Cont'd.)**

No provision of Title 15-A of the General Obligations Law shall be construed to require designation of a person in parental relation as provided within the statute where such designation is not otherwise required by law, rule or regulation.

[General Obligations Law Title 15-A](#)  
[Education Law Sections 2 and 3212](#)  
[Public Health Law Sections 2164 and 2504](#)  
[Family Court Act Section 413](#)  
[Mental Hygiene Law Section 80.03](#)

Adopted: 11/15/05

**SUBJECT: ACCIDENTS AND MEDICAL EMERGENCIES**

Procedures shall be established and maintained by the Superintendent of Schools for the handling of student injuries and medical emergencies that occur on school property and during school activities.

**Student Emergency Treatment**

All staff members of the School District are responsible to obtain first aid care of students who are injured or become ill while under school supervision.

In most instances first aid should be rendered, and then the parent should be contacted to come to school and transport the student to the family physician. Beyond first aid, the medical care of the student is the parent's responsibility. However, the student's welfare is always the primary concern, and it is the responsibility of school personnel to exercise good judgment and care under all circumstances.

The Board of Education encourages all staff members to become qualified to give emergency treatment through instruction in first aid, Cardiopulmonary Resuscitation (CPR), and Automated External Defibrillators.

**Transporting an Ill or Injured Student**

In the event of an illness or injury to a student, an ambulance may be called if warranted. The District will make all reasonable attempts to contact a parent or person in parental relation when determining if emergency treatment is necessary.

**Insurance**

The Board will approve provisions for all students to be covered by group insurance. These student accident insurance policies will be a co-insurance with family coverage(s) as primary.

Education Law Sections 1604(7-a, b) and 1709(8-a, b)

Adopted: 7/8/02

Revised: 2/1/24

Students

**SUBJECT: CONCUSSION MANAGEMENT**

A concussion is a type of mild traumatic brain injury (MTBI) caused by a bump, blow or jolt to the head or body that causes the head and brain to move rapidly back and forth. Recovery from concussion and its symptoms will vary. Avoiding re-injury and over-exertion until fully recovered are the cornerstones of proper concussion management. Concussions can impact a student's academics as well as their athletic pursuits. As such, the District supports the proper evaluation and management of concussion injuries.

**Concussion Management Team (CMT)**

The District may authorize a Concussion Management Team (CMT) which may be composed of the Athletic Director, and/or Director of Physical Education, a school nurse, the school physician/District's Medical Director, a coach of an interscholastic team, and/or a physical education teacher, a certified athletic trainer, and other appropriate personnel as designated by the District. If established, the Concussion Management Team shall oversee and implement the School District's concussion policy, including the requirement that all school coaches, physical education teachers, school nurses and certified athletic trainers who work with and/or provide instruction to students 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 to parents throughout each school year.

**Staff Training/Course of Instruction**

Each school coach, physical education teacher, school nurse and certified athletic trainer who works with and/or provides instruction to students in school-sponsored athletic activities (including physical education class and recess) will complete a training every two (2) years relating to recognizing the symptoms of concussions, or MTBIs, and monitoring and seeking proper medical treatment for students who suffer from a concussion or MTBI. Since concussion symptoms may manifest themselves in any setting, all staff will be encouraged to take the online training and be alert for students who may display or report concussion symptoms.

Components of the training will include, but not limited to:

- 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.

Students

**SUBJECT: CONCUSSION MANAGEMENT (Cont'd.)**

The training must be completed by means of instruction approved by the New York State Education Department (NYSED) which include, but are not limited to, courses provided online and by teleconference.

Each time a staff member completes this training or a related professional development course, they must forward proof of completion to the CMT or, if a CMT has not been established, a designated District staff member who will enter the information into the District's existing system for tracking completed trainings and professional development courses. The system will also use an email to remind staff of the need to complete the training as needed.

**Information to Parents and Students**

The District shall include the following information on concussion in any permission or consent form or similar document that may be required from a parent for a student's participation in interscholastic sports. Similar information will be provided to all students when they sign up for participation in sports and/or through information provided in physical education, health or mental health classes. 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 this information on the NYSED's and New York Department of Health's websites.

**Identification of Concussion and Removal from Athletic Activities**

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

Students

**SUBJECT: CONCUSSION MANAGEMENT (Cont'd.)**

The District may, in collaboration with their Medical Director, allow District staff who are appropriately licensed or certified healthcare professionals and credentialed to use validated Neurocognitive computerized testing to review and obtain baseline and post-concussion performance data. These tools are not a replacement for a medical evaluation to diagnose a concussion or clear a student to return to activities. The District must seek authorization from the parent prior to testing. Additionally, parents should be given a copy of the results.

**Return to School Activities and Athletics**

A 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 twenty-four (24) hours, and has been evaluated and received written authorization from a licensed physician. The written authorization should be sent to the school for review by the District's Medical Director. Additionally, the District's Medical Director has the final authority to clear students to participate in or return to extra-class athletic activities. All such 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. 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 will also develop a coordinated communication plan among appropriate staff to ensure that the private provider's orders for post-concussion management are implemented and followed, and for students to resume participation in athletic activities with the District's Medical Director approval.

The District's Medical Director and other licensed healthcare professionals employed by the District will also establish a procedure and treatment plan to be utilized by District staff who may respond to students or staff with possible concussions during the school day or at a school sponsored event.

In accordance with NYSED guidelines, this Policy shall be reviewed and updated at least every three years or with updates to guidance. 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 Date: 11/20/2012  
Revised: 3/23/23



Students

**SUBJECT: CHILD ABUSE AND MALTREATMENT**

**Child Abuse in a Domestic Setting**

The District takes seriously the obligations of its officers and employees to report cases of child abuse or maltreatment. To this end, regulations will be developed, maintained, and disseminated by administration regarding the:

- a) Mandatory reporting of suspected child abuse or maltreatment;
- b) Reporting procedures and obligations of persons required to report;
- c) Provisions for taking a child into protective custody;
- d) Mandatory reporting of deaths;
- e) Immunity from liability;
- f) Penalties for failure to report;
- g) Obligations for provision of services and procedures necessary to safeguard the life or health of a child; and
- h) Provision of information in recognizing signs of unlawful methamphetamine laboratories for all current and new school officials (i.e., "mandated reporters") who, as part of their usual responsibilities, visit children's homes.

Additionally, an ongoing training program for all current and new school officials will be established and implemented to enable the staff to carry out their reporting responsibilities.

**Reporting Information**

The District will post the child abuse hotline telephone number and directions for accessing the Office of Children and Family Services (OCFS) website in English and Spanish on its website and in clearly and highly visible areas of school buildings. The District will also make this information available from its administrative offices; provide it to parent(s)/guardian(s) at least once per school year by electronic communication, sending the information home with students, or otherwise; and provide it to each teacher and administrator. The District may post and provide this information in other, common languages used by the school community.

**Persons Required to Report**

Persons required to report cases of child abuse or maltreatment to the State Central Register (SCR) in accordance with Social Services Law Section 413(1) include, but are not limited to, school teachers, school counselors, school psychologists, school social workers, school nurses, school administrators or

Students

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

other school personnel required to hold a teaching or administrative license or certificate, and full- or part-time compensated school employees required to hold a temporary coaching license or professional coaching certificate.

All mandated reporters must make the report themselves and then immediately notify the building principal or designee. The building principal or designee will be responsible for all subsequent administration necessitated by the report. Any report must include the name, title, and contact information for every staff member who is believed to have direct knowledge of the allegations in the report.

**Prohibition of Retaliatory Personnel Action**

The District will not take any retaliatory personnel action against an employee because the employee believes that reasonable cause exists to suspect that a child is an abused or maltreated child and that employee makes a report to SCR. Further, no school official will impose any conditions, including prior approval or prior notification, upon any staff member specifically designated a mandated reporter.

"Retaliatory personnel action" means the discharge, suspension, or demotion of an employee, or other adverse employment action taken against an employee in the terms and conditions of employment.

**Report Form**

The "Report of Suspected Child Abuse or Maltreatment" Form LDSS-2221A may be accessed at the OCFS website.

**Child Abuse in an Educational Setting**

The District is committed to the protection of students in educational settings from abuse and maltreatment by employees or volunteers.

**Definitions**

"Administrator" or "school administrator" means a principal, or the equivalent title, in a school, or other chief school officer.

"Child abuse" means any of the following acts committed in an educational setting by an employee or volunteer against a child (defined as a person under the age of 21 years enrolled in a school):

- a) Intentionally or recklessly inflicting physical injury, serious physical injury, or death;

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

- b) Intentionally or recklessly engaging in conduct which creates a substantial risk of physical injury, serious physical injury, or death;
- c) Any child sexual abuse, defined as conduct prohibited by Penal Law Articles 130 or 263; or
- d) The commission or attempted commission against a child of the crime of disseminating indecent materials to minors in accordance with Penal Law Article 235.
- e) Using impermissible corporal punishment as defined by the Commissioner of Education.

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

"School" means a school district, public school, charter school, nonpublic school, Board of Cooperative Educational Services (BOCES), special act school district as defined in Education Law Section 4001, approved preschool special education program pursuant to Education Law Section 4410, approved private residential or non-residential school for the education of students with disabilities including certain private schools, or state-operated or state-supported school in accordance with Education Law Articles 85, 87, or 88.

**Duties Upon Receipt of an Allegation of Child Abuse in an Educational Setting**

In any case where an oral or written allegation is made to a teacher, school nurse, school counselor, school psychologist, school social worker, school administrator, Board member, or other school personnel required to hold a teaching or administrative license or certificate, as well as a licensed and registered physical therapist, licensed and registered occupational therapist, licensed and registered speech-language pathologist, teacher aide, or school resource officer that a child has been subjected to child abuse by an employee or volunteer in an educational setting, that person will upon receipt of the allegation:

- a) Promptly complete a written report of the allegation including the full name of the child alleged to be abused; the name of the child's parent(s)/guardian(s); the identity of the person making the allegation and their relationship to the alleged child victim; the name of the employee or volunteer against whom the allegation was made; and a listing of the specific allegations of child abuse in an educational setting. This written report must be completed on a form prescribed by the Commissioner of Education.
- b) Except where the school administrator is the person receiving the oral or written allegation, the employee completing the written report must promptly personally deliver a copy of that written report to the school administrator of the school in which the child abuse allegedly occurred.

Students

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

In any case where an oral or written allegation is made to a school bus driver employed by a school or a person or entity that contracts with a school to provide transportation services to children that a child has been subjected to child abuse by an employee or volunteer in an educational setting, that school bus driver will upon receipt of the allegation, promptly report or cause a report to be made to the bus driver's supervisor employed by the school or the contracting person or entity.

In any case where an oral or written report or allegation is made to a supervisor who is employed by a school or a person or entity that contracts with a school to provide transportation services to children from a person employed by the school or the contracted person or entity that a child has been subjected to child abuse by an employee or volunteer in an educational setting, the supervisor must, upon receipt of an allegation:

- a) Promptly complete a written report of the allegation including the full name of the child alleged to be abused; the name of the child's parent(s)/guardian(s); the identity of the person making the allegation and their relationship to the alleged child victim; the name of the employee or volunteer against whom the allegation was made; and a listing of the specific allegations of child abuse in an educational setting. This written report must be completed on a form prescribed by the Commissioner.
- b) Ensure that the written report is personally delivered to the superintendent employed by the school district where the child abuse occurred or, for a school other than a school district or public school, the school administrator employed by the school where the child abuse occurred.

In any case where it is alleged a child was abused by an employee or volunteer of a school other than a school within the school district of the child's attendance, the report of these allegations will be promptly forwarded to the superintendent of the school district of the child's attendance and the superintendent of the school district where the abuse of the child allegedly occurred. If a case involves a school that is not a school district or public school, the appropriate school administrator or administrators, in addition to any appropriate superintendent, must be notified of the allegations of abuse.

If it is alleged the child was abused by the superintendent or administrator, the report of the allegations will be made to another designated administrator.

Upon receipt of a written report alleging child abuse in an educational setting, a school administrator or superintendent must then determine whether there is reasonable suspicion to believe that an act of child abuse has occurred. If it is determined that reasonable suspicion exists, the school administrator or superintendent must follow the procedures mandated in law and further described in administrative regulations including parental notification. When the school administrator receives a

Students

**SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd)**

written report, the school administrator must promptly provide a copy of the report to the superintendent. The report must be promptly forwarded to appropriate law enforcement. In no event will reporting to law enforcement be delayed by an inability to contact the superintendent.

Where the superintendent or, in a school other than a school district or public school, the school administrator has forwarded a written report of child abuse in an educational setting to law enforcement authorities, the superintendent (or school administrator) will also refer the report to the Commissioner if the employee or volunteer alleged to have committed an act of child abuse holds a certification or license issued by NYSED.

**Civil Immunity**

Any employee, volunteer, or supervisor who is employed by a person or entity that contracts with a school to provide transportation services to children who reasonably and in good faith makes a report of allegations of child abuse in an educational setting in accordance with the reporting requirements of the law will have immunity from civil liability which might otherwise result by reason of those actions.

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

**Confidentiality**

Reports and other written material submitted in accordance with law with regard to allegations of child abuse in an educational setting, and photographs taken concerning those reports that are in the possession of any person legally authorized to receive that information, will be confidential and will not be redisclosed except to law enforcement authorities involved in an investigation of child abuse in an educational setting or as expressly authorized by law or in accordance with a court-ordered subpoena. School administrators and the Superintendent will exercise reasonable care in preventing unauthorized disclosure.

**Training**

The District will implement a training program regarding child abuse in an educational setting for all current and new teachers, school nurses, school counselors, school psychologists, school social workers, school administrators, Board members, other school personnel required to hold a teaching or administrative license or certificate, and any school bus driver or supervisor employed by the District or any person or entity that contracts with the District to provide transportation services to children, as well as licensed and registered physical therapists, licensed and registered occupational therapists, licensed and registered speech-language pathologists, teacher aides, and school resource officers.

Students

**SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd)**

**Prohibition of "Silent" (Unreported) Resignations**

The Superintendent and other school administrators are prohibited from withholding from law enforcement authorities, the Superintendent, or the Commissioner, as appropriate, information concerning allegations of child abuse in an educational setting against an employee or volunteer in exchange for that individual's resignation or voluntary suspension from such position.

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

**Notification**

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

**Prohibition on Aiding and Abetting Sexual Abuse**

Unless exempted by law, no District employee, contractor, or agent of the District will assist another District employee, contractor, or agent in obtaining a new job, apart from the routine transmission of administrative and personnel files, if the individual or agency knows or has probable cause to believe, that the individual engaged in sexual misconduct regarding a minor or student in violation of the law.

Education Law Article 23-B and §§ 409-1, 3028-b, and 3209-a Family Court Act § 1012  
Labor Law § 740(1)(e)  
Penal Law Articles 130, 235, and 263 Social Services Law §§ 411-428  
8 NYCRR Part 83 and § 100.2(hh) and (nn) 20 USC § 7926

NOTE: Refer also to Policy #7350 – Timeout and Physical Restraint  
Adoption 7/8/02  
Revised: 12/05/06, 3/19/07, 11/13/07, 2/15/23, 4/16/24

Students

**SUBJECT: SUICIDE**

Unfortunately, there has been a significant increase in the number of adolescents who choose suicide as a way to resolve their problems. It is the intent of this District to alert school personnel to the implications of suicide by a student, to help the school and the community cope with the aftermath of such a tragic event should it occur, to recommend ways of identifying children and adolescents at risk of attempting suicide and to suggest ways to prevent such occurrences.

Suicide prevention will be incorporated into the curriculum to make students aware of this growing problem. This will be done in a manner so as not to glamorize the situation but to educate students in regard to this policy.

The administration is responsible for informing staff of regulations and procedures of suicide prevention, intervention, and post-intervention that have been developed by the administration.

Adopted: 7/8/02

**SUBJECT: COMPLAINTS AND GRIEVANCES BY STUDENTS**

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

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

**Complaints and Grievances Coordinator**

In addition, students and parents/guardians will receive annual notification of the District's established grievance procedures for resolving complaints of discrimination based on sex or disability. This notice shall include the name, address and telephone number of the Title IX/Section 504/ADA Coordinator.

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

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

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

(Continued)



2002

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Students

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

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

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

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

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

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

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

Adopted: 7/8/02

**SUBJECT: SEXUAL HARASSMENT OF STUDENTS**

The Board of Education affirms its commitment to non-discrimination and recognizes its responsibility to provide for all District students an environment that is free of sexual harassment and intimidation. Sexual harassment is a violation of law and stands in direct opposition to District policy. Therefore, the Board prohibits and condemns all forms of sexual harassment by employees, school volunteers, students, and non-employees such as contractors and vendors which occur on school grounds and at all school-sponsored events, programs and activities including those that take place at locations off school premises. Generally, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct or communication of a sexual nature when:

- a) Submission to or rejection of such sexually harassing conduct and/or communication by a student affects decisions regarding any aspect of the student's education, including participation in school-sponsored activities;
- b) Conditions exist within the school environment that allow or foster obscene pictures, lewd jokes, sexual advances, requests for sexual favors or other harassing activities of a sexual nature; and
- c) Such conduct and/or communication has the purpose or effect of substantially or unreasonably interfering with a student's academic performance or participation in an educational or extracurricular activity, or creating an intimidating, hostile or offensive learning environment; and/or effectively bars the student's access to an educational opportunity or benefit.

The Board acknowledges that in determining whether sexual harassment has occurred the totality of the circumstances, expectations, and relationships should be evaluated including, but not limited to, the ages of the harasser and the victim; the number of individuals involved; and the type, frequency and duration of the conduct. The Board recognizes that sexual harassment can originate from a person of either sex against a person of the opposite or same sex, and from a third party such as a school visitor, volunteer, or vendor, or any other individual associated with the School District. Sexual harassment may occur from student-to-student, from staff-to-student, from student-to-staff, as well as staff-to-staff. The District will designate, at a minimum, two complaint officers, one of each gender.

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**SUBJECT: SEXUAL HARASSMENT OF STUDENTS (Cont'd.)**

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

Upon receipt of an informal/formal complaint, the District will conduct a thorough investigation of the charges. To the extent possible, within legal constraints, all complaints will be treated as confidentially and privately as possible. However, disclosure may be necessary to complete a thorough investigation of the charges, and any disclosure will be provided on a "need to know" basis.

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

Based upon the results of the investigation, if the District determines that an employee and/or student has violated the terms of this policy and/or accompanying regulations, immediate corrective action will be taken as warranted. Should the offending individual be a student, appropriate disciplinary measures will be applied, up to and including suspension, in accordance with District policy and regulation, the Code of Conduct, and applicable laws and/or regulations. Should the offending individual be a school employee, appropriate disciplinary measures will be applied, up to and including termination of the offender's employment, in accordance with legal guidelines, District policy and regulation, the Code of Conduct and the applicable collective bargaining agreement(s). Third parties (such as school volunteers, vendors, etc.) who are found to have violated this policy and/or accompanying regulations will be subject to appropriate sanctions as warranted and in compliance with law.

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

**SUBJECT: SEXUAL HARASSMENT OF STUDENTS (Cont'd.)**

**Finding That Harassment Did Not Occur**

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

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

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

**Knowingly Makes False Accusations**

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

**Development and Dissemination of Administrative Regulations**

Regulations will be developed for reporting, investigating and remedying allegations of sexual harassment. An appeal procedure will also be provided to address any unresolved complaints and/or unsatisfactory prior determinations by the applicable complaint officer(s).

Such regulations will be developed in accordance with federal and state law as well as any applicable collective bargaining agreement(s).

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

(Continued)

Students

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**SUBJECT: SEXUAL HARASSMENT OF STUDENTS (Cont'd.)**

prohibited conduct. Furthermore, special training will be provided for designated supervisors and managerial employees, as may be necessary, for training in the investigation of sexual harassment complaints.

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

Civil Rights Act of 1991

42 United States Code (USC) Section 1981(a) Title VII of the Civil Rights Act of 1964,

42 United States Code (USC) Section 2000e et seq. Title IX of the Education Amendments of 1972,

20 United States Code (USC) Section 1681 et seq.

34 Code of Federal Regulations (CFR) Section 100 et seq.

29 Code of Federal Regulations (CFR) Section 1604.11(a)

Executive Law Sections 296 and 297

Adopted: 7/8/02

Revised: 11/15/05, 10/17/06

Students

**SUBJECT: NOTIFICATION OF SEX OFFENDERS**

The Board of Education recognizes its responsibility for the health and safety of the students enrolled within the District and for those youngsters receiving services or participating in programs or events on School District property. In light of that responsibility, the Board is desirous of taking appropriate precautionary measures in situations where the District has been advised by law enforcement officials that a convicted sex offender resides within the District's geographic boundaries.

Where school officials are advised that an individual convicted of a sexual offense resides within the School District, the District shall give notice in accordance herewith, in order to minimize the possibility that the released sex offender will come into contact with school-age children. Furthermore, the District determines that cooperation with local law enforcement officials will best promote and protect the safety and well-being of its students.

It is a policy of the Board of Education that whenever information is received from local law enforcement officials derived from the Division of Criminal Justice Services under the Sex Offender Registration Act, that a registered Level 2 or 3 convicted sex offender is residing within the School District, such information may be disseminated after consideration of various factors, including but not limited to the nature of the offense against the victim, to the following or entities:

- a) Building Principals
- b) Appropriate administrative, teaching and support staff
- c) Security personnel and those responsible for monitoring person visiting on School District property
- d) Custodians
- e) Athletic coaches
- f) Supervisors of school-related organizations or programs which regularly meet or are regularly conducted on School District property
- g) Bus drivers

Information provided under these conditions will not be available under the Freedom of Information Act.

The Superintendent of Schools reserves the right to disseminate such information to such additional individuals or groups of individuals who, in the opinion of the Superintendent of Schools have a legitimate need to be notified of such information in order to protect the health, safety or welfare of School District students.

Any individual receiving notice hereunder shall inform appropriate school officials if they observe on school property any individual whose description matches that of a released sex offender.

Correction Law Article 6-C  
Public Officers Law Section 84 et seq.

Adopted: 7/8/02

Students

**SUBJECT: ALCOHOL CONSUMPTION BY STUDENTS**

The Board of Education recognizes that the use of alcohol by minors represents a serious threat to the welfare of students.

The possession, transportation, and distribution of alcoholic beverages during school hours or during school-sponsored activities and events is strictly prohibited.

The consumption of alcohol by students during school hours as well as prior to or during school sponsored activities and events, and the presence of students who have consumed alcohol on school campus at any time or during school-sponsored, off-campus activities and events, is strictly prohibited.

Therefore, to promote a safe, healthy, and productive environment, the District implements the following testing policy with respect to students suspected of consumption of alcohol.

- a) School personnel who have a reasonable suspicion that a particular student has consumed alcohol prior to or during school hours or during a school-sponsored event may recommend to the administrator in charge the use of breathalyzer testing to determine such consumption. Reasonable suspicion shall be based on objective criteria including, but not limited to, admissions, reliable statements of others, alcohol on the breath, impairment of motor control and other outward signs of alcohol use or intoxication.
- b) The District shall maintain an appropriately calibrated breathalyzer testing device and shall provide for training of school officials in its use. The term, trained "school official", shall be limited to nurses, administrators, and drug and alcohol school professionals.
- c) A student present during a school-sponsored event, either on campus or off campus, who is believed to have consumed alcohol prior to or during the event, will be discretely escorted by the school official to a secure location. The test shall be administered by a trained school official. The student will be granted an opportunity to explain a positive test result. After due consideration of the student's explanation, the school official shall make an immediate determination whether to exclude the student from the event. If alcohol use has been determined, the student's parents or person in parental relation shall be immediately notified. Students identified as having consumed alcohol shall be detained under observation until a parent, a person designated by the parent, or a person named on the student's emergency contact card is available to transport the student home. If none of the aforementioned individuals are available, the staff member in charge of the activity will determine who will transport the child home. The student's behavior shall be referred to the school Principal and/or Superintendent of Schools for further action pursuant to Section 3214 of the Education Law. Test results shall be considered in making a determination whether to proceed further.

(Continued)

Students

**SUBJECT: ALCOHOL CONSUMPTION BY STUDENTS (Breathalyzer) (Cont'd.)**

- d) A student present during an extracurricular, co-curricular or sports activity believed to have consumed alcohol will be discretely escorted by the school official to a secure location. The test shall be administered by a trained school official. The student will be granted an opportunity to explain a positive test result. After due consideration of the student's explanation, the school official shall make an immediate determination whether to exclude the student from the event. If alcohol use has been determined, the student's parents or person in parental relation shall be immediately notified. Students identified as having consumed alcohol shall be detained under observation until a parent, a person designated by the parent, or a person named on the student's emergency contact card is available to transport the student home. If none of the aforementioned individuals are available, the staff member in charge of the activity will determine who will transport the child home. The student's behavior shall be referred to the school Principal and/or Superintendent of Schools for further action pursuant to Section 3214 of the Education Law. Test results shall be considered in making a determination whether to proceed further.
- e) During the regular school day, a student believed to have consumed alcohol will be discretely escorted by the school official to a secure location. The test shall be administered by a trained school official. If alcohol use has been determined, the student's parents or person in parental relation shall be immediately notified. Students identified as having consumed alcohol shall be excluded from class and detained under observation until a parent, a person designated by the parent, or a person named on the student's emergency contact card is available to transport the student to home. The student's behavior shall be referred to the school Principal and/or Superintendent of Schools for further action pursuant to Section 3214 of the Education Law. Test results shall be considered in making a determination whether to proceed further.
- f) In the event that a student refuses the administration of a breathalyzer test in any of the circumstances described in c), d), or e) above, he/she will be presumed to have consumed alcohol. The matter shall be processed under paragraphs c), d), or e) in the same manner as if a positive breathalyzer test result has been obtained.

As noted above, the possession, transportation, and distribution of alcoholic beverages during school hours, on school property, or during school-sponsored activities and events is strictly prohibited. Any student determined to have possessed, transported or distributed alcoholic beverages during school hours, or during school-sponsored activities and events both on or off school premises shall be subject to immediate suspension and further discipline as provided in Section 3214 of the Education Law of the State of New York.

Adopted: 7/8/02  
Revised: 8/2/05



Students

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING**

The Board recognizes the unique challenges that face students in temporary housing (i.e., homeless children and youth) and will provide these students with access to the same free and appropriate public education, including public preschool education, as other students, as well as access to educational and other services necessary to be successful in school. The Board is also committed to eliminating barriers to the identification, enrollment, attendance, and success of students in temporary housing.

**Identification of Students in Temporary Housing**

The District will determine whether there are students in temporary housing within the District by using a housing questionnaire to determine the nighttime residence of all newly enrolled students and all students whose address changes during the school year. Not all students in temporary housing can be identified through social service agencies or shelters, as children may be sharing the housing of other persons, such as family or friends, due to loss of housing, economic hardship, or other similar reason. For this reason, the District uses a housing questionnaire that asks for a description of the current living arrangements of the child or youth to determine whether the child or youth meets the definition of a homeless child. In addition to using the housing questionnaire, the District works with the local department of social services (LDSS) to ensure that the needs of students in temporary housing are met.

**Definitions**

- a) Feeder school means:
  - A preschool whose students are entitled to attend a specified elementary school or group of elementary schools upon completion of that preschool;
  - A school whose students are entitled to attend a specified elementary, middle, intermediate, or high school or group of specified elementary, middle, intermediate, or high schools upon completion of the terminal grade of such school; or
  - A school that sends its students to a receiving school in a neighboring school district.
- b) Homeless child means:
  - A child or youth who lacks a fixed, regular, and adequate nighttime residence; including a child who is:
    - Sharing the housing of other persons due to a loss of housing, economic hardship or a similar reason;
    - Living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations;
    - Abandoned in hospitals;
    - A migratory child who qualifies as homeless. as identified above. The term "migratory child" *includes* a child who is, or whose parent/person in parental relation 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.
    - An unaccompanied youth

(Continued)

Students

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd)**

- A child or youth who has a primary nighttime location that is:
  - 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 in accordance to applicable law; or
  - A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; including a child or youth who is living in a car, park, public space, abandoned building, substandard housing, bus or train station or similar setting.
  
- c) Preschool means:
  - A publicly funded prekindergarten program or a Head Start program administered by the District and/or services under the Individuals with Disabilities Act administered by the District.
  
- d) Receiving school means:
  - A school that enrolls students from a specified or group of preschools, elementary schools, middle schools, intermediate schools, or high schools; or
  - A school that enrolls students from a feeder school in a neighboring local educational agency.
  
- e) Regional placement plan means a comprehensive regional approach to the provision of educational placements for homeless children that has been approved by the Commissioner of Education.
  
- f) School district of current location means the public school district within New York State in which the hotel, motel, shelter or other temporary housing arrangement of a homeless child, or the residential program for runaway and homeless youth, is located, which is different from the school district of origin.
  
- g) School district of origin means the school district within New York State in which:
  - The homeless child was attending a public school or preschool on a tuition-free basis or was entitled to attend when circumstances arose that caused the child to become homeless, which is different from the school district of current location;
  - The child was residing when circumstances arose that caused the child to become homeless if the child was eligible to apply, register, or enroll in public preschool or kindergarten at the time the child became homeless; or
  - The homeless child has a sibling who attends a school in the school district in which the child was residing when circumstances arose that caused the child to become homeless.

(Continued)

Students

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd)**

- h) School of origin means:
  - The public school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled, including a preschool or a charter school;
  - The designated receiving school at the next grade level for all feeder schools for a student in temporary housing who completes the final grade level served by the school of origin; and
  - If the child becomes homeless after the child is eligible to apply, register, or enroll in the public preschool or kindergarten, or if the child is living with a school-age sibling who attends school, school of origin is the public school or preschool in which the child would have been entitled or eligible to attend based on the child's last residence before the circumstances arose which caused the child to become homeless.
- i) Unaccompanied youth means:
  - A homeless child or youth who is not in the physical custody of a parent or legal guardian.

**The McKinney-Vento Liaison for Students in Temporary Housing**

The District will designate an appropriate staff person, who may also be a coordinator for other federal programs, as the District liaison for students in temporary housing (otherwise referred to as the McKinney-Vento liaison). The District's McKinney-Vento liaison serves as one of the primary contacts between families experiencing homelessness and school staff, district personnel, shelter workers, and other service providers. The McKinney-Vento liaison coordinates services to ensure that homeless children and youth enroll in school and have the opportunity to succeed.

The District's McKinney-Vento liaison must ensure that:

- a) Students in temporary housing are identified by school personnel and through coordination activities with other entities and agencies;
- b) Students in temporary housing enroll in, and have full and equal opportunity to succeed in, the District's schools;
- c) Students in temporary housing and their families receive educational services for which they are eligible, including Head Start programs administered by a local educational agency, Early Head Start, early intervention services under part C of the Individuals with Disabilities Education Act, and other preschool programs administered by the District.
- d) Students and parents in temporary housing receive referrals to health care services, dental services, mental health and substance abuse services, housing services and other appropriate services;
- e) Parents or guardians of students in temporary housing are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;

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Students

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd)**

- f) Parents and guardians of students in temporary housing, and unaccompanied youth, are fully informed of all transportation services, including transportation to and from the school district of origin, and are assisted in accessing transportation services;
- g) Disputes regarding eligibility, school selection, enrollment and/or transportation are mediated in accordance with applicable laws and regulations;
- h) Assistance in commencing an appeal, in accordance with applicable law, of a final determination regarding eligibility, enrollment, school selection, and/or transportation is provided to the parent or guardian of the student in temporary housing or the unaccompanied youth;
- i) A record is maintained of all appeals of enrollment, school selection, and transportation;
- j) Public notice of the educational rights of students in temporary housing is posted in locations where these students receive services, such as schools, shelters and public libraries, in a manner and form understandable to the parents and guardians of students in temporary housing, and unaccompanied youth;
- k) School personnel providing services to students in temporary housing receive professional development and other support;
- l) Unaccompanied youths:
  - Are enrolled in school;
  - Have opportunities to meet the same challenging State academic standards as the State establishes for other children and youth, including receiving credit for full or partial coursework earned in a prior school pursuant to Commissioner's regulations; and
  - Are informed of their status as independent students under section 480 of the Higher Education Act of 1965 and that the youths may obtain assistance from the McKinney-Vento liaison to receive verification of this status for purposes of the Free Application for Federal Student Aid (FAFSA);
- m) School personnel, service providers, advocates working with students in temporary housing, parents and guardians of students in temporary housing, and students in temporary housing are informed of the duties of the McKinney-Vento liaison; and
- n) Assistance with obtaining any necessary immunizations or screenings, or immunization or other required health records is provided to the parents or guardians of the students in temporary housing.

**School District and School Designations**

A designator will make the initial decision about which school district and school a student in temporary housing will attend. A designator is:

- a) The parent or person in parental relation (guardian) to a student in temporary housing;
- b) The student in temporary housing, together with the McKinney-Vento liaison, in the case of an unaccompanied youth; or
- c) The director of a residential program for runaway and homeless youth, in consultation with the student in temporary housing, where the student is living in that program.

(Continued)

Students

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd)**

The District will ask the designator to designate one of the following as the school district of attendance for the student in temporary housing:

- a) The school district of current location;
- b) The school district of origin; or
- c) A school district participating in a regional placement plan.

The District will also ask the designator to designate one of the following as the school where a student in temporary housing seeks to attend:

- a) The school of origin; or
- b) Any school that permanent housed children and youth who live in the attendance area in which the child or youth is actually living are eligible to attend, including a preschool.

A student in temporary housing is entitled to attend the schools of the school district of origin without the payment of tuition for the duration of his or her homelessness and through the remainder of the school year in which the student becomes permanently housed and for one additional year if that year constitutes the student's terminal year in that school building, subject to a best interest determination.

**Designation/STAC 202 Form**

The District will identify all students in temporary housing, and a designation form will be completed by the designator for all these students and any other student who claims homelessness. Designations must be made on the STAC 202 form provided by the Commissioner.

The appropriate designator must complete the designation form. The District makes designation forms available to a student in temporary housing who seeks admission to school or to the parent or person in parental relation who seeks to enroll the child in school.

The District will provide completed designation forms to the McKinney-Vento liaison immediately, but no later than two business days from the earlier date on which the child or youth either:

- a) Sought enrollment in school; or
- b) Was placed in a temporary housing facility or residential facility for runaway and homeless youth.

Where a parent or person in parental relation or a child who is neither placed in a temporary housing facility by the LDSS nor housed in a residential program for runaway homeless youth, designates the District as the school district of current location.

**Immediate Enrollment and Best Interest Determinations**

Upon identification of a child who is in temporary housing and/or receipt of a completed designation/STAC 202 form, the District will:

- a) Immediately review the designation form to ensure that it has been completed and admit the student in temporary housing even if the child or youth is unable to produce records normally required for enrollment, such as previous academic records, medical records, immunization records, proof of residency or other documentation and even if the child or youth has missed application deadlines;

(Continued)

Students

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd)**

- b) Determine whether the designation made by the designator is consistent with the best interests of the student in temporary housing. In making best interests decisions the District will:
  - Presume that keeping the child in the school of origin is in the child's best interest, except when doing so is contrary to the wishes of the parent or guardian (or youth in the case of an unaccompanied youth); and
  - Consider student-centered factors such as the effect of mobility on student achievement, education, health, and safety of the child, giving priority to the wishes of the child's parent or guardian (or the youth, if a homeless unaccompanied youth). If the District determines that it is in the best interest of the student in temporary housing to attend a school other than the school of origin or the designated school, the District will provide the parent or guardian (or youth, if an unaccompanied youth) with a written explanation of its determination, including information about the right to appeal.
- c) Provide the child with access to all of the District's programs, activities and services to the same extent as they are provided to resident students;
- d) Immediately contact the school district where the child's records are located in order to obtain a copy of these records and coordinate the transmittal of records for students with disabilities pursuant to applicable laws and regulations;
- e) Immediately refer the parent or guardian of the student in temporary housing to the McKinney-Vento liaison who must assist in obtaining necessary immunizations or immunization/medical records;
- f) Forward the STAC 202 form to the Commissioner and the school district of origin, where applicable. In all cases, the District will give a copy of the completed STAC 202 form to the designator and keep a copy of the STAC 202 form for the District's records;
- g) Arrange for transportation in accordance with applicable laws and regulations; and
- h) Arrange for the child to receive free school meals.

**Request for Records**

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 in a manner consistent with state and federal law. A complete copy of the student in temporary housing's records shall include, but is not limited to, proof of age, academic records, evaluations, immunization records, and guardianship papers, if applicable.

**Transportation**

The LDSS is responsible for providing transportation to students in temporary housing, including preschool students and students with disabilities who are eligible for benefits under Social Services Law §350-j and placed in temporary housing arrangements outside their designated districts. Where the LDSS requests that the District provide or arrange for transportation for a student in temporary housing in the circumstances above, the District will provide or arrange for the transportation and directly bill the LDSS so that the district will be fully and promptly reimbursed for the cost of the transportation.

(Continued)

Students

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd)**

If the District is the designated school district of attendance, the District will provide for the transportation of each student in temporary housing who is living in a residential program for runaway and homeless youth, including if the temporary housing is located outside the school district. The costs for transportation for each student in temporary housing who lives in a residential program for runaway youth and homeless youth located outside of the designated school district will be reimbursed by the State Education Department, to the extent funds are provided for the purpose, with the submission of a Runaway and Homeless Youth Act Transportation Program Form. Where the District provides transportation for a student living in a Runaway and Homeless Youth facility, the District will promptly request reimbursement using the Runaway and Homeless Youth Act Transportation Form.

The District will transport any student in temporary housing to their school of origin, including preschools and charter schools, where it is the designated district of attendance and the student in temporary housing is not entitled to receive transportation from the Department of Social Services.

When the District is designated as the school district of current location for a student in temporary housing and the student does not attend the school of origin, the District will provide transportation on the same basis as it is provided to resident students, unless the local transportation policy represents a barrier to the student's attendance in school.

If the student in temporary housing designates the District as the school district of attendance, transportation will not exceed 50 miles each way, unless the Commissioner determines that it is in the best interest of the child.

Where the District is designated as the school district of attendance and it has recommended the student in temporary housing attend a summer educational program, the district of attendance will provide transportation services to students in temporary housing for summer educational programs if the lack of transportation poses a barrier to the student's participation in the program.

Where the District is designated as the school district of attendance, it will provide transportation services to students in temporary housing for extracurricular or academic activities when:

- a) The student participates in or would like to participate in an extracurricular or academic activity, including an after-school activity, at the school;
- b) The student meets the eligibility criteria for the activity; and
- c) The lack of transportation poses a barrier to the student's participation in the activity.

Where the District is designated as the school district of attendance, it will provide transportation as described above for the duration of homelessness, unless the LDSS is responsible for providing transportation. After the student becomes permanently housed, the District will provide transportation to the school of origin until the end of the school year and for one additional year if that year constitutes the child's terminal year in the school building.

(Continued)

Students

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd)**

**Dispute Resolution Process**

The District has established the following procedures for the prompt resolution of disputes regarding school selection or enrollment of a homeless child or youth:

- a) The District will provide a written explanation, including a statement regarding the right to appeal, to the parent or guardian of a student in temporary housing, or to an unaccompanied youth, if the District determines that the District is not required to either enroll and/or transport the child or youth to the school of origin or a school requested by the parent or guardian or unaccompanied youth, or if there is a disagreement about a child's or youth's status as a homeless child or unaccompanied youth. The written explanation will be in a manner and form understandable to the parent, guardian, or unaccompanied youth and will include a statement regarding the McKinney-Vento liaison's availability to help the parent, guardian, or unaccompanied youth with any appeal and the contact information for the liaison.
- b) The District will immediately enroll the student in the school in which enrollment is sought by the parent or guardian or unaccompanied youth, provide transportation to the school, and will delay for 30 days the implementation of a final determination to decline to either enroll in and/or transport the student in temporary housing to the school of origin or a school requested by the parent or guardian or unaccompanied youth.
- c) If the parent or guardian of a student in temporary housing or unaccompanied youth commences an appeal to the Commissioner within 30 days of such final determination, the student will be permitted to continue to attend the school he or she is enrolled in at the time of the appeal and/or receive transportation to that school pending the resolution of all available appeals.

**The McKinney-Vento Liaison's Dispute Resolution Responsibilities**

The District's McKinney-Vento liaison must assist the parent or guardian of the student in temporary housing or the unaccompanied youth in bringing an appeal to the Commissioner of a final school district decision regarding enrollment, school selection and/or transportation. In the event of a dispute regarding eligibility, enrollment, school selection, and/or transportation, the District's McKinney-Vento liaison will:

- a) Provide the parent or guardian or unaccompanied youth with a copy of the form petition;
- b) Assist the parent or guardian or unaccompanied youth in completing the form petition;
- c) Arrange for the copying of the form petition and supporting documents for the parent or guardian or unaccompanied youth, without cost to the parent or guardian or unaccompanied youth;
- d) Accept service of the form petition and supporting papers on behalf of any District employee or officer named as a party, or the District if it is named as a party, or arrange for service by mail by mailing the form petition and supporting documents to any District employee or officer named as a party, and, if the District is named as a party, to a person in the office of the Superintendent who has been designated by the Board to accept service on behalf of the District;

(Continued)



Students

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd)**

- e) Provide the parent or guardian or unaccompanied youth with a signed and dated acknowledgment verifying that he or she has received the form petition and supporting documents, and will either accept service of these documents on behalf of the District employee or officer or District, or effect service by mail by mailing the form petition and supporting documents to any District employee or officer named as a party, and, if the District is named as a party, to a person in the office of the Superintendent who has been designated by the Board to accept service on behalf of the District;
- f) Transmit, on behalf of the parent or guardian or unaccompanied youth, within five days after the service of the form petition or any pleading or paper, to the Office of Counsel, New York State Education Department, State Education Building, Albany, New York 12234;
- g) Provide the parent or guardian or unaccompanied youth with a signed and dated acknowledgment verifying that he or she has received the form petition and supporting documents and will transmit these documents on behalf of the parent, guardian or unaccompanied youth to the Office of Counsel, New York State Education Department, State Education Building, Albany, New York 12234;
- h) Accept service of any subsequent pleadings or papers, including any correspondence related to the appeal, if the parent or guardian or unaccompanied youth so elects. He or she will also make this correspondence available to the parent or guardian or unaccompanied youth; and
- i) Maintain a record of all appeals of enrollment, school selection, and transportation determinations.

**Coordination**

The District will coordinate the provision of services described in this policy with local social services agencies, housing providers and other agencies or programs providing services to students in temporary housing and their families, including services and programs funded under the Runaway and Homeless Youth Act.

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

The District will coordinate implementation of the above provision of services with the requirements of the Individuals with Disabilities Education Act (IDEA) for students with disabilities.

**Coordination with Title I**

The District acknowledges that students in temporary housing are eligible for services under Title I, Part A, whether or not they live in a Title I school attendance area or meet the academic requirements required of other children. The District will ensure that:

- a) Title I, Part A funds are set aside as are necessary to provide students in temporary housing, who may have unique needs that differ from their permanently housed peers, with educationally related support services;
- b) Its local plan includes a description of how the plan is coordinated with McKinney-Vento;

(Continued)

Students

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd)**

- c) Its local plan describes the services provided to students in temporary housing;
- d) Its local plan describes the efforts it made to identify students in temporary housing, including unaccompanied youth, if the District reports that there are no students in temporary housing enrolled in the District. These efforts will include contacting the LDSS or Office of Children and Family Services (OCFS) to verify that there are no students in temporary housing in the District; and
- e) Its housing questionnaire asks about the living arrangements of the child or unaccompanied youth, including asking if he or she is living in a shelter; with relatives or others due to loss of housing or economic hardship; in an abandoned apartment/building; in a motel/hotel, camping ground, car, train/bus station or other similar situation due to the lack of alternative, adequate housing. Documentation of the District's efforts to identify students in temporary housing will be maintained on file and a copy of the housing questionnaire will also be kept on file.

**Training**

The District will train all school enrollment staff, secretaries, school counselors, school social workers, and principals on the legal requirements for enrollment. School nutrition staff, school nurses and teachers will receive training on homelessness that is specific to their field.

**Reporting Requirements**

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 School 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, including the number of homeless students, their grades, and their nighttime residence.

**Access to Free Meals**

The District will provide free meals to all children identified as homeless. They do not have to complete a free or reduced-price meal application. When the McKinney-Vento liaison or a shelter director provides a child's name to the District's school food service office, free school meals will commence immediately.

**Removal of Barriers**

The District will review and revise its policies that may act as barriers to the identification of students in temporary housing and their enrollment and retention in school, including barriers to enrollment and retention due to outstanding fees or fines, or absences.

**Comparable Services**

The District will provide services to students in temporary housing comparable to those offered to other students in the District, including: transportation services; educational services for which the child or youth meets the relevant criteria, such as services provided under Title I or similar State or local programs; educational programs for students with disabilities; educational programs for English learners; programs in career and technical education; programs for gifted and talented students; and school nutrition programs.

(Continued)

Students

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd)**

**Student Privacy**

Information about a student in temporary housing's living situation will be treated as a student education record and will not be deemed to be directory information under the Family Educational Rights and Privacy Act (FERPA). A parent or guardian or unaccompanied youth may consent to the release of a student's address information in the same way they would for other student education records under FERPA.

McKinney-Vento Homeless Education Assistance Act,  
as amended by Every Student Succeeds Act (ESSA) of 2015,  
42 United States Code (U.S.C.) Section 11431 et seq.  
Education Law Section§§ 902(b) and§§3209  
8 New York Code of Rules and Regulations  
(NYCRR) Section 100.2(x)

Adopted: 6/19/03

Revised: 5/24/05, 1/16/07, 12/5/18

Students

**SUBJECT: EMPLOYMENT OF STUDENTS OF MINOR AGE**

A minor's work hours shall be in accordance with all applicable federal and state laws and regulations as well as requirements established by the School District.

Pursuant to Education Law, minors may be employed when attendance upon instruction is not required, provided they obtain a valid employment certificate or permit (if applicable); and provided such employment is not prohibited by and/or in violation of the Labor Law or other law.

Minors may not work during the hours they are required to attend school unless otherwise authorized pursuant to law and/or regulation.

However, students at least 14 years of age may be employed during the school lunch period in their school's cafeteria if the minor presents a valid employment certificate issued in accordance with Education Law.

Students 16 and 17 years of age may work when school is in session until 10:00 p.m. on any day preceding a school day. However, students 16 and 17 years of age may work between 10:00 p.m. and midnight on any day preceding a school day provided the employer receives and maintains both the written consent of the student's parent/guardian and a certificate from the student's school at the end of each marking period which asserts that the student is in satisfactory academic standing according to the standards established by the School District.

Students 16 and 17 years of age may work between 10:00 p.m. and midnight on any day preceding a non-school day provided the employer receives and maintains the written consent of the parent/guardian.

Before issuing a certificate of satisfactory academic standing, the District shall ensure that students and their parents/guardians are afforded all legal rights and protections, including the right of consent, in complying with requests for disclosure of student records and information from such records under the federal Family Educational Rights and Privacy Act.

Fair Labor Standards Act of 1938 (FLSA), as amended  
29 United States Code (USC) Section 201 et seq.  
29 Code of Federal Regulations (CFR) Parts 570-580  
Family Educational Rights and Privacy Act of 1974  
(FERPA)  
20 United States Code (USC) Section 1232(g)  
34 Code of Federal Regulations (CFR) Part 99  
Education Law Article 65  
Labor Law Articles 4 and 4-A  
Arts and Cultural Affairs Law Article 35  
8 New York Code of Rules and Regulations (NYCRR)  
Sections 141.8 and 141.9 and Part 190

Adopted: 3/4/08

2002 7610

Students

**SUBJECT: SPECIAL EDUCATION: DISTRICT PLAN**

A District plan shall be developed and updated every two years describing the Special Education program in the Rockville Centre Union Free School District. The District plan shall include the following:

- a) A description of the nature and scope of special education programs and services currently available to students residing in the District, including but not limited to descriptions of the District's resource room programs and each special class program provided by the District in terms of group size and composition.
- b) Identification of the number and age span of students (school age and preschool) to be served by type of disability and recommended setting.
- c) The method to be used to evaluate the extent to which the objectives of the program have been achieved.
- d) A description of the policies and practices of the Board of Education to ensure the allocation of appropriate space within the District for special education programs that meet the needs of students and preschool children with disabilities.
- e) The estimated budget to support such plan.
- f) The date on which such plan was adopted by the Board of Education.

The District plan, with personally identifiable student information deleted, shall be filed and available for public inspection and review by the Commissioner.

8 New York Code of Rules and Regulations  
(NYCRR) Section 200.2(c)

Adopted: 7/8/02

Students

**SUBJECT: CHILDREN WITH DISABILITIES**

A child with a disability means a student under the age of twenty-one who is entitled to attend public school and who, because of mental, physical or emotional reasons can only receive appropriate educational opportunities from a program of special education. A child is not considered as having a disability if his/her educational needs are due primarily to unfamiliarity with the English language; environmental, cultural or economic factors; or lack of appropriate instruction in reading or mathematics.

If the State Education Department finds that the District has inappropriate policies, procedures or practices resulting in a significant disproportionality by race/ethnicity in the suspension, identification, classification and/or placement of students with disabilities, the District will ensure that it publicly reports on the subsequent revisions to those policies, procedures or practices.

The Board of Education recognizes the existence of individual differences in the intellectual, social, emotional and physical development of children attending school in the District. In recognizing these differences the Board supports a system of services offered in the least restrictive environment for children with disabilities which includes:

- a) Not requiring any student to obtain a prescription for a drug or other substance identified as a controlled substance by the federal Controlled Substances Act as a condition of receiving services.
- b) Providing for the education of students with disabilities with non-disabled peers to the extent appropriate.
- c) Taking the following measurable steps to recruit, hire, train and retain highly qualified personnel to provide special education programs and services:
  - 1) Utilize established procedures for publication of all potential job openings;
  - 2) Check credentials and requirements listed on applications;
  - 3) Special Education teachers are required to have subject matter knowledge appropriate to the level of instruction being provided; when teaching two (2) or more core academic subjects exclusively to children with disabilities, the teacher will meet the requirements of "highly qualified" per the No Child Left Behind Act (NCLB) and the Individuals with Disabilities Education Improvement Act of 2004 (IDEA) or demonstrate competence in all the core academic subjects taught per state regulations.

(Continued)

Students

**SUBJECT: CHILDREN WITH DISABILITIES**

- d) Establishing the following guidelines for the provision of appropriate accommodations necessary to measure the academic achievement and functional performance of the student in the administration of District-wide assessments:
  - 1) Ensure that necessary accommodations are specific on individualized education program (IEP) and implemented in accordance with the IEP;
  - 2) Review the need for accommodations at Committee on Special Education (CSE) evaluations/re-evaluations;
  
- e) To the extent feasible, using universal design principles (defined as a concept or philosophy for designing and delivering products and services that are usable by people with the widest range of functional capabilities, which include products and services that are directly usable without requiring assistive technologies and products and services that are made usable with assistive technologies) in developing and administering District-wide assessment programs by:
  - 1) Addressing appropriate universal design principles in IEP;
  - 2) Having the Assistant Superintendent for Curriculum keep Committee on Special Education (CSE)/Committee on Preschool Special Education (CPSE) apprised of available products and services utilizing universal design principles;
  - 3) Ensuring that instructional materials and activities allow learning goals to be achievable by individuals with wide differences in abilities;
  - 4) Ensuring that flexible curricular materials and activities are built into the instructional design and operating systems.
  - 5) Ensuring that instruction is diversified to deliver the general education curriculum to every student and diversify ways students may respond to that curriculum.
  
- f) Consideration of the location of a school program(s) to a student's residence, before placement into an educational program.
  
- g) Adoption of written policies and procedures ensuring that students with disabilities are provided appropriate opportunities to earn a high school diploma in accordance with Commissioner's Regulations.
  
- h) Allocation of appropriate space within the District for special education programs that meet the needs of students with disabilities.
  
- i) Assurance that appropriate space will be available to meet the needs of resident students with disabilities who attend special education programs provided by BOCES.

(Continued)

Students

**SUBJECT: CHILDREN WITH DISABILITIES**

**Provision of Special Education Services to Nonpublic School Students with Disabilities who are Parentally Placed**

The **district of location** is responsible for child find, including individual evaluations, Committee on Special Education (CSE) meetings, provision on special education services, and due process to parentally placed nonpublic school students attending nonpublic schools located in the geographic region of the public school district.

These requirements only pertain to students with disabilities parentally placed in elementary and secondary nonpublic schools, not to parental placements of preschool children with disabilities in private day care or preschool programs; or to CSE placements of students with disabilities in approved private schools, Special Act School Districts, State-supported or State operated schools or to Charter schools.

Parental consent must be obtained by the school district of location before any personally identifiable information about the student is shared between officials in the public school district of residence and officials in the public school district of location.

The school district of location must consult with nonpublic school representatives and representatives of parents of parentally placed nonpublic school students with disabilities enrolled in nonpublic elementary and secondary schools located within the boundaries of the school district. The school district must engage in consultation regarding the child find process and services generally; consultation is not specific to individual students. Individual services are determined by the CSE.

The consultation process must be timely and meaningful and include discussion of:

- 1) Child Find;
- 2) Provision of Special Education Services; and
- 3) Use of Federal Funds.

The school district of location must provide, as appropriate, special education services to an eligible student who legally resides in another state and who is parentally placed in a nonpublic school located in New York State. The services to be provided to out-of state students must be documented on a services plan that is developed by the CSE of the district of location. The services plan is the written plan that describes the specific special education and related service that the district of location will provide to the student consistent with the services that the school district of location has determined through the consultation process and in relation to the proportionate shares of federal IDEA Part B dollars, to be provided to the student.

(Continued)



Students

**SUBJECT: CHILDREN WITH DISABILITIES**

**Tuition Reimbursement Claims for Disabled Nonpublic School Students**

The parent must comply with the IDEA's pre-hearing notice requirement for tuition reimbursement claims. Specifically, the IDEA directs that at least ten (10) business days before submitting a request for an impartial due process hearing for tuition reimbursement, the parent must give the district written notice of intent to enroll the child in private school at public expense. The purpose of this requirement is to give the public school district's CSE the opportunity to meet and develop a new IEP for the student that addresses the parent's concerns. *A parent who does not provide such written notice within ten (10) days may have his request for reimbursement reduced or denied.*

Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446 Sections 612 and 614(a)]  
Individuals with Disabilities Act (IDEA), 20 United States Code (USC) Section 1400 et seq. 20 United States Code (USC) Section 9101 (23), 21 United States Code (USC) 812(c)  
34 Code of Federal Regulations (CFR) Part 300 Education Law Sections 3208, 3242, 3602-c, and 4401-4407 and 4410-6  
8 New York Code of Rules and Regulations (NYCRR) Sections 100.5, 100.9, 200.2(b), 200.2(c) (2) (v), 200.4(e) (9) and 200.6(a) (1)

NOTE: Refer also to Policy #7616 -- Least Restrictive Environment.

Adopted: 7/8/02  
Revised: 1/20/2010

Students

**SUBJECT: THE ROLE OF THE BOARD OF EDUCATION IN IMPLEMENTING A STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM**

The Board of Education shall establish at least one Committee on Special Education and one Committee on Preschool Special Education. The Board shall also establish, as necessary, Subcommittees on Special Education to ensure timely evaluation and placement of students with disabilities.

**Committee on Special Education**

The Board of Education shall, upon completion of its review of the recommendations of the CSE, arrange for the appropriate special education programs and services to be provided to a student with a disability as recommended by the Committee on Special Education (CSE). The Board shall notify the parent/guardian of its action in accordance with federal and state law and regulations.

For a student not previously identified as having a disability, the CSE shall provide a recommendation to the Board which shall arrange for the appropriate special education programs and services to be provided within 60 school days of the date of receipt of consent to evaluate. For a student with a disability referred for review, a recommendation shall be provided to the Board which shall arrange for the appropriate special education programs and services to be provided within 60 school days of the referral for review. However, if such recommendation of the CSE is for placement in an approved in-state or out-of-state private school, the Board shall arrange for such special education programs and services for students with disabilities within 30 days of the Board's receipt of the recommendation of the CSE.

If on review of the recommendation of the CSE, the Board of Education disagrees with such recommendation, the Board shall follow one of the following procedures:

- a) The Board may remand the recommendation to the CSE with a statement of the Board's objections or concerns and a request that a timely meeting be held to review and consider such objections or concerns. The CSE shall consider the Board's objections or concerns, revise the IEP where appropriate, and resubmit a recommendation to the Board. If the Board continues to disagree with the

The Board of Education shall establish at least one Committee on Special Education and one Committee on Preschool Special Education. The Board shall also establish, as necessary, Subcommittees on Special Education to ensure timely evaluation and placement of students with disabilities.

(Continued)

Students

**SUBJECT: THE ROLE OF THE BOARD OF EDUCATION IN IMPLEMENTING A STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM (Cont'd.)**

**Committee on Special Education**

The Board of Education shall, upon completion of its review of the recommendations of the CSE, arrange for the appropriate special education programs and services to be provided to a student with a disability as recommended by the Committee on Special Education (CSE). The Board shall notify the parent/guardian of its action in accordance with federal and state law and regulations.

For a student not previously identified as having a disability, the CSE shall provide a recommendation to the Board which shall arrange for the appropriate special education programs and services to be provided within 60 school days of the date of receipt of consent to evaluate. For a student with a disability referred for review, a recommendation shall be provided to the Board which shall arrange for the appropriate special education programs and services to be provided within 60 school days of the referral for review. However, if such recommendation of the CSE is for placement in an approved in-state or out-of-state private school, the Board shall arrange for such special education programs and services for students with disabilities within 30 days of the Board's receipt of the recommendation of the CSE.

If on review of the recommendation of the CSE, the Board of Education disagrees with such recommendation, the Board shall follow one of the following procedures:

- a) The Board may remand the recommendation to the CSE with a statement of the Board's objections or concerns and a request that a timely meeting be held to review and consider such objections or concerns. The CSE shall consider the Board's objections or concerns, revise the IEP where appropriate, and resubmit a recommendation to the Board. If the Board continues to disagree with the recommendation of the CSE, the Board may continue to remand the recommendation to the original committee for additional reviews of its objections or concerns, or establish a second CSE to develop a new recommendation in accordance with the following paragraph, provided that the Board arranges for the programs and services in accordance with the student's IEP within the timelines as outlined above; or, in the alternative,
- b) The Board may establish a second CSE to develop a new recommendation for the student. If the Board disagrees with such new recommendation, the Board may remand the recommendation to the second CSE with a statement of the Board's objections or concerns and a request that a timely meeting be held to review and consider such objections or concerns. The second CSE shall consider the Board's objections or concerns, revise the IEP where appropriate, and resubmit a recommendation to the Board. If the Board continues to disagree with the recommendation of the second CSE, the Board may continue to remand the recommendation for additional reviews of its objections or concerns by the second CSE, provided that the Board arranges for the programs and services in accordance with the student's IEP, as developed by the second CSE, within the timelines as outlined above.

Pursuant to Commissioner's Regulations, the Board may not select the recommendation of the original CSE once it has established a second CSE.

(Continued)

Students

**SUBJECT: THE ROLE OF THE BOARD OF EDUCATION IN IMPLEMENTING A STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM (Cont'd.)**

The Board shall provide the student's parents/guardians with a written notice and copy of the statement of its objections or concerns and notice of due process rights in accordance with Section 200.5 of the Regulations of the Commissioner.

**Committee on Preschool Special Education**

Upon receipt of the recommendation of the Committee on Preschool Special Education (CPSE), the Board of Education shall arrange for the preschool student with a disability to receive such appropriate programs and services in accordance with the student's IEP, commencing with the July, September or January starting date for the approved program, unless such services are recommended by the CPSE less than 30 school days prior to, or after, the appropriate starting date selected for the preschool student with a disability; in that case, such services shall be provided no later than 30 days from the recommendation of the CPSE.

If the Board disagrees with the recommendation of the CPSE, the Board shall send the recommendation back to the CPSE with notice of the need to schedule a timely meeting to review the Board's concerns and to revise the IEP as deemed appropriate. The Board of Education shall provide such notice as required by federal and state law and regulations.

Education Law Sections 4402 and 4410  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 200.2(d)(1), 200.4(c),  
200.4(d), 200.5 and 200.16(e)

Adopted: 7/8/02  
Revised: 2/28/06

Students

**SUBJECT: PRESCHOOL SPECIAL EDUCATION PROGRAM**

The Board recognizes the need for educational programs for three and four year old children with disabilities and directs that administrative practices and procedures be developed to:

- a) Ensure for the provision of special education services and programs for each preschool child with a disability residing in the District..
- b) Establish a Committee on Preschool Special Education (CPSE) which shall be comprised in accordance with applicable federal and state law and regulation.
- c) Ensure that parents have received and understand the request for consent for evaluation of a preschool aged child.

**Evaluations for Preschool Children with Disabilities**

The District is required to collect entry assessment data in the three (3) outcome areas on all preschool children who receive an initial evaluation. As currently required by Commissioner's Regulation Section 200.5, a parent must be fully informed about the proposed initial evaluation and must provide consent for an initial evaluation. This would include a description of the proposed evaluation.

The CPSE will receive entry-level assessment results in the three (3) outcome areas from approved preschool evaluators conducting initial evaluations on all preschool children suspected of having disabilities. The CPSE will then meet to determine the child's eligibility for preschool education programs and/or services and complete the Child Outcomes Summary Form to determine the child's entry level of functioning in the three (3) outcome areas for all preschool children evaluated and found to be eligible. The form is kept in the student's record until the exit assessment information is due as a way to summarize complex assessment information in a format so that the data can be aggregated and reported to the State Education Department (SED).

Annually, one-sixth of the school districts in the State will be required to submit exit data on the progress that preschool children made between entry into and exit from preschool special education programs and services in the three (3) outcome areas after having received preschool special education services for at least six (6) months. For each outcome area, schools will be reporting data that will enable the State to determine:

- a) The number of children at exit who reach or maintain functioning at a level comparable to same-aged nondisabled peers;

(Continued)

Students

**SUBJECT: PRESCHOOL SPECIAL EDUCATION PROGRAM (Cont'd.)**

- b) The number of children who improve functioning; and
- c) The number of children who do not improve functioning.

In accordance with NYS Education Law Section 4410, SED approved preschool evaluators of three and four year old children suspected of having disabilities must include evaluation information in the three (3) outcome areas described below:

- a) Positive social-emotional skills (including social relationships):
  - 1. Relating to adults;
  - 2. Relating to other children; and
  - 3. Following rules related to groups or interacting with others (if older than eighteen (18) months).
- b) Acquisition and use of knowledge and skills (including early language/communication and early literacy):
  - 1. Thinking, reasoning, remembering and problem solving;
  - 2. Understanding symbols; and
  - 3. Understanding the physical and social worlds.
- c) Use of appropriate behaviors to meet their needs:
  - 1. Taking care of basic needs (e.g., showing hunger, dressing, toileting, etc.),
  - 2. Contributing to his/her own health and safety (e.g., follows rules, assists with hand washing, avoids inedible objects, if older than 24 months); and
  - 3. Getting from place to place (mobility) and using tools (e.g., forks, pencils, strings attached to objects).

Education Law Section 4410  
20 United States Code (U.S.C.)  
Sections 1400-1485, Individuals With  
Disabilities Education Act (IDEA)  
8 New York Code of Rules and Regulations  
(NYCRR) Section 200.2(b)(5)

NOTE: Refer also to Policy #7632 -- Appointment and Training of Committee on Preschool Special Education (CPSE) Members.

Adopted: 7/8/02

Revised: 10/3/07

2002

7614

Students

**SUBJECT: TEMPORARY PLACEMENT OF STUDENTS WITH DISABILITIES**

The Board of Education authorizes the Chairperson for the Committee on Special Education to make an immediate, temporary placement of a student with a disability in an appropriate educational program, contingent upon obtaining written parental approval to do so, to prevent such student from being denied the benefit of the program while the Committee on Special Education is in the process of reviewing the referral documents and formulating their recommendation. Temporary placement may not exceed a thirty (30) day period from the date of the student's initial registration.

Upon completion of the review, a recommendation shall be submitted to the Board from the Committee on Special Education for each case whereby temporary placement will be made.

8 New York Code of Rules and Regulations  
(NYCRR) Section 200.4(d)(1)

Adopted: 7/8/02

Students

**SUBJECT: LEAST RESTRICTIVE ENVIRONMENT**

*Least restrictive environment* means that placement of students with disabilities in special classes, separate schools or other removal from the regular educational environment occurs only when the nature or severity of the disability is such that even with use of supplementary aids and services, education in regular classes cannot be satisfactorily achieved. The placement of an individual student with a disability in the least restrictive environment may, to the extent possible:

- a) Provide the special education and related services, as well as supplementary aids and services, needed by the student. The term “related services” does not include a medical device that is implanted, or the replacement of such device.
- b) Provide for education of the student to the maximum extent appropriate to the needs of the student with other students who do not have disabilities; and
- c) Be as close as possible to the student's home school attendance zone.

20 United States Code (U.S.C.) Sections 1400et seq,  
Individuals with Disabilities Education Act (IDEA)  
34 Code of Federal Regulations (C.F.R.) Part 300  
Education Law Sections 4401-4410-a  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 100.5, 100.9, 200.1(cc), 200.1 (qq),  
200.2(b), 200.4, and 200.6

Adopted: 7/8/02  
Revised: 3/20/06, 10/28/08



**SUBJECT: PREREFERRAL INTERVENTION STRATEGIES IN GENERAL EDUCATION  
(PRIOR TO A REFERRAL FOR SPECIAL EDUCATION)**

The School District shall establish a plan for implementing school-wide approaches and prereferral interventions in order to remediate a student's performance *prior to referral* for special education.

The provision of programs and/or services for students starts with consideration/implementation of instruction in the general education curriculum, with appropriate supports and/or modifications as may be necessary. In implementing prereferral intervention strategies, the District may utilize resources/strategies already in place for qualified students including, but not limited to, services available through Section 504 of the Rehabilitation Act of 1973, and Educationally Related Support Services and Academic Intervention Services as defined in Education Law and/or Commissioner's Regulations. All of these programs may be considered as possible components of Prereferral/Intervention Instructional Support Plans. The District will ensure that they have a system in place, with appropriate personnel, for developing, implementing and evaluating prereferral intervention strategies.

The District will provide general education support services, instructional modifications, alternative instructional approaches, or alternative program options to address a student's performance prior to a referral to a Committee on Special Education (CSE). Child Study Teams will be formed in accordance with District guidelines. The Child Study Teams will include representatives from general and special education as well as other disciplines and include individuals with classroom experience. Parents/persons in parental relation to students will be involved in developing prereferral strategies to address the educational needs of their child. Additionally, the District will seek collaboration between outside agencies and the school prior to a referral of the student to the CSE in order to address necessary student support services.

Administration shall ensure that appropriate opportunities exist for collaboration between general educators and special educators, and that consultation and support are available to teachers and other school personnel to assist parents/persons in parental relation to students and teachers in exploring alternative approaches for meeting the individual needs of any student prior to formal referral for special education.

The determination of prevention and prereferral intervention strategies/services shall consider the student's strengths, environment, social history, language and cultural diversity in addition to the teacher's concerns. The building administrator will further ensure that all staff are familiar with intervention procedures and procedures for operating a Child Study Team.

(Continued)

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Students

**SUBJECT: PREREFERRAL INTERVENTION STRATEGIES IN GENERAL EDUCATION  
(PRIOR TO A REFERRAL FOR SPECIAL EDUCATION) (Cont'd.)**

Plans formulated by the Child Study Team shall be proactive in their strategies to meet the broad range of student needs and to improve student performance. Prereferral/Intervention strategies and/or Instructional Support Plans are to be reviewed and evaluated to determine their effectiveness, and modified as may be appropriate. Appropriate documentation of the prevention and/or intervention strategies implemented shall be maintained.

However, should a referral be made to the CSE during the course of implementing prereferral/intervention instructional support services, the CSE is obligated in accordance with law to continue its duties and functions, and must meet mandatory time lines in evaluating the student for special education services and implementation of an individualized education program, if applicable.

**Educational Related Support Services**

*Educational related support services* (ERSS) means curriculum and instructional modification services; direct student support team services; assessment and non-career counseling services; special instruction to eligible students with disabilities as defined in Education Law Section 4401, which does not generate excess cost aid including related services but excluding transportation and transition services; and to eligible, qualified students pursuant to Section 504 of the Rehabilitation Act of 1973. These services are provided to eligible students, individually or in groups, and may include those related consultation services provided to their families and related school personnel in order to enhance the academic achievement and attendance of such students. Educational related support services shall also meet speech and language improvement services as defined in Commissioner's Regulations.

ERSS Services may be utilized as a component of any Prereferral/Intervention Instructional Support Plan.

**Section 504 of the Rehabilitation Act of 1973**

For students who are qualified for services pursuant to Section 504 of the Rehabilitation Act, but are not classified as students with disabilities as defined in Education Law Section 4401, Section 504 Accommodation Plans may address instructional support services that can be utilized as components of any prereferral/intervention strategies as deemed necessary and/or appropriate.

(Continued)

**SUBJECT: PREREFERRAL INTERVENTION STRATEGIES IN GENERAL EDUCATION  
(PRIOR TO A REFERRAL FOR SPECIAL EDUCATION) (Cont'd.)**

**Academic Intervention Services**

*Academic intervention services* means additional instruction which supplements the instruction provided in the general curriculum and assists students in meeting the State learning standards as defined in Commissioner's Regulations and/or student support services which may include guidance, counseling, attendance, and study skills which are needed to support improved academic performance. However, such services shall not include services provided to students with limited English proficiency pursuant to Commissioner's Regulations or special education services and programs as defined in Education Law Section 4401. Academic intervention services are intended to assist students who are at risk of not achieving the State learning standards in English language arts, mathematics, social studies and/or science, or who are at risk of not gaining the knowledge and skills needed to meet or exceed designated performance levels on State assessments.

In implementing prevention and/or prereferral intervention support strategies in order to remediate a student's performance prior to referral for special education, the utilization of academic intervention services, as enumerated in Commissioner's Regulations, may be included as a component of any such Prereferral/Intervention Instructional Support Plan.

Education Law Sections 3602(32), 4401 and 4401-a  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 100.1(g),(p),(r),(s), and (t);  
100.2(v); 100.2(dd)(4); 200.2(b)(7);  
200.4(a)(2) and (9); 200.4(c); and Part 154  
Section 504 of the Rehabilitation Act of 1973,  
29 United States Code (U.S.C.) Section 794 et seq.

Adopted: 7/8/02

**SUBJECT: DECLASSIFICATION OF STUDENTS WITH DISABILITIES**

The School District shall establish and implement a plan for the appropriate declassification of students with disabilities which must include:

- a) The regular consideration for declassifying students when appropriate;
- b) A reevaluation of the student prior to declassification; and
- c) The provision of educational and support services to the student upon declassification, where appropriate.

**Eligibility Determinations**

The School District must evaluate a student with a disability prior to determining that a student is no longer a student with a disability as defined in accordance with Commissioner's Regulations, and the District shall provide a copy of the evaluation report and the documentation of eligibility to the student's parent. The District is not required to conduct a reevaluation of a student before the termination of a student's eligibility due to graduation with a local high school or Regent diploma or exceeding the age eligibility for a free appropriate public education. However, the parent must receive prior written notice, in accordance with Commissioner's Regulations, before the student's graduation from high school with a local or Regents diploma or before he/she receives an Individualized Education Program (IEP) diploma. The results of any reevaluations must be addressed by the Committee on Special Education (CSE) in a meeting to review and, as appropriate, revise the student's IEP.

Prior to the reevaluation, the School District shall obtain informed parental consent unless otherwise authorized pursuant to law and/or regulation. Parental consent need not be obtained if the District can demonstrate that it has taken reasonable measures to obtain that consent, and the student's parents fail to respond. The District must have a record of its attempts to obtain parental consent. Should the student's parents refuse consent for the reevaluation, the District may continue to pursue the reevaluation by using mediation and/or due process procedures.

The District shall take whatever action is necessary to ensure that the parent understands the proceedings at the meeting of the CSE, including arranging for an interpreter for parents with deafness or whose native language is other than English.

**Individual Evaluation**

As part of any reevaluation, a group that includes the CSE and other qualified professionals, as appropriate, shall review existing evaluation data on the student including evaluations and information provided by the parents of the student, current classroom-based assessments and observations, and observations by teachers and related services providers.

(Continued)

Students

**SUBJECT: DECLASSIFICATION OF STUDENTS WITH DISABILITIES (Cont'd.)**

On the basis of that review, and input from the student's parents, the CSE and other qualified professionals, as appropriate, shall identify what additional data, if any, are needed to determine:

- a) In the case of a reevaluation of a student, whether the student continues to have such a disability;
- b) The present levels of performance and educational needs of the student;
- c) In the case of a reevaluation of a student, whether the student continues to need special education; and
- d) Whether any additions or modifications to the special education services are needed to enable the student to meet the measurable annual goal set out in the Individualized Education Program (IEP) of the student and to participate, as appropriate, in the general curriculum.

If additional data are not needed, the District must notify the parents of that determination and the reasons for it and of the right of the parents to request an assessment to determine whether, for purposes of services provided in accordance with law and Commissioner's Regulations, the student continues to be a student with a disability. The District is not required to conduct the assessment unless requested to do so by the student's parents.

The CSE shall arrange for an appropriate reevaluation of each student with a disability at least every three (3) years by a multidisciplinary team or group of persons, including at least one teacher or other specialist with knowledge in the area of the student's disability. The reevaluation shall be sufficient to determine the student's individual needs, educational progress and achievement, the student's ability to participate in instructional programs in regular education and the student's continuing eligibility for special education. The results of any reevaluations must be addressed by the CSE in reviewing and, as appropriate, revising the student's IEP.

**Recommendation for Declassification**

If the student has been receiving special education services, but it is determined by CSE that the student no longer needs special education services, the recommendation shall:

- a) Identify the declassification support services, if any, to be provided to the student; and/or the student's teachers; and
- b) Indicate the projected date of initiation of such services, the frequency of provision of such services, and the duration of these services, provided that such services shall not continue for more than one year after the student enters the full-time regular education program.

(Continued)

**SUBJECT: DECLASSIFICATION OF STUDENTS WITH DISABILITIES (Cont'd.)**

**Declassification Support Services**

When appropriate, the District shall provide declassification support services to students who have moved from special education to a full-time regular educational program in accordance with the recommendation of the CSE.

*Declassification support services* means those services provided by persons appropriately certified pursuant to Part 80 of Commissioner's Regulations, or holding a valid teaching license in the appropriate area of service, to a student or the student's teacher to aid in the student's move from special education to full-time regular education, including:

- a) For the student, psychological services, social work services, speech and language improvement services, noncareer counseling, and other appropriate support services; and
- b) For the student's teacher, the assistance of a teacher aide or a teaching assistant, and consultation with appropriate personnel.

**Procedural Safeguards Notice**

The District shall use the procedural safeguards notice prescribed by the Commissioner of Education. The District will further ensure that the procedural safeguards notice is provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the District shall take steps to ensure that the notice is translated orally or by other means to the parent in his/her native language or other mode of communication; that the parent understands the content of the notice; and that there is written evidence that all due process procedures, pursuant to law and/or regulation, have been met.

20 United States Code (U.S.C.) Sections 1400-1485,  
Individuals with Disabilities Education Act (IDEA)  
34 Code of Federal Regulations (C.F.R.) Part 300  
State Law - Education Law Sections 4401-4410-a  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 100.1(q), 100.2(u), 200.2(b)(8),  
200.4(b)(4) and (5), 200.4(c)(3), 200.4(d)(1), and 200.5

Adopted: 7/8/02

Students

**SUBJECT: STUDENTS WITH DISABILITIES PARTICIPATING IN SCHOOL DISTRICT PROGRAMS**

All students with disabilities enrolled in the District, including those of preschool age, shall be provided with full access and opportunity to participate in School District programs, including nonacademic and extracurricular programs and activities that are available to all other students enrolled in the public schools of the District. Nonacademic and extracurricular programs and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the School District, referrals to agencies that provide assistance to individuals with disabilities and employment of students (both by the School District and assistance in making outside employment available).

Parents/guardians of students with disabilities, including those students placed in out-of-District programs by the Rockville Centre Committee on Special Education (CSE), shall receive timely notice of such District programs and activities

**Community Resources**

The School District may compile a list of community resources (appropriate and/or helpful services that may be available outside of the school setting) and provide this information to parents or persons in parental relation of a child with a disability. Such a list shall clearly state that these services are in addition to programs and services provided by the School District and will not be paid for by the School District. Any member of the School District's committees or subcommittees on special education, or the School District, who, acting reasonably and in good faith, provides this information shall not be liable for such action.

Education Law Sections 4402(1)(b)(3-a) and 4410 (5)(b)(IV)  
8 New York Code of Rules and Regulations (NYCRR) Section 200.2(b)(1) and (2)

Adopted: 7/8/02  
Revised: 9/22/09

**SUBJECT: SECTION 504 INFORMATION/PROCEDURES**

Students ineligible for special education services or students who have not yet been evaluated by the CSE may be considered for Section 504 eligibility by the CS/504 Team in each building. The team is headed by the Principal or his/her designee and will include but not be limited to the psychologist, social worker, teachers, nurses, or any other staff member the Principal believes would be helpful in making a determination of Section 504 eligibility. Parents also have a right to refer their child for a Section 504 evaluation. Evaluations for Section 504 eligibility must draw information from a variety of sources, which may include but are not limited to aptitude and achievement tests, teacher recommendations, medical information, and group educational and psychological evaluation. The team must determine the following in order to declare a student eligible for accommodations:

- a) There is a mental or physical impairment which substantially limits one or more major life activities;
- b) There is a record of this impairment; or
- c) The student is regarded as having an impairment.

If parents wish to initiate a referral to determine Section 504 eligibility, they must write to the Building Principal. Parents of students considered for or determined to warrant Section 504 eligibility must receive notice regarding actions affecting the evaluation, identification, and accommodations for their children.

If a Section 504 disability is determined, an accommodation plan must be completed and signed by the parent. A copy of this plan must be maintained in the student's cumulative file. A copy must also be sent to Eileen Kamhi, Section 504 Compliance Officer.

An invitation to the CS/504 team meeting, and a Due Process Notice will be sent to the parent by the CS/504 chairperson. After the meeting, parents will be sent a Notice of Determination and a Due Process Notice. If the student is determined to be eligible for services, an accommodation plan will also be sent. Parents have the right to initiate a grievance procedure that may culminate in a impartial hearing if they disagree with the determination of CS/504 Team. The impartial hearing officer will be appointed by the Board of Education.

Prior to suspension from school for more than ten (10) days, or after a series of short-term suspensions that create a pattern of exclusion equivalent to ten (10) consecutive days, a student declared 504 eligible must be referred to the CS/504 Team for review. If the team determines that the misconduct is unrelated to the disability, the student may be suspended for the same amount of time as a student who does not have a disability.

(Continued)



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Students

**SUBJECT: SECTION 504 INFORMATION/PROCEDURES (Cont'd.)**

Information regarding 504 eligibility will be published on an annual basis in the school calendar and local newspapers.

Questions regarding eligibility or services that may be provided for students, parents, community members or personnel should be directed to the 504 Compliance Officer.

Adopted: 7/8/02

**SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON SPECIAL EDUCATION, CSE/SUBCOMMITTEE ON SPECIAL EDUCATION MEMBERS**

**Committee on Special Education (CSE) Membership**

The Board of Education shall appoint a Committee on Special Education (CSE) whose membership shall include, but not be limited to, the following members:

- a) The parent(s) of student;
- b) At least one (1) regular education teacher of such student (if the student is, or may be, participating in the regular education environment;
- c) At least one (1) special education teacher of the student, or, where appropriate, at least one (1) special education provider (i.e., related service provider) of such student;
- d) A representative of the School District who is qualified to provide or administer or supervise special education and who is knowledgeable about the general curriculum and about the availability of resources of the District;
- e) An individual who can interpret the instructional implications of evaluation results, who may be a CSE member selected from the regular education teacher, the special education teacher or provider, the school psychologist, or the School district representative described above, or a person having knowledge or special expertise regarding the student as determined by the District;
- f) At the discretion of the parent or the District, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate. The determination of knowledge or special expertise shall be made by the party (parents or School district) who invited the individual to be a member of the Committee;
- g) Where appropriate, the student with a disability;
- h) A school psychologist;
- i) A school physician, if requested in writing at least seventy-two (72) hours prior to the meeting by the parents of the student or the School District; and

(Continued)

**SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON SPECIAL EDUCATION, (CSE)/SUBCOMMITTEE ON SPECIAL EDUCATION MEMBERS (Cont'd.)**

- j) An additional parent of a student residing in the District, or a parent of a disabled child who has graduated, for a period of five years beyond the student's declassification or graduation, provided that the parent shall not be employed by or under contract with the School District. It is further provided that a parent shall not be a required member if the parents of the student request, in writing, that the parent member not participate in the meeting.

**Subcommittee on Special Education Membership**

The Board of Education shall appoint, as necessary, a Subcommittee on Special Education whose membership shall include, but not be limited to, the following members:

- a) The parent(s) of the student;
- b) At least one (1) regular education teacher of such student (if the student is, or may be, participating in the regular education environment);
- c) At least one (1) special education teacher, of the student, or where appropriate, at least one (1) special education provider (i.e., related service provider) of such student;
- d) A representative of the School District who is qualified to provide or administer or supervise special education and who is knowledgeable about the general curriculum and about the availability of resources of the District;
- e) A school psychologist;
- f) At the discretion of the parent or the Committee, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate. The determination of knowledge or special expertise shall be made by the party (parents or School District) who invited the individual to be a member of the subcommittee;
- g) An individual who can interpret the instructional implications of evaluation results, who may be a member described in letters "b" through "f" of this subheading; and  
(Continued)

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Students

**SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON SPECIAL EDUCATION, (CSE)/SUBCOMMITTEE ON SPECIAL EDUCATION MEMBERS (Cont'd.)**

- h) Whenever appropriate, the student with a disability.

**Training**

The training of qualified personnel is essential to the effective implementation of the Regulations of the Commissioner of Education regarding the education of all students with disabilities.

The Assistant Superintendent for Special Education and Support Services shall be responsible to the Superintendent for establishing administrative practices and procedures for training all District personnel responsible for carrying out the provisions of Part 200 of the Commissioner's Regulations as well as members of the Committee on Special Education.

Individuals with Disabilities Education Act (IDEA)  
20 United States Code (USC) Sections 1400-1485  
34 Code of Federal Regulations (CFR)  
Sections 300.342-344  
Education Law Section 4402  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 200.2(b)(3) and 200.3

NOTE: Refer also to Policies #7613 The Role of the Board of Education in Implementing a Student's Individualized Education Program  
#7632-- Appointment and Training of Committee on Preschool Special Education Members

Adopted: 7/8/02  
Revised: 3/22/05

Students

**SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON PRESCHOOL  
SPECIAL EDUCATION (CPSE) MEMBERS**

**Committee on Preschool Special Education (CPSE) Membership**

The Board of Education shall appoint a Committee on Preschool Special Education (CPSE) whose membership shall include, but not be limited to, the following members:

- a) The parent(s) of the child;
- b) At least one regular education teacher of such child (if the child is, or may be, participating in the regular education environment);
- c) At least one special education teacher of the child or, where appropriate, at least one special education provider (i.e., related service provider) of such child;
- d) A representative of the School District who is qualified to provide, or supervise the provision of, special education and who is knowledgeable about the general curriculum and about the availability of preschool special education programs and services and other resources of the District (who shall serve as Chairperson of the CPSE);
- e) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team selected from the regular education teacher, the special education teacher or provider, the school psychologist, the School District representative described above, or a person having knowledge or special expertise regarding the student as determined by the District;
- f) At the discretion of the parent or the District, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate;
- g) A parent of a child with a disability who resides in the School District or a neighboring School District, and whose child is enrolled in a preschool or elementary level education program provided that such parent shall not be employed by or under contract with the School District or municipality; and provided further that such parent shall not be a required member if the parents of the child request, in writing, that the additional parent member not participate in the meeting.
- h) For a child's transition from early intervention programs and services (Infant and Toddler Programs), the appropriately licensed or certified professional from the County Early Intervention Program. This professional must attend all meetings of the CPSE conducted prior to the child's initial receipt of services; and

(Continued)

**SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON PRESCHOOL  
SPECIAL EDUCATION (CPSE) MEMBERS (Cont'd.)**

- i) An appropriately certified or licensed professional from the municipality. Attendance of the appointee of the municipality is not required for a quorum.

**Training**

The training of qualified personnel is essential to the effective implementation of the Regulations of the Commissioner of Education regarding the education of all students with disabilities.

The Director of Special Education shall be responsible to the Superintendent of Schools for establishing administrative practices and procedures for training all District personnel responsible for carrying out the provisions of Part 200 of the Commissioner's Regulations as well as members of the Committee on Special Education and members appointed by the Board of Education to the Committee on Preschool Special Education.

Education Law Section 4410  
20 United States Code (U.S.C.) Sections 1400-1485,  
Individuals With Disabilities Education Act (IDEA)  
34 Code of Federal Regulations (C.F.R.) Part 300  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 200.2(b)(3) and 200.3

NOTE: Refer also to Policies #7614 -- Preschool Special Education Program and  
#7631 -- Committee on Special Education/Subcommittee on Special Education Members.

Adopted: 7/8/02

Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP)  
DEVELOPMENT AND PROVISION**

Development of Individualized Education Program

The Board of Education directs that the Committee on Special Education (CSE) or Committee on Preschool Special Education (CPSE) shall have prepared a written statement (program) for each child with a disability.

Such an individualized Education Program (IEP) will be developed by the CSE or CPSE upon referral, and reviewed or revised, whichever is appropriate, for every child with a disability at least annually or in the event that the program no longer appears to be appropriate to meet the student's needs and ability level.

The District shall ensure that each student with a disability has an IEP in effect at the beginning of each school year.

**Functional Behavioral Assessments/Behavioral Intervention Plans**

A functional behavioral assessment (FBA) is an integral part of the evaluation and reevaluation of a student with a disability which should be used throughout the process of developing, reviewing and revising a student's IEP when the student's behavior impedes learning of the child or others. The FBA is the process of determining why a student engages in challenging behavior and how the student's behavior relates to the environment.

The FBA provides a baseline of the student's problem behaviors with regard to frequency, duration, intensity and/or latency across activities, settings, people and times of the day and includes:

- a) The identification of the problem behavior,
- b) The definition of the behavior in concrete terms,
- c) The identification of the contextual factors that contribute to the behavior (including cognitive and affective factors), and
- d) The formulation of a hypothesis regarding the general conditions under which a behavior usually occurs and probable consequences that serve to maintain it.

The CSE/CPSE will ensure that functional behavioral assessments, when appropriate, are conducted and reviewed to:

(Continued)

Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):  
DEVELOPMENT AND PROVISION (Cont'd.)**

- a) Identify supplementary aids and services, modifications and/or related services appropriate to address the identified behaviors to promote the student's involvement and progress in the general curriculum;
- b) Determine a student's eligibility for special education services;
- c) Develop the IEP which includes behavioral goals and objectives and positive behavioral supports and strategies.

In the case of a student whose behavior impedes his or her learning or that of others, the CSE/CPSE shall consider strategies, including positive behavioral interventions and supports and other strategies to address that behavior. The need for a behavioral intervention plan (BIP) shall be documented on the IEP and such plan shall be reviewed at least annually by the CSE/CPSE. In addition, regular progress monitoring of the frequency, duration and intensity of the behavioral interventions shall be conducted at scheduled intervals, documented and reported to the parents and CSE/CPSE.

A behavioral intervention plan may not include the use of aversive interventions or time out rooms except in accordance with specific Board policy regulating these techniques.

**Individual Evaluations**

Parental consent must be provided for an initial evaluation. If such consent is not received within thirty (30) calendar days of receipt of the referral, the CSE/CPSE Chairperson will document all attempts made to obtain the consent and, if appropriate, advise the Board of its right to utilize the due process procedures to conduct an evaluation without parental consent.

Unless a referral is withdrawn, an individual evaluation at no cost to the parent will be completed by the CSE/CPSE within sixty (60) calendar days after written parental consent has been obtained or a parental refusal to consent is overridden, unless:

- a) An extension is mutually agreed to by the parent and the CSE/CPSE for the following situations:
  - 1. Transfer students: A student enrolls in the District after sixty (60) days and prior to a determination by the student's previous school district as to whether the student has a disability, but only if the new school district is making sufficient progress to ensure a prompt completion of the evaluation and the parent and the new district agree to a specific timeframe for completion; or

(Continued)



Students

SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP)  
DEVELOPMENT AND PROVISION (Cont'd.)

2. Students suspected of having learning disabilities; or
  - b) The parent or student repeatedly fails or refuses to produce the student for evaluation.

No student shall be required to obtain a prescription for a drug or other substance identified as a controlled substance by the federal Controlled Substances Act as a condition of receiving an evaluation.

The individual evaluation will include a variety of assessment tools and strategies, including information provided by the parent. The purpose of the evaluation is to gather relevant functional, developmental and academic information that may assist in determining whether the student is a student with a disability and the content of the student's IEP. This shall include information relating to enabling the student to participate and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities.)

As part of any evaluation, a group that includes the CSE/CPSE and other qualified professionals, as appropriate, shall review existing evaluation data on the student including evaluations and information provided by the parents of the student, current classroom-based assessments, local or state assessments, classroom-based observations, and observations by teachers and related services providers. In addition, the group will consider information about the student's physical condition, social or cultural background, and adaptive behavior.

On the basis of that review, and input from the student's parents, the group shall identify what additional data, if any, are needed to determine:

- a) Whether the student has or continues to have a disability;
- b) The present levels of academic achievement and related developmental needs of the student, including:
  1. Academic achievement, functional performance, and learning characteristics;
  2. Social development;
  3. Physical development; and
  4. Management needs.

(Continued)

Students

SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP)  
DEVELOPMENT AND PROVISION (Cont'd.)

- c) In the case of a reevaluation of a student, whether the student continues to need special education; and
- d) Whether any additions or modifications to the special education services are needed to enable the student to meet the measurable annual goals set out in the IEP of the student and to participate, as appropriate, in the general education curriculum.

If additional data are not needed, the District must notify the parents of that determination and the reasons for it and of the right of the parents to request an assessment to determine whether, for purposes of services provided in accordance with law and Commissioner's Regulations, the student continues to be a student with a disability and to determine the student's educational needs. The District is not required to conduct the assessment unless requested to do so by the student's parents.

The determination that a student has a learning disability will be made in accordance with the procedures outlined in Section 200.4(j) of Commissioner's Regulations.

Individual Re-evaluations

A CSE/CPSE shall arrange for an appropriate re-evaluation of each student with a disability:

- a) If the District determines that the educational or related services needs, including improved academic achievement and functional performance of the student warrant re-evaluation;
- b) If the student's parent or teacher request a re-evaluation;
- c) At least once every three (3) years unless the District and the parent/person in parental relation agree in writing that such re-evaluation is unnecessary.

A re-evaluation shall not be conducted more frequently than once a year unless the parent and the District representative appointed to the CSE/CPSE agree otherwise.

The re-evaluation will be conducted by a multi-disciplinary team or group of persons, including at least one teacher or other specialist with knowledge in the area of the student's disability. The re-evaluation shall be sufficient to determine the student's individual needs,

(Continued)

Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP)  
DEVELOPMENT AND PROVISION (Cont'd.)**

educational progress and achievement, the student's ability to participate in instructional programs in regular education and the student's continuing eligibility for special education. The results of any re-evaluations must be addressed by the CSE/CPSE in reviewing, and as appropriate, revising the student's IEP.

To the extent possible, the District shall encourage the consolidation of re-evaluation meetings for the student and other CSE/CPSE meetings for the student.

**Amendments to the IEP**

Amendments to the IEP made after the annual review by the CSE/CPSE may be made by reconvening the CSE/CPE and rewriting the IEP or by developing a written document to amend or modify the student's current IEP, provided that:

- a) The parents/persons in parental relation request an amendment to the IEP and the District and parents/persons in parental relation agree to the amendment in writing; or
- b) The District provides the parents/persons in parental relation a written proposal to amend a provision or provisions of the IEP conveyed in language understandable to the parents/persons in parental relation in their native language or other dominate mode of communication, informs and allows the parents/persons in parental relation the opportunity to consult with the appropriate personnel or related service providers concerning the proposed changes, and the parents/persons in parental relation agree in writing to the amendments.

If the parents/persons in parental relation agrees to amend the IEP without a meeting, they shall be provided prior written notice (notice of recommendation) of the changes to the IEP and the Committee notified of the changes. If the changes are made by rewriting the entire IEP, the District shall provide the parents/persons in parental relation a copy of the rewritten IEP. If the amendment is made without rewriting the entire document, the District shall provide a copy of the document that amends the IEP or upon request, a revised copy of the entire IEP with the amendments incorporated.

**Use of Recording Equipment at IEP Meetings**

The Board of Education shall allow recording equipment to be used at meetings regarding individualized education programs for students with disabilities. When a parent or guardian chooses to record a CSE meeting, the CSE will also make a concurrent recording for their records

(Continued)

Students

SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP)  
DEVELOPMENT AND PROVISION (Cont'd.)

#### Provision of Individualized Education Program

The Board of Education directs that the Superintendent/designee(s) establish administrative practices and procedures to ensure that each regular education teacher, special education teacher, related service provider and/or other service provider who is responsible for the implementation of a student's IEP is *provided a paper or electronic copy of such student's IEP (including amendments to the IEP) prior to the implementation of such program*. For purposes of this policy, "other service provider" means a representative of another public school district, charter school, Board of Cooperative Educational Services (BOCES) or school enumerated in Education Law Articles 81, 85 or 89 of the Education Law where the student receives or will receive IEP services. Further, the District will designate at least one school official who shall be responsible for maintaining a record of the personnel who have received IEP copies for each student.

*Any copy of a student's IEP shall remain confidential* in compliance with the Individuals with Disabilities Education Act, the Family Educational Rights and Privacy Act, and District policy regarding confidentiality of student records; and shall not be disclosed to any other person other than the parent of such student, except in accordance with Federal and State laws and/or regulations. Appropriate training and information will be provided to designated school personnel, as applicable, to ensure the confidentiality of such information. Procedures will be established to ensure that copies of students' IEPs are stored in secure locations and retrieved or destroyed when such professionals are no longer responsible for implementing a student's IEP

The Chairperson of the CSE, CSE subcommittee *shall designate* for each student one or, as appropriate, more than one professional employee of the School District with knowledge of the student's disability and education program *who will be responsible to, prior to the implementation of the IEP, inform* each regular education teacher, special education teacher, related service provider, other services provider, supplementary school personnel (i.e., a teaching assistant or a teacher aide as defined in Commissioner's Regulations) and other provider and support staff person of his/her responsibility to implement the recommendations on a student's IEP, including the responsibility to provide specific accommodations, program modifications, supports and/or services for a student in accordance with the IEP. In selecting the professional staff person(s), the Chairperson could select him/herself for this responsibility, another administrator, or a teacher, related service provider or other professional based on the particular circumstances of the student's disability and education program.

The School District shall also ensure that each teaching assistant, teacher aide and each other provider responsible for assisting in the implementation of a student's IEP has *the opportunity to review* a copy of the student's IEP (including amendments) prior to the implementation of such program. Further, each teaching assistant, teacher aide and such other provider responsible for assisting in the implementation of a student's IEP shall have *ongoing access* to a copy of the IEP,

(Continued)

Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP)  
DEVELOPMENT AND PROVISION (Cont'd.)**

which may be the copy provided to the student's special education teacher or the teacher or related service provider under whose direction the supplementary school personnel or other provider works. However, the District may, at its discretion, provide a copy of the IEP to teaching assistants and/or teacher aides.

A copy of a student's IEP shall be provided to the student's parents at no cost to the student's parents.

[Individuals with Disabilities Education Improvement Act of 2004 \[Public Law 108-446 Section 615\(k\)\(1\)\]](#)  
[Individuals with Disabilities Education Act \(IDEA\)](#)  
[20 United States Code \(USC\) Sections 1400 et seq.](#)  
21 United States Code (USC) 812(c)  
Education Law Articles 81, 85 and 89  
Education law Section 3208 and 4402(7)  
8 New York Code of Rules and Regulations (NYCRR) Sections 200.1(hh), 200.2(b)(11), 200.4(b)(4), 200.4(e)(3), 200.4(f) and 200.16(e)(6)

**NOTE:** Refer also to Policy #7619 -- Use of Time Out Rooms

Adopted: 7/8/02  
Revised: 3/22/05, 12/15/09

Students

**SUBJECT: TRANSITION SERVICES**

Beginning not later than the first IEP to be in effect when the student is age 15 (and at a younger age, if determined appropriate), and updated annually, the student's IEP must include:

- a) A statement of the student's needs taking into account the student's strengths, preferences and interests as they relate to transition from school to post-school activities;
- b) Appropriate measurable postsecondary goals based upon age appropriate transition assessments relating to training, education, employment and, where appropriate, independent living skills;
- c) A a statement of transition service needs that focuses on the student's courses of study, such as participation in advanced-placement courses or a vocational educational program;
- d) Needed activities to facilitate the student's movement from school to post-school activities, including instruction, related services, community experiences, the development of employment and other post-school adult living objectives and, when appropriate, acquisition of daily living skills and functional vocational evaluation; and
- e) A statement of the responsibilities of the District and participating agencies, when applicable, for the provision of such services and activities, before the student leaves the school setting, that promote movement from school to post-school opportunities.

. As defined by the Commissioner's Regulations, transition services means a coordinated set of activities for a student with a disability, designed within a results-oriented process that is focused on improving the academic and functional achievement of the child with a disability to facilitate ~~an outcome-oriented process, that promotes~~ movement from school to post-school activities. Post-school activities include, but are not limited to, post-secondary education, vocational training, integrated competitive employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities must be based on the individual student's needs, taking into account the student's strengths, preferences, and interests and shall include needed activities in the following areas:

(Continued)

Students

**SUBJECT: TRANSITION SERVICES**

- a) Instruction;
- b) Related services (the term "related services" does not include a medical device that is implanted, or the replacement of such device);
- c) Community experiences;
- d) The development of employment and other post-school adult living objectives; and
- e) When appropriate, acquisition of daily living skills and functional vocational evaluation.

20 United States Code (U.S.C.) Sections 1400 et seq  
Individuals With Disabilities Education Act (IDEA)  
Individuals With Disabilities Education Improvement Act of  
2004 [Public Law 108-416 Section 614(a)  
34 Code of Federal Regulations (CFR) Sections 300.343,  
300.247 and 200.348  
Education Law Section 4401  
8 New York Code of Rules and Regulations (NYCRR)  
Sections 200.1(qq),200.1(fff), 2004.(d)(2)(ix), and 200.5(a)(1)  
(xii)

Adopted: 7/8/02  
Revised: 3/20/06

Students

**SUBJECT: EXTENDED SCHOOL YEAR (JULY/AUGUST) SERVICES AND/OR PROGRAMS**

The School District shall provide, directly or by contract, special services and/or programs during July and August (i.e., extended school year) to those students whose disabilities are severe enough to exhibit the need for a structured learning environment of twelve (12) months duration in order to prevent substantial regression as determined by the Committee on Special Education (CSE) or Committee on Preschool Special Education (CPSE). Written consent of the parent is required prior to initial provision of special education services in a twelve (12) month special service and/or program.

The CSE/CPSE must determine whether a student requires extended school year special education services and/or programs in order to prevent substantial regression. Substantial regression would be indicated by a student's inability to maintain developmental levels due to a loss of skill, set of skill competencies or knowledge during the months of July and August. In accordance with Commissioner's Regulations, students must be considered for twelve (12) month special services and/or programs to prevent substantial regression if they are:

- a) Students whose management needs are determined to be highly intensive and require a high degree of individualized attention and intervention and who are placed in special classes; or  
  
Preschool students whose management needs are determined to be highly intensive and require a high degree of individualized attention and intervention;
- b) Students with severe multiple disabilities, whose programs consist primarily of habilitation and treatment and are placed in special classes; or  
  
Preschool students with severe multiple disabilities, whose programs consist primarily of habilitation and treatment;
- c) Students who are recommended for home and/or hospital instruction whose special education needs are determined to be highly intensive and require a high degree of individualized attention and intervention or who have severe multiple disabilities and require primarily habilitation and treatment; or  
  
Preschool students whose special education needs are determined to be highly intensive and require a high degree of individualized attention and intervention or who have severe multiple disabilities and require primarily habilitation and treatment in the home; or
- d) Students, including preschool students, whose needs are so severe that they can be met only in a seven (7) day residential program; or

(Continued)



Students

**SUBJECT: EXTENDED SCHOOL YEAR (JULY/AUGUST) SERVICES AND/OR PROGRAMS (Cont'd.)**

- e) Students who are not in programs as described in subparagraphs (a) through (d) above during the period from September through June and who, because of their disabilities, exhibit the need for a twelve (12) month special service and/or program provided in a structured learning environment of up to twelve (12) months duration in order to prevent substantial regression as determined by the CSE; or

Preschool students who are not described in subparagraphs (a) through (d) above whose disabilities are severe enough to exhibit the need for a structured learning environment of twelve (12) months duration to prevent substantial regression as determined by the Preschool Committee on Special Education (CPSE).

For students eligible for twelve (12) month service and/or program, Per Commissioner's Regulations Section 200.4(d)(2)(x), the student's Individual Education Program (IEP) shall indicate the identity of the provider of services during the months of July and August, and for preschool students determined by the CPSE to require a structured learning environment of twelve (12) months duration to prevent substantial regression, a statement of the reasons for such recommendation.

The IEP shall indicate the projected date of the review of the student's need for such services and shall indicate the recommended placement.

The State Education Department (SED) is authorized to approve programs and to establish State Aid reimbursement rates for all special services and programs provided during July and August, both public and private. Therefore, if the School District plans to operate a July/August program, the District must first apply to SED for approval in accordance with SED guidelines/procedures.

[Individuals with Disabilities Education Improvement Act of 2004 \[Public Law 108-446 Section 614\(a\)\]](#)

[Individuals with Disabilities Education Act \(IDEA\) 20 United States Code \(USC\) Sections 1400 et seq.](#)

Education Law Section 4408

8 New York Code of Rules and Regulations (NYCRR) Part 110 and Sections 200.1(qq), 200.4(d)(2)(x), 200.5(b)(1)(iii), 200.6(j) and 200.16(i)(3)(v)

Adopted: 7/8/02

Revised: 3/20/06, 10/3/07

2002

7643

Students

**SUBJECT: PROVISION OF COPY OF INDIVIDUALIZED EDUCATION PROGRAM  
(IEP) TO STUDENT SERVICE PROVIDERS**

The Board of Education adopts as policy the provisions of Chapter 408 of the Laws of 2002 adding new subdivision 7 to Section 4402 of the Education Law.

**Dissemination of Individualized Education Program**

The Rockville Centre Board of Education shall provide a copy of each student's IEP, prior to implementation of the program, to each regular education teacher, special education teacher, related service provider, and other service providers responsible for the implementation of a student's IEP.

The Chairperson of the Committee on Special Education shall designate a professional employee of the School District with knowledge of the student's disability and education program to, prior to the implementation of the IEP, inform each teacher, assistant and support staff person of his/her responsibility relating to the implementation of the IEP and the specific accommodations, modifications and supports that must be provided for the student in accordance with the IEP.

Any copy of a student's IEP provided to teachers and other service providers in accordance with law shall remain confidential and shall not be redisclosed to any other person in accordance with federal and state confidentiality laws including the Individuals with Disabilities Education Act and the Family Educational Rights and Privacy Act.

Education Law Section 4402(7)  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 200.4(b)(4) and 200.4(f)

Adopted: 12/19/02

Students

**SUBJECT: TRANSFER STUDENTS WITH DISABILITIES**

To facilitate the transition of students with disabilities transferring into or out of the District the District shall:

- a) As the district of origin take reasonable steps to promptly respond to all requests from the new school district.
- b) As the new school district take reasonable steps to promptly obtain the student's records from the previous school, including the IEP, supporting documents and any other records relating to the provision of special education services.
- c) Provide to a student with a disability (as defined in Section 200.1(zz) of Commissioner's Regulations) who transfers school districts within the same academic year a free appropriate education including services comparable to those described in the student's previous IEP.
  1. For transfers within New York State, the previously held IEP will be followed in consultation with the parents until the District adopts the previously held IEP or develops, adopts and implements a new IEP consistent with federal and State law and regulation.
  2. For transfers from outside New York State, in consultation with the parents the previously held IEP will be followed until the District conducts an evaluation and, if appropriate, develops a new IEP consistent with federal and State law and regulation.

[Individuals with Disabilities Education Improvement Act of 2004 \[Public Law 108-446 Section 614\(a\)\]](#)  
[Individuals with Disabilities Education Act \(IDEA\)](#)  
[20 United States Code \(USC\) Sections 1400 et seq.](#)  
8 New York Code of Rules and Regulations (NYCRR)  
Section 200.4(eX8)

2002

7650

Students

**SUBJECT: IDENTIFICATION AND REGISTER OF CHILDREN WITH DISABILITIES**

The School District is required to locate and identify all students with disabilities who reside in the District, including students who do not attend public school. Therefore, it is the policy of the Board of Education to conduct a census in order to have all children with disabilities within its jurisdiction under the age of twenty-one (21) identified, located and evaluated, including children of preschool age, homeless children, children who are wards of the State as defined in Commissioner's Regulations and children in all public and private agencies and institutions. As per IDEA of 2004, for children who attend a private school, the district in which the child's private school is located, is responsible for "child find" and services for these children.

Procedures must be established to locate, identify and evaluate all nonpublic elementary and secondary school students with disabilities, including religious-school children, to ensure the equitable participation of parentally placed private school students with disabilities and an accurate count of such students. The District will consult with representatives of private schools and representatives of parents of parentally placed private school students on the child find process. The District in which the nonpublic elementary or secondary school is located is responsible for child find, equitable provision of services and consultation requirements. Any such student suspected of having a disability is to be referred to the CSE of the student's district of residence for evaluation and possible identification as a student with disability.

Census data shall be reported by October 1 to the CSE/CPSE as appropriate. The CSE/CPSE will maintain and revise annually a register and related summary reports containing the data requirements indicated in Commissioner's Regulations including the number of students enrolled in private schools by their parents who are evaluated to determine if they are students with disabilities, the number of such students who are determined to have a disability and the number who received special education services.

Individuals with Disabilities Education Improvement Act of  
2004 [Public Law 108-446) Section 612]  
Individuals with Disabilities Education Act (IDEA)  
20 United States Code (USE) Section 1400 et seq.  
34 Code of Federal Regulations (CFR) Part 300  
Education Law Sections 3240-3242, 3602-c(2-a) and  
4402(1)(a)  
8 New York Code of Rules and Regulations (NYCRR)  
Sections 200.2(a) and 200.4

NOTE: Refer also to Policy #7150 -- School Census

Adopted: 7/8/02

Revised: 5/24/05, 12/22/05, 3/20/06

**SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES**

The Board of Education recognizes the rights of the parent/guardian to be fully informed of all information relevant to the identification, or change in identification, evaluation and educational placement of a child with a disability.

All due process procedures for parents/guardians and children in the Commissioner's Regulations shall be observed by the School District.

**Parental Consent**

In accordance with due process, a parent or guardian of a special education student or a student suspected of having a disability must provide informed consent before the School District can take certain actions.

Consent for Evaluations

The parent or guardian must provide informed consent to the initial evaluation, or reevaluations in accordance with law and/or regulations. If a parent does not provide consent for an initial evaluation, the School District *may* pursue the evaluation by commencing a due process hearing to override the refusal to provide consent.

Parental consent for a reevaluation is not needed if the District can demonstrate that it has taken reasonable measures to obtain consent, but the parents or guardians have failed to respond.

Consent for the Initial Provision of Services

Parental consent is also required for the initial provision of special education services. Consent for an initial evaluation does not constitute consent for the initial provision of services. If a parent does not provide consent for the initial provision of services, the School District *shall not* provide the special education program and services to the student and shall not use the due process procedures to challenge the parent's refusal to consent. The School District shall not be considered to be in violation of the requirements to provide a free appropriate public education (FAPE), shall not be required to convene a meeting of the committee on special education or develop an IEP.

Consent for a Ward of the State

In the event that a child is a ward of the State, the School District shall make reasonable efforts to obtain the informed consent from the parent of the child for an initial evaluation to determine whether the child is a child with a disability. The School District is not required to obtain informed consent if:

(Continued)

Students

**SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)**

- a) Despite reasonable efforts to do so, the School District cannot discover the whereabouts of the parent of the student; or
- b) The rights of the parents of the student have been terminated in accordance with State law; or
- c) The rights of the parent to make educational decisions have been subrogated by a judge in accordance with State law.

**Surrogate Parents**

In the event that no parent or guardian for a child with a disability can be identified or after reasonable efforts, the whereabouts of the parent or guardian cannot be determined, or the child with a disability is a ward of the State, the Board shall assign an individual to act as a surrogate for the parents or guardians. The person selected as a surrogate shall have no interest that conflicts with the interest of the child he/she represents, and shall have knowledge and skills that ensure adequate representation of the child.

It is the duty of the School District to determine whether a child needs a surrogate parent and to assign a surrogate parent in the manner permitted under New York State law.

[Individuals with Disabilities Education Improvement Act of 2004 \(Public Law 108-446\) Section 614\(a\)](#)  
[Individuals with Disabilities Education Act \(IDEA\) 20](#)  
[United States Code \(USC\) Section 1400 et seq.](#)  
[34 Code of Federal Regulations \(CFR\) Part 300](#)  
[Education Law Sections 4401 and 4402](#)  
[8 New York Code of Rules and Regulations \(NYCRR\)](#)  
[Sections 200.1 and 200.5](#)

Adopted: 7/8/02  
Revised: 8/2/05

Students

**SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS**

The School District is committed to making every effort to amicably resolve differences involving the educational programs for students with disabilities. Mediation will be available to resolve disputes involving any matter, including matters arising prior to the filing of a request for an impartial hearing. In addition, the District may establish procedures providing the opportunity to meet with a disinterested party from a community dispute resolution center for an explanation of the benefits of the mediation process. For those exceptional circumstances where a more formal method is required, the impartial hearing process will be utilized. The Impartial Hearing Officer (IHO) renders a written decision after the parties present and refute evidence before him/her. The decision of the IHO is final and binding on both parties unless appealed to the State Review Officer (SRO).

**Impartial Due Process Hearing Procedure**

The request for an impartial due process hearing must be submitted within two (2) years of the date the parent or the District knew or should have known about the alleged action forming the basis of the complaint. However, the two (2) year timeline does not apply if the parent was prevented from requesting the hearing due to specific misrepresentations by the District that it had resolved the problem or the District's withholding of information from the parent that is required by Commissioner's Regulations.

The following is an overview of the impartial hearing process/prehearing conference:

**Due Process Complaint Notification**

- a) The parent or the School District may request an impartial hearing by first submitting a due process complaint notice.

A hearing may not be held until a due process complaint notice is filed. Either the parent, the District, or the attorney representing either party may present a complaint with respect to any matter relating to the identification, evaluation or educational placement of a student with a disability or a student suspected of having a disability, or the provision of a free appropriate public education to such student.

This written due process complaint notice must include:

1. The name of the student;
2. The address of the student's residence or, in the case of a homeless student, available contact information;
3. The name of the school the child is attending;
4. A description of the nature of the problem of the student relating to the proposed or refused initiation or change, including facts relating to the problem; and
5. A proposed resolution of the problem to the extent known and available to the party at the time.

(Continued)

Students

**SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)**

- b) The due process complaint notice will be deemed sufficient unless the party receiving the notice notifies the other party and the IHO in writing within fifteen (15) days of receiving the notice that they believe the notice requirements have not been met.
- c) Within five (5) days of the receipt of the notice of insufficiency, the IHO shall make a determination on the face of the notice of whether the notification meets the notice requirements and shall immediately notify the parties in writing of the determination.
- d) If the District has not sent a prior written notice (notice of recommendation) to the parent regarding the subject matter of the complaint notice, the District will send a response to the parent within ten (10) days of receiving the complaint which includes:
  - 1. An explanation of why the District proposed or refused to take the action raised in the complaint;
  - 2. A description of other options the CSE/CPSE considered and why those options were rejected;
  - 3. A description of each evaluation procedure, assessment, record, or report the District used as a basis for the proposed or refused action; and
  - 4. A description of the factors relevant to the District's proposal or refusal.
- e) Upon receipt or filing of the due process complaint notice, the District will provide the procedural safeguards notice to the parents. The District will also inform parents in writing of the availability of mediation and of any free or low-cost legal and other relevant services available in the area.
- f) Within ten (10) days of receiving the complaint notice, the non-complaining party must send a response specifically addressing the issues raised in the notice.
- g) A party may amend its due process complaint notice only if:
  - 1. The other party consents in writing and is given the opportunity to resolve the complaint through a resolution process;
  - 2. The IHO grants permission, but not later than five (5) days before the impartial due process hearing commences.

Applicable timelines for the impartial due process hearing will recommence at the time of the filing of the amended notice.

(Continued)



Students

**SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)**

- h) No issues may be raised at the impartial due process hearing that were not raised in the due process complaint notice, unless the other party agrees otherwise.

Resolution Process

- a) Within fifteen (15) days of receiving the due process complaint notice from the parent and prior to the due process hearing itself, the District shall convene a meeting with the parents and relevant members of the CSE/CPSE, as determined by the District and the parent, who have specific knowledge of the facts identified in the complaint. A representative of the District who has decision-making authority must attend. The attorney for the District may not attend unless the parent is accompanied by an attorney. At this resolution meeting, the District has the opportunity to resolve the complaint after the parents discuss their complaint and the facts forming its basis.

The District will take steps to ensure that one or both of the parents of the student with a disability are present at the resolution meeting, including notifying parents of the meeting early enough to ensure that they will have the opportunity to attend and scheduling the resolution meeting at a mutually agreed on time and place and in a location that is physically accessible to the parents.

- b) When conducting meetings and carrying out administrative matters (such as scheduling), the parent and District may agree to use alternative means of meeting participation such as video conferences or conference calls.
- c) The parent and District may agree in writing to waive the resolution process or agree to use the mediation process to resolve the dispute.
- d) If a settlement is reached, the parties shall execute a legally binding agreement signed by the parent and the representative of the District who has authority to bind the District. This agreement is enforceable in court. However, either party may void the agreement within three (3) business days of the agreement's execution.
- e) If the District has not resolved the due process complaint to the satisfaction of the parents within thirty (30) days of receipt of the complaint notice, the impartial hearing process may begin.

(Continued)

Students

**SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)**

- f) Except where the parties have jointly agreed to waive the resolution process or use mediation, the failure of a parent filing a due process complaint to participate in the resolution meeting will delay the timeline for the resolution process and due process hearing until the meeting is held.
1. If the District is unable to obtain the participation of the parent in the resolution meeting after reasonable efforts have been made (and documented), the District may, at the conclusion of the thirty-day period, request that an IHO dismiss the parents' due process complaint.
  2. If the District fails to hold the resolution meeting within fifteen (15) days of receipt of the parent's complaint or fails to participate in the resolution meeting, the parent may seek the intervention of the IHO to begin the due process hearing timeline.

Pre-Hearing Conference

A pre-hearing conference (which may take place via telephone) may be scheduled by the IHO to simplify or clarify issues; establish dates for the completion of the hearing; identify evidence to be entered into the record; identify witnesses expected to provide testimony; and/or address other administrative issues. A transcript or written summary shall be entered into record by the IHO.

Impartial Due Process Hearing

In the event the complaint is not resolved in a resolution process, the Board will arrange for an impartial due process hearing to be conducted. When carrying out administrative matters relating to an impartial due process hearing, such as scheduling, exchange of witness lists and status conferences, the parent and District may agree to use alternative means of meeting participation such as video conferences or conference calls.

- a) The District must immediately (but not later than two (2) business days after receipt of the due process complaint notice or mailing of the due process complaint notice to the parent) initiate the process to select an IHO. The District selects the IHO through a rotational selection process in accordance with regulatory timelines. The Superintendent's Secretary/District Clerk will be responsible for contacting IHOs and maintaining appropriate records.
- b) The IHO must be certified by the Commissioner of Education, be independent and have access to the support and equipment necessary to perform the duties of an IHO. When the selected IHO indicates availability, the Board of Education must immediately appoint him/her. To expedite this process, the Board may designate one (1) or more of its members to appoint the IHO on behalf of the Board.

(Continued)

Students

**SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)**

- c) The IHO may not accept appointment unless he/she is available to make a determination of sufficiency of a due process complaint notice within five (5) days of receiving such a request and (unless an extension is granted) to initiate the hearing in a timely fashion.
  - 1. When the District files the due process complaint notice, the hearing or pre-hearing conference must commence within the first fourteen (14) days after the IHO is appointed;
  - 2. When a parent files the due process complaint notice, the hearing or pre-hearing conference must commence within the first fourteen (14) days after whichever of the following occurs first:
    - (a) The date the IHO receives the parties' written waiver of the resolution meeting; or
    - (b) The IHO receives the parties' written confirmation that a mediation or resolution meeting was held but no agreement could be reached; or
    - (c) The expiration of the thirty-day resolution period unless the parties agree in writing to continue mediation at the end of the thirty-day resolution period. In such case, the hearing or pre-hearing conference will commence within the first fourteen (14) days after the IHO is notified in writing that either party withdrew from mediation
- d) The hearing, or a prehearing conference, shall commence within the timeframe specified in c) above, unless an extension is granted pursuant to Commissioner's Regulations.
- e) Each party must disclose to all parties all evaluations completed by that date and recommendations based on the offering party's evaluation that they intend to use at the hearing not less than five (5) days prior to the hearing. The IHO may bar any party that fails to comply with this requirement from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.
- f) The hearing will be conducted at a time and location that is reasonable and convenient to the parent and the student involved. The hearing shall be closed to the public unless the parent requests an open hearing.
- g) The role and responsibilities of the IHO will be as enumerated in Commissioner's Regulations.

(Continued)

Students

**SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)**

- h) The student shall remain in his/her current placement during the pendency of the impartial due process hearing unless both parties agree or except as otherwise provided for expedited impartial due process hearings for certain disciplinary suspensions or removals of a student. For a preschool child not currently receiving special education services and programs, he/she may, during any impartial due process hearings or appeals, receive special education services and programs if the parent/person in parental relation and the District agree. However, during the pendency of an appeal for a preschool child who is transitioning from an Early Intervention (EI) Program and is no longer eligible for the EI program due to age, the District is not required to provide the services the child had been receiving under EI. If found eligible for special education as a preschool student with a disability, and if the parent consents to the initial provision of services, the District will provide those programs and services that are not in dispute.
- i) The IHO renders and forwards the finding of fact and decision to the parties and to the State Education Department in accordance with regulatory timelines but not later than forty-five (45) days from the date required for commencement of the impartial due process hearing specified in (c) above. For expedited hearings the deadline is within ten (10) school days after the hearing; for preschool hearings the timeframe is thirty (30) days after the receipt by the Board of a request for a hearing or after the initiation of such hearing by the Board.
- j) The decision of the IHO is final and binding on both parties unless appealed to the State Review Officer (SRO).

**Recordkeeping and Reporting**

The District will utilize the New York State Education Department's Impartial Hearing Reporting System (IHRS) to access the alphabetical list of the names of each IHO who is certified in New York State and available to serve in the District. The District will record and report to the State Education Department required information relating to the selection of IHOs and the conduct of impartial due process hearings according to the manner and schedule specified by the Department. The Superintendent shall designate a staff member(s) who will be responsible for reporting such information as required relating to the impartial hearing process into the State Education Department's web-based reporting system.

**Compensation of Impartial Hearing Officers**

The District will be responsible for compensating the IHO for prehearing, hearing and post-hearing activities at the rate agreed upon at the time of the IHO's appointment. The rate of compensation may not exceed the maximum rate approved by the Director of the Division of the Budget. The District will not reimburse air fare expenses, meal expenses or lodging expenses under any circumstances. The District will also not reimburse impartial hearing officers for administrative assistance, secretarial or other overhead expenses.

(Continued)

Students

**SUBJECT: [IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS \(Cont'd.\)](#)**

### **Mediation**

The District will inform the parent in writing of the availability of mediation and any free or low-cost legal and other relevant services available in the area at the request of the parent or when an impartial due process hearing is requested.

Mediation is voluntary and does not deny or delay a parent's right to an impartial hearing. If mediation is initiated after a request for an impartial hearing has been received, the impartial hearing must continue unless the request for the impartial hearing is withdrawn. However, a party may request an extension to an impartial hearing in order to pursue mediation.

### **Guardians ad Litem at Impartial Hearings**

Unless a surrogate parent has been previously appointed, the IHO must appoint a guardian ad litem when he/she determines that the interests of the parent(s) are opposed to or are inconsistent with those of the student or whenever the interests of the student would be best protected by such appointment.

### **Confidentiality**

All issues relating to a request for and conduct of an impartial hearing must be kept confidential by all District staff.

### **Administrative Procedures**

Administrative procedures will be developed for the selection and appointment of an IHO consistent with regulatory requirements.

[Individuals with Disabilities Education Act \(IDEA\)](#)  
[20 United States Code \(USC\) Section 1400 et seq.](#)  
[34 Code of Federal Regulations \(CFR\) Part 300](#)  
Education Law Sections 4005, 4202, 4404(1) and 4410(7)  
8 New York Code of Rules and Regulations (NYCRR)  
Sections 200.1, 200.2, 200.5, 200.16, 200.21 and 201.11

NOTE: Refer also to Policy #7690 – Special Education Mediation

Adopted: 7/8/02

Revised: 5/24/04, 3/11/08, 10/9/13.

Students

**SUBJECT: INDEPENDENT EDUCATIONAL EVALUATIONS**

Parents of children with disabilities have the right under Federal and State regulations to obtain an independent evaluation (IEE) at public expense under certain conditions. Regulatory standards are outlined in New York State Regulations of the Commissioner of Education Part 200.5(g). Additionally, the Federal Regulations (34 Code of Federal Regulations [C.F.R.] 300.502) specify requirements for an independent evaluation.

A parent is entitled to only one IEE at public expense each time the District conducts an evaluation with which the parent disagrees.

Administrative regulations on independent evaluations will be developed in order to explain the rights of parents and the responsibilities of school districts with regard to independent evaluations, and also to avoid any misunderstandings.

8 New York Code of Rules and Regulations  
(NYCRR) Sections 200.1(z) and 200.5(g)  
34 Code of Federal Regulations (C.F.R.)  
Sections 300.12 and 300.502

Adopted: 7/8/02  
Revised: 12/9/09

Students

**SUBJECT: SPECIAL EDUCATION MEDIATION**

The District will offer mediation to resolve any disputes involving any matter for which an impartial due process hearing may be brought, including matters arising prior to the filing of a request for an impartial hearing

Such mediation shall be conducted by mediators furnished by a Community Dispute Resolution Center who are not employees of a State educational agency providing direct services to the student who is the subject of the mediation process or a school district or program serving students with disabilities. Mediators may not have a personal or professional interest which would conflict with their objectivity in the mediation process and should be knowledgeable in laws and regulations relating to the provision of special education services.

Parents or persons in parental relationship to students suspected of or having disabilities will receive written notice of the availability of the mediation program each time they receive notice of their entitlement to the impartial hearing procedures in accordance with Federal and State law and regulations. If the parent and District agree, alternative means of meeting participation may be utilized, such as video conferences and conference calls.

Discussions during the mediation process must be confidential and may not be used as evidence in any subsequent due process hearing or civil proceedings. The parties may be required to sign a confidentiality pledge prior to the commencement of the process.

If resolution of the complaint is reached through mediation, the parent and the representative of the District who has the authority to bind the District will execute a legally binding written agreement specifying the resolution and stating that all discussions occurring during the mediation process are confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding. If the written agreement is inconsistent with the student's current IEP, the IEP must be immediately amended to reflect the mediation agreement.

(Continued)

Students

**SUBJECT: SPECIAL EDUCATION MEDIATION (Cont'd.)**

The mediation process is voluntary and will not operate to diminish or limit any rights provided for in law, including the right of the parent or person in parental relationship to request an impartial hearing subsequent to mediation. Parents or persons in parental relationship to students suspected of or having disabilities continue to have full access to all rights, including due process procedures, provided for in federal and state laws and regulations. Similarly, mediation shall not be construed to limit a parent or person in parental relationship from requesting an impartial hearing without having first utilized mediation procedures set forth in Education Law.

[Individuals with Disabilities Education Improvement Act of 2004 \(Public Law 108-446\) Section 614\(a\)](#)  
[Individuals with Disabilities Education Act \(IDEA\)](#)  
[20 United States Code \(USC\) Section 1400 et seq.](#)  
[34 Code of Federal Regulations \(CFR\) Part 300](#)  
Education Law Sections 4005, 4202 and 4404-a  
Judiciary Law Section 849a  
8 New York Code of Rules and Regulations (NYCRR)  
Sections 200.1 and 200.5

Adopted: 7/8/02  
Revised: 2/5/08



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**Rockville Centre Union Free School District**

**NUMBER**

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(Section 8000)

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Instruction

**SUBJECT: CURRICULUM DEVELOPMENT, RESOURCES AND EVALUATION**

The Board of Regents and the New York State Education Department (NYSED) are responsible for setting state learning standards for what all students should know and be able to do as a result of skilled instruction. The District must provide students with instruction on certain specified topics as outlined in law, regulation and guidance and will develop curriculum based on established state learning standards, laws, regulations and guidance.

Definitions:

For the purposes of this policy, the following definitions apply:

- a) “Curriculum” means the outline or scope and sequence of the content, concepts, and skills students will learn to enable them to meet state learning standards.
- b) “Instruction” means the ways (e.g., approaches, strategies, environments, materials, interactions) that an educator chooses to teach the curriculum, based on the needs of their students.
- c) “State learning standards” means the knowledge, skills and understandings that individuals can and do habitually demonstrate over time as a consequence of instruction and experience. These standards reflect educational goals for students and are organized by subject and grade levels.

**Curriculum Development and Resources**

District curriculum will align with state learning standards and include any specific topics required by law, regulation, or guidance. The Board has the authority to prescribe curriculum in the District within the parameters established by state learning standards, law, regulation and guidance. The Board will work with District staff to develop and improve curriculum in the District.

Instructional staff will initiate curriculum development and improvement and respond to changes in curriculum.

Curriculum changes may be prompted by changes in state learning standards, changes to educational best practices, and student input. Instructional staff are expected to continually evaluate District curriculum in order to improve learning and foster student growth.

There are many resources that instructional staff may utilize to develop and improve curriculum. Resources may originate from a variety of sources including NYSED, BOCES and colleges/universities. Instructional staff, under the guidance of District administrators, are expected to consider those resources for possible improvement to the instructional program.

**Curriculum Evaluation**

District administrators will work with instructional staff to develop, improve, and evaluate the District’s curriculum. District administrators and instructional staff in an academic department may

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Instruction

**SUBJECT: CURRICULUM DEVELOPMENT, RESOURCES AND EVALUATION**

work together to develop recommendations related to their specific academic area. District administrators will work to ensure that curriculum is evaluated on a regular basis.

Recommended curriculum changes will be presented to the Superintendent for review and action. Upon the Superintendent's approval, the recommended changes will then be presented to the Board for approval. District administrators and/or instructional staff may be invited to Board meetings to discuss changes to District curriculum.

The Board may periodically request that the Superintendent present reports necessary to evaluate the effectiveness of the District's curriculum.

Education Law Sections 101. 101-a, 207, 305, 1709,  
1711  
20 USC Section 6311  
8 NYCRR Sections 3.35 and 100.1

Adopted: 7/8/02  
Revised: 12/14/23

Instruction

**SUBJECT: REQUEST FOR PART 100 VARIANCE OR PART 200 INNOVATIVE PROGRAM WAIVER FROM COMMISSIONER'S REGULATIONS**

Consistent with the purposes of *A New Compact for Learning*, the Board of Education encourages collaboration by teachers, administrators, parents and students of the District in developing innovative educational programs and practices that will lead to greater achievement for all students.

Requests for a variance or waiver from the requirements in Part 100 and Sections 200.1/200.6, respectively, of the Commissioner's Regulations must be approved by the local Board of Education and signed by the Superintendent of Schools. An application may also be submitted by several Districts, or a combination of Districts, BOCES and/or private schools, applying as a consortium. Consortium applications must be approved by each participating local Board of Education and Superintendent of Schools.

Subsequent to Board of Education approval, all applications must be forwarded to the District Superintendent of which the local District is a part for review, consultation, and recommendation prior to submission to the State Education Department. The District Superintendent may provide technical assistance to the applicant and make recommendations to the State Education Department. Interested applicants may also request technical assistance through their Regional Education Coordinator.

8 New York Code of Rules and Regulations (NYCRR)  
Sections 100.2(n) and 200.6(k)

Adopted: 7/8/02

Reviewed: 12/14/23

Instruction

**SUBJECT: EQUAL EDUCATIONAL OPPORTUNITIES AND NON-DISCRIMINATION**

It is the policy of this District that each student attending its public schools shall have equal educational opportunities and will not be excluded or prevented from participating in or having admittance to the educational courses, programs or activities; school services; and extracurricular events on the basis of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex; sexual orientation, or gender (including gender identity and expression).

A finding that an individual has engaged in conduct in violation of this policy may result in disciplinary action and/or filing of a report with third parties in the manner prescribed by district policy, the district code of conduct, the law or applicable contracts.

Nothing in this policy shall be construed to prohibit a denial of admission into, or exclusion from, a course of instruction or activity based on a person's gender that would be permissible under the law, or to prohibit, as discrimination based on disability, actions that would be permissible under the law.

**Annual Notification**

At the beginning of each school year, the district shall publish a notice of the established grievance procedures for resolving complaints of discrimination to parents/guardians, employees, students and the community. The public notice shall:

1. inform parents, employees, students and the community that education programs, including but not limited to, vocational programs, are offered in a nondiscriminatory fashion;
2. provide the name, address and telephone number of the person designated to coordinate activities concerning discrimination; and
3. be included in announcements, bulletins, catalogues, and applications made available by the district.

The Administrator for Pupil Personnel Services and Special Education has been designated to handle inquiries regarding the District's nondiscrimination policies. Contact information for this Administrator is available on the District's website. Complaints of sexual harassment or discrimination are covered by Policies 7551, Sexual Harassment of Students, and 6121, Sexual Harassment of District Personnel. Complaints of student harassment, bullying and discrimination are covered by the Dignity for All Students Act Policy 7380.

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

(Continued)

Instruction

**SUBJECT: EQUAL EDUCATIONAL OPPORTUNITIES AND NON-DISCRIMINATION  
(CONT'D)**

Administration shall establish grievance procedures that provide for the prompt and equitable resolution of complaints pertaining to discrimination on the basis of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender (including gender identity and expression).

Cross-ref: 7380, Dignity for All Students Act  
7551, Sexual Harassment  
7550, Student Complaints and Grievances  
3410, Code of Conduct

Ref: Americans with Disabilities Act, 42 U.S.C. §12101 *et seq.*  
Title VI, Civil Rights Act of 1964, 42 U.S.C. §2000d *et seq.*  
Title VII, Civil Rights Act of 1964, 42 U.S.C. §2000e *et seq.*  
Title IX, Education Amendments of 1972, 20 U.S.C. §1681 *et seq.*  
§504, Rehabilitation Act of 1973, 29 U.S.C. §794  
Individuals with Disabilities Education Law, 20 U.S.C §§1400 *et seq.*  
34 C.F.R. §§ 106.9, 110.25  
Executive Law §290 *et seq.* (New York State Human Rights Law)  
Education Law §§10-18 (The Dignity for All Students Act)  
Education Law §§313(3), 3201, 3201-a

Adopted: 7/8/02  
Revised: 6/18/12

Instruction

**SUBJECT: CIVILITY, CITIZENSHIP AND CHARACTER EDUCATION/  
INTERPERSONAL VIOLENCE PREVENTION EDUCATION**

**Civility, Citizenship and Character Education**

The Board of Education recognizes that teaching students respect, civility and understanding toward others, as well as the practice and reinforcement of appropriate behavior and values of our society, is an important function of the School System. This applies to the interactions of students with one another and the appropriate demonstration of civility and respect shown by faculty to students as well.

The School District wishes to foster an environment where students exhibit behavior that promotes positive educational practices, allows students to grow socially and academically, and encourages healthy dialogue in respectful ways. By presenting teachers and staff as positive role models, the District stresses positive communication and discourages disrespectful treatment. This policy is not intended to deprive and/or restrict any student of his/her right to freedom of expression but, rather, seeks to maintain, to the extent possible and reasonable, a safe, harassment free and educationally conducive environment for our students and staff.

Furthermore, the District shall ensure that the course of instruction in grades K through 12 includes a component on civility, citizenship and character education in accordance with Education Law. Character education is the deliberate effort to help students understand, care about, and act upon core ethical values.

Character education shall instruct students on the principles of:

- a) Honesty;
- b) Tolerance;
- c) Personal responsibility;
- d) Respect for others;
- e) Observance of laws and rules;
- f) Courtesy; and
- g) Dignity, and other traits which will enhance the quality of students' experiences in, and contributions to, the community.

(Continued)



Instruction

**SUBJECT: CIVILITY, CITIZENSHIP AND CHARACTER EDUCATION/  
INTERPERSONAL VIOLENCE PREVENTION EDUCATION (Cont'd.)**

For purposes of this policy, “tolerance,” “respect for others” and “dignity” shall include awareness and sensitivity to discrimination or harassment and civility in the relations of people of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, genders, and sexes.

As determined by the Board of Regents, and as further enumerated in the Commissioner's Regulations, the components of character education shall be incorporated in existing School District curricula as applicable.

The District encourages the involvement of staff, students, parents and community members in the implementation and reinforcement of character education in the schools.

**Interpersonal Violence Prevention Education**

The District will utilize the interpersonal violence prevention education package provided by the State Education Department. These materials will be incorporated as part of the health or other related curricula or programs for students in grades K through 12.

Education Law Sections 801 and 801-a  
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(c)  
Education Law Section 804(4)

NOTE: Refer also too Policy # 7380 – Dignity for All Students Act

Adoption Date 5/22/12

**SUBJECT: SAFETY CONDITIONS AND PROGRAMS**

The practice of safety will be considered an integral part of a well-rounded education. A well-rounded education contributes to student success. The District will strive to provide students with an education that will enable them to achieve and maintain a safe life.

Each Principal will be responsible for the supervision of a safety program for his/her school.

It shall be the duty of the Board of Education to provide inspections and supervision of the health and safety aspects of the school facilities.

**Eye Safety**

Eye safety devices are to be provided by the School District for the protection of employees, students and visitors, and worn in the technology education classes and labs when activities present a potential eye hazard. The Principal and/Superintendent or his/her designee will ensure that these devices are properly repaired, cleaned and stored to prevent the spread of germs or diseases after individuals use them.

**Acquired Immune Deficiency Syndrome (AIDS) Instruction in Health Education**

As part of its health education program, the District will provide appropriate instruction for all students concerning Acquired Immune Deficiency Syndrome (AIDS). Accurate information concerning the nature of the disease, methods of transmission, and means of prevention will be provided in an age-appropriate manner, will be consistent with community values, and will stress that abstinence is the most appropriate and effective protection against AIDS.

A representative community advisory group consisting of appropriate school personnel, Board members, parents, religious representatives and other community members will be established in order to make recommendations for curriculum content, implementation, and evaluation of an AIDS instructional program. The Board will determine the content of the curriculum, approve its implementation, and be responsible for the evaluation of the District's AIDS instruction program.

Appropriate training will be provided for instructional staff. Instructional materials will be provided to parents who request these materials.

No student will be required to receive instruction concerning the methods of AIDS prevention if their parent or legal guardian files with the principal a written request that the student not participate in this instruction, with an assurance that the student will receive his instruction at home.

**SUBJECT: SAFETY CONDITIONS AND PROGRAMS**

AIDS instruction in the elementary grades will be taught by the regular classroom teachers, while this instruction in the middle and high school grades will be part of the required health education curriculum.

**Hands-Only Cardiopulmonary Resuscitation (CPR) and Automated External Defibrillator (AED) Instruction**

High School students will be provided instruction in hands-only CPR and the use of an AED as part of the District's health education program. Standards for this instruction will be based on a nationally recognized instructional program that utilizes the most current guidelines for cardiopulmonary resuscitation and emergency cardiovascular care issued by the American Heart Association or a substantially equivalent organization, that are consistent with the requirements of the programs adopted by the American Heart Association or the American Red Cross, and that will incorporate instruction designated to:

- a) Recognize the signs of possible cardiac arrest and to call 911;
- b) Provide an opportunity to demonstrate the psychomotor skills necessary to perform hands-only compression cardiopulmonary resuscitation; and
- c) Provide awareness in the use of an AED.

A student with a disability may be exempt from the requirement for instruction in hands-only CPR and the use of AEDs if the student's individualized education program (IEP) or accommodation plan developed pursuant to Section 504 of the Rehabilitation Act of 1973 states that the student is physically or cognitively unable to perform the tasks included in the instruction.

**Conservation of Natural Resources**

Instruction relating to the conservation of the natural resources of New York State will be provided in accordance with law and regulation.

**Fire and Arson Prevention/Injury Prevention/Life Safety Education**

District administration will provide instruction in fire and arson prevention, injury prevention, and life safety education relating to protection against injury or death and property loss or damage as a result of criminally initiated or other preventable fire.

This instruction will include materials to educate children on the dangers of falsely reporting a criminal incident, an impending explosion or fire emergency involving danger to life or property, an impending catastrophe, or a life safety emergency. This instruction will be incorporated into the curriculum for all students for a period of at least 45 minutes during each month that school is in session.

**SUBJECT: SAFETY CONDITIONS AND PROGRAMS**

**Safety and Accident Prevention in the Schools**

Instruction in courses in technology education, science, home and career skills, health and safety, physical education, and art will include and emphasize safety and accident prevention.

Safety instruction will precede the use of materials and equipment by students in relevant courses. Instructors will teach and enforce all safety procedures relating to the particular courses, including wearing protective eye devices during appropriate activities.

**Instruction on Prevention of Child Abduction**

All students in grades K through 8 in District schools will receive instruction designed to prevent the abduction of children provided by or under the direct supervision of regular classroom teachers. The Board will provide appropriate training and curriculum materials for the regular classroom teachers who provide this instruction. However, at the Board's discretion, this instruction may be provided by any other public or private agency.

The Commissioner of Education will provide technical assistance to assist in developing curricula for these courses of study, which must be age appropriate and developed according to the needs and abilities of students at successive grade levels in order to provide awareness skills, information, self-confidence, and support to aid in the prevention of child abduction.

For purposes of developing these courses of study, the Board may establish local advisory councils or utilize the school-based shared decision making and planning committee established under the Commissioner's regulations to make recommendations concerning the content and implementation of these courses. Alternatively, the District may utilize courses of instruction developed by consortia of school districts, boards of cooperative educational services, other school districts, or any other public or private agency. The advisory council will consist of, but not be limited to, parents, school trustees and Board members, appropriate school personnel, business and community representatives, and law enforcement personnel having experience in the prevention of child abduction.

**Instruction on Prevention of Child Sexual Exploitation and Child Sexual Abuse**

All students in grades K through 8 in District schools will receive instruction designed to educate students, parents, teachers, and other school personnel about the prevention of child sexual exploitation and child sexual abuse. This instruction may be included as part of the District's health education program.

Curriculum addressing this topic will be developed in consultation with school counselors, school social workers, school psychologists, parents, and community members. The curriculum will be designed to:

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Instruction

**SUBJECT: SAFETY CONDITIONS AND PROGRAMS**

- a) Assist students, parents, teachers, and other school personnel in identifying child sexual abuse and child sexual exploitation;
- b) Provide awareness, assistance, referral, and resource information for students and families who are victims of child sexual abuse and/or child sexual exploitation; and
- c) Be aligned to grade objectives prescribed by the Commissioner in guidance.

**Instruction on Child Development and Parenting Skills**

Instruction regarding child development and parenting skills may be offered by the District as part of either its Family and Consumer Science or health education program.

Education Law Sections 409, 409-a, 803-a, 803-b, 804-b, 804-c, 807-a, 808 and 3204  
8 New York Code of Rules and Regulations  
(NYCRR) 100.2(c), 135.3 and 141.10

Adopted: 7/8/02

Revised: 12/14/23

Instruction

**SUBJECT: ANIMALS IN THE SCHOOL (INSTRUCTIONAL PURPOSES)**

The Board of Education, in recognizing the educational uses of animals in the classroom, requires that permission be obtained from the Building Principal before animals are brought into the school or classrooms. It is the Principal's responsibility to ensure that there is an appropriate educational purpose if any animal is housed in a classroom. Animals are not to be transported on school buses with the exception of animals certified to assist persons with disabilities.

**Study and Care of Live Animals**

Any school which cares for or uses animals for study shall ensure that each animal in the school be afforded the following:

- a) Appropriate quarters;
- b) Sufficient space for the normal behavior and postural requirements of the species;
- c) Proper ventilation, lighting, and temperature control;
- d) Adequate food and clean drinking water; and
- e) Quarters which shall be cleaned on a regular basis and located in an area where undue stress and disturbance are minimized.

Only the teacher or those students designated by the teacher are to handle the animals.

It shall be the responsibility of the Principal or his/her designee to develop a plan of care for those animals housed in school in the event of an emergency school closing or in the event the animals remain in the classroom on days when school is not in session.

**Dissection of Animals**

Any student expressing a moral or religious objection to the performance or witnessing of the dissection of an animal, either wholly or in part, shall be provided the opportunity to undertake and complete an alternative project approved by the student's teacher; provided, however, that such objection is substantiated in writing by the student's parent or legal guardian. Students who perform alternative projects shall not be penalized.

Effective July 1, 2011, the District will give reasonable notice to all students enrolled in a course that includes the dissection of an animal and students' parent(s)/legal guardian(s) about their rights to seek an alternative project to dissection. Such notice shall be made available upon request at the school and distributed to parents and students enrolled in a course that includes dissection at least once at the beginning of the school year.

(Continued)

Instruction

**SUBJECT: ANIMALS IN THE SCHOOL (INSTRUCTIONAL PURPOSES)**

**SUBJECT: ANIMALS IN THE SCHOOL (INSTRUCTIONAL PURPOSES) (Cont'd.)**

**Instruction in the Humane Treatment of Animals**

Students in elementary school must receive instruction in the humane treatment and protection of animals and the importance of the part they play in the economy of nature as well as the necessity of controlling the proliferation of animals that are subsequently abandoned and caused to suffer extreme cruelty.

This instruction may be joined with work in literature, reading, language, nature study, or ethnology.

[Americans with Disabilities Act,](#)  
[42 United States Code \(USC\) Section 12101 et. seq.](#)  
[Education Law Section 809](#)  
8 New York Code of Rules and Regulations  
(NYCRR) Section 100.2(c)(8)

Adopted: 8/2/05  
Revised: 7/5/11, 9/19/11

**SUBJECT: PREVENTION INSTRUCTION**

**AIDS Instruction in Health Education**

The Board of Education shall provide a health education program that will include appropriate instruction for all students concerning Acquired Immune Deficiency Syndrome (AIDS). Accurate information concerning the nature of the disease, methods of transmission, and means of prevention shall be provided in an age-appropriate manner and shall be consistent with community values and will stress that abstinence is the most appropriate and effective premarital protection against AIDS.

A representative community advisory group consisting of appropriate school personnel, School Board members, parents, religious representatives, and other community members shall be established in order to make recommendations for curriculum content, implementation, and evaluation of an AIDS instructional program. Appropriate training will be provided for instructional staff.

No student shall be required to receive instruction concerning the methods of prevention of AIDS if the parent or legal guardian has filed with the school Principal a written request that the student not participate in such instruction, with an assurance that the student will receive this instruction at home.

AIDS instruction in the elementary grades shall be taught by the regular classroom teachers, while such instruction in the middle and high school grades shall be a part of the required health education curriculum.

**Substance Abuse-Prevention Instruction**

The Board of Education recognizes the need to educate students on the hazards of alcohol, tobacco and/or drug abuse. A prevention program will be developed to inform students of:

- a) Causes for substance abuse;
- b) Physical and psychological damage associated with substance abuse;
- c) Avoidance of alcohol, tobacco and drugs.
- d) Dangers of driving while under the influence of alcohol or drugs.

(Continued)



Instruction

**SUBJECT: PREVENTION INSTRUCTION (Cont'd.)**

**Fire and Arson Prevention Instruction**

The Board of Education directs the administration to provide instruction in fire and arson prevention for all students in each school.

**Student Safety**

Instruction in courses in technology education, science, home and career skills, art and physical education, health, and safety shall include and emphasize safety and accident prevention.

Safety instruction shall precede the use of materials and equipment by students in applicable units of work in the courses listed above, and instructors shall teach and enforce all safety procedures relating to the particular courses. These shall include the wearing of protective eye devices in appropriate activities.

**Emergency Planning**

The School District shall maintain updated plans and operating procedures to be followed in the event of natural or manmade disasters or enemy attack. Students shall be provided instruction to respond effectively in emergency situations.

**Instruction on Prevention of Child Abduction**

All students in grades K through 8 in District schools shall receive instruction designed to prevent the abduction of children. Such instruction shall be provided by or under the direct supervision of regular classroom teachers and the Board of Education shall provide appropriate training and curriculum materials for the regular classroom teachers who provide such instruction. However, at the Board's discretion, such instruction may be provided by any other public or private agency.

(Continued)

Instruction

**SUBJECT: PREVENTION INSTRUCTION (Cont'd.)**

The Commissioner of Education will provide technical assistance to assist in the development of curricula for such courses of study which must be age appropriate and developed according to the needs and abilities of students at successive grade levels in order to provide awareness skills, information, self-confidence, and support to aid in the prevention of child abduction.

AIDS Instruction: 8 New York Code of Rules and Regulations (NYCRR) Section 135.3(b)(2) and (c)(2)  
Substance Abuse: Education Law Section 804  
8 New York Code of Rules and Regulations (NYCRR) Section 135.3(a)  
Student Safety: Education Law Section 808  
8 New York Code of Rules and Regulations (NYCRR) Sections 107 and 155  
Fire and Arson: Education Law Section 808  
Civil Preparedness: New York State Office of Disaster Preparedness  
Prevention of Child Abduction: Education Law Section 803-a

Adopted: 7/8/02  
Revised: 8/2/05

Instruction

**SUBJECT: FIRE DRILLS, BOMB THREATS AND BUS EMERGENCY DRILLS**

**Fire and Emergency Drills**

The administrators of each school building shall provide instruction for and training of students on appropriate emergency responses, through fire and emergency drills, in the event of a sudden emergency.

Fire and emergency drills will be conducted at different times of the school day. Students will also be instructed in the procedures to be followed in the event that a fire occurs during the regular school lunch period or assembly. However, this additional instruction may be waived if a drill is held during the regular lunch period or assembly. The drills will be held as follows:

- At least 12 drills held in each school year;
  - Eight of the 12 drills will be evacuation drills to be completed by December 31<sup>st</sup>.
    - Four of these evacuation drills will be through the use of fire escapes on buildings where fire escapes are provided or identified secondary exits.
  - Four of the 12 drills will be lock-down drills.

**Summer School**

At least two (2) additional drills shall be held during summer school in buildings where summer school is conducted and one of these drills shall be held during the first week of summer school.

**After-School Programs**

The Building Principal or his/her designee shall require those in charge of after-school programs, attended by any individuals unfamiliar with the school building, to announce at the beginning of such programs the procedures to be followed in the event of an emergency.

**Bomb Threats**

**School Bomb Threats**

A bomb threat, even if later determined to be a hoax, is a criminal action. No bomb threat should be treated as a hoax when it is first received. The school has an obligation and responsibility to ensure the safety and protection of the students and other occupants upon the receipt of any bomb threat. This obligation must take precedence over a search for a suspect object. Prudent action is dependent upon known information about the bomb threat - location, if any; time of detonation; etc. Specific procedures as to appropriate response as a result of a bomb threat can be found in the building-level emergency response plan, as required by relevant law and regulation.

(Continued)

Instruction

**SUBJECT: FIRE AND EMERGENCY DRILLS, BOMB THREATS AND BUS EMERGENCY DRILLS (continued)**

**Police Notification and Investigation**

A bomb threat to a school is a criminal act, which is within the domain and responsibility of law enforcement officials. Appropriate State, county, and/or local law enforcement agencies must be notified of any bomb threat as soon as possible after the receipt of the threat. Law enforcement officials will contact, as the situation requires, fire and/or county emergency coordinators according to the county emergency plan.

Therefore, the building administrator or designee is to notify local law enforcement officials and follow established procedures to move all occupants out of harm's way.

**Implementation**

The Board of Education directs the Superintendent of Schools or his/her designee to develop administrative regulations to implement the terms of this policy. Additionally, such regulations are to be incorporated in the District-Wide School Safety Plan and the Building-Level Emergency Response Plans. An annual emergency drill will be implemented to test the emergency response procedures under each of its Building-Level Emergency Response Plans, and the Plans are to be updated annually, along with updates as necessary as mandated pursuant to law and/or regulation.

**Bus Emergency Drills**

The Board of Education directs the Administration to conduct a minimum of three (3) emergency drills to be held on each school bus during the school year. The first drill is to be conducted during the first week of the fall term, the second between November 1st and December 31st, and the third between March 1st and April 30th.

Each drill shall include practice and instruction in all topics mandated by the Education Law and the Commissioner's Regulations and shall include, but will not be limited to, the following:

- a) Safe boarding and exiting procedures;
- b) The location, use and operation of the emergency door, fire extinguishers, first aid equipment and windows as a means of escape in case of fire or accident;
- c) Orderly conduct as bus passengers.

Students who ordinarily walk to school shall also be included in the drills.

(Continued)

Instruction

**SUBJECT: FIRE AND EMERGENCY DRILLS, BOMB THREATS AND BUS  
EMERGENCY DRILLS (continued)**

Education Law §§ 807, 2801-a and 3623  
Penal Law §§ 240.55, 240.60 and 240.62  
8 NYCRR §§ 155.17, 156.3(f), 156.3(g), and 156.3(h)(2)

Adopted: 7/8/02  
Revised: 1/16/07, 3/8/17

**SUBJECT: CAREER AND TECHNICAL (OCCUPATIONAL) EDUCATION**

**The District recognizes the need for career and technical (occupational) education and reaffirms its policy of strengthening available career and technical education programs. The District will utilize available federal and state funds for that purpose. These programs may be offered by the District and/or through BOCES.**

**Equal Opportunity**

The Board of Education prohibits discrimination on the basis of any legally protected class or category including, but not limited to, sex, race, color, creed, religion, national origin, sexual orientation, gender identity or expression, or disability in any career and technical education program or activity of this District.

**Public Notification**

Prior to the beginning of each school year or academic semester, the District will issue an appropriate public announcement which advises students, parents, employees and the general public that career and technical education opportunities will be offered without regard to any legally protected class or category. Included in such announcement will be the name, address, telephone number and email address of the District's Civil Rights Compliance Officer(s).

**Grievance Procedure**

Various District policies and documents address discrimination. All complaints will be handled in accordance with the applicable District policies and/or documents.

**Local Advisory Council**

In accordance with Education Law, the Advisory Council of the Nassau BOCES is designated as the local Advisory Council for career and technical education in the School District.

Education Law Article 93  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 100.2(h) and 141 et seq.

Adopted: 7/8/02  
Revised: 12/14/23

Instruction

**SUBJECT: BOCES CULTURAL ARTS AND VOCATIONAL PROGRAMS FOR REGULAR EDUCATION STUDENTS**

Freshmen and sophomores will not be permitted to participate in BOCES Cultural Arts or vocational programs. Students from South Side High School will only be eligible to apply to the half-days Nassau BOCES Cultural Arts and vocational programs.

All academic courses will be held on the South Side High School campus.

**Vocational Programs**

A student wishing to participate in the BOCES vocational Program must meet with his/her guidance counselor to review his/her course history as well as the additional course offerings in the specific vocational area of study. The counselor will notify the High School Principal of the student's interest in any BOCES program. The student will then fill out an application to BOCES which must be completed and submitted to the guidance counselor on or prior to March 1 of the preceding school year. The Principal will then review the application and make a recommendation to the Superintendent of Schools. The only exceptions will be students who enroll in the School District after March 1 of the prior year.

If approved by the Superintendent, students will be permitted to attend the BOCES vocational programs only if they are able to meet the requirements for a Regents Diploma.

**Cultural Arts Programs**

Since South Side High School offers comprehensive programs in music, theatre arts, and the visual arts, applications will not be accepted for consideration in these specific BOCES programs. Applications will be considered for dance since it is not available at South Side High School.

A student wishing to participate in a BOCES Cultural Arts dance program must meet with his/her guidance counselor to review his/her course history as well as the additional course offerings in the specific cultural arts area of study by February 1<sup>st</sup> of the preceding school year. The counselor will notify the High School Principal and the District Director of the Arts of the student's interest. The Principal and the Director of the Arts will then review the contemplated BOCES program with the Superintendent of Schools. If the Superintendent decides to permit the student to apply, the student must then fill out an application to the BOCES Cultural Arts program. The application must be submitted to the guidance counselor by March 1 of the preceding school year. The only exceptions will be students who enroll in the School District after March 1 of the prior year.

If approved by the Superintendent, students will be permitted to attend the Cultural Arts programs only if they are able to meet the requirements for a Regents Diploma.

Adopted: 7/8/02

Revised: 11/14/06, 11/5/08

**SUBJECT: COUNSELING PROGRAM**

A District plan for the K through 12 counseling program must be filed in the District Office and made available for public review. This plan shall be subject to annual review and revised as necessary in the following areas:

- a.) Identification of counseling/ program objectives;
- b.) Activities to accomplish the objectives;
- c.) Identification of staff members and other resources to accomplish the objectives;
- d.) Provisions for the annual assessment of program results.

**Counseling Program (K through 5)**

A coordinated counseling program in grades K through 5 will be developed and implemented to:

- a.) Prepare students to participate effectively in their current and future educational programs;
- b.) Help those students exhibiting any attendance, academic, behavioral or adjustment problems;
- c.) Educate students concerning avoidance of child sexual abuse; and
- d.) Encourage parental involvement.

**Counseling Program (6-12)**

A coordinated counseling program in Grades 6-12 shall be developed and implemented including the following activities and services:

- a.) Each student's educational progress and career plans will be reviewed annually;
- b.) Instruction at each grade level to help students learn about various careers and career planning skills;
- c.) Other advisory and counseling assistance which will benefit students such as: helping students develop and implement post-secondary education and career plans; helping those students exhibiting any behavioral or adjustment problems; and encouraging parental involvement;
- d.) Employment of personnel certified or licensed as school counselors.

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



Instruction

**SUBJECT: INSTRUCTIONAL PROGRAMS: PHYSICAL EDUCATION**

**Physical Education Class**

All students, except those with medical excuses, shall participate in physical education in accordance with the Commissioner's Regulations, which require that all students attend and participate in physical education as follows:

- a) All students in grades K through 3 shall participate in a program for a minimum of 120 minutes per instructional weekly cycle.
- b) All students in grades 4 through 6 shall participate in a program three (3) times per instructional weekly cycle for a minimum of 120 minutes per cycle.
- c) All secondary students (in grades 7 through 12) shall have the opportunity for regular physical education, but not less than three times per instructional weekly cycle in one semester and two times per instructional weekly cycle in the other semester. A comparable time each semester shall be provided if the school is organized in other patterns or if students have demonstrated acceptable levels of physical fitness, physical skills and knowledge of physical education activities in extra class programs or out-of-school activities approved by the physical education staff and the School Administration.
- d) For grades K through 12, a district may provide an equivalent program as approved by the Commissioner of Education.

An excuse from physical education class may be accepted from a licensed physician or licensed chiropractor.

Any student whose condition precludes participation in a regular program shall be provided with adaptive physical education approved by the Commissioner of Education.

Education Law Sections 803 and 3204  
8 New York Code of Rules and Regulations (NYCRR)  
Section 135.4

Adopted: 7/8/02  
Revised: 10/2/08

Instruction

**SUBJECT: PATRIOTISM, CITIZENSHIP AND HUMAN RIGHTS EDUCATION**

In order to promote a spirit of patriotic and civil service and obligation, as well as to foster in students of the District moral and intellectual qualities which are essential in preparing them to meet the obligations of citizenship, the Board requires students attending District schools, over the age of eight (8) years, to attend instructional courses in patriotism, citizenship, and human rights issues, with particular attention to the study of the inhumanity of genocide, slavery, the Holocaust, and the mass starvation in Ireland from 1845 to 1850 (the "Irish Potato Famine").

The Board also directs that all students attending District schools in grades 8 through 12 receive instruction in the history, meaning, significance and effect of the United States Constitution, the New York State Constitution, and the Declaration of Independence.

The curricula for such courses must include the subjects specified by the Board of Regents and be for the period of instruction, as mandated by the Regents, which is necessary in these subjects in each of the appropriate grades.

One (1) week during each school year a uniform course of exercises shall be provided to teach students, in an age appropriate manner, the purpose, meaning and importance of the Bill of Rights Articles in the United States and New York State Constitutions. These exercises shall be in addition to the above required courses.

In addition, each School District that receives Federal Funds for a fiscal year shall hold an educational program on the United States Constitution on September 17th of each year for the students in the District to commemorate the September 17, 1787 signing of the Constitution, known as Constitution Day and Citizenship Day. However, when September 17 falls on a Saturday, Sunday, or holiday, this day shall be held during the preceding or following week.

The Board directs that the above named subjects, as mandated by law, be addressed in the instructional curricula provided by the District.

Education Law Section 801  
Public Law 108-477 Section 111(b)

NOTE: Refer also to Policy #8242 -- Civility, Citizenship and Character Education/Interpersonal Violence Prevention Education

Adopted: 7/8/02  
Revised: 11/15/05

2024

8250

Instruction

**SUBJECT: EVALUATION OF THE EDUCATIONAL PROGRAM**

The Board of Education expects staff members to maintain a continual program of evaluation at every level to determine the extent of progress toward the schools' objectives. The Board of Education will periodically request the Superintendent of Schools to present factual information that it considers necessary to evaluate the effectiveness of the School System.

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

Adopted: 7/8/02  
Revised: 1/4/24

**SUBJECT: TITLE I PARENT AND FAMILY ENGAGEMENT**

The Board of Education recognizes the rights of parents/guardians to be fully informed of all information relevant to their children who participate in programs and projects funded by Title I. The District will collaborate with parents or other family members to help students participating in Title I programs reach their full academic potential and to improve the District's overall academic quality. As part of its collaboration, the District will conduct outreach, plan and implement programs, activities, and procedures for parent or family member engagement; and consult meaningfully with parents or family members.

**Parental and Family Involvement**

The District shall ensure parental involvement in these programs and projects by:

- a) Involving parents or family members in jointly developing this policy, the District's Title I Plan, and its support and improvement plans. If the parents or family members indicate that the Title I plan is not satisfactory, the District will submit their comments to the State Education Department along with the plan;
- b) Improving student academic achievement and school performance through coordinating and providing technical assistance, and giving support necessary to assist and build the capacity of all participating schools in planning and implementing effective parent or family engagement activities.
- c) Providing such support for parental or family involvement activities with other relevant federal, state, and local programs as required by law.
- d) With the involvement of parents or family members, conducting an annual evaluation of the content and effectiveness of this policy in improving the academic quality of its Title I schools. The evaluation will include identifying:
  - Barriers to greater participation by parents or family members in Title I activities, with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background;
  - The needs of parents or family members to assist with their child's learning, including engaging with school personnel and teachers; and
  - Strategies to support successful school and family interactions.
- e) Using the findings of the evaluation to design strategies for more effective parent or family member involvement and to revise, if necessary;
- f) Providing parents or family members with reports on their children's progress and providing opportunities for regular meetings with parents or family members to involve them in Title I activities, PTA meetings, Parent Teacher Conferences and AIS meetings.
- g) Involving parents or family members in shared decisions making.

(Continued)

### **School-Level Parent and Family Member Engagement**

In addition to the above, the District shall, jointly and in agreement with parents of students receiving Title I services, establish expectations for parent or family involvement in Title I programs. Similarly, each Title I school within the District shall establish building level school/parent/family member involvement policies. Such school/parent/family member involvement policies shall include plans outlining how parents, the entire school staff, and students will share the responsibility for improved student achievement and the means by which the school and parents will build and develop a partnership to help students achieve the state's high standards. Each school building-level plan will:

- a) Convene an annual meeting, at a convenient time, to inform parents or family members of their school's participation in Title I programs, to explain Title I requirements, and to identify the right of the parents or family members to be involved. All parents or family members of these children will be invited and encouraged to attend the meeting;
- b) Offer flexibility in scheduling meetings such as morning or evening, and may provide transportation, child care, or home visits related to parent or family member engagement, using Title I funds;
- c) Involve parents or family members in an organized, ongoing, and timely way in planning, reviewing, and improving Title I programs, including this policy;
- d) Provide parents or family members with timely information about programs, a description and explanation of the curriculum in use, the forms of academic assessment used to measure student progress, the achievement levels of the challenging State academic standards, and, if requested by parents or family members, opportunities for regular meetings to formulate suggestions and to participate in decisions relating to their child's education. The District will respond to any suggestions as soon as practicably possible;
- e) Develop a Title I Team jointly with parents or family members that outlines how they, school staff, and students will share responsibility for improved student academic achievement. The Title I Team will also detail the means by which the school and parents or family members will build and develop a partnership to help all children achieve the State's standards.
- f) Have a Title I Team that:
  - Describes the school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment to enable these students to meet the challenging state academic standards;
  - Describes the ways in which each parent or family member will be responsible for supporting the child's learning, volunteering in the child's classroom, and participating, as appropriate, in decisions relating to the child's education and positive use of extracurricular time; and
  - Addresses the importance of communication between teachers and parents or family members on an ongoing basis at a minimum:

(Continued)

- Arranging for parent or family member-teacher conferences in elementary schools, at least annually, during which Title I will be discussed as it relates to the individual child's achievement;
- Providing parents or family members with reports on their children's progress;
- Offering reasonable access to staff, opportunities to volunteer and participate in the child's class, and observing their classroom activities; and
- Ensuring regular two-way, meaningful communication between family members and school staff and, to the extent practicable, in a language that family members can understand.

To ensure effective involvement of parents or family members and to support a partnership among the school involved, parents or family members and the community and to improve student academic achievement, the District and each school shall:

- a) Provide assistance to parents or family members of children served by the school in understanding such topics as the State's academic content standards and State and local student academic achievement standards, State and local academic assessments, the requirements of this part, and how to monitor a child's progress and work with educators to improve the achievement of their children;
- b) Provide materials and training to help parents or family members to work with their children to improve their children's achievement, such as literacy training and using technology, as appropriate, to foster parental involvement;
- c) Educate teachers, pupils services personnel, principals, and other staff, with the assistance of parents or family members, in the value and utility of contribution of parents or family members, and in how to reach out to communicate with, and work with parents or family members as equal partners, implement and coordinate parent programs, and build ties between parents and the school;
- d) Coordinate and integrate to the extent feasible and appropriate, parent involvement programs and activities with Hispanic Brotherhood, Headstart, Rosa Lee Young Childhood Center, Home Instruction Programs for Preschool Youngsters, the parent as Teachers Program, and public preschool and other programs, and conduct other activities, such as parent resource centers, that encourage and support parents in more fully participating in the education of their children;
- e) Ensure that information related to school and parent/family member programs, meetings, and other activities is sent to the parents or family members of participating children in a format and, to the extent practicable, in a language the parents can understand.
- f) Provide other reasonable support for parent or family member engagement activities as parents or family members may request.

(Continued)

In addition, the District and each school may:

- a) Involve parents or family members in developing professional development.
- b) Pay reasonable and necessary expenses associated with local parent or family member engagement activities, including transportation and child care costs, to enable parents or family members to participate in school-related meetings and training sessions;
- c) Arrange school meetings at a variety of times, or conduct in-home conferences between teachers or other educators, who work directly with participating children, with parents or family members who are unable to attend these conferences at school, to maximize parent or family engagement and participation;
- d) Adopt and implement model approaches to improving parent or family engagement;
- e) Communicate with community-based organizations and businesses in parent or family member engagement activities.

In carrying out the parent and family member engagement requirements, the District and its schools, to the extent practicable, will provide opportunities for the informed participation of parents or family members (including parents or family members who have limited English proficiency, parents or family members with disabilities, and parents or family members of migratory children), including providing information and school reports in a format and, to the extent practicable, in a language they understand.

### **Comparability of Services**

The School District shall ensure equivalence among the schools in the District of the same grade span and levels of instruction with regard to teachers, administrators and auxiliary personnel as well as equivalence in the provision of curriculum materials and instructional supplies in Title I programs.

Title I of the Elementary and Secondary  
Education Act of 1965, (ESEA), as reauthorized by the  
Every Student Succeeds Act (ESSA) of 2015  
20 United States Code (U.S.C.) Section 6318 and 6321.  
34 Code of Federal Regulations (C.F.R.) Parts 74-86, and  
200  
NCLB Section 1112 - 1120 of Title I, Part A

Adopted: 7/8/02  
Revised: 11/2/06, 4/4/19

**SUBJECT: INSTRUCTIONAL TECHNOLOGY**

The Board of Education recognizes its responsibility to further the District's educational goals through the use of appropriate and high quality technological materials and equipment. For the purpose of this policy, technology refers to computers, interactive videodiscs, Compact Disc-Read Only Memory (CD-ROM) devices, local and wide area networks, satellite transmission and other telecommunications equipment.

Continuing advances in technology are bringing about changes that have an increasing impact on the way we obtain, process, evaluate and use information. Therefore, the District is committed to:

- a) A comprehensive staff development program to ensure appropriate and effective use of technology.
- b) The preparation of students to utilize multiple types of technology.
- c) The integration of technology within and across all curriculum areas.
- d) The equitable distribution and access to technological equipment and materials for all students.
- e) The promotion of technology as an alternative to traditional methods of gathering, organizing and synthesizing information.
- f) The provision of sufficient funds, within the budgetary constraints of the Board, for the implementation of technology instruction.

The Board directs the Superintendent of Schools or his/her designee to assess the technological needs of the District's instructional program, research and review current materials and make recommendations to the Board.



Instruction

**SUBJECT: CHILDREN'S INTERNET PROTECTION ACT: INTERNET CONTENT  
FILTERING/SAFETY POLICY**

In compliance with The Children's Internet Protection Act (CIPA) and Regulations of the Federal Communications Commission (FCC), the District has adopted and will enforce this Internet Safety Policy that ensures the use of technology protection measures (i.e., filtering or blocking of access to certain material on the Internet) on all District computers with Internet access. Such technology protection measures apply to Internet access by both adults and minors with regard to visual depictions that are obscene, child pornography or, with respect to the use of computers by minors, considered harmful to such students. The District will provide for the education of students regarding appropriate online behavior including interacting with other individuals on social networking Web sites and in chat rooms, and regarding cyber bullying awareness and response. Further, appropriate monitoring of online activities of minors, as determined by the building/program supervisor, will also be enforced to ensure the safety of students when accessing the Internet.

Further, the Board of Education's decision to utilize technology protection measures and other safety procedures for staff and students when accessing the Internet fosters the educational mission of the schools including the selection of appropriate teaching/instructional materials and activities to enhance the schools' programs; and to help ensure the safety of personnel and students while online.

However, no filtering technology can guarantee that staff and students will be prevented from accessing all inappropriate locations. Proper safety procedures, as deemed appropriate by the applicable administrator/program supervisor, will be provided to ensure compliance with the CIPA.

In addition to the use of technology protection measures, the monitoring of online activities and access by minors to inappropriate matter on the Internet and World Wide Web may include, but shall not be limited to, the following guidelines:

- a) Ensuring the presence of a teacher and/or other appropriate District personnel when students are accessing the Internet including, but not limited to, the supervision of minors when using electronic mail, chat rooms, instant messaging and other forms of direct electronic communications. As determined by the appropriate building administrator, the use of e-mail chat rooms and social networking Web sites may be blocked as deemed necessary to ensure the safety of such students;
- b) Monitoring logs of access in order to keep track of the web sites visited by students as a measure to restrict access to materials harmful to minors;
- c) In compliance with this Internet Safety Policy as well as the District's Acceptable Use Policy, unauthorized access (including so-called 'hacking') and other unlawful activities by minors are prohibited by the District; and student violations of such policies may result in disciplinary action;

(Continued)

Instruction

**SUBJECT: CHILDREN'S INTERNET PROTECTION ACT: INTERNET CONTENT  
FILTERING/SAFETY POLICY (Cont'd.)**

d ) Appropriate supervision and notification to minors regarding the prohibition as to unauthorized disclosure, use and dissemination of personal identification information regarding such students.

The determination of what is 'inappropriate' for minors shall be determined by district and/or designated school official(s). It is acknowledged that the determination of such 'inappropriate' material may vary depending upon the circumstances of the situation and the age of the students involved in online research.

The terms 'minor', 'child pornography', 'harmful to minors', 'obscene', 'technology protection measure', 'sexual act', and 'sexual contact' will be as defined in accordance with CIPA and other applicable laws/regulations as may be appropriate and implemented pursuant to the District's educational mission.

Under certain specified circumstances, the blocking or filtering technology measure(s) may be disabled for adults engaged in bona fide research or other lawful purposes. The power to disable can only be exercised by an administrator, supervisor, or other person authorized by the School District.

The School District shall provide certification, pursuant to the requirements of CIPA, to document the District's adoption and enforcement of its Internet Safety Policy, including the operation and enforcement of technology protection measures (i.e., blocking/filtering of access to certain material on the Internet) for all School District computers with Internet access.

**Internet Safety Instruction**

In accordance with New York State Education Law, the School District may provide, to students in grades K through 12, instruction designed to promote the proper and safe use of the Internet. The Commissioner shall provide technical assistance to assist in the development of curricula for such course of study which shall be age appropriate and developed according to the needs and abilities of students at successive grade levels in order to provide awareness, skills, information and support to aid in the safe usage of the Internet.

In accordance with the Protecting Children in the 21<sup>st</sup> Century Act, students will also be educated on appropriate interactions with other individuals on social networking Web sites and in chat rooms, as well as cyber bullying awareness and response.

(Continued)

Instruction

**SUBJECT: [CHILDREN'S INTERNET PROTECTION ACT: INTERNET CONTENT FILTERING/SAFETY POLICY \(Cont'd.\)](#)**

**Access to Inappropriate Content/Material and Use of Personal Technology or Electronic Devices**

Despite the existence of District policy, regulations and guidelines, it is virtually impossible to completely prevent access to content or material that may be considered inappropriate for students. Students may have the ability to access such content or material from their home, other locations off school premises and/or with a student's own personal technology or electronic device on school grounds or at school events.

The District is not responsible for inappropriate content or material accessed via a student's own personal technology or electronic device or via an unfiltered Internet connection received through a student's own personal technology or electronic device.

**Notification/Authorization**

The District's Acceptable Use Policy and accompanying Regulations will be disseminated to parents and students in order to provide notice of the school's requirements, expectations, and student's obligations when accessing the Internet.

47 USC § 254(h),(l)  
20 USC § 6777  
47 CFR §54.520  
Education Law § 814

NOTE: Refer to Policy # 7315 – Student Use of Computerized Information Resources (Acceptable Use Policy)  
3410 - District Code of Conduct on School Property

Adopted: 7/8/02

Revised: 8/2/05, 10/2/08, 3/5/10, 11/6/13

Instruction

**SUBJECT: INSTRUCTION FOR ENGLISH LANGUAGE LEARNERS**

The Board of Education recognizes its responsibility to ensure that students of foreign birth or ancestry, who are identified as English Language Learners (ELLs) are provided with an appropriate bilingual education or English as a New Language (ENL) program.

The District has developed a comprehensive plan to meet the educational needs of ELLs. The plan will be kept on file in the District and submitted to the Commissioner of Education. The plan includes:

- a) The District's philosophy regarding the education of ELLs;
- b) The District's administrative practices and procedures to screen, identify, and place ELLs in appropriate programs;
- c) The District's plan to provide parents and other persons in parental relation with information about all bilingual education and ENL programs available in the District and notices regarding program placement and the rights of parents or persons in parental relation in a language they best understand;
- d) The District's system to annually measure and track the academic progress and English language proficiency of ELLs and use of data to drive instruction;
- e) A description of the District's curricular and extracurricular services provided to ELLs;
- f) The District's administrative practices to annually evaluate ELLs;
- g) The District's procedure to identify support services for ELLs;
- h) The District's policies and procedures regarding ELLs who are students with disabilities;
- i) The District's procedures to exit ELLs including those students with inconsistent/interrupted formal education;
- j) The District's services to support former ELLs.

Additionally, the District will offer professional development to all teachers, level III teaching assistants, and administrators that specifically address the needs of ELLs.

Continued

Instruction

**SUBJECT: [INSTRUCTION FOR ENGLISH LANGUAGE LEARNERS \(continued\)](#)**

The Superintendent of Schools shall ensure that all data, including plans, assurances, and reports as required by the Commissioner's Regulations, is submitted to the State Education Department in a timely manner.

Title I of the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001, Sections 1112(g) and 3302(a)  
Education Law Section 3204,  
8 New York Code of Rules and Regulations  
(8NYCRR) Section 100.2(g) Parts 117 and 154

Adopted: 7/8/02  
Revised: 5/24/04, 8/2/05, 2/1/17

Instruction

**SUBJECT: ALTERNATIVE SCHOOL PROGRAM**

The District will offer an alternative high school program. This program is meant for students who are served better by alternative approaches to learning.

Selection of students to participate in the alternative school program will be made according to criteria established by the program staff in compliance with state and federal law and approved by the Superintendent of Schools. Students in the alternative program may re-enter the traditional school program when they, their parents, the Principal and the program staff feel it would serve the students' best interests.

Adopted: 7/8/02  
Revised:12/14/23

**SUBJECT: PURPOSES OF INSTRUCTIONAL MATERIALS**

The purpose of instructional materials shall be to implement, enrich, and support the educational program of the school.

Instructional materials should contribute to the development of positive social and intellectual values of the students.

The Board of Education shall provide the faculty and students in the District with such instructional materials as are educationally needed and financially feasible to make the instructional program meaningful to students of all levels of ability.

Education Law Section 701

Adopted: 7/8/02

**SUBJECT: SELECTION OF LIBRARY AND AUDIOVISUAL MATERIALS**

A school library media center shall be established and maintained in each school. The library in each elementary and secondary school shall meet the needs of the pupils, and shall provide an adequate complement to the instructional program in the various areas of the curriculum. Every secondary school will also employ a certified school Library Media Specialist, unless equivalent service is provided by an alternative arrangement approved by the Commissioner.

The Board of Education agrees that the responsibility of the school library is:

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

In interpreting these principles, the following will apply:

- a) Broad and varied collections will be developed systematically by the library media staff, based on recommendations of the professional staff and suggestions of students and parents. Final approval will be made by the Building Principal.

(Continued)



Instruction

**SUBJECT: SELECTION OF LIBRARY AND MULTIMEDIA MATERIALS (Cont'd.)**

- b) Qualitative standards of selection involving factual accuracy, authoritativeness, artistic quality and appeal will be applied by library media staff before purchases are made.
- c) Materials will not be excluded because of the race, nationality, political opinions or religious views of the author.
- d) Materials will be continuously re-evaluated in relation to changing curriculum and instructional needs. Worn out, outdated materials will be discarded.

Rules of the Board of  
Regents Sections 21.4,  
91.1, 91.2 Education Law  
Section 20721.4

Adopted: 7/8/02  
Revised: 11/5/08, 12/14/23

Instruction

**SUBJECT: SCHOOL LIBRARIES/MEDIA CENTERS**

The function of the school libraries/media centers will be to promote learning by making both materials and services available to students and teachers. All schools will have libraries/media centers with materials that include a full range of print and computer media. Library services will include instruction and help in the use of library resources. Library/media personnel, with the assistance of the Office of Instruction, will provide training for faculty in the use of these resources.

The Board will provide each library/media center with a basic collection of books and other resources, supplemented through the annual budget. The inclusion of such materials will be evaluated on the basis of educational value.

The building library/media personnel, together with the Principals and administrators as necessary, will develop such instructional programs and rules for library/media center use as necessary to ensure maximum use of services and materials and control of materials.

School personnel will cooperate with the Rockville Centre Public Library in arranging for reference materials for school assignments.

**SUBJECT: OBJECTION TO INSTRUCTIONAL MATERIALS**

Any criticism of instructional materials that are in the schools should be submitted in writing to the Superintendent of Schools. The Board of Education will be informed. A Committee, including the Building Principal and the librarian, will be designated by the Superintendent of Schools to investigate and judge the challenged material according to the principles and qualitative standards stated in Policy 8320-- Selection of Library and Audiovisual Materials.

**Curriculum Areas in Conflict with Religious Beliefs**

In accordance with applicable law and regulation, a student may be excused from the study of specific materials relating to health and hygiene if these materials are in conflict with the religion of his/her parents/guardians. Alternatives may be provided that are of comparable instructional value.

Education Law Section 3204(5)  
8 New York Code of Rules and Regulations  
(NYCRR) Section 135.3

**NOTE: Refer also to Policies #8320 – Selection of Library and Audiovisual Materials  
Policies #8360 - Religious Expression in the Instructional Program**

Adopted: 7/8/02  
Revised: 3/22/05

Instruction

**SUBJECT: CONTROVERSIAL ISSUES**

Controversial issues may be studied as part of the curriculum and teachers shall present these issues in their classrooms in an impartial and objective manner.

Teachers wishing to call upon outside speakers in the presentation of controversial issues are required to obtain the approval of the Principal who shall keep in mind the obligation for presenting opposing views as well, and who shall inform the Superintendent of Schools prior to the presentation.

It is recognized that parents and citizens of the community have a right to protest to the school administration when convinced that unfair and biased presentations are being made by the teacher. In considering such protests, the Superintendent of Schools shall provide for a hearing so that both parties may fairly express their views. If requested, the Superintendent of Schools' decision may be appealed to the Board of Education.

Adopted: 7/8/02  
Reviewed:12/14/23

Instruction

**SUBJECT: TEXTBOOKS/WORKBOOKS/SHEET MUSIC**

The term "textbook" shall refer to a book supplied to a student for a fixed period of time for his/her personal use and basic to the study of a subject. The Board of Education shall make provision for funds to be budgeted for the purchase of textbooks and related instructional materials.

Upon the recommendation of the Superintendent of Schools, the Board of Education shall designate the textbooks to be used. Textbooks, once designated, cannot be superseded within a period of five (5) years except by a three-fourths (3/4) vote of the Board.

Students will be required to pay for lost books, sheet music or other media, or for excessive damage to books, sheet music, or other media.

**Textbooks for Resident Students Attending Private Schools**

Resident students attending private schools will be supplied non-sectarian textbooks in accordance with the requirements of Education Law. Resident students who are home schooled may be supplied non-sectarian textbooks in accordance with the requirements of Education Law.

One set of textbooks will be provided to each student. A second set of textbooks will be provided only upon approval of the Rockville Centre School District's Physician. The approval by the physician must be on an annual basis.

**Workbooks**

The Board of Education shall approve the expenditure of funds for the purchase of workbooks and manuals.

The term "workbook" shall refer to the type of book that provides spaces to write in and is consumed each year. It is usually paper-covered and designed to be used in conjunction with a textbook. Although the term "workbook" refers to a type of book in which space is provided to write and may, if filled with writings by a student, be consumed each year, the Rockville Centre School District does **not** permit students, public and non-public, to write in workbooks. Workbooks and textbooks will be collected each year to be reused.

Education Law Section 701 et seq., Article 15.

Adopted: 7/8/02

Revised: 11/16/04, 8/2/05, 11/14/06

Instruction

**SUBJECT: USE OF COPYRIGHTED MATERIALS**

It is the intent of the Board of Education to abide by the provisions of the United States Copyright Law (Title 17 United States Code Section 101 et seq.).

All employees 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.

Any person who willfully disregards the copyright policy shall be in violation of Federal Copyright Laws and District policy and shall assume all liability.

A copyright officer may be appointed by the Superintendent of Schools to provide information for all personnel regarding current copyright law and to maintain copyright records. The copyright officer will also serve as the designated agent registered with the U.S. Copyright Office to expeditiously respond to any notices of claimed copyright infringement.

Regulations and procedures shall be developed by the administration detailing what can and cannot be copied. Appropriate copyright notices will be placed on or near all equipment used for duplication.

Title 17 United States Code (U.S.C.)  
Section 101 et seq.

Adopted: 7/8/02  
Revised: 10/2/08

**SUBJECT: RELIGIOUS EXPRESSION IN THE PUBLIC SCHOOLS**

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

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

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

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

**School Activities Related to Religious Holidays or Themes**

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

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

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

(Continued)

**SUBJECT: RELIGIOUS EXPRESSION IN THE PUBLIC SCHOOLS (Cont'd.)**

**Symbols in the Schools**

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

**Music in the Schools**

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

**District Calendar**

The days on which members of a religious group may be absent to observe a religious holiday (legal absence) will be noted on the school planning calendar and the District calendar distributed to parents/guardians. Out of respect for a student's observance of these holidays, teachers must be sensitive to the needs of the student by allowing them to make up all class work, homework, and tests without penalty. Parents/guardians are encouraged to notify the school prior to the absence in order to assist the staff in instructional planning and in meeting the needs of the students. (See Policy # 7110).

**Curriculum Areas In Conflict With Religious Beliefs**

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

**Implementation**

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

United States Constitution, First Amendment  
New York State Constitution, Article XI  
Equal Access Act, 20 United States Code  
Sections 4071- 4074  
Education Law Sections 1709(1) and (3)  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 16.2 and 109.2

Adopted: 7/8/02



**SUBJECT: SCHOOL CALENDAR AND SCHOOL DAY**

**School Calendar**

The Superintendent of Schools shall be responsible for the preparation of a school calendar to be presented to the Board for adoption. The number of days scheduled for students will meet or exceed the requirements of state law. The calendar will set forth the days schools will be in session, holidays, recesses and other designations that the Superintendent of Schools or Board deems appropriate.

**School Day**

The school day shall be set by the Superintendent of Schools with approval of the Board.

Education Law Sections 3204(4) and 3604(7)(8)  
8 New York Code of Rules and Regulations  
(NYCRR) Section 175.5

Adopted: 7/8/02  
Reviewed: 9/7/23

Instruction

**SUBJECT: EMERGENCY SCHOOL CLOSINGS: EXTRAORDINARY CONDITION  
DAYS/STUDENT ATTENDANCE**

**Days of Session**

School districts must be in session for all students, including students with disabilities, for not less than 180 days. Included in the 180 days are days on which attendance is taken; days on which Regents examinations, State Assessments or local examinations are given; and days on which Superintendent's Conference Days are held.

**Legal Holidays**

District officials may not schedule days of session on a Saturday or a legal holiday except Election Day, Washington's Birthday and Lincoln's Birthday (however, driver education classes may be conducted on a Saturday).

Legal holidays include: New Year's Day; Dr. Martin Luther King, Jr. Day; Lincoln's Birthday; Washington's Birthday; Memorial Day; Flag Day (second Sunday in June); Independence Day; Labor Day; Columbus Day; Election Day; Veterans' Day; Thanksgiving Day; and Christmas Day.

**Length of School Day**

The minimum length of the school day for purposes of generating state aid is 2.5 hours for half-day kindergarten, 5.0 hours for full-day kindergarten through grade 6, and 5.5 hours for grades 7 through 12. These hours are exclusive of the time allowed for lunch. If the School District establishes a school calendar in excess of 180 required days, the excess days need not comply with the mandated daily time requirements.

**Extraordinary Conditions**

The length of the school day requirement does not apply if schools open late or close early due to extraordinary circumstances beyond their control. Similarly, because of circumstances beyond its control, the School District may lose whole days of instruction due to emergency school closings.

Pursuant to Education Law Section 3604(7), if the Commissioner of Education finds that the schools of the District were not in session for 180 days because of extraordinarily adverse weather conditions, impairment of heating facilities, insufficiency of water supply, shortage of fuel, lack of electricity, natural gas leakage, unacceptable levels of chemical substances, or the destruction of the school building either in whole or in part, the Commissioner is authorized to excuse up to five (5) days under certain circumstances.

(Continued)

Instruction

**SUBJECT: EMERGENCY SCHOOL CLOSINGS: EXTRAORDINARY CONDITION  
DAYS/STUDENT ATTENDANCE (Cont'd.)**

For the District to receive such a "waiver" from the Commissioner, the Commissioner must find that those "lost days" of instruction could not have been made up by using, for the secondary grades, all scheduled vacation days which occur prior to the first scheduled Regents examination day in June; and, for the elementary grades, all scheduled vacation days which occur prior to the last scheduled Regents examination day in June. Scheduled vacation days that may be used include days of religious observance associated with Passover, Easter and other religious holidays. Only Saturdays, Sundays, and legal holidays are excluded from days that may be used for this purpose.

Requests for excusal must be made in writing to the State Education Department at the close of the school year. If scheduled vacation days and days waived by the Commissioner are insufficient and the School District still remains one (1) or more days short of the 180 days, the District may schedule additional sessions after Regents examinations, through June 30, to satisfy the length of session requirement.

In the event that only one (1) building in the District will be short the required days of session because of some extraordinary condition, the day(s) for only that building must be made up by using all scheduled vacation days before an excusal can be given.

The rescheduling/make up of "lost days" of instruction will take into consideration collective bargaining agreements as may be applicable.

A declaration of a State of Emergency by the Governor due to adverse weather conditions does not authorize the school districts affected to operate an annual session of less than 180 days.

**Reporting**

Pursuant to Commissioner's Regulations Section 155.17(h), each Superintendent shall notify the Commissioner of Education as soon as possible whenever the emergency plan or building-level school safety plan is activated and results in the closing of a school building in the District; and shall provide such information as the Commissioner may require. School districts within a Supervisory District shall provide such notification through their District Superintendent, who shall be responsible for notifying the Commissioner. Such information need not be provided for routine snow emergency days.

[Education Law Sections 3210, 3602\(4\), 3604\(7\), and 3604\(8\)](#)  
[General Construction Law Section 24](#)  
[General Municipal Law Section 92-c](#)

8 New York Code of Rules and Regulations (NYCRR) Sections 155.7 and 155.17 and Part 175

See also: 3510/3510R Emergency Closings  
7110/7110R Attendance

Adopted: 3/19/07

Instruction

**SUBJECT: OPENING EXERCISES**

The Board directs the administration to include the Pledge of Allegiance as part of the opening exercises in all the schools. Under certain circumstances, such as religious conviction, staff members and students may be excused from this requirement as a protection of their Constitutional rights.

Education Law Section 802  
8 New York Code of Rules and Regulations  
(NYCRR) Section 108.5

Adopted: 7/8/02

Reviewed:9/7/23

Instruction

**SUBJECT: INDEPENDENT STUDY**

Independent study, for credit, will be available to meet the individual needs of students in grades nine (9) through twelve (12). The principal, after careful consultation with relevant faculty, may award transfer credit for work done through independent study. The decision should be based on whether the student's record indicates that the work is consistent with New York State commencement level learning standards and is of comparable scope and quality to that which would have been done in the school awarding the credit. Credit shall be granted only for courses in the approved curriculum.

8 New York Code of Rules and Regulations  
(NYCRR) Section 100.5(d)(5)(i)(b)

Adopted: 7/8/02  
Revised: 10/2/08

Instruction

**SUBJECT: HOMEWORK**

The Board of Education has determined that homework is an important way to foster independent learning. Any work assigned by a teacher to be accomplished by students outside their allotted class time is homework. Homework assignments must be appropriate learning activities for all students. All students shall be expected to satisfactorily complete homework assignments.

Homework assignments are an important way to develop good study methods and habits, time management skills and responsibility. However, these practices do not occur spontaneously, students must be taught to employ them.

Homework assignments are to be logical extensions of learning activities conducted in the classroom. Each assignment shall be carefully planned to reinforce the learning objectives which the learner will master as a part of the overall curriculum. The purpose and requirements of homework assignments should be clear to the student. Positive motivation is a powerful force in learning. Homework assignments, therefore, should never be given as punishment.

The schools recognize the role of parents by suggesting ways in which parents may assist the school in helping a child carry out his/her responsibilities. Parents will rarely be asked to play a formal instructional role in homework. Instead, they are asked to create a home environment that facilitates the student's completion of the assignment independently.

Adopted: 7/8/02  
Revised: 4/20/05

Instruction

**SUBJECT: HOME HOSPITAL, OR INSTITUTIONAL INSTRUCTION (HOMEBOUND INSTRUCTION)**

**Overview**

Home, hospital, or institutional instruction (sometimes referred to as homebound instruction) is an educational service provided by the District to resident students enrolled in a public or nonpublic school who are unable to attend school in person for at least ten days during a three-month period due to illness or injury which requires the student to remain at home or in a hospital or other institution for the treatment of children, other than a school.

The District will provide home, hospital, or institutional instruction to all resident students enrolled in a public or nonpublic school from kindergarten to age 21 when, due to a temporary or chronic physical, mental, or emotional illness or injury, as documented by the student's treating healthcare provider, the student is unable to participate in their usual education setting.

**Definitions**

"Instruction delivery plan" means a written plan to continue the student's academic progress and to maintain a record of delivery of instructional services and student progress.

"School district of residence" means the public school district within the State of New York where the students legally reside with their parents or guardians.

"Treating health care provider" means a person who is treating a student and is licensed or otherwise authorized to provide diagnosis pursuant to a profession enumerated in Title VIII of the Education Law.

"Tutor" means an employee of the District or an individual with whom the District contracts to provide home, hospital, or institutional instruction. The tutor must hold a New York State teaching certificate. A tutor may include a teacher employed by a board of cooperative educational services (BOCES) that contracts with the school district of residence to provide this instruction.

**SUBJECT: HOME HOSPITAL, OR INSTITUTIONAL INSTRUCTION (HOMEBOUND INSTRUCTION)**

**Request for Home, Hospital, or Institutional Instruction**

To request home, hospital, or institutional instruction for a resident student, the parent or guardian must submit a request to the District that includes written medical verification from the student's treating healthcare provider demonstrating the student's anticipated inability to attend school in person for at least ten days during the next three months and written consent authorizing the Director of School Health Services or designee to contact the student's treating healthcare provider. Refusal to provide this written consent will result in a denial of the request for home, hospital, or institutional instruction.

The request will be forwarded to the Director of School Health Services who will review the need for home, hospital, or institutional instruction and either approve or deny the request. During this review, the Director of School Health Services may contact the student's treating healthcare provider to obtain additional information necessary regarding the student's health or mental health.

Within five school days after receipt of written medical verification from the student's treating healthcare provider, the District will notify the parent or guardian whether their request for home, hospital, or institutional instruction has been approved or denied. In the case of a denial, reason(s) for denial will be provided.

**Appeals**

Parents and guardians may appeal the denial of home, hospital, or institutional instruction to the District's Board within ten school days of receipt of notification of the denial. Home, hospital, or institutional instruction will be provided while an appeal is pending before the District's Board.

**Home, Hospital, or Institutional Instruction Requirements**

The District will provide home, hospital, or institutional instruction to a student within five school days after receiving notification of the student's medical condition or within five school days from the request for home, hospital, or institutional instruction, whichever occurs first. This instruction, which may include remote instruction, will meet the minimum requirements outlined in law and regulation.



**SUBJECT: HOME HOSPITAL, OR INSTITUTIONAL INSTRUCTION (HOMEBOUND INSTRUCTION)**

**Students with Disabilities**

Students with disabilities who are recommended for home, hospital, or institutional instruction by the Committee on Special Education (CSE) will be provided instruction and appropriate related services as determined and documented by the CSE in consideration of the student's unique needs. This instruction will only be recommended if the placement is in the least restrictive environment and must be provided for at least the number and length of time as provided for other students receiving home, hospital, and institutional instruction.

**Recordkeeping**

The District will maintain a record of delivery of instructional services and student progress. This includes, but is not limited to, a record of the dates, amount, and type of instructional services the student received including the tutor's name, subjects taught, and the location where the instructional services were provided.

Education Law Sections 1604(20), 1709(24), 3202  
8 NYCRR Sections 100.22, 175.21, and 200.6

NOTE: Refer also to Policy #7150 – Remote Instruction

Adopted: 7/8/02  
Revised: 4/4/23

Instruction

**SUBJECT: FIELD TRIPS**

Field trips will serve as an extension of classroom instruction as well as an enriching and/or culminating activity. The Board encourages teachers to provide excursions within the District and neighboring areas for valid educational purposes.

Teachers will submit requests to the principal for approval of field trips and excursions except that overnight trips will need the approval of the Superintendent of Schools and the Board of Education. Field trips requiring travel in airplanes, or outside the continental United States, will also require Board approval in addition to the Superintendent of Schools' approval.

A signed parental permission slip will be required for each child for each trip. In addition, all overnight field trips will require both the students and parents to read and sign District formulated rules and regulations governing student conduct during the course of the field trip. At the discretion of the principal, a verbal phone conversation with the parent and/or guardian and the principal or principal's designee plus an additional staff member, will be considered permission for the student to attend up to a one full-day trip and used in lieu of a written permission slip. Parents may be asked to accompany classes on trips to assist with teacher supervision. There will be no transporting of students by parents in private vehicles.

The Board has approved general regulations concerning field trips, and the administration is authorized to formulate additional regulations as necessary to ensure the proper educational value of field trips, the accessibility of these trips to all students, and the safety of students and chaperones on such trips. Teachers, chaperones and trip supervisors for overnight field trips shall review guidelines established by the Board of Education to insure expectations for the supervision of students are understood. These guidelines are outlined in the supplemental regulation 8460R.

Adopted: 7/8/02

Revised: 10/17/06, 12/5/07, 3/26/09, 9/19/11

Instruction

**SUBJECT: HOME-SCHOOLING**

New York State Law provides parents/guardians the right to educate their child(ren) at home; however, it is the responsibility of the Board of Education to ensure that no child is deprived of an adequate educational program.

The School District will attempt to cooperate with parents who wish to provide home-schooling for their children. The child who is educated at home should receive an education in a manner consistent with an educational plan and at least substantially equivalent to that given to students of like age and attainments in the local public schools. The required subjects should be taught in a competent, systematic, and sequential manner, specifically in relation to the required courses as enumerated in Commissioner's Regulation Section 100.10.

Primary responsibility for determining compliance with Commissioner's Regulations addressing home schooling rests with the Superintendent of Schools of the school district in which a home-schooled student resides.

When parents/guardians choose to instruct their children at home, the Superintendent or his/her designee will determine the competency of instruction by analyzing the instructional program to see if it is substantially equivalent to that provided by the Rockville Centre Union Free School District.

**Notice of Intention to Instruct at Home**

Parents/guardians must annually provide written notice to the Superintendent of their intention to instruct their child at home by July 1 of each school year.

If parents/guardians choose to provide home instruction or establish residence in the Rockville Centre Union Free School District after the start of the school year, they must provide written notice to the Superintendent within fourteen (14) days following the commencement of home instruction.

**Individualized Home Instruction Plan (IHIP)**

The Superintendent or his/her designee will provide parents/guardians a copy of Section 100.10 of the Commissioner's Regulations addressing home instruction and a form on which to submit an individualized home instruction plan for each child of compulsory attendance age who is to be taught at home. School authorities will provide assistance, if requested, to parents/guardians in preparation of the individualized home instruction plan.

(Continued)

Instruction

**SUBJECT: HOME-SCHOOLING (Cont'd.)**

**Provision of Services to Home-schooled Students**

Home-schooled students are not awarded a high school diploma. A high school diploma may only be awarded to a student enrolled in a registered secondary school who has completed all program requirements set by the Board of Regents, the school or the District.

a) Extracurricular Participation

Students schooled at home are not eligible to participate in interscholastic sports. Commissioner's Regulations mandate that only students enrolled in the public school are allowed to participate in interscholastic sports. Further, the District *does not permit* home-schooled students to participate in any extracurricular clubs.

b) Textbooks and Materials

The District *shall not* provide textbooks and other materials to home-schooled students. Parents/guardians shall be responsible for the purchase and payment of all instructional materials used for home instruction, as the Rockville Centre Union Free School District is under no obligation to supply such materials. The District will, however, provide commercially published tests at no cost to the parents/guardians, if so requested, but only if the District uses and is in possession of said tests. If the parent/guardian chooses to use a test that has not been ordered for use in the public schools of the District, the District, upon request of the parent/guardian, will order the test. The parent/guardian will, however, be responsible for the cost of procuring it.

c) Health Services

The School District does not provide health services to home-schooled students.

d) Remedial Programs

The District *does not provide* remedial programs to home-schooled students.

e) Career and Technical/Gifted Education

The District is *not authorized* to provide Occupational and Vocational Education programs (career and technical education) nor programs for the Gifted to home-schooled students.

f) Special Education Services

Solely for the purpose of Education Law Section 3602-c, home-instructed students with disabilities are deemed to be students enrolled in and attending a non-public school, which enables them to receive special education services.

(Continued)

Instruction

**SUBJECT: HOME-SCHOOLING (Cont'd.)**

The Committee on Special Education (CSE) will develop an Individualized Education Services Program (IESP) for the student. The IESP shall be developed in the same manner and with the same content as an IEP. The Board of Education will determine a location where special education services are to be provided to a home-instructed student. This location may, but is not required to be, in the student's home.

g) Use of School Facilities

Students schooled at home shall not be allowed to use school facilities, except as provided for community organizations in Policy #3280 – Community Use of School Facilities.

**Administrative Review**

The Superintendent or his/her designee shall review completed IHIP forms and either notify parents/guardians that the IHIP is in compliance or provide written notice of any deficiency in the IHIP. If the individualized home instruction plan is determined not to be in compliance, parents/guardians must submit a revised IHIP which corrects any deficiencies.

The Superintendent reviews the revised IHIP and renders a decision, indicating in a written notice to the parents/guardians the reasons for such a determination. Such notice shall also contain the date of the next regularly scheduled meeting of the Board of Education that will be held at least ten (10) days after the mailing date of the notice, and shall inform parents/guardians of their right to present to the Board of Education proof of compliance. The Board of Education shall make a final determination of compliance or noncompliance.

Parents/guardians have the right to appeal the Board of Education's determination of noncompliance to the Commissioner of Education within thirty (30) days after receipt of such determination.

Upon completion of the administrative review, if the result is a finding of non-compliance, parents/guardians must immediately enroll their children in the public school system or provide written notice to the Superintendent of the arrangements made to provide the required instruction for each child.

(Continued)

Instruction

**SUBJECT: HOME-SCHOOLING (Cont'd.)**

The administrative review is completed when one of the following events has occurred:

- 1) The parents/guardians have failed to contest a determination of noncompliance by appealing to the Board of Education; or
- 2) The parents/guardians have failed to appeal the final Rockville Centre Union Free School District determination of noncompliance to the Commissioner of Education; or
- 3) The parents/guardians have received a decision of the Commissioner of Education which upholds the final District determination of noncompliance.

**Content of Individualized Home Instruction Plan**

An individualized home instruction plan for each child shall contain:

- 1) The child's name, age and grade level;
- 2) A list of the syllabi, curriculum materials, textbooks, or plan of instruction to be used in each of the required subjects;
- 3) The dates for submission to the District of the parents'/guardians' quarterly reports. These reports shall be spaced in even and logical periods;
- 4) The names of the individuals providing instruction.
- 5) A statement that the child will be meeting the compulsory educational requirements of Education Law Section 3205 through full-time study at a degree-granting institution, meaning enrollment for at least twelve (12) semester hours in a semester or its equivalent, if that is the case. In this situation, the IHIP shall identify the degree-granting institution and the subjects to be covered by that study.

(Continued)

Instruction

**SUBJECT: HOME-SCHOOLING (Cont'd.)**

**Required Courses**

A unit means six thousand four hundred eighty (6,480) minutes of instruction per school year.

Grades 1 through 6

Arithmetic	English Language
Reading	Geography
Spelling	United States History
Writing	Science
Health Education	Music
Physical Education	Visual Arts

Bilingual education and/or English as a Second Language where the need is indicated.

Grades 7 through 8

English (2 units)	Physical Education (on a regular basis)
Science (2 units)	Health Education (on a regular basis)
History and Geography (2 units)	Practical Arts (on a regular basis)
Mathematics (2 units)	Library Skills (on a regular basis)
Art (1/2 unit) Music (1/2 unit)	

The units required are cumulative requirements for both grades 7 and 8.

The following courses shall be taught at least once during the first eight grades: United States History, New York State History, and the Constitution of the United States and New York State.

Grades 9 through 12

English (4 units)	Physical Education (2 units)
Science (2 units)	Art and/or Music (1 unit)
Mathematics (2 units)	Health Education (1/2 unit)
Elective (3 units)	
Social Studies (4 units, which includes one unit of American History, 1/2 unit in participation in government, and 1/2 unit of economics)	

The units required are cumulative requirements for grades 9 through 12.

(Continued)

Instruction

**SUBJECT: HOME-SCHOOLING (Cont'd.)**

**Additional Subjects**

Educational Law Sections 801, 804, 806 and 808 also require the following subjects to be covered during grades K through 12:

- 1) Patriotism and citizenship;
- 2) Health education regarding alcohol, drug and tobacco misuse;
- 3) Highway safety and traffic regulations, including bicycle safety;
- 4) Fire and arson prevention and safety.

The program of health education shall also include (at least once in grades K through 6, once in grades 7 through 8, and once in grades 9 through 12) age appropriate instruction concerning the nature, methods of transmission and methods of prevention of acquired immune deficiency syndrome (AIDS).

**Attendance Requirements**

Each child shall receive the required amount of instruction as follows:

- 1) The substantial equivalent of one hundred eighty (180) days of instruction shall be provided each school year;
- 2) The cumulative hours of instruction for grades 1 through 6 shall be nine hundred (900) hours per year. The cumulative hours of instruction for grades 7 through 12 shall be nine hundred ninety (990) hours per year;
- 3) Absences shall be permitted on the same basis as provided in the policy of the Rockville Centre Union Free School District for its own students;
- 4) Records of attendance shall be maintained by the parent/guardian and shall be made available to the District upon request;
- 5) Instruction provided at a site other than the primary residence of the parents/guardians shall be provided in a building which has not been determined to be in violation of the local building code.

(Continued)



Instruction

**SUBJECT: HOME-SCHOOLING (Cont'd.)**

**Quarterly Reports**

On or before the dates specified by the parent/guardian in the IHIP, a quarterly report for each child shall be furnished by the parent/guardian to the Rockville Centre Union Free School District. The quarterly report shall contain the following:

- 1) The number of hours of instruction during said quarter;
- 2) Description of the material covered in each subject listed in the IHIP;
- 3) Either a grade for the child in each subject or a written narrative evaluating the child's progress;
- 4) Written explanation in the event that less than eighty percent (80%) of the amount of the course materials as set forth in the IHIP planned for that quarter has been covered in any subject.

**Annual Assessment**

At the time of filing the fourth quarterly report as specified in the IHIP, the parent/guardian shall also file an annual assessment. The annual assessment shall include the results of the commercially published norm-referenced achievement test or an alternative form of evaluation.

The commercially published norm-referenced achievement test shall be selected by the parent/guardian from one of the following:

- 1) Iowa Test of Basic Skills;
- 2) California Achievement Test;
- 3) Stanford Achievement Test;
- 4) Comprehensive Test of Basic Skills;
- 5) Metropolitan Achievement Test;
- 6) State Education Department Test; or
- 7) Another test approved by the State Education Department.

(Continued)

Instruction

**SUBJECT: HOME-SCHOOLING (Cont'd.)**

The test shall be administered in accordance with one of the following options, to be selected by the parents/guardians:

- 1) At the public school, by its professional staff; or
- 2) At a registered nonpublic school, by its professional staff, provided that the consent of the chief school officer of the nonpublic school is obtained; or
- 3) At a non-registered nonpublic school, by its professional staff, provided that the consent of the Superintendent of the Rockville Centre School District and of the chief school officer of the nonpublic school is obtained; or
- 4) At the parents'/guardians' home or at any other reasonable location; by a New York State certified teacher or by another qualified person, provided that the Superintendent has consented to having said certified teacher or other person administer the test.

The test shall be scored by the persons administering the test or by other persons who are mutually agreeable to the parents/guardians and the Superintendent of Schools.

The test, if it is one that has been ordered for use in the District, shall be provided at no cost by the School District upon request by the parent/guardian, provided that the cost of any testing facilities, transportation, and/or personnel for testing conducted at a location other than the public school shall be borne by the parent/guardian.

If a score on a test is determined to be inadequate, the program shall be placed on probation.

A student's score shall be deemed adequate if:

- 1) The student has a composite score above the thirty-third percentile on national norms; or
- 2) The student's score reflects one academic year of growth as compared to a test administered during or subsequent to the prior school year.

Alternative evaluation measures, for the purpose of determining whether a student with a disability has achieved an appropriate level of growth, may be used, if these measures are provided for in the student's Individualized Educational Program (IEP).

(Continued)

Instruction

**SUBJECT: HOME-SCHOOLING (Cont'd.)**

**Alternative Evaluation Methods**

An alternative form of evaluation may be chosen by the parent/guardian only as follows:

- 1) For grades 1 through 3, a written narrative prepared by a qualified person;
- 2) For grades 4 through 8, a written narrative prepared by a qualified person. This alternative form of evaluation may be used no more often than every other school year for these grades;
- 3) The person who prepares the written narrative shall be a New York State certified teacher, a home instruction peer group panel, or other person, who has interviewed the child and reviewed a portfolio of the child's work. Such person shall certify either that the child has made adequate academic progress or that the child has failed to make adequate progress. In the event that such child has failed to make adequate progress, the home instruction program shall be placed on probation. The certified teacher, peer review panel, or other person shall be chosen by the parent/guardian with the consent of the Superintendent. Any resulting cost shall be borne by the parent/guardian.

If a dispute arises between the parents/guardians and the Superintendent of Schools, including disputes over the administration of the commercially published norm- referenced achievement test or the use of alternative evaluation methods, the parents/guardians may appeal to the Board of Education. If the parents/guardians disagree with the determination of the Board of Education, the parents/guardians may appeal to the Commissioner of Education within thirty (30) days of receipt of the Board's final determination.

**Probation**

If a child's annual assessment fails to comply with the requirements, the home instruction program shall be placed on probation for a period of up to two (2) school years. The parent/guardian shall be required to submit a plan of remediation which addresses the deficiencies in the child's achievement, and seeks to remedy said deficiencies. The plan shall be reviewed by the Rockville Centre School District which may require the parents/guardians to make changes in the plan prior to acceptance.

(Continued)

Instruction

**SUBJECT: HOME-SCHOOLING (Cont'd.)**

If after the end of any semester of the probationary period the child progresses to the level specified in the remediation plan, then the home instruction program shall be removed from probation. If the child does not attain at least seventy-five percent (75%) of the objectives specified in the remediation plan at the end of any given semester within the period of probation, or if after two years on probation one hundred percent (100%) of the objectives of the remediation plan have not been satisfied, the Superintendent shall provide the parents/guardians with notice and the Board of Education shall review the determination of noncompliance, except that consent of the parents/guardians to such review shall not be required.

If during the period of probation the Superintendent has reasonable grounds to believe that the program of home instruction is in substantial noncompliance with these regulations, the Superintendent may require one or more home visits. Such home visit(s) shall be made only after three (3) days written notice. The purpose of such visit(s) shall be to ascertain areas of noncompliance with these regulations and to determine methods of remediating any such deficiencies. The home visit(s) shall be conducted by the Superintendent or by the Superintendent's designee. The Superintendent may include members of a home instruction peer review panel in the home visit team.

Education Law Sections 3204, 3205,  
3210.2, 3212.2, 3240-42, 3602-c, and 4402  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 100.10, 135.4( c)(7)(ii)(b)(2) and  
200.2(a)

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